the result that the volume of traffic using the Huntingdale level crossing has become more chaotic.

I noticed with interest that the Minister of Transport recently received a deputation from Ormond business people who are urging the construction of either an over-pass or an under-pass at the railway crossing at North-road, Ormond. In directing attention to the serious congestion at the Huntingdale level crossing, I suggest to the Minister that, if possible, a traffic survey should be made at this point. It is undesirable than an over-pass should be established at a location in North-road, while no such facilities should be provided at what would probably be the worst level crossing in the district. The two level crossings should be tackled as part of a complementary scheme.

Mr. FRASER (Minister of State Development).—I shall bring to the notice of the Minister of Transport the remarks of the honorable member for Oakleigh, and I shall see that he is advised concerning the matter.

The motion was agreed to.

The House adjourned at 4.45 *p.m., until Tuesday, November* 21.

LEGISLATIVE COUNCIL.

Tuesday, November 21, 1961.

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

ADMINISTRATOR'S SPEECH.

PRESENTATION OF ADDRESS-IN-REPLY.

The PRESIDENT (Sir Gordon McArthur).—I have to announce that His Excellency the Governor has intimated that it will be convenient for the presentation of the Address-in-Reply to take place at Government House, Melbourne, where his Excellency will be pleased to receive the President and honorable members of the Legislative Council, on Wednesday, 29th November, 1961, at 11 a.m. I request that as many members as possible accompany me.

VALUATION OF LAND (AMENDMENT) 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.

TOWN AND COUNTRY PLANNING BILL.

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

STATE FORESTS LOAN APPLICATION BILL.

This Bill was received from the Assembly and, on the motion of the Hon. L. H. S. THOMPSON (Minister of Housing), was read a first time.

CONSOLIDATED REVENUE BILL (No. 3).

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

WATER SUPPLY LOAN APPLICATION BILL.

This Bill was received from the Assembly and, on the motion of the Hon. R. W. MACK (Minister of Health), was read a first time.

AUSTIN HOSPITAL.

EQUIPMENT PROVIDED BY AUXILIARIES: FINANCIAL ASSISTANCE BY HOSPITALS AND CHARITIES COMMISSION.

The Hon. J. M. WALTON (Melbourne North Province) asked the Minister of Health—

(*a*) What equipment for the Austin Hospital was provided by the combined Austin Hospital auxiliaries during the past three years, and at what cost?

(*b*) What amount of money was provided by the Government towards the cost of this equipment; if Government money was not provided, why?

The Hon. R. W. MACK (Minister of Health).—The answers are—

(*a*) I have been informed by the Hospitals and Charities Commission that during the past three years the combined Austin Hospital auxiliaries provided—

Diagnostic X-ray equipment,
Superficial X-ray therapy unit,
Funds for repair and modernization of radio installation,
Surgical instruments and equipment,
Pathology equipment,
Catering equipment,
Occupational therapy equipment,
Two water coolers,
Television set, and
Nurse training equipment

at a total cost of £18,305.

(*b*) No money was provided by the Government towards this cost, but over the same period the Hospitals and Charities Commission made grants to the hospital totalling £283,319 for building works and other items of equipment. I understand that the hospital desired to use as much as possible of these grants for building purposes, and therefore did not ask for specific grants for the equipment listed above.

HOUSING COMMISSION.

EMERALD HILL-COURT, SOUTH MELBOURNE, PROJECT: PREMISES VACATED BY SELECTED TENANTS.

The Hon. BUCKLEY MACHIN (Melbourne West Province) asked the Minister of Housing—

(*a*) In view of the near completion of the Emerald Hill-court, South Melbourne, Housing Commission project, will the Minister direct that the premises to be vacated by the 200 selected tenants be inspected now with a view to the issue of repair or demolition orders on any sub-standard premises?

(*b*) Do the letting section and the repair/demolition section co-operate to ensure that any dwelling vacated by a selected Housing Commission tenant which has become sub-standard is not relet in that condition?

The Hon. L. H. S. THOMPSON (Minister of Housing).—The answers are—

(*a*) No direction is necessary as prospective tenants will be visited in their homes and premises of a sub-standard nature will be reported to the housing standards officer for appropriate action.

(*b*) The Housing Commission can place a closing notice on premises subject to a demolition order, but cannot prevent the re-letting of premises subject to a repair order.

STATE ELECTRICITY COMMISSION.

STOCKS OF BRIQUETTES: STAFF AT YALLOURN AND MORWELL PLANTS.

The Hon. D. G. ELLIOT (Melbourne Province) asked the Minister of Transport—

In view of the huge stockpile of unsold briquettes in the State Electricity Commission areas in Gippsland and the reports of possible staff dismissals in the near future, will the Minister give an assurance concerning security of employment for personnel in the briquette plants at Yallourn and Morwell?

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

Stocks of briquettes at present held by the State Electricity Commission over and above seasonal fluctuations are not abnormal. In fact, stocks held in September and October this year were lower than the stocks in the corresponding months last year.

Stocks in Gippsland areas at 31st October amounted to only 700 tons, whereas the total stocks held in the State amounted to 79,000 tons.

No dismissals of personnel at the briquette factories are contemplated

VICTORIAN WHEAT RESEARCH COMMITTEE.

FINANCE FOR PROJECTS.

The Hon. K. S. GROSS (Western Province) asked the Minister of Agriculture—

(*a*) What finances are held by the Victorian Wheat Research Committee for purchase of a research property?

(*b*) To which projects has finance been made available since the committee was constituted, and what amount has been allocated to each?

The Hon. G. L. CHANDLER (Minister of Agriculture).—The answers to these questions are somewhat lengthy and, with the approval of the House, I should like them to be incorporated in *Hansard* without my reading them.

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

The following answers have been supplied by the secretary of the Wheat Industry Research Committee of Victoria:—

(*a*) The balance standing to the credit of the Wheat Industry Research Committee of Victoria in the Wheat Research

Trust Account as at 30th September, 1961, was £286,096. Within this amount, the committee has reserved a sum of £153,500 for the purchase of the Wheat Research Institute property, the erection of necessary laboratory buildings, the provision of laboratory equipment, glass-house facilities, Phytotron units, plant reading cages, a spray irrigated nursery area, a vermin-proof barn, machinery and implements, three motor vehicles, and two residences, according to a list of estimated costs as submitted by the Department of Agriculture to the committee.

(*b*) Finance has been allocated to the Department of Agriculture, to the University of Melbourne and to the Vermin and Noxious Weeds Destruction Board within the Department of Crown Lands and Survey, also to the Commonwealth Scientific and Industrial Research Organization.

DEPARTMENT OF AGRICULTURE.

	£
(*a*) State Research Farm, Werribee—	
Provision of laboratory facilities to allow for expanded research works	14,447
Amount to purchase two Phytotron units for use within the laboratory	5,000
(*b*) Mallee Research Station, Walpeup—	
To complement present facilities and allow for expanded wheat research work:	
1. Vermin-proof barn ..	4,950
2. Provision of two residences	5,869 5,000
3. Purchase of a Volkswagen combi-wagon ..	1,061
4. Part cost of a laboratory	5,000
(*c*) Rutherglen Research Station—	
Improvement of wheat research facilities—barn extension ..	2,500
(*d*) Plant Research Laboratory, Burnley—	
Part cost of the erection of a glass-house for cereal root rot investigations	6,060
Provision of glass-house equipment	1,305
(*e*) Machinery and mobile units for district field trials—	
In the first instance an amount of £8,055 was allocated for this purpose	8,055
This was added to by the provision of modern machinery and equipment for the Rutherglen Research Station, the Mallee Research Station, for Longerenong Agricultural College and Dookie Agricultural College	9,410
To allow for expanding experimental plot work using the mobile units, an amount of £9,650 has been provided, spread over three years. This is to cover the running costs, salaries and plot rental ..	9,650
(*f*) Interstate inspections and travelling—	
The committee financed a visit to Western Australia by Mr. H. L. Hore, Senior Agronomist of the Department of Agriculture, and the sending of a chemist from the Victorian State Laboratory to the Cereal Chemist Conference 1960 in Sydney	190
During 1961-62, a further £400 has been earmarked for the purpose of inspections and travelling	400
(*g*) Wheat industry research scholarships—	
A post-graduate scholarship to be known as the wheat industry research scholarship was created in 1960 to be available for two years at an amount of £1,200 per annum ..	2,400
During 1961 two scholarships were created to be awarded to students undertaking a Bachelor of Agricultural Science course, with expenditure involved over a period of six years	5,214
(*h*) Overseas study tour—	
Mr. L. C. Jones, plant pathologist	500
	87,011

UNIVERSITY OF MELBOURNE.

(*a*) Wheat agronomy projects—Studies in the effect of nitrogen on the wheat plant—	
Expenditure to take place over a period of three to four years	17,685
(*b*) School of Botany—	
1. Provision of cooling devices to aid work conducted under Wheat Industry Research Council grants	400
2. A study of the ecology of yellow burr-weed and *Amsinckia hispida* in the Wimmera and southern Mallee area of the State	2,000
(*c*) School of Bio-chemistry—	
Out cost in the purchase of a Spinco Ultra Centrifuge for use in Wheat Industry Research Council work ..	1,000
	21,085

	£
SKELETON WEED RESEARCH PROJECTS, COMMONWEALTH SCIENTIFIC AND INDUSTRIAL RESEARCH ORGANIZATION.	
(a) A study of the ecology of skeleton weed—	
Expenditure to be made over a period of three years on a basis of one-third of the total cost of the project	8,000
DEPARTMENT OF AGRICULTURE.	
(a) Agronomic studies of skeleton weed expenditure over a period of three years ..	9,000
DEPARTMENT OF CROWN LANDS AND SURVEY—Vermin and Noxious Weeds Destruction Board.	
(a) The valuation of the use of herbicides on skeleton weed, expenditure over three years	7,500
	24,500
Grand Total	132,596

MENTAL HOSPITALS.

PENSIONS FOR INMATES: MAINTENANCE AND DEVELOPMENT: FINANCE: REPRESENTATIONS TO COMMONWEALTH GOVERNMENT.

The Hon. R. J. HAMER (East Yarra Province) asked the Minister of Health—

(a) Have any representations been made to the Commonwealth Government by the Victorian Government recently as to—(i) the payment of age and invalid pensions to patients in mental hospitals in appropriate cases; (ii) contributions by the Commonwealth towards the cost of maintaining mental hospitals in Victoria; and (iii) payment of further grants by the Commonwealth towards the capital cost of development of Victorian mental hospitals?

(b) What was the result of any such representations?

The Hon. R. W. MACK (Minister of Health).—The answers are—

(a) Yes. Items (i), (ii) and (iii) were discussed by Dr. E. C. Dax, chairman of the Mental Hygiene Authority, and myself, with the Federal Minister for Health, Dr. Cameron, in Canberra on 28th September.

(b) Dr. Cameron advised that no provision in respect of these matters was made in the Federal Budget, and that the question of age and invalid pensions was a matter for the Minister for Social Services. Subsequently, the honorable the Premier referred the whole question of assistance for mental hygiene in Victoria to the Right Honorable the Prime Minister, who advised that the matter was receiving consideration.

HEALTH (DANGEROUS SUBSTANCES) BILL.

The Hon. R. W. MACK (Minister of Health) moved for leave to bring in a Bill to safeguard the public from the effects caused by or arising out of any dangerous substance or irradiating apparatus.

The motion was agreed to.

The Bill was brought in and read a first time.

CRIMES (BREATH TEST EVIDENCE) BILL.

The debate (adjourned from November 14) on the motion of the Hon. L. H. S. Thompson (Minister of Housing) for the second reading of this Bill was resumed.

The Hon. J. W. GALBALLY (Melbourne North Province).—The Bar Council and the Law Institute of Victoria, speaking as they do for the whole of the legal profession of Victoria, have voiced their distaste for this measure which they know violates fundamental legal principles. In doing so, they were treading a well-worn path. They were echoing the sentiments and the policy of this Government. The Government had sent its spokesman to put forward the legal and policy aspects of road safety before the Senate Select Committee on Road Safety. Its spokesman is an outstanding jurist, a man whose reputation stands high in legal circles. When appearing before the committee he was expressing the views of this Government, and his statements were very much the same as those of the Law Institute and the Bar Council concerning this Bill which the Government later introduced. Dealing with the question of creating a further offence, he said this——

The PRESIDENT (Sir Gordon McArthur).—Order! Mr. Galbally might help the House if he stated that he was referring to the Solicitor-General.

The Hon. J. W. GALBALLY.—Yes. I propose to quote from a document provided by the Government. It states—

Extracts of evidence of Sir Henry Winneke, L.L.M., Q.C., Solicitor-General of the State of Victoria, before the Senate Select Committee on Road Safety 1959.

Sir Henry appeared before the committee by direction of the Victorian Government to put forward legal and policy aspects of the problem, on which latter he was, in fact, the spokesman of the Government.

The extracts, which deal with chemical tests for unfitness to drive through excessive consumption of alcoholic beverages, are circulated as having relevance to legislation now before the Victorian Parliament.

I do not propose to read the whole of Sir Henry Winneke's submission to the Select Committee. I merely say that it is an outstanding contribution to road safety, and a reading of it would well repay every honorable member. It is a sensible, logical, clear statement. Dealing with the question whether or not there ought to be some specified statutory offence dealing with the percentage of alcohol in the blood—that, of course, would involve the question of compulsory blood tests—Sir Henry Winneke said—

The system would violate the basic common law principle that an accused person cannot be compelled to incriminate himself. There is a strong body of thought that says, "Why insist on that? It does not matter much." Perhaps it does not matter much in this class of case but it is necessary to think of this matter on broad lines. It is necessary to think of the precedent that would be set. Having infringed this principle, it may be possible for the traffic law to work fairly well; but, later on, people may say, "What is wrong with applying it to something else? If it is good for this class of case, why is it not good for a man charged with murder to be compelled to make a statement?" It is the same common law principle behind both things, and I suppose that committing a murder is more serious than causing a motor car accident. Where do you stop once you start?

This was the submission that the Victorian Government made on this matter.

The Hon. L. H. S. THOMPSON.—Read the next paragraph.

The Hon. J. W. GALBALLY.—The Minister of Housing may read it if he wishes. At some later stage, if there is time, I shall read it. I am making the point that the statement is couched in language very similar to that used by the Bar Council and the Law Institute. This was the view of the Government until ten days before the State election when, goaded and pricked by the Country party, the Government, to save its skin, turned its coat.

The Hon. L. H. S. THOMPSON.—Will you read the next paragraph, Mr. Galbally?

The Hon. J. W. GALBALLY.—No.

The Hon. L. H. S. THOMPSON.—You are afraid of it, and you are telling only half the story.

The Hon. J. W. GALBALLY.—The whole of this submission, made by the Victorian Government, is directed to saying this, "If you make anything of this kind compulsory, you are violating ancient and fundamental principles of our law."

The Hon. L. H. S. THOMPSON.—Sir Henry Winneke says in the next paragraph that he is not sure whether it is a good thing or a bad thing.

The Hon. J. W. GALBALLY.—He does not say anything of the kind. Sir Henry Winneke said—

It has been suggested that it should be made an offence for a man to drive with a specified statutory percentage of alcohol in the blood. It is suggested that there should be added to the Crimes Act a provision to the effect that any person who drives a motor car with more than 1 per cent. of alcohol in his blood shall be guilty of an offence and that various penalties be provided. I do not think that any final conclusions have as yet been reached upon the desirability or the effectiveness of that addition to the Crimes Act in this State. I think the matter is still under consideration.

I have made my point that the Government's attitude was couched in clear, unequivocal language.

The Hon. L. H. S. THOMPSON.—You are nowhere near the point to which I directed attention.

The Hon. J. W. GALBALLY.—When the Minister of Housing made his second-reading speech, we listened to him with some disgust.

The Hon. G. J. NICOL.—We are listening to you with more.

The Hon. J. W. GALBALLY.—I hear Mr. Nicol, the character assassinator *par excellence* of this House, raise his voice for the first time for a couple of weeks. He is very quiet on Mr. Carter, whose reputation he defamed within these walls.

The Hon. G. J. NICOL.—That has nothing to do with the Bill.

The Hon. J. W. GALBALLY.—I shall read the whole of the statement, although it is not necessary to read it all to make the point that Sir Henry Winneke and the Government made in clear, unequivocal language. Sir Henry Winneke was dealing with the question of creating an extra statutory offence, and he said, in effect, "Remember that it will violate fundamental principles of compulsory self-incrimination."

The Hon. L. H. S. THOMPSON.—You are not reading the relevant part.

The Hon. J. W. GALBALLY.—I shall come to it in a moment. The Minister of Housing is like a little puppy dog, yelping. It is necessary to show what Sir Henry Winneke was talking about. In the next paragraph, he said—

I think the matter is still under consideration, but I should like to make some comments to you about it because at first sight it certainly seems superficially to be rather an attractive idea. However, like a lot of other superficially attractive ideas, when one analyses them and works out the practical means of enforcing them, certain obvious difficulties are apparent. I suggest that such an offence would necessarily require either a compulsory blood test or the issue of a driving licence conditional upon consent to submit to a blood test at a later stage.

He gives alternatives.

If you had that offence you would have to have a test because there would be no other way of proving it.

That is clear and logical.

Two ways have been suggested. It has been suggested that we could adopt a system which I understand Dr. Bowden has seen operating in New York. It is a system of what is called implied consent. You obtain a driving licence, and you are deemed to have consented to submit to a test at some subsequent stage if called upon. As to that, one view may be that a conditional licence of that kind is a mere subterfuge for compulsion. If social circumstances are such that it is necessary to have these tests, then why not face up to the position fairly and squarely, come out into the open and say, "Very well, the law will provide for some compulsory form of test." If you give a man a licence subject to conditions, what is the aim and object of that? It is to try and make him consent subsequently to something, and in fact it is only a subterfuge for compulsion. Why not come out into the open? If we introduced the implied consent rule, the compulsion could be avoided in two ways. First of all, a man need not apply for a licence and, secondly, he could refuse to submit to the test at a later stage notwithstanding the implied consent. In the first event, he would not get a licence—it would be withheld. In the second, his licence would be cancelled by operation of the law. It seems that in either of these events the absence of such compulsion is merely illusory.

The emphasis all the way through is on the compulsive aspect.

Secondly, the introduction of a system of this kind would require a State-wide organization of doctors willing to take blood samples upon immediate notice, a large team of analysts, a standardized method of taking and handling samples and of analysis, and subsequent large-scale attendances of expert witnesses at court. Practical experience in the courts makes one a little cynical about the co-operation one would get. The enthusiast keeps his enthusiasm until his first court experience, but then he is not so keen. If he has to wait some hours until his case comes on and is then cross-examined by somebody whom he does not like, he may lose some of his enthusiasm. Next time you call him at his home you may find he is not at home. These are practical conditions and there is no use our closing our eyes to them. Thirdly, such a system of implied consent would raise the problem of how refusal of consent is to be determined.

Suppose you are driving a car and somebody collides with you. It is not your fault. You might be stationary at a road light and somebody hits the back of your car. A constable comes and an altercation ensues. Subsequently, he says that he asked you to have a blood test and you refused. You say that he did not ask you to have a blood test. There is a dispute as to whether you refused consent or not. How is it to be determined? On the word of the constable? By an administrative official sitting in his office? Or by court proceedings at a later stage? These are all practical problems that must be considered.

There is another problem. What method are we to have for the selection of drivers to be questioned? Who is to be pulled up

for the purpose of having a blood test? Is it to be indiscriminate—at any place at any time under any circumstances? Will there be any exceptions? I suppose that unless every law enforcement officer has discretion to demand a test the system will be deprived of a lot of its efficacy. Is society prepared to entrust that power to every constable? I suppose that there could be no exceptions to that. It would not matter whether you were a doctor driving off to perform an emergency operation or a Judge driving off to take your seat on the court, or an honorable senator.

Such a system would provide a suspect with his own means of avoiding conviction. Notwithstanding his implied consent, he could later say, "I will not have it." I do not suppose that anybody assumes that a person would be carried out of his home, bodily, to a hospital for a test. It would be an unusual law which provided a man with his own means of escaping from the offence; and the worse the offence, the stronger would be the incentive not to have a test.

Then, what about the greatest law breaker of the lot—the person who drives without having a licence? He would escape scot free. Such driving is by no means uncommon in this State. People without a licence steal cars and commit offences.

Finally, the system would violate the basic common law principle that an accused person cannot be compelled to incriminate himself. There is a strong body of thought that says, "Why insist on that? It does not matter much." Perhaps it does not matter much in this class of case, but it is necessary to think of this matter—

Again I emphasize this—

on broad lines. It is necessary to think of the precedent that would be set. Having infringed this principle, it may be possible for the traffic law to work fairly well; but later on, people may say, "What is wrong with applying it to something else? If it is good for this class of case, why is it not good for a man charged with murder to be compelled to make a statement?" It is the same common law principle behind both things and I suppose that committing a murder is more serious than causing a motor car accident. Where do you stop, once you start?

Those are all matters which I think it might be worth while to bring to your attention in considering the advisability of having some additional offence of that kind. Personally, I am not satisfied whether it is a good thing or a bad thing;

that is, to add some additional offence—

but I think that there are a great number of important considerations to be taken into account—

sic, compulsory self-incrimination—

before putting on the statute-book provisions of this nature.

The Hon. J. W. Galbally.

The Hon. L. H. S. THOMPSON.—That "*sic*" part was not in the report.

The Hon. J. W. GALBALLY.—I presume these are the considerations Sir Henry Winneke has been referring to. His submissions continue—

All these matters that I have just mentioned are related to the question of how you would enforce a law of that kind. Take the offence itself.

Then Sir Henry Winneke goes on to deal with that other matter which I do not think anyone would want me to read. I am sorry I have taken up so much time with this document, but my point is that the Government was saying, through Sir Henry Winneke, that offences of this kind must be regarded very carefully because they impeach the fundamental principle of not permitting compulsory self-incrimination. They violate fundamental principles by requiring that a man must give evidence to incriminate himself. Dealing with the matter, Sir Henry Winneke has said, in effect, "Once you start with that, where do you finish? If a man is charged with murder, why not compel him to make a statement? If it is good for traffic offences, why is it not good for the whole administration of criminal justice?"

Those were the strongly held views of this Government until ten days before the election, when the harassed and hard-pressed Premier turned his coat to get back into power—to save his skin—although his Government had been considering this matter at least as early as 1959, when it took the step of sending Dr. Bowden abroad. As spokesman for the Government, Sir Henry Winneke had made this outstanding statement to the Senate Committee, but the Government said, "No; we will turn our back on these things." Then the petulant Premier, enraged when the Bar Council and the Law Institute saw fit to repeat what the Government had been saying until ten days before the election, made one of those magnificent statements, for which he has become famous, about "vested interest." If his use of the expression "vested interest" means that the Bar Council and the Law Institute

have any interest in seeing that our ancient freedoms and liberties are not further whittled away, then I am glad to stand in their company.

The Hon. L. H. S. THOMPSON.—Did they consult their members on this?

The Hon. J. W. GALBALLY.—They did not; nobody suggested that they did. They are the elected representatives of the profession in its two aspects in the same way as Parliament is composed of the elected representatives of the people. To hear the Minister speak the other night one would have thought that before the House passes a Bill it is not necessary to have a debate, that all that should be done is the taking of a Gallup poll. If that is so, and if we are to do that on every question, why have a Parliament at all? That is the suggestion which is implicit in the Minister's interjection.

Sir ARTHUR WARNER.—Was the Bar Council specifically set up for the purpose of dealing with these political questions?

The Hon. J. W. GALBALLY.—I resent that remark. This is not a political question at all. This is a question relating to the liberty of the subject and the freedom of the individual.

The Hon. G. J. NICOL.—It is somewhat strange to hear Mr. Galbally speaking of that.

The Hon. J. W. GALBALLY.—The character assassin *par excellence* again raises his voice! If the Premier meant that the Bar Council and the Law Institute had a self-interest, I denounce him for saying so. It is not worthy of the honorable gentleman's high office that he should make such a statement. As a matter of fact, the opposite is the truth. This badly drawn measure, as I propose to illustrate at a later stage, will reap a harvest for the lawyers who practise in this jurisdiction. It must mean more work for them.

If the Bill had said that no lawyer was permitted to appear in a drunken driving case where a breathalyzer had been used, I could appreciate the argument that lawyers had a vested interest in it because to that extent it would be taking away their means of livelihood. In the same way members would have an interest if the Government introduced a measure providing for the salaries of members of Parliament to be reduced. However, the opposite is the truth here, Mr. President, as you well know. This ill-conceived legislation will create a harvest for the lawyers. The only self-interest that we have seen up to date is that of the Premier and his miserable band of followers, determined to sacrifice every principle and get back into office by hook or by crook.

Sir ARTHUR WARNER.—I do not feel so miserable.

The Hon. W. O. FULTON. — The Premier was a bad judge of pace at that time.

The Hon. J. W. GALBALLY. — Of course, the honorable gentleman was. A jittery man, the Premier was prepared to clutch at everything.

The Hon. L. H. S. THOMPSON.—You did not mention that the Government's expert on this was attending a world conference, and returned in June.

The Hon. J. W. GALBALLY.—What are his views on this matter?

The Hon. L. H. S. THOMPSON.—He presented a report on the subject.

The Hon. J. W. GALBALLY.—Is the Minister suggesting that the Government's expert is supporting this legislation?

The Hon. L. H. S. THOMPSON.—I am suggesting that he presented an impartial report to the Government.

The Hon. J. W. GALBALLY.—He is a most scholarly man whose services the Government is lucky to have. Let us see what what Dr. Bowden, the Government's expert, had to say.

The Hon. L. H. S. THOMPSON.—It was not Dr. Bowden at all. It was Dr. McCallum.

The Hon. J. W. GALBALLY.—What about Dr. Bowden?

The Hon. L. H. S. THOMPSON.—I did not mention him.

The Hon. J. W. GALBALLY. — Of course the Minister did not, but I shall. This is the Victorian Government's submission to the Senate Committee in 1959.

The Hon. L. H. S. THOMPSON.—That was in 1959.

The Hon. J. W. GALBALLY.—I know, but the Government changes its mind. That is the whole point.

The Hon. L. H. S. THOMPSON.—He returned four weeks before.

The Hon. J. W. GALBALLY.—Why did not the Government refer to this matter in its policy speech?

The Hon. L. H. S. THOMPSON.—Because its expert was not back in Victoria at that time.

The Hon. J. W. GALBALLY.—We are prepared to put up with a lot in this House, but not that. I wish to quote the following extract from Sir Henry Winneke's statement:—

Dr. Bowden has long advised us to be cautious about the blood tests on the ground that in his view insufficient knowledge exists about their accuracy and so on. He has regarded the tests as being of really more value as an adjunct to be used in conjunction with clinical examination and other police evidence. After all, when you come to think of it, in most cases an old and experienced policeman knows very well whether a man is drunk or not. The general line of our senior Government pathologist's advice has been: blood tests are useful, but be wary of them until more is known of them. Use them by all means as an aid in these cases, but do not regard them as a substitute for really good clinical evidence or for other visual evidence as to what a man's state or condition is. Unfortunately, Dr. Bowden is not back in Australia yet, but the preliminary advice that he has sent back confirms the warnings that he has been giving us for some time. He says that in America and Canada, there is no evidence of compulsion about blood tests and, indeed, the whole movement, according to him, is away from blood tests, and more in favour of such tests as breathalyzers and other things.

The Hon. L. H. S. THOMPSON.—Hear, hear!

The Hon. J. W. GALBALLY.—But not on a compulsory basis. Wait for it, chorus! I shall get a cheer for the following:—

I may add that as a preliminary result of Dr. Bowden's investigations in America and Canada he sent us a preliminary report in which he said that he found no support anywhere for compulsory blood alcohol tests. He said that the old-established juristic principle that no citizen should be compelled to incriminate himself was still generally and strongly supported in most cases. He summarized his views in a way which rather appealed to me. He said that if the aim of these laws is conviction and punishment, it may be achieved in other ways. If the aim is to lessen driving after drinking, then the evidence available in the places he had visited is that compulsion will not succeed. If the aim is to reduce the number of accidents occurring, then all the evidence is the other way, namely that compulsion will not achieve this purpose.

It is odd that the Minister took the other line last week. The statement proceeds—

In other words, I think what he meant by that was that, in some places where they have the most rigorous methods of dealing with these matters, the accident rate was still rising. It tends to make one a little cautious about the conclusions at which one should arrive.

I am sorry that I have taken so long with the learned dissertation by the Solicitor-General on behalf of the Victorian Government. As I said, the petulant Premier, having seen the folly of his own act in promising this legislation, turned around and savaged a responsible element of this community, an element which I believe ought never to be afraid to put its views on a matter that I believe concerns us all and is above politics, namely, the freedom of the individual. All power and credit to them for the stand they took.

The Hon. L. H. S. THOMPSON.—Do you think they are immune from criticism?

The Hon. J. W. GALBALLY.—No human institution is. Let me return to the main theme. My profession sometimes requires me to hold a brief for a defendant charged with drunken driving. When so employed, it is my duty to see that the accused's version is adequately presented, and I endeavour to do so. It does not follow that my personal views on drunken driving are any less strong than those of the keenest Rechabite in Victoria. It would be absurd and illogical to attribute to lawyers, whose duty it is to defend an

accused charged with appalling crimes, an indifference to crime or a sympathy with criminals. Community interests are generally best served by the conviction of truly guilty persons, but guilt must never be assumed, nor must the onus of proving it be removed from the prosecution. That principle is so firmly established in our system of jurisprudence that its repetition by me should be unnecessary. In my personal experience extending over many years in the law courts, justice is usually done. It is true that in borderline cases where the onus of proof is not discharged, the accused is acquitted. I hope that no member of this House objects to such a state of affairs. If he does, he should retire to the Parliamentary Library and spend some time there in acquainting himself with the fundamentals safeguarding the liberties of the humblest subject.

The prevalence of drunken driving and the importance of reducing it have caused a number of people to see things in a wrong perspective. That is not uncommon, but fundamental principles must never be sacrificed to expediency. My attitude toward the measure may be stated shortly. First, an accused person must never be coerced into convicting himself. Secondly, police powers must never be unnecessarily enlarged and, thirdly, the power proposed in this Bill is unnecessary.

The Hon. L. H. S. THOMPSON.—If you think an accused person should not be coerced, why do you support the repeal of other statutes which apply the same principle?

The Hon. J. W. GALBALLY.—It is true that there have been some violations of that ancient principle—to our regret, I believe. Sir Henry Winneke has stated, "Once you embark on that road, where do you stop?" That is precisely the Victorian Government's argument. I must confess that it did surprise me to learn of some of these infringements. In the law courts I have met them from time to time, but one accepts what is on the statute-book, and it is not until one is confronted with a measure of this kind that one realizes the extent to which these inroads into our freedom have been suffered. I believe that the Victoria Police Force is composed of a body of men who perform their duties with discretion, ability and bravery, and the community is beholden to them. But, let us always remember that there is something in human nature which causes the possessors of power to abuse it. That is recognized in a statement so oft repeated as to have become almost a cliché, "All power corrupts, and absolute power corrupts absolutely." There is no case where the possessor of power does not abuse it.

The Hon. L. H. S. THOMPSON.—Do you think a scientific test would be better than personal observation?

The Hon. J. W. GALBALLY.—I shall deal with that aspect in a moment, but first I desire to say, broadly, what are my fundamental objections to the Bill, and they are, I believe, the objections that are in the hearts of all people who are associated with the administration of justice. It is not to the point to say that if a Gallup poll were taken from time to time the majority of the people would favour this or that particular point. No person can express a considered opinion on this subject unless he possesses the necessary knowledge. We are not all lawyers. I believe that when representatives are elected to Parliament, they are expected to do the thinking and undertake the discussion on behalf of their constituents. If a person is obviously under the influence of liquor or is drunk, the practical tests that have withstood the test of time are quite adequate to prove his condition.

The Hon. A. J. HUNT.—What if the person concerned refuses to take them?

The Hon. J. W. GALBALLY.—I do not know of any such cases. I take it that Mr. Hunt refers to instances where a person refuses to be interviewed.

The Hon. A. J. HUNT.—Yes, refuses interviewing, testing, walking a straight line, and so forth.

The Hon. J. W. GALBALLY.—I have known of many instances of persons having been under the influence of alcohol to such an extent that the mere talking to them and observation of their behaviour by a policeman has been accepted as sufficient evidence in a court of law to justify conviction. But I shall be interested to learn of a case of a man who has refused to undergo a test.

The Hon. C. S. GAWITH.—In the courts of this land, what is the difference between a person being under the influence of liquor and a man being drunk?

The Hon. J. W. GALBALLY.—The law recognizes a lot of difference. If there is sufficient time and the House is not over-wearied, I shall deal with that aspect, but there is a well-known distinction in law. I believe there is nothing which entitles a prosecutor in a drunken driving case to powers greater than those he has in any of the other criminal cases. Earlier in the debate, Mr. Thompson asked me a question in relation to some form of scientific test as opposed to purely personal observation. The experience of the court seems to show that when there has been a blood test or a breathalyzer test the tendency of the court has been to place undue emphasis on that part of the evidence and to ignore observations made by the arresting constable, and so on. My authority for that assertion is the evidence of Sir Henry Winneke before the Senate Select Committee on Road Safety in 1959, quite apart from my own observations in the courts. I hope I am making my position clear. I am saying to the House, in effect, that when there is a blood test or a breathalyzer test showing that the defendant has drunk a quantity of liquor, it is harder to obtain a conviction than if there were no blood test or breathalyzer test.

The Hon. L. H. S. THOMPSON.—That is not so in respect of the breathalyzer test.

The Hon. J. W. GALBALLY.—Breathalyzers were not in use at the time when Sir Henry Winneke made his submission on behalf of the Victorian Government. Sir Henry stated—

> Over that same period the indications are that the blood test evidence has proved to be of uncertain value. What I mean by that is that in 1958, in Melbourne, 85 people were presented before a Judge and jury on this charge of drunken driving. Of those, 63 were acquitted and 22 were convicted. Near enough to 25 per cent. were convicted. In those 85 cases, blood tests were taken and evidence given of the results in 34 cases. Of those 34 cases twelve convictions resulted and 22 acquittals. When one looks at those figures it is remarkable that there was no great variations in convictions and acquittals in cases where blood tests were taken and in cases where blood tests were not taken.

The Hon. A. J. HUNT.—Does not that show that undue emphasis was not placed on blood tests?

The Hon. J. W. GALBALLY.—I claim it shows that too much evidence was placed on blood tests. Statistics support my contention that the conviction rate in respect of persons accused of driving under the influence of alcohol is very high. Indeed, many people charged with that offence plead guilty. If a man is obviously drunk whilst driving a motor car, there is sometimes the evidence of a policeman who saw him while he was driving and who saw him afterwards staggering about and can justify that his conversation was unintelligible. Furthermore, the policeman may be able to testify that he took the person concerned to a police station and had him under observation for some time, that he asked him to write his name, draw a circle, and look up the number of a subscriber in a telephone book.

The Hon. W. R. GARRETT.—In other words, condemn himself.

The Hon. J. W. GALBALLY.—Unfortunately, Mr. Garrett cannot understand the difference between voluntariness and compulsion. There is no objection by the Labour party to a voluntary blood test or a voluntary breathalyzer test. Nobody would object to that. The Bar Council made that clear, as did the Law Institute. There is no objection to a policeman saying to a suspect, "Walk along that line; write down your name, and look up the number of this particular subscriber in a telephone book."

The Hon. A. J. HUNT. — Does the suspect regard it as voluntary?

The Hon. J. W. GALBALLY.—It is a principle that lawyers readily understand. Frequently a person comes to a police station and voluntarily confesses to a crime. There are such happenings every day in the week. Objection arises only when it becomes compulsory to do certain things and thus incriminate oneself.

The Hon. L. H. S. THOMPSON.—You would leave a loophole for a certain type of person.

The Hon. J. W. GALBALLY. — The whole of our system of justice is based upon the presumption that a person is innocent until he is proven guilty. The Minister of Housing desires to reverse that situation.

The Hon. L. H. S. THOMPSON.—That is an exaggeration.

The Hon. J. W. GALBALLY.—It is not an exaggeration at all. Let me now turn to a consideration of this ill-drawn measure.

The Hon. C. S. GAWITH.—Why would a person refuse to undergo a mechanical test if he were sober, and innocent of the charge of driving whilst under the influence of liquor?

The Hon. J. W. GALBALLY. — Mr. Gawith has a complete misconception of the matter. Under our law, a man is presumed to be innocent until he is proven guilty.

The Hon. C. S. GAWITH.—The result of the test would support him if he were innocent.

The Hon. J. W. GALBALLY.—I have not heard of any man who has not partaken of alcohol being in danger of being convicted on a charge of driving under the influence of liquor.

The Hon. C. S. GAWITH.—People sometimes take pills when they are sick.

The Hon. L. H. S. THOMPSON. — I know of a man who was taken to hospital after he had undergone a breathalyzer test.

The Hon. J. W. GALBALLY.—Paragraph (*a*) of sub-section (4) of proposed new section 408A of the principal Act, as set out in clause 2 of the Bill, provides—

> Where a member of the police force believes on reasonable grounds that a person has been driving a motor car or while in charge of a motor car within the meaning of section 82 of the Motor Car Act 1958 under the influence of intoxicating liquor to such an extent as to be incapable of having proper control of the motor car he may require that person to furnish a sample of his breath for analysis by a breath analysing instrument and that person shall, subject to the provisions of paragraph (*b*) of this sub-section, furnish a sample of his breath by exhaling directly into the instrument.

The first matter that ought to be considered—I do not want to become too technical but, after all, we are taking the responsibility for the measure—is what is to be regarded as "reasonable grounds?" Does it mean that, if two people are involved in an accident and one of the persons gets to the ear of constable and says to him, "'Y' over there is drunk; you have seen the way he drove his car and how he has been behaving since you came along," that is "reasonable grounds" to entitle the constable to say to 'Y,' "Come along and have a test on the breathalyzer?"

The Hon. L. H. S. THOMPSON.—Is it not fair enough to leave that to the court?

The Hon. J. W. GALBALLY.—The Minister does not understand his own Bill. Once the constable believes there are reasonable grounds, the person is bound to take a test. How does one leave that to the court to decide?

The Hon. L. H. S. THOMPSON.—The court imposes the fine.

The Hon. J. W. GALBALLY.—The Minister is under a complete misconception. Once the constable believes there are reasonable grounds, then the person concerned is bound to take a test.

The Hon. R. J. HAMER.—A similar provision appears in many other statutes.

The Hon. J. W. GALBALLY.—I should like the honorable member to tell me one.

The Hon. R. J. HAMER.—I will find some afterwards.

The Hon. J. W. GALBALLY.—I thought Mr. Hamer knew them.

The Hon. R. J. HAMER.—The Motor Car Act is one, and the Poisons Act is another.

The Hon. J. W. GALBALLY.—I have yet to see where a belief on reasonable grounds and nothing else can deprive a person of his liberty.

The Hon. L. H. S. THOMPSON.—Liberty!

The Hon. J. W. GALBALLY.—Yes, this is what happens when people get into depths beyond them. Of course the suspect is deprived of his liberty.

The Hon. L. H. S. THOMPSON.—Liberty to maim and murder on the road.

The Hon. J. W. GALBALLY.—The Minister should not talk such nonsense. I am talking of deprivation of liberty when an unnamed, anonymous person can say that a doctor on his way to a patient, that a Judge on his way to the Bench, or that a Senator should take a breathalyzer test and can be held for two hours. That is deprivation of liberty.

The Hon. R. W. MACK.—Surely Mr. Galbally does not believe that that is the position?

The Hon. J. W. GALBALLY.—My belief has nothing to do with it. The Government proposes to put this legislation on the statute-book, and an Act of Parliament should say what it means.

The Hon. L. H. S. THOMPSON.—The police have power to arrest regardless of where the person is going.

The Hon. J. W. GALBALLY.—The policeman who arrests a man who is obviously not under the influence of liquor runs the risk of an action for false imprisonment and malicious prosecution. There is no doubt about that, as witness a recent action in the courts where a jury took a certain view and a large sum of money was awarded.

The Hon. L. H. S. THOMPSON.—It would be most unusual.

The Hon. J. W. GALBALLY.—Of course it would be unusual. I have said before that the Police Force in this State is probably as fine a body of men as could be found anywhere in the world. This Bill requires a person to submit his breath for analysis. If the constable does not carry a breathalyzer with him, he is required to take the person to the nearest police station. How does he get there? Is he taken into custody or does he say to the policeman, "I will go to the police station?" What is the position? The Bill is silent. If he is required to go to the police station, on the way there could he call at a hostelry and have a drink to steady his nerves? We must look at this Bill from a practical point of view and not make Parliament the laughing stock of the law courts. There is nothing to say what is to happen to him; he is not under arrest.

The Hon. C. S. GAWITH.—He has agreed to go, and to take a test, under penalty of a fine of £20.

The Hon. J. W. GALBALLY.—He does not have to agree. He is told that he is required to submit himself to a test. If the constable has not a breathalyzer with him, he has to take the person to the nearest police station. Does that person go into custody of the police officer, or is he free to go under his own steam?

The Hon. G. W. THOM.—He might drive his own car.

The Hon. J. W. GALBALLY.—Could he? If so, does he have to take the policeman with him? When he gets to the police station, could he put a chemical substance in his mouth and then spit it out, thus neutralizing the test?

The Hon. W. R. GARRETT.—There is not one.

The Hon. J. W. GALBALLY.—If Mr. Garrett examines Dr. McCallum's report he will find that there are substances which can be put in the mouth, not necessarily swallowed, which will neutralize the test.

The Hon. W. R. GARRETT.—And poison himself.

The Hon. J. W. GALBALLY.—Mr. Garrett has not read the Bill. These things will make this legislation a laughing stock in the law courts.

The Hon. P. T. BYRNES.—If he was in the country and the nearest police station was 50 miles away, what would he do?

The Hon. C. S. GAWITH.—That would represent less than 1 per cent.

The Hon. J. W. GALBALLY.—We should be concerned about that "less than 1 per cent."

The Hon. P. V. FELTHAM.—What if he requires medical attention first?

The Hon. J. W. GALBALLY.—Yes, what is the situation then? What does he do? Suppose that his car is smashed up. Does he walk, get a taxi, get a lift, go with the police officer, or what? I could understand the situation if he was under arrest, because it then becomes the duty of the police officer to get him there, but the Bill is silent on this matter.

The Hon. R. J. HAMER.—What does he do now if he is taken to the police station for tests? It is the same thing.

The Hon. J. W. GALBALLY.—He does not have to go now unless he is under arrest. We come back to the ancient principle of voluntariness. All this has to be done within two hours. If the nearest police station is some distance away, it might not be possible to get him there in two hours.

The Hon. L. H. S. THOMPSON.—Mr. Galbally does not think the Bill is strict enough.

The Hon. J. W. GALBALLY.—This Bill is loosely framed, and we know that is so because the Government, having tasted the water, found that it was not to its liking, but, being committed to this principle, it had to do something. I believe this measure will create tension between the motorists and police officers, and that is a dangerous thing to do. We want to retain good relations with law enforcement officers. It is highly desirable that the police continue to be liked by the community. This measure is badly drawn, and the police are charged with the responsibility of the enforcement of it. It is a thoroughly bad thing so far as public-police relations are concerned to place on the statute-book a measure that is so loosely drawn. I have asked a number of questions, and nobody has been able to give me satisfactory answers. No one knows whether the person will be under arrest, how he will get to the police station, whether he will be able to have a brandy on the way or whether he will be able to put something in his mouth. Suppose that on the way to the police station he calls at an hotel and, with a number of witnesses, has five beers. Then he takes the test; what is the proof of it all? He calls his witnesses and so on. The Government should take this Bill away.

There have been many letters in the press in connexion with this matter. I do not know the gentleman who wrote the letter I am about to read, but I commend him for it. It was published in the *Age* under the heading "Invasion of Civil Rights" and reads—

> The Victorian Bar Council's comments on the proposed Breath Test Bill seem far more concerned with its method of operation than with its professed ultimate purpose.
>
> The Bar Council has very properly and responsibly pointed out the invasion of civil rights implied in the *modus operandi* of the proposed Bill, and has done so as soon as it reasonably could after a draft Bill has become available for study.
>
> Mr. Bolte's ill-judged rejoinder to the Bar Council's statement leaves him in a very vulnerable position.
>
> As I remember, Mr. Bolte's party entered the last election campaign with no intention of doing anything about breathalyzer tests.
>
> The undertaking to bring forward the present legislation was hastily added to the Liberal-Country party's armory of electioneering gimmicks when it seemed likely that this might possibly have some effect on Mr. Bolte's election prospects.
>
> If this is not a "vested interest" (of the wrong kind), I should like to know what is.
>
> DUTY TO GUARD.
>
> Every responsible citizen has a "vested interest" (of the right kind) in defending his civil rights against invasion, no matter from what direction the invasion may come.

It is one high duty of a Government to jealously guard its citizens' rights. To force a citizen to provide self-incriminating evidence is no way to protect his rights.

This is specially true when the evidence is to be obtained through a fallible mechanical gadget operated by the prosecuting side in any given case, and when there is no provision for impartial witnessing of the test or independent corroboration of the results.

I have no interest in the legal profession, pseudo-prohibition, or the booze business.

R. ATKINSON (Kew).

That is couched in language far better than I could use. I adopt every word of it, and I trust that we will always have people in the community who will not be afraid to write in this fashion and who will not be afraid of a person in a high place who so demeans himself as to suggest that anybody who disagrees with him has a vested interest.

On the motion of the Hon. P. T. BYRNES (North Western Province), the debate was adjourned until next day.

The sitting was suspended at 6.16 *p.m. until* 9.31 *p.m.*

CO-OPERATION (AMENDMENT) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. L. H. S. THOMPSON (Minister of Housing), was read a first time.

UNIVERSITY (OFFICERS) BILL.

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

JURIES (FEES) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. L. H. S. THOMPSON (Minister of Housing), was read a first time.

MELBOURNE AND METROPOLITAN BOARD OF WORKS (YARRA RIVER) BILL.

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

LABOUR AND INDUSTRY (BREAD) BILL.

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

That this Bill be now read a second time.

The purpose of this Bill is to repeal section 105 of the Labour and Industry Act. This is a peculiar section inasmuch as it is the only provision in any legislation which is aimed at restricting the hours of labour of individual owners of any type of profession or property. In other words, it has generally been the force of legislation that a self-employed person has the right on his own farm, in his own surgery or accounting office, or in any other sphere to work as he sees fit and at any time he so desires. Fundamentally, the Labour and Industry Act sets out the terms and basis upon which persons shall be employed, and it is incongruous that there should appear in the Labour and Industry Act a provision stipulating that an employer shall not work any hours that an employee does not work. Curiously enough, this provision applies only to the bread industry. I do not propose to deal at length with the principles involved in this matter, but the Labour and Industry Act sets up what are known as wages Boards. The wages Board upon which I had the privilege of sitting for a number of years consisted of a chairman, three representatives of the employers and three representatives of the employees.

In so far as wages Boards set out to determine fair working conditions, they perform a valuable and proper function and, to some extent, they are a substitute for the Arbitration Commission. But, in so far as the employees and the employers gather together for the disadvantage of the community, they are bad. There have been cases—I do not wish to deal with them at great length—where it has suited employers and employees to get together and, in effect, to outvote the independent chairman who represents the public, in such a manner that the employers and the employees gain an advantage but the public suffers.

The Hon. SAMUEL MERRIFIELD.—Surely it was never intended that the wages Boards should be set up to put employers and employees in constant combat?

Sir ARTHUR WARNER.—I think it was proposed, perhaps ill-advisedly, that the employers would at all times tend to maintain a low level of wages and that the employees would tend to ask for more wages.

The Hon. I. A. SWINBURNE.—Is that your psychology in this matter?

Sir ARTHUR WARNER.—No, it is not, but it is a fact that during the period when I had the privilege of representing employers on a wages Board, there was a fair outlook at all times by the employers, and there was a clear understanding that the employers' representatives put forward the employers' point of view whilst the employees' representatives submitted the employees' point of view.

The Hon. SAMUEL MERRIFIELD.—Do you want all decisions to be made upon the casting vote of the chairman?

Sir ARTHUR WARNER.—In the event of the representatives of the employees and employers being unable to reach a decision, the chairman would decide the matter in the manner which he thought would best serve the interests of the community.

The Hon. ARCHIBALD TODD.—Is it wrong that the respective representatives should come to an agreement?

Sir ARTHUR WARNER.—No, it is not wrong in certain circumstances. Let me say that probably in nine cases out of ten the employers' and employees' representatives are guided by the principles laid down by the Arbitration Commission, and agreements form the basis of determinations. I submit that this procedure falls into disrepute only when the employers and the employees get together and use the power granted by Parliament to deprive the community of a fair deal in terms of cost or in terms of service.

The Hon. SAMUEL MERRIFIELD.—That is a matter of opinion.

Sir ARTHUR WARNER.—Of course it is. Let me deal, however, with the case of employers and employees in the building industry. I have not chosen this example because a wages Board does not operate for this industry, nor have I any desire to criticize it on that basis. I merely desire to point out, as I have explained previously in this House, that it does not matter to an employer what the conditions of employment are so long as his competitors operate on the same cost basis and he is thereby in a position to function under terms of equal competition and invoice the relevant costs on to the buyer.

The Hon. I. A. SWINBURNE.—Is not that the very principle upon which this amendment is based?

Sir ARTHUR WARNER.—I shall deal with that aspect in a moment. On odd occasions it has suited the building industry for the employers to pay as wages £2, £3, or £4 over the award rates for the purpose of securing harmony in the industry. It has suited the employers to grant those privileges, and it has certainly suited the employees to accept them. However, the value of the increased wages, which represents a large proportion of the cost of building a house, is passed on to the unfortunate home buyer, usually a young person who is struggling to make ends meet. The cost of his home is thus increased to an unreasonable level. The operation of section 105 of the Labour and Industry Act has meant that employers and employees in the big bakeries have been able to get together and determine conditions of awards by means of which members of the public have been deprived of fresh bread at a time when they want it.

I do not believe it was ever intended by Parliament that there should be handed over to a wages Board constituted under the Labour and Industry Act the authority to arrogate the powers of Parliament in such a manner that it could determine the living conditions and service conditions of members of the community. Wages Boards were set up to ensure that the employees in

industry would receive a fair reward for the work they did. It was not intended that those Boards should determine the hours when industry should function. Incidentally, it is only in respect of the bread industry that a provision such as that contained in section 105 of the Act operates. I do not wish to trace the history of how this section was introduced into the legislation by the late Mr. P. J. Clarey, who held the position of Leader of the House when I first became a member of Parliament and for whom I had very great respect. But he did propose and formulate what is now known as section 105, and it has been re-enacted by various Parliaments over the years.

In recent times certain steps have been taken by the Board whereby the public has been deprived of fresh bread at a time when they want it.

The Hon. P. V. FELTHAM.—Who raised the agitation?

Sir ARTHUR WARNER.—I did not want to enter into that aspect, because I thought it was fairly well understood.

The Hon. P. V. FELTHAM.—It is not, really.

Sir ARTHUR WARNER.—I have details of Gallup polls and petitions on this matter. I realize that petitions are subject to argument, but in one petition, from Hall's Gap, it is claimed that the people are deprived of fresh bread when they want it. If the Labour party and the Country party wish to deny the housewife the privilege of having fresh bread, then it is their prerogative to vote against the Bill. They are entitled, if they want to, to say that housewives shall bake seven days a week. The decision of those parties will be expressed in the House in due course.

The intention behind the relevant provisions of the Labour and Industry Act was not that employers and employees should get together in such a manner as to deprive the public of privileges. I do not believe, either, that it is a principle of our democracy that an employer shall be denied the right to work when he wants to. Those are privileges which, I believe, are well founded in the British community and which most of us, even probably some members of the Labour party secretly, believe ought to be upheld at all costs. I was interested to read in the newspapers recently that the Liberal party in Canberra, assisted by its declared helpmates, the Country party, has been active in deciding that there should be some curb on restrictive trade practices. The other day Mr. Byrnes asked a question in this House as to when the Government proposed to do something about this matter. This is one of the things that we are prepared to do about it.

The Hon. ARCHIBALD TODD.—What about going after the big fish?

Sir ARTHUR WARNER.—What we are aiming at is to ensure that the big people, in conjunction with the employees, do not deprive the little man from baking bread when the people want it. That is the objective in repealing section 105 of the Labour and Industry Act.

The Hon. A. K. BRADBURY.—Mr. Gawith may have a lot of partners then.

Sir ARTHUR WARNER.—Mr. Bradbury may have some political influence which is causing him to dissent from the principles that Mr. Byrnes espouses, that there should be an end to restrictive practices. I do not want to go into the question of restrictive practices in primary industry as compared with restrictive practices in secondary industry, but the repeal of section 105 is an attempt to remove one restriction which is operating to the detriment of the public.

The Hon. SAMUEL MERRIFIELD.—It is not the only one.

Sir ARTHUR WARNER.—I am pleased to know that Mr. Merrifield is opposed to restrictive practices, and no doubt we will see by his vote on this Bill that he is consistent. The repeal of section 105 was the subject of a resolution passed by the council of the Liberal party, so my remarks in this regard are supported by the Liberal party conference. Curiously enough, a somewhat similar resolution was passed at

the annual conference of the Country party, attended by representatives of all branches in this State, and the resolution was referred to in a letter by the general secretary of the Country party to the Minister of Labour and Industry, dated May, 1960. The resolution was—

That this conference views with concern the disability under which bakers are placed in respect of control over week-end baking to the disadvantage of the public generally.

I thank the Country party for that resolution, because it clearly expresses my view, and I trust that it will express the views of members of the Country party, which they will be given an opportunity to demonstrate later. The result of a Gallup poll—I agree with Mr. Galbally who has stated previously that some people do not fully study the questions asked at a Gallup poll—the Liberal party resolution and the Country party resolution demonstrate that the public desires fresh bread at week-ends and that if there are private employers who are prepared to bake fresh bread at week-ends to give the public what it wants, they should be entitled to do it.

The Hon. W. O. FULTON.—Why not let all bakers do it?

Sir ARTHUR WARNER.—I am not opposed to that. If section 105 is repealed there will be nothing to stop the wages Board connected with this industry from dealing with appropriate penalty rates for employees engaged during these periods. I for one would support the payment of people on a basis of shift work, at time and a half or at double time if necessary, to ensure that they receive a proper and adequate reward. I point out to Mr. Fulton that sooner or later in this country—I hope soon—we will reach the stage in our economy when the fundamentals of life will be easily and readily produced within normal working hours, and we will look towards the tertiary industries of service as one means of finding remunerative employment for people at adequate rewards in terms of service. There will be not only greater production of housing, food and clothing but also greater production of services.

The Hon. P. V. FELTHAM.—Has the Minister had any unfortunate experiences in regard to services?

Sir ARTHUR WARNER.—There have been complaints from people who want to buy fresh bread but who have been denied that right. I do not wish to be diverted on this matter, but I point out that in New York if one wants a shirt laundered between midnight and 6 o'clock in the morning one can get it done. It is true that the price for this work is high and the people who take advantage of the service are well able to afford it.

The Hon. W. O. FULTON.—Furniture can be bought seven days a week, 24 hours in the day in the same city.

Sir ARTHUR WARNER.—Yes, and provided that the men giving these services are adequately paid and the public get the service, what is wrong with that? That is my view of private enterprise.

The Hon. SAMUEL MERRIFIELD. — The Premier said that the action proposed to be taken in this Bill would not increase the price of bread.

Sir ARTHUR WARNER.—I do not think it will. By permitting the small man to bake bread at week-ends it could have the tendency of lowering the price of bread. However, the objective of the Bill is not to lower or raise the price of bread but to remove a restrictive trade practice, to remove from the wages Board the privilege of legislating against the public interest and to give to the public fresh bread which, according to the resolutions of the Liberal party and the Country party, and the Gallup poll, it desires.

The Hon. W. O. FULTON. — Only a small percentage of the public could enjoy that privilege.

Sir ARTHUR WARNER.—Mr. Fulton has been most helpful by that interjection. I remind him that on 2nd September, 1959, Sir Herbert Hyland, for whom I have a great deal of respect, in a letter to the Minister of Labour and Industry expressed concern on behalf of several bakers in Gippsland, about restrictions

imposed by the wages Board which affected the manufacture of bread in remote country areas. Again, in September, 1959, the same gentleman voted against a Bill to remove those restrictions. I am not criticizing members of the Country party; they have their peculiarities, to which they are entitled. However, I find it a bit difficult to understand why the annual conference of the party should vote for freedom of bread baking, while the Leader of that party should write letters saying he is concerned about restricions that have been imposed, but when he is given the opportunity to vote on a proposal for the removal of those restrictions he votes against it. I might be excused for not being able to understand that because now I am only a simple cocky, too. I really believe every honorable member understands the issues involved in this matter, and if the Labour party considers that people should not be permitted to buy fresh bread at weekends and if the Country party wishes to vote against a conference decision of its party, there is nothing I can do about it.

The Hon. I. A. SWINBURNE.—We are quite capable of looking after ourselves.

Sir ARTHUR WARNER.—I quite agree that members of the Country party are able to look after themselves, perhaps to the disadvantage of their constituents. They are entitled to do that even though the constituents elected them, wisely or unwisely. All I wish to point out is that a principle is involved. Section 105 allows a restrictive trade practice by which employer and employee are in a position to work against—I am not saying that they do—the benefits, privileges, freedoms and service of the public. The Liberal party believes that the public is entitled to an increasing and improved standard of living brought about by modern invention, management and capital in such a way that it will continue to get better service. Wage-earners should be entitled to receive penalty rates for work performed out of regular hours, and private enterprise should be entitled to operate with a maximum of freedom so as to give the public the maximum service. On those grounds, we present this Bill to the House with some feeling, on behalf of the public, that it should be passed by a unanimous decision.

On the motion of the Hon. J. W. GALBALLY (Melbourne North Province), the debate was adjourned until Tuesday, November 28.

VALUATION OF LAND (AMENDMENT) BILL.

The Hon. G. L. CHANDLER (Minister of Agriculture).—I move—

That this Bill be now read a second time.

The presentation of this Bill follows a detailed consideration of the Valuation of Land Act, which received Royal Assent on the 15th June, 1960. Honorable members will recall that that Act provides for the co-ordination of rating values for municipalities and other rating authorities and for the improvement of the quality of the valuers authorized to make statutory valuations, including those for rating purposes. So far, only those sections of the Act which relate to the appointment of a Valuer-General and the functions of the Valuers' Qualification Board have been proclaimed.

When the Bill which became the principal Act was under consideration, certain questions were raised in this Parliament, and municipal councils referred to certain matters, indicating there was a body of opinion which considered that some of the provisions of the Act would be too onerous. In consequence, assurances were given that the relevant provisions of the legislation would not be proclaimed until a Valuer-General had been appointed and an opportunity thus afforded of consulting him on the technical considerations involved. The amendments to the Act now proposed are the outcome, and it is desired that this Bill be passed before the remainder of the principal Act is proclaimed. Two matters of particular concern to some honorable members and municipal councils were the requirements in the principal Act that a copy of every general valuation was to be

forwarded, at its conclusion, to the Valuer-General and that it was necessary for even supplementary valuations to be made by a person holding a certificate of qualification as a valuer.

As to the first point, the Valuer-General has reported that he considers it much more important, in ensuring co-ordination and uniformity of values, to give valuers the opportunity of conferring with his officers and with each other before they commence their rating valuations than to await their completion before making any check. Clause 5 of the amending Bill therefore makes provision for deletion of the existing requirements that a copy of the general valuation be submitted on completion to the Valuer-General. Instead, it empowers the Valuer-General to require valuers to confer with one of his officers prior to the commencement of a valuation and, at its conclusion, to submit a report in a form to be prescribed by regulation. In addition, however, the Valuer-General is anxious that his staff be regarded as advisers who will be available, as far as they are able, throughout the duration of any valuation.

The second matter—that of the qualification required of a supplementary valuer—has been attended to by making provision, in paragraph (*a*) of clause 11, for supplementary valuations to be carried out, not only by persons holding a certificate of qualification, but also by a full-time employee of a council whose appointment has been authorized by the Minister. This will enable shire secretaries, for example, who have done this work for many years, to continue to do so.

Taking the other amendments contained in the Bill in their order, clause 2 defines the term "general valuation" to which constant reference is made in the principal Act. Clause 3 gives the right to the Valuer-General and his staff to enter on premises for the purpose of making a valuation. This is a right ordinarily available to any valuer operating under the provisions of the Local Government Act or similar legislation.

Clause 4 provides a more satisfactory drafting of the existing provisions of section 6 with respect to the requirement that notice of a general valuation be given to every authority interested in the valuation. This is another phase in the process of co-ordination, the principle of which is now extended to include rating authorities, other than councils, which carry out general valuations for the purpose of any rate. For example, many councils may find it convenient to use the rating valuations of the State Rivers and Water Supply Commission, whose staff of valuers is experienced in this work.

Reference has already been made to clause 5 and its relationship to the overall plan for co-ordination. It is clause 6, however, which contains probably the most vital amendment by introduction of a new section 8A into the principal Act. This aims at providing a means whereby valuations made by different valuers at different times may be brought together—as in the metropolitan area and provincial cities, for use for water and sewerage rates, and so on—and made uniform by a given date.

This will be achieved by requiring that, for all municipalities in the metropolitan area and, in the appropriate cases, in provincial cities and country areas where the rating authority responsible for water rates, &c., has an area involving more than one municipality, a new valuation will be required to be returned by 30th September, 1964, except where the valuation current at the 31st December, 1961, is considered by the Valuer-General to be generally true and correct either as to the whole municipal district or any subdivision. The new valuations are to be assessed at the level of value ruling at 31st December, 1961, and, along with those valuations now current and considered correct as at 31st December, 1961, will enjoy a full period of use calculated from 1st October, 1964.

The normal cycle of valuations will thus be set aside in all such cases. If a council so desires, its current valuation may continue in use until 30th September, 1964, even though it is not

generally true and correct as at 31st December, 1961, and would normally have been replaced before 1964. The period 1st January, 1962, to 30th September, 1964, therefore becomes a time for adjustment between valuations in different municipalities and, by the end of that time, any lack of equity between them which affects the amount payable as water rates should be corrected.

Clause 7 merely corrects an incorrect description concerning the Commonwealth Institute of Valuers State Board. The Valuers' Qualification Board, comprising Mr. E. R. Inglis, Valuer-General, as chairman, Mr. C. A. Gordon, representing the Commonwealth Institute of Valuers, and Mr. J. C. Burnham, representing the Real Estate and Stock Institute, is now in active operation and has already issued a number of certificates of qualification to those whose applications have been considered. The Board, however, has recommended certain amendments to the Act, and these are dealt with in clause 8. The principal Act provides for the issue of a certificate only to any person applying within twelve months who satisfies the Board of his competence to carry out statutory valuations throughout the State and who has had not less than five years' practical experience immediately before the date of his application. The Board is of the opinion that this should be altered to five years' experience in the last ten years and, further, that authority should be given for the issue of a certificate for an area less than the whole of the State. This latter provision recognizes the man whose experience may be intensive but limited to one section of Victoria.

Special provision is also made for the case of a full-time employee of a council or a group of councils who, though considered competent as a valuer, may not have had the five years' experience required by the principal Act. The test in any such case will be the ability of the applicant.

Clause 9 amends section 14 of the principal Act which, in turn, made certain amendments to the Local Government Act. The requirement that

councils appoint qualified valuers is deleted from section 14 and restated in clause 11 of this Bill only to enable it to be proclaimed separately from other amendments, if need be. This is necessary because, while sub-section (2) of section 1 of the principal Act provides for proclamation of different parts or sections on different days, it does not permit only parts of sections to be so proclaimed. It is intended to proclaim the remainer of the original section 14 as soon as possible, but some slight delay may occur before it is expedient to proclaim that portion of the section now repealed and restated in clause 11. Other paragraphs in clause 9 are inserted to make for greater clarity of the original intention and to make clear that a council may use a valuation made in any municipal district or subdivision within the last three years for the purpose of any rating poll.

Clause 10 amends the Housing Act as it is necessary to replace references to "sworn valuators" by references to persons holding a certificate of qualifications as a valuer. Clause 11 replaces paragraph (*a*) of section 14, as was explained when dealing with clause 9, and effects other amendments to the Local Government Act. It alters the form of declaration to be made by a valuer in that, if he holds a certificate of qualification, he may declare that the valuation will be made by him personally or under his immediate personal supervision. This makes possible the use of assistant valuers in training to assist the qualified valuer. This same section also attends to the matter of the appointment of supplementary valuers to which I have already referred, and prescribes certain changes to the form of return of the valuation to make it consistent with the provisions of the Act itself.

Clause 12 makes amendments to the Water Act similar to those in the Local Government Act and following principles which have already been explained and with which the State Rivers and Water Supply Commission is in full agreement.

The Bill, over all, effects a number of improvements, some of them arising out of Parliament's consideration of the original Act and others as a result of the Valuer-General's investigations and discussions. I may say that the Municipal Association of Victoria, after examining the Bill, has written to the Minister for Local Government saying that it supports the measure. It will be agreed generally that amendments to this legislation come as a result of a consideration of various aspects of it by the Valuer-General. His recommendations have been embodied in this Bill, and I think it is true to say that they meet with the approval of all authorities which will be affected by the legislation. I have great pleasure in commending the measure to the House.

On the motion of the Hon. SAMUEL MERRIFIELD (Doutta Galla Province), the debate was adjourned until Tuesday, November 28.

HEALTH (DANGEROUS SUBSTANCES) BILL.

The Hon. R. W. MACK (Minister of Health).—I move—

That this Bill be now read a second time.

The main purpose of this Bill is to control the use of X-ray equipment and similar apparatus and of dangerous substances, particularly those of a radio-active nature. The majority of the amendments sought relate to regulatory powers. The first amendment proposed is to section 106 of the Health Act, to include a definition of "dangerous substance" and of "irradiating apparatus." It is also proposed to amend section 108, which contains the provisions relating to regulatory powers. Section 108 gives power to the Governor in Council to make regulations with respect to certain matters arising under Division 2, which deals with dangerous trades, and so on. Regulations dealing with dangerous substances and irradiating apparatus were made under this section. Although the committee which deals with regulations did not criticize the regulations as being made without power, it had some doubts whether the regulations dealing with irradiating apparatus were, in fact, within power under the heading of "dangerous trades." Therefore, it is proposed by the amendments to overcome that difficulty and to place the position beyond doubt.

The reason for the introduction of this Bill is that grave fears have been expressed for the public safety by reason of the growing use of radio-active substances. This matter was discussed by the National Health and Medical Research Council which drew up draft legislation for the guidance of all States. This legislation was adopted by some of the States, but at that time it was felt that Victoria had the power, under the regulation-making provisions of section 108 of the Health Act relating to dangerous trades, to deal with this matter of radio-active substances. The regulations were, in fact, approved by the Governor in Council and circulated. They laid down in considerable detail the precautions to be taken by users of radio-active substances and irradiating apparatus. They mentioned in detail the use of these substances, the licensing of them, the medical examinations for persons employed in industry, and so on. Until recently, all radio-active isotopes used in Australia were imported, and therefore to a great extent their availability and distribution was supervised by the Commonwealth Department of Health. Now, however, the Australian Atomic Energy Commission is undertaking the preparation of radio-active materials locally and the Commonwealth has transferred to that Commission the controls previously exercised by the Commonwealth Department of Health.

The Hon. W. O. FULTON.—Do you consider that the control will not be as effective as previously?

The Hon. R. W. MACK. — We have grave doubts. This transfer of power is certain to bring about a further increase in the use of radio-active materials. In view of the fact that they are now manufactured locally, the Australian Atomic Energy Commission will be interested in their disposal.

The Hon. W. O. FULTON.—You do not think adequate safeguards will be enforced?

The Hon. R. W. MACK.—I do not believe the safeguards likely to be imposed by the Australian Atomic Energy Commission will be nearly as great from the public health point of view as those which would be imposed by the Commonwealth Department of Health. That is the view of my advisers in this matter.

The Hon. BUCKLEY MACHIN.—Is it intended to follow the pattern laid down by the Commonwealth?

The Hon. R. W. MACK.—No. It is intended to ensure that the State has complete power to make regulations in its own right. I shall deal with that matter more fully in a moment. The Crown Solicitor expressed doubt as to the regulation-making power under the existing section 108 of the Health Act.

The Hon. P. T. BYRNES. — Whose power was questioned?

The Hon. R. W. MACK.—The State's power.

The Hon. P. T. BYRNES.—Suppose the Commonwealth also passes a law?

The Hon. R. W. MACK.—I am not concerned about the Commonwealth, but I am concerned about the public health in the State of Victoria.

The Hon. P. T. BYRNES.—If the Commonwealth passes a law, can the State legislation override it?

The Hon. R. W. MACK.—As I understand the position—Mr. Feltham will correct me if I am wrong—where they are in conflict the Commonwealth law usually overrides that of the State, but in health matters that of the State is paramount.

The Hon. P. V. FELTHAM.—It all depends whether the Commonwealth has been given power, and in regard to health matters I believe the State wins out.

The Hon. R. W. MACK.—I believe that is the position. So that there can be no doubt as to the State's power, section 108, which is the regulation-making provision, is to be amended. In order to make quite clear what the State is enabled to regulate, it is proposed to amend section 106 and to include definitions of "dangerous substance" and "irradiating apparatus." I trust that the committee in which Mr. Swinburne is interested will be satisfied as to the power of the Governor in Council to make regulations under this Act.

The Hon. I. A. SWINBURNE.—It is most important that the position be stated clearly in the Act.

The Hon. R. W. MACK.—I agree.

The Hon. BUCKLEY MACHIN.—Would the regulations in respect of section 108 be sufficient to safeguard the public health and that of persons engaged in dangerous trades?

The Hon. R. W. MACK.—The provision is not sufficiently wide at present. We have a new concept of danger to the public health because of the use of radio-active isotopes and radio-active materials. The principal purpose of this amending legislation is to ensure that the State has power to regulate in relation to such substances.

The Hon. P. T. BYRNES.—Will this legislation prevent the Commonwealth Government from undertaking tests at Woomera?

The Hon. R. W. MACK.—I do not think it will have any effect on the Commonwealth Government in that regard. The regulations passed in 1959 are, by this Bill, declared to be valid, whether they were in fact made within power or beyond power. I commend the Bill to the House.

On the motion of the Hon. BUCKLEY MACHIN (Melbourne West Province), the debate was adjourned until Tuesday, November 28.

MOTOR CAR (INSURANCE SURCHARGE) BILL.

The debate (adjourned from November 14) 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).—The purpose of this Bill is to continue and make

permanent the imposition of the surcharge of £1 upon third-party motor car insurance policies. The surcharge was brought in originally in 1959, and, due to amendment, was confined to a period of one year. Last year, the legislation was extended for another period of one year. The Bill now proposes to make the surcharge a continuous levy, and that has given rise to certain feelings.

First, I propose to consider, as I did last year, what has been said to be the justifications for this legislation. When the original Bill came into effect in 1959-60, it was responsible for the raising of a sum of £489,814. Last financial year, the revenue derived from this source was £881,577, and this year, according to the Budget the revenue raised will be about £915,000. This is one of the very few forms of contracts where there is a levy imposed by the State obviously for one reason only. That is the first point I make. Secondly, the tax itself takes no regard for individual circumstances so far as the insurer is concerned. It hits the poor as well as the wealthy, so it is not in any way a graduated tax according to ability to pay. The tax operates regardless of the income or wealth of the person concerned. The amount of £1 is the same whether a person owns a Cadillac or an old T model Ford. So to that extent this charge is opposed to the general principles of the wider aspects of taxation.

The Hon. D. J. WALTERS.—You would say it is unjust taxation?

The Hon. SAMUEL MERRIFIELD.—I do say so. And the owner of a big truck pays the some amount as the owner of a baby car. There is no question about the difficulties associated with the responsibilities of the State in the regulation of big trucks as against small cars. The operators of some big trucks with interstate operation do not, as a matter of fact, pay the tax at all. There are all sorts of disabilities that arise from the tax. The Government has given two reasons for the introduction of the legislation. The first is that it was to reimburse the State for the cost of hospitalization of motor car accident victims. The second justification is that it was to reimburse the State the cost of police supervision and regulation of road traffic.

Strangely enough, in each of the years in which this legislation has been before Parliament the Government has varied the weight it has attached to the two reasons for the imposition of the surcharge. Last year, for instance, hardly any mention was made of traffic regulation but most of the emphasis was placed on hospitalization costs. This year the whole argument has been based on traffic regulation and some figures have been produced regarding the cost of police surveillance. All this adds up to the justification for this tax.

Last year I analysed the matter of hospitalization costs for the treatment of motor car accident cases, and reached a figure of about £100,000. The Minister in charge of last year's Bill to extend the legislation said that the amount was not sufficient and that the cost of the hospitalization of such cases amounted to £400,000. The Minister admitted that some part of the total had been reimbursed by insurance repayments; so obviously the cost to the State is considerably less than £400,000, and it gets back to the figure which I stated.

It is interesting to look at the Auditor-General's report for this year. On page 91 there is set forth a summary of payments from the Hospitals and Charities Fund, which shows that in 1959-60, the year in which this tax was introduced, the total for hospital maintenance was £12,477,384 and, for the financial year 1960-61, £12,692,676. That is a difference of only about £218,000 in hospitalization costs in the last twelve months despite the fact that the Government has had the increased revenue.

When we realize that only 2.6 per cent. of hospital beds are kept for accident cases, that does not make the proportion of £218,000 chargeable to insurance surcharge relatively much. Although the Government obtains this fantastic amount, it has not applied it wholly to hospital maintenance. There

has not been a very significant increase in the amount that the Government has made available for hospital maintenance after applying the surcharge.

The Auditor-General also mentions that it would seem that there was a comparatively small increase of £26,000 between the years 1959-60 and 1960-61, the respective total costs for the maintenance of hospitals being £11,228,093 and £11,254,492. From loan money the allocation was increased only from £4,536,000 to £4,590,000—an increase of £54,669. The Auditor-General states that the increases are due, first, to the increase of fees; secondly, to the increase for Commonwealth pharmaceutical benefits; and, thirdly, to the increase of £3 to £4 a day for workers under workers compensation. So there are three additional reasons why payments to hospitals increased. It is obvious that the insurance charge levied by the Government has not been applied specifically for this purpose.

So far as traffic control is concerned, I repeat some of the arguments I advanced last year. I suppose that the municipalities do as much in the way of traffic regulation as the police themselves. I notice that the Minister of Transport shakes his head to that statement. He thinks possibly of Melbourne and of a certain country radius, but when we consider the ambit of the activities of municipalities in all their many and varied forms we realize that those bodies perform a multitudinous job. The amount spent by them on traffic control would really be a significant sum.

I put this to the Government: What about reimbursing the municipalities also from this same surcharge? Of course, there has been no suggestion of an attempt to do that. Why should the Government impose the surcharge on some vehicles and some forms of contract while not on others? Part of the duties of the police is the protection of such property as shop windows and, in fact, property as a whole. There are all sorts of insurance policies against damage from robbery and that kind of thing, and there is no attempt to charge for police services respecting such responsibilities. It all boils down, then, to this surcharge being just a tax to provide the Government with additional revenue.

Honorable members may ask why my party is not prepared to oppose the Bill. We will be quite frank and honest about that. We believe that the other House is the people's House and that, traditionally under The Constitution Act, the power of initiating appropriations and fees and charges of all descriptions lies in the other House and that this House has not even the power of amendment but only of rejection. Members of the Labour party are not prepared to reject this measure and thus assert in this House powers which we believe should reside in the other House. We had the unpleasant spectacle of the assumption of that power in 1947, and we do not care to repeat it.

The Hon. D. J. WALTERS.—You have repeated it.

The Hon. SAMUEL MERRIFIELD.—At this stage, at any rate, we are not prepared to repeat it. Although we consider that the measure is unjustified, for the reasons stated, we do not intend to oppose it. It is a money Bill; rightly or wrongly the Government has put it through the other House, and we are prepared to abide by that position. Although we are critical of the measure, we shall consent to its passage.

The Hon. P. T. BYRNES (North-Western Province).—The imposition of a surcharge upon insurance premiums paid in respect of third-party motor car insurance policies has been consistently opposed by the Country party for three years. Probably we had no option but to allow the original measure to be passed. We agreed to the imposition of the surcharge for one year at a time, and took the view that as the finances of the State improved it should be discontinued.

No matter what is said by supporters of the Government in favour of the Bill, it is a straight-out taxation measure. It is an imposition on the owners of nearly 1,000,000 motor vehicles in the State, and the money derived by this means

goes straight into Consolidated Revenue. This surcharge has all the defects of all the taxes that have been fought against over the centuries. Because it has been imposed for two years, the Government has decided that it shall become a permanent tax on the owners of all motor vehicles. The surcharge is payable by the owner of a second-hand "bomb"' purchased in a suburban back yard—perhaps by a youth who wants to go on a holiday—and it is payable by the affluent member of society who owns a Rolls Royce. It is payable also by owners of trucks and by 28,000 to 30,000 owners of tractors which may be driven on public roads only four or five times a year.

In attempting to justify the tax, the Minister of Transport stated that it was imposed to pay for work done by the Police Force on traffic control. That is one of the weakest statements that has ever been made in this House. To-day I took the trouble to ascertain the cost of the administration of the Police Department. It spends approximately £6,700,000 on wages and salaries and another £1,000,000 on other items, a total of about £7,700,0000. By each paying a surcharge of £1, the motorists of the State pay approximately one-seventh of the total bill for the Police Department. That is absurd.

Sir ARTHUR WARNER.—They should pay half of it.

The Hon. P. T. BYRNES.—I am glad to hear the Minister's interjection. The revenue to be raised by means of the surcharge could pay the salaries of 650 extra policemen employed on traffic duties. How many policemen do we see on the road policing the traffic? Occasionally, there is a blitz at the week-end. The Government has advanced an extremely lame excuse for levying a tax which goes into what the Minister of Transport calls the "pot," and money is doled out from it for anything which the Government chooses.

Some people say that £1,000,000 should be spent on curing a bottle-neck that has been created in the suburbs. The Royal Automobile Club of Victoria has stated in the press and privately that it is opposed to the tax, and it has urged the Government not to impose it. The Country party considers that this is a wrong method of taxing to adopt. However, if the Government would use the money thus raised to employ 650 extra policemen permanently to police the roads, we would withdraw our opposition. I am certain that the Government will not agree to this course. It has no more intention of putting on 650 more policemen for road traffic duties than it has of flying to the moon. If it would take the course we suggest, we would congratulate it and support the measure. I repeat that the Government could employ 650 policemen with this money.

Sir ARTHUR WARNER.—Are you sure we are not doing so?

The Hon. P. T. BYRNES.—Yes, because the sum involved represents one-sixth of the total expenditure of the Police Department, and that amount is not being spent on traffic control.

Sir ARTHUR WARNER.—I should have thought that more than one-sixth was being spent for this purpose.

The Hon. P. T. BYRNES.—Now that he has awakened, I shall give the Minister of Transport the figures. Last financial year, the salaries and wages of the Police Force totalled £6,700,000 and other expenditure amounted to slightly over £1,000,000. Altogether, a total of £7,725,000 was spent on the Department. The sum of £1,000,000 to be raised by the surcharge represents about one-seventh of the total expenditure. Therefore, the motorists will pay one-seventh of the total costs of the Department, but there will not be one-seventh of the personnel of the Police Force working on the roads to control the traffic.

Sir ARTHUR WARNER.—What grounds have you for making that statement?

The Hon. P. T. BYRNES.—If the Minister will agree to an adjournment of the debate and will to-morrow tell me that 650 extra policemen will be employed, I shall apologize.

Sir ARTHUR WARNER.—It is not worth it.

The Hon. P. T. BYRNES.—I should say that the Department does not utilize 50 policemen permanently on traffic duties. When police officers should be having a day off duty with their families in the country, the Department stages a blitz. An officer picked me up one day because no one else travelled along the road he was patrolling; however, I had a licence. If the Government likes to employ 500 extra policemen—I shall reduce the number from 650—in order to provide greater safety on the roads, the Country party will agree to the tax and will apologize to the Minister for opposing the measure. No facts have been advanced to back up the excuse given by the Minister for introducing it. The notes circulated by the honorable gentleman state—

> The primary ground on which the Government first introduced its legislation in 1959 was to provide, in some measure, for a contribution from the motor vehicle owner towards the high cost which falls on Consolidated Revenue for police supervision and control of motor traffic.

When a similar measure was before Parliament last year, the cost of conducting hospitals was mentioned, but not a word about this subject appears in this year's notes. The Government expects to raise £915,000 by means of the surcharge this year and it is stated that it is to be spent on the supervision and control of traffic. There is not an ounce of truth in that statement.

Sir ARTHUR WARNER.—If you read the report of my speech on the Bill, you will learn that I did not use the notes to which you refer, and I rarely do so.

The Hon. P. T. BYRNES.—I repeat what I have previously stated, that one notable feature about the speeches made by the Minister of Transport is their brevity. I am speaking of the notes relating to the Bill which are prepared by a Department and a copy of which was handed to me by an officer of the House. I went to considerable trouble to ascertain how many police are employed in the Department and how many more could be engaged for £1,000,000. If the money were spent on the employment of extra traffic police, the road problems of the State would be solved. However, as that is not the intention of the Government, the Country party will vote against the Bill.

The Hon. A. K. BRADBURY.—How much money is raised by the imposition of the surcharge on the owners of tractors?

The Hon. P. T. BYRNES.—A total of 28,000 tractor owners contribute £1 each, although they hardly ever use the roads. Doubtless, the Bill will be carried. I respect the Labour party for the decision it has made in the matter. However, at the Committee stage, I intend to submit suggested amendments designed to limit the operation of the measure for twelve months and to exempt tractor owners from the payment of this surcharge. The Country party opposes the Bill.

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

Ayes	25
Noes	8
Majority for the motion	17

AYES.

Sir Ewen Cameron	Mr. Merrifield
Mr. Chandler	Mr. Nicol
Mr. Dickie	Mr. O'Connell
Mr. Galbally	Mr. Smith
Mr. Garrett	Mr. Thom
Mr. Gawith	Mr. Thompson
Mr. Grigg	Mr. Todd
Mr. Gross	Mr. Tripovich
Mr. Hamer	Mr. Walton
Mr. Hunt	Sir Arthur Warner.
Mr. Machin	*Tellers:*
Mr. Mack	Mr. Byrne
Mr. Mair	Mr. Elliot.

NOES.

Mr. Bradbury	Mr. Walters.
Mr. Byrnes	
Mr. Feltham	*Tellers:*
Mr. Fulton	Mr. May
Mr. Mansell	Mr. Swinburne.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2—

> In sub-section (1) of section forty-oneA of the principal Act the expression "effected or renewed after the commencement of the Motor Car (Insurance Surcharge) Act 1959 and before the first day of December One thousand nine hundred and sixty-one" shall be repealed.

Sir ARTHUR WARNER (Minister of Transport).—I feel that some of the statements made during the second-reading debate require some gentle correction. I point out to Mr. Byrnes that, whether or not there is a proper allocation of charges in this matter, the country does receive 100 per cent. of the petrol tax reimbursements received by the State, although 70 per cent. of the tax is collected within 10 miles of the Melbourne Town Hall.

With regard to my second-reading notes on the Bill which were circulated, Mr. Byrnes quite rightly examined them, and I would simply explain that I do not adhere to notes when making a speech because too often they are prepared by a Department from a purely departmental point of view.

The question of the third party insurance surcharge is a matter of broad Government policy relating to the whole question of motor cars, safety, road accidents, and so on. Dealing with the subject on the very narrow question—in my second-reading speech I made submissions on the broad issue—some of the greatest costs the Government has to bear relate to the motor car. These costs cover police, signal devices, the width of roads, traffic regulation, hospitals, and other matters. I think it would be fair to say that one of the greatest burdens the ordinary citizen bears is the cost of looking after motor cars in some form or other.

The Hon. P. V. FELTHAM.—Would you agree that all this money goes into Consolidated Revenue?

Sir ARTHUR WARNER. — I would agree, but I point out, as I did earlier, that the Consolidated Revenue takes care of expenditure on hospitals, accidents, ambulances, signal devices, safety devices, some aspects of road costs, police, and so on.

The Hon. R. W. MAY.—Do you think the motorist alone should pay for all those things or that other people should contribute, too?

Sir ARTHUR WARNER. — I think the general public, in so far as they are motorists, ought to pay their share, but do I not think the man who rides in a tram or the age pensioner who does not ride in a motor car ought to be asked to make a contribution towards one of the greatest modern costs which relate to what are semi-luxuries. I believe that as far as possible such costs should be met by the users of motor cars. If it is asserted that the motor car is making an unfair contribution towards road transport, in the form of cargo, I shall agree.

Dealing with the police, I have made a quick check of the matter, and am inclined to think I would win the small implied bet of Mr. Byrnes in that 400 police are, I understand, directly concerned with questions relating to traffic—in other words, about 10 per cent of the Force. In addition, there are men who accept licence fees and who look after persons who are being trained to obtain a licence, and those who accept fees in police stations and hand out number plates, and so on.

The Hon. P. T. BYRNES.—Those things are paid for by way of registration fees.

Sir ARTHUR WARNER.—I am discussing the suggestion that the total number employed by the Police Department on this work would not be 500 or 600. I shall obtain the information, but I think the suggestion is wrong.

The Hon. I. A. SWINBURNE.—When the Bill was first introduced it was implied that the proceeds from it would provide extra police to control traffic.

Sir ARTHUR WARNER.—I do not think it was implied that immediately the Bill was passed the strength of the Force would be increased by 400 to 500 men. It was pointed out that motoring was costing the community a lot of money. I believe that road transport and the motorist should pay their contribution to the community for costs which are incurred by virtue of motoring in its widest sense.

The Hon. P. V. FELTHAM.—We do not quarrel with that.

Sir ARTHUR WARNER.—In my view, if the total costs of all roads, hospitalization relating to accidents, medical attention, hospital benefits, pensions,

cripples and invalids created by accidents, and the widows of men who are killed on the roads, were ascertained and were taken as representing the total State contribution to the cost of motoring, it would be a very vast sum of money.

The Hon. P. V. FELTHAM.—What do you think about the man who drives a tractor?

Sir ARTHUR WARNER.—If a man is driving a tractor on his own farm, he is not required to register it.

The Hon. P. V. FELTHAM.—What is the position if a farmer drives his tractor across a roadway?

Sir ARTHUR WARNER.—My personal experience is that if he simply drives a tractor from one paddock to another, he does not register it.

The Hon. R. W. MAY.—In my province one farmer was apprehended for doing that—the constable waited on him doing so.

Sir ARTHUR WARNER.—Certainly, in some areas, action along those lines might have been taken.

The Hon. P. T. BYRNES.—There are approximately 28,000 tractors registered to be driven on the road.

Sir ARTHUR WARNER.—I shall check that. I should like to know what percentage of the tractors in use are, in fact, registered to be driven on the roads. I can only say that with my limited experience in this matter I have never yet seen a tractor with a registration certificate affixed to it.

The Hon. D. J. WALTERS.—You do not know much about this question.

Sir ARTHUR WARNER.—I do not believe that a person who does not travel in a motor car should be making a greater contribution than he is at the present time towards the upkeep of our highways and roadways.

The Hon. P. T. BYRNES (North-Western Province).—The Minister's remarks make members of the Country party even more adamant in their opposition to this proposal. Apparently, having regard to the authoritative position he occupies in the party, Sir Arthur has promulgated what is clearly the Government's policy in regard to motorists. In other words, this surcharge is only the beginning of a further list of charges which will be imposed upon motorists. The revenue that will be derived from the surcharge is purely a revenue charge and the Government's policy is that these charges will be increased in future. Consequently, Country party members feel it their duty to protest strongly against the proposal, and we shall continue to do so, even though we may be chided by certain sections of the press for adopting that attitude. The leaders of the Royal Automobile Club of Victoria are hostile towards the surcharge, for which there is no reason or logic.

The Government has the numbers and, obviously, with the help of its friends from the Labour party, it can do what it likes. Members of the Country party oppose this proposal because we consider that it is the right attitude to adopt. Of course, we will be pilloried by the press for opposing the motion. However, we regard it as being fundamentally wrong. Accordingly, I move—

That it be a suggestion to the Assembly that it make the following amendment in clause 2:—

Omit 'the expression "effected or renewed after the commencement of the Motor Car (Insurance Surcharge) Act 1959 and before the first day of December One thousand nine hundred and sixty-one" shall be repealed' and insert 'for the word "sixty-one" there shall be substituted the word "sixty-two"'.

The effect of this amendment will be to limit the operation of the surcharge for one year, after which period Country party members hope the Government will see the iniquity of imposing taxes that could be termed sheer class taxes.

The Hon. P. V. FELTHAM (Northern Province).—I support my Leader's motion to the effect that there should be a suggestion to another place that the operation of the surcharge shall be confined to a period of one year. My Leader made it perfectly clear that this Bill is a pure revenue Bill. There is no doubt that the money that will be

derived by this surcharge of £1 will be paid into Consolidated Revenue, where it will lose its identity. Is there any doubt that the money that is raised by this means simply goes into Consolidated Revenue as part of the funds of the Government to expend on any purpose that it thinks proper? If my interpretation of the position is incorrect, I ask honorable members to correct me. The Country party considers it is appropriate to emphasize in this House that this extra revenue that goes into Consolidated Revenue is being raised from a particular class of the community—those who own motor vehicles.

Sir ARTHUR WARNER.—Is that not true of every tax?

The Hon. P. V. FELTHAM.—No. The tax will be imposed on the owners of motor vehicles, including motor tractor owners. If the Leader of the House owned a motor tractor and drove it across a roadway he would have to register it. Between 28,000 and 30,000 tractors have been registered for this purpose. Again, if my figures are incorrect, I invite some honorable member to correct them.

The Hon. SAMUEL MERRIFIELD.—Even if a farmer drives his tractor across a roadway from one property to another he must pay the surcharge.

The Hon. P. V. FELTHAM.—That is so. I am one of those unfortunate persons who own a property on both sides of a road and, although the roadway dividing the property is only 20 yards wide, I must pay the surcharge so that I can drive my tractor from one part of the property to another.

The Hon. G. W. THOM.—Are there not a number of tractors that are used industrially?

The Hon. P. V. FELTHAM.—If a tractor is not driven on a public road, it is not necessary to register it.

The Hon. G. W. THOM.—Some companies—the Ford company for example—have a large number of tractors registered because they are used on the highways. A similar position applies to many other industries.

The CHAIRMAN (Sir Ewen Cameron).—Order! I invite Mr. Feltham to address the Chair and to ignore interjections.

The Hon. P. V. FELTHAM.—Possibly, Mr. Chairman, I invited the interjections by asking any honorable member to challenge my statements if they were incorrect. The Government has seen fit to impose this surcharge of £1, which will simply disappear into Consolidated Revenue. There are some members of my party who are more vehement on this subject that I am. They say, "If you want to get money into Consolidated Revenue—and that is exactly where this £1 surcharge is disappearing—why pick on the motorist? Why not pick on members of the legal profession who, after all, are possibly earning more than the average primary producer, and legislate that every lawyer shall pay the sum of £5 into Consolidated Revenue?" I think those members of this Committee who look at the matter impartially will concede that every person who happens to be the owner of a motor car—and that includes a tractor—will be landed with a surcharge of £1 every year, which amount will go into Consolidated Revenue.

The Hon. R. J. HAMER.—Probate duty is also paid into Consolidated Revenue.

The Hon. P. V. FELTHAM.—Probate duty falls on the company promoter, the farmer, the wage earner, the union secretary and everybody alike.

The Hon. V. O. DICKIE.—Have they not all got cars?

The Hon. P. V. FELTHAM.—No, they have not. Once we say that the car owner is to be taxed and that the tax is to be paid into Consolidated Revenue, we select him as a specific object of taxation, and that is wrong. No matter what honorable members may interject, no matter what the Government may say, and no matter what our colleagues in the Liberal party and our opponents in the Labour party may claim, it is a sectional tax and it is wrong.

The Hon. A. J. HUNT.—What about those who attend entertainments and pay entertainments tax? Surely that is a sectional tax.

The Hon. P. V. FELTHAM.—There is no tax that I dislike more than entertainments tax, and if any honorable member wants me to embark on a discussion on that subject, I am prepared to speak for half an hour.

The CHAIRMAN (Sir Ewen Cameron).—I suggest that Mr. Feltham be not led aside by interjections and that he adhere to the subject-matter of the Bill.

The Hon. P. V. FELTHAM.—I thank you, Mr. Chairman. You are my protector and also my guide under the Standing Orders. All I want to say to the Committee is that morally and logically the tax is wrong, and if anyone thinks differently he has no logical sense. I may possibly anticipate another motion by my Leader which deals with the question of motor tractors. If Parliament sees fit to impose a surcharge of £1 on motor tractors, which sum just drops into Consolidated Revenue, I say that democracy and fair dealing are dead forever.

The Committee divided on the suggested amendment (Sir Ewen Cameron in the chair)—

Ayes	8
Noes	24
Majority against the suggested amendment ..	16

AYES.

Mr. Bradbury	Mr. Walters.
Mr. Byrnes	
Mr. Fulton	*Tellers:*
Mr. May	Mr. Feltham
Mr. Swinburne	Mr. Mansell.

NOES.

Mr. Byrne	Mr. Merrifield
Mr. Chandler	Mr. Nicol
Mr. Dickie	Mr. O'Connell
Mr. Elliot	Mr. Smith
Mr. Galbally	Mr. Thom
Mr. Garrett	Mr. Thompson
Mr. Grigg	Mr. Todd
Mr. Gross	Mr. Tripovich
Mr. Hamer	Sir Arthur Warner.
Mr. Hunt	
Mr. Machin	*Tellers:*
Mr. Mack	Mr. Gawith
Mr. Mair	Mr. Walton.

Clause 2 was agreed to.

The Hon. P. T. BYRNES (North-Western Province).—I move—

That it be a suggestion to the Assembly that they insert the following new clause, to follow clause 2:—

A. In sub-section (1) of section forty-one A of the principal Act, after the words "contract of insurance under this Division," there shall be inserted the expression, "(other than a contract of insurance relating to a motor tractor)."

The new clause will have the effect of excluding motor tractors from the operation of this legislation. It may be true, as Mr. Thom said, that some of these tractors are used for industrial purposes, but it is also true that the majority of them are farm tractors. In Victoria there are more than 28,000 tractors registered to go on the roads. If it were not so late in the night I would have more to say on this question of the registration of tractors, but I shall reserve my remarks until the Supply debate. This is an important amendment; I think the tax proposed is unfair. I do not think justification can be found for the implication of the Minister that in the near future much heavier imposts will have to be placed on motorists.

Sir ARTHUR WARNER.—I did not say anything of the sort.

The Hon. P. T. BYRNES.—The Minister said that motorists should pay for various things. He said that something would have to be done about the building of roads and about the paying of salaries of people who work at the Motor Registration Branch.

Sir ARTHUR WARNER.—If Mr. Byrnes is not careful I will go around the country misrepresenting him in the same way as he is misrepresenting me.

The Hon. P. T. BYRNES.—I will go with the Minister, and he will be the greatest asset I have ever had in my electorate.

The Hon. K. S. GROSS.—Would not Mr. Byrnes agree that the registration of tractors, even with the surcharge, is cheap?

The Hon. P. T. BYRNES.—It is an unnecessary impost. All imposts for which there is no proper justification

should be resisted. This is a bad Bill; any measure that cuts across a principle is bad.

The Hon. D. J. WALTERS.—And the members of the Labour party know it.

The Hon. P. T. BYRNES.—They are bound by a decision. Perhaps the Government will consider this amendment and might agree to accept it.

Sir ARTHUR WARNER.—No.

The Hon. P. T. BYRNES.—A principle is involved, namely, that a tax was imposed merely to raise revenue by a subterfuge on one class of the community and that is a bad tax. As Mr. Feltham suggested, the Government could impose a tax on solicitors, bricklayers or doctors, merely because they were following their professions. This is a tax on motorists.

The Committee divided on the suggested amendment (Sir Ewen Cameron in the chair)—

Ayes	8
Noes	24
Majority against the suggested amendment	16

AYES.

Mr. Byrnes	Mr. Walters.
Mr. Feltham	
Mr. Fulton	*Tellers:*
Mr. Mansell	Mr. Bradbury
Mr. Swinburne	Mr. May.

NOES.

Mr. Byrne	Mr. Merrifield
Mr. Chandler	Mr. Nicol
Mr. Dickie	Mr. O'Connell
Mr. Elliot	Mr. Smith
Mr. Galbally	Mr. Thom
Mr. Garrett	Mr. Thompson
Mr. Gawith	Mr. Tripovich
Mr. Grigg	Mr. Walton
Mr. Hamer	Sir Arthur Warner.
Mr. Hunt	
Mr. Machin	*Tellers:*
Mr. Mack	Mr. Gross
Mr. Mair	Mr. Todd.

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

LANDLORD AND TENANT (AMENDMENT) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. L. H. S. THOMPSON (Minister of Housing), was read a first time.

The House adjourned at 11.58 *p.m.*

LEGISLATIVE ASSEMBLY.

Tuesday, November 21, 1961.

The SPEAKER **(Sir William McDonald)** took the chair at 4.12 p.m., and read the prayer.

COUNTRY ROADS BOARD.

ALLOCATIONS TO METROPOLITAN MUNICIPALITIES.

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

How much money has been made available by the Country Roads Board to metropolitan municipalities in each of the last four financial years and what amount it is estimated will be made available this financial year?

Mr. PETTY (Minister of Public Works).—The Country Roads Board in each year allocates money to metropolitan municipalities, but in all cases the sum allocated is not the actual amount expended by the municipal councils. The amount which is actually refunded by the Country Roads Board to the councils is an entirely different figure to the amount allocated. Therefore, I shall give two sets of figures in order to answer the question asked.

	Amount Allocated.	Amount Expended.
	£	£
1957-58 ..	2,100,000	1,143,000
1958-59 ..	2,106,000	1,342,000
1959-60 ..	3,707,000	1,988,000
1960-61 ..	5,186,000	2,767,000

In 1961-62 it is estimated that £5,667,000 will be allocated, of which approximately £4,000,000 should be expended.

PRINCES HIGHWAY: BRIDGE OVER AVON RIVER.

Mr. B. J. EVANS (Gippsland East). asked the Minister of Public Works—

What stage has been reached with plans to build a new bridge over the Avon river at Stratford on the Princes Highway east, and when it is anticipated work will commence?

Mr. PETTY (Minister of Public Works).—The answer is—

The design of the bridge is nearing completion. Orders have been placed for the supply of the structural steel required for the superstructure. Foundation work will probably be commenced during the current financial year.

POLICE DEPARTMENT.

NEW POLICE STATION AT BALLARAT: TENDERS.

Mr. SCOTT (Ballaarat South) asked the Chief Secretary—

Whether tenders have been invited for the construction of a new police station at Ballarat; if so, what is the closing date; if not, when they will be invited?

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

Tenders have not yet been invited for this station but advice has been received from the Public Works Department that it is the intention of the Department to invite tenders in January, 1962.

SUPERANNUATION ACT.

REPRESENTATIONS BY RETIRED STATE EMPLOYEES' ASSOCIATION.

Mr. STONEHAM (Leader of the Opposition) asked the Treasurer—

1. Whether the Retired State Employees' Association made representations for an increase in the value of the first eight units of superannuation to 20s. per unit for all pensioners under the State Superannuation Act; if so, when the last written submission was made by the association and whether a reply has been furnished?

2. Whether he received a deputation from the association in June of this year; if so, what replies were given to the requests made?

Mr. BOLTE (Premier and Treasurer).—The answers are—

This association has made several requests over the last three years that the value of the first eight units of pension be increased to 20s. a unit irrespective of the number of units held. The Government advised the association that it was not prepared to grant the request mainly on the grounds that—

(*a*) a heavy and constantly increasing charge on the Consolidated Revenue would be involved with very little benefit to those persons who retired on pensions in the lower brackets; and

(*b*) a very definite transfer of a substantial liability from the Commonwealth to the State would ensue by corresponding reductions being made in the rates of social service pensions now being received by many superannuation pensioners.

The last request for this increase was considered when the Budget for 1961-62 was being prepared, but in view of the above-mentioned factors and of the already very heavy commitment on the revenues of the State for pensions—£5,089,000 (including superannuation and police pensions) in the current Budget—it was decided that no further commitment of revenue moneys could be made for this purpose.

Any further increases in superannuation pensions at the present time would have to fall on the Superannuation Fund itself and would involve increasing contributions by present contributors.

It is very easy to talk loosely about increasing superannuation pensions, but the stage has been reached where there is a very real danger of the whole superannuation scheme being undermined. It is a good scheme and a generous one—far more so than the majority of private schemes—and the Government has an obligation to safeguard the position of the 43,000 present contributors.

STATE RIVERS AND WATER SUPPLY COMMISSION.

WATER SUPPLY FOR LAKES ENTRANCE.

Mr. B. J. EVANS (Gippsland East). asked the Minister of Water Supply—

1. What is the reason for the delay in negotiations for works on the Nicholson river scheme to provide a water supply for Lakes Entrance?

2. When plans and specifications will be invited?

3. How much money will be made available for these works during the current financial year?

Mr. MIBUS (Minister of Water Supply).—The answers are—

1. As far as the Government is concerned there is no delay in negotiations for works on the Nicholson river to provide a water supply for Lakes Entrance.

The Lakes Entrance Waterworks Trust was informed, through the local members of Parliament, on 6th December, 1960, that these works, estimated to cost £195,000, had been approved and that appropriate provision would be made in the 1961-62 loan programme to allow the work to proceed. The Trust was advised that, in the meantime, the detailed plans and specifications, together with detailed estimates of capital and annual costs, could be prepared and submitted to the Commission for examination.

2. The Lakes Entrance Waterworks Trust yesterday lodged detailed plans and specifications for these works with the State Rivers and Water Supply Commission for examination. It is anticipated that the Trust will be in a position to invite tenders for the supply of materials and construction of the works before the end of next month.

3. The Trust has been advised that money is available to enable it to proceed with works estimated to cost £200,000, and £60,000 has already been allocated from Government funds to meet the estimated expenditure during the current financial year.

EDUCATION DEPARTMENT.

BAIRNSDALE HIGH SCHOOL: STAFF RESIDENCES.

Mr. B. J. EVANS (Gippsland East) asked the Minister of Education—

1. How many staff residences are considered desirable for a school of the size of the Bairnsdale High School, and how many are provided for this school?

2. Whether the Department negotiated for the purchase of exising houses in Bairnsdale; if so, why negotiations were not finalized?

3. What steps are being taken to overcome the shortage of school staff residences in Bairnsdale?

Mr. BLOOMFIELD (Minister of Education).—The answers are—

1. (*a*) A desirable number of staff residences for any school is determined by the number of married teachers requiring housing who have not been able to obtain such accommodation themselves. As these factors will vary from school to school, and from time to time, it is not possible to answer this part of this question. For example there are many schools, larger than Bairnsdale High School, in the metropolitan and outer metropolitan area, where no residences are provided, or need to be provided by the Department.

(*b*) Three residences have been provided for Bairnsdale High School.

2. The Department proposed to purchase two residences but it was found that they were unsuitable. Efforts are being made to find others.

3. See answer to 2.

TRAINEE TEACHERS: BONDS.

Mr. GIBBS (Portland) asked the Minister of Education—

1. Whether the Education Department requires that a bond shall be entered into on behalf of each trainee teacher taking up a teaching bursary?

2. Whether the bond is liable to forfeiture if the Department dispenses with the services of a trainee considered unsuitable as teacher material; if so, whether, for compassionate reasons, the Department does not enforce the terms of the bond but retains the services of trainees whose services would otherwise be terminated?

Mr. BLOOMFIELD (Minister of Education).—The answers are—

1. Yes.

2. Yes, unless the studentship is cancelled for a reason lying outside the control of the student. In such case the Treasurer would be asked to waive payment of the amount due under the agreement. The Department does not retain the services of students who are unsuitable for teaching.

PUBLIC WORKS DEPARTMENT.

EXTENSIONS TO CAULFIELD TECHNICAL SCHOOL.

Mr. GAINEY (Elsternwick) asked the Minister of Public Works—

In view of the fact that the area set aside for the erection of extensions to Caulfield Technical School has been graded and pegged, when it is anticipated—(*a*) that the successful tenderer will commence building; and (*b*) that the new building will be ready for occupation by students?

Mr. PETTY (Minister of Public Works).—The Caulfield Technical School site was inspected by the Public Works Department, but after the successful tenderer had been granted the contract, and further testing of the site had been effected, it was found that at some time there had been a quarry hole in that particular area. All work on the project has been suspended until the entire site has been tested and test borings have been completed.

YOUTH ORGANIZATIONS ASSISTANCE FUND.

GOVERNMENT GRANTS.

Mr. MANSON (Ringwood) asked the Chief Secretary—

1. What organizations applied for financial assistance from the Youth Organizations Assistance Fund for youth activities during the financial year 1961-62 and what amount was sought by each organization?

2. What amount it is proposed to allocate to each organization and when it is anticipated the grants will be made available?

3. Whether the total of these grants will be in addition to the £20,000 promised by the Premier in his policy speech?

Mr. RYLAH (Chief Secretary).—The answers are—

1, 2 and 3. The organizations which have applied for assistance from the Youth Organizations Assistance Fund for the current financial year, the amounts requested by each organization and the amounts which will be paid to the various organizations within the next month are set out in the schedule attached hereto.

Applications by eighteen clubs have not been finalized, but it is expected that all but one will be determined by the middle of December.

It is estimated that the total of the grants will be £118,085. This will include the £20,000 promised by the Premier in his policy speech.

As the schedule referred to is a lengthy one, I ask leave of the House for it to be incorporated in *Hansard*.

Leave was granted, and the schedule was as follows:—

DISTRIBUTION OF THE YOUTH ORGANIZATIONS ASSISTANCE FUND FOR THE FINANCIAL YEAR 1960-61.

Name of Organization.	Type and Amount of Grant.							
	Capital Building.		Capital Equipment.		Maintenance.		Youth Leader Training.	
	Requested.	Approved.	Requested.	Approved.	Requested.	Approved.	Requested.	Approved.
	£	£	£	£	£	£	£	£
All Stars Recreation Club ..	..	..	100	40	250	200	157	25
Altona Citizens' Police Youth Club	1,000	..	250	..	250	150	120	20
Apollo Bay Youth Club ..	200	..	150	..	125	80	..	..
Ashwood Everyboys' and Everygirls' Rally	80	..	£15 14s.	10	..	..	£6 2s.	..
Australian Air League	..	..	..	..	..	..	104	..
Australian Boys' Choral Institute ..	50,000	..	2,000	..	..	..	1,500	..
Australian Luther League ..	1,500	..	..	..	..	..	..	..
Australian Student Christian Movement Corporation	600	..	..	..	1,533	..	1,533	..
Avenel Youth Club	500	200	..	..	..	..	..	..
Bairnsdale Police and Citizens' Youth Club	..	..	100	50	..	..	..	..
Ballarat Local Centre	500	..	..	..	..	..	..	..
Ballarat School of Boxing ..	..	..	20	..	40	..	..	..
Ballarat Youth Council	..	..	..	..	300	300	..	..
Balwyn Youth Club	500	..	200	15	100	70	60	25
Baptist Christian Education Council	500	..	200	100	500	150	950	200
Barkers Road, Boys' Club ..	..	..	..	..	50	20	..	..
Beaufort Youth Club	65	..	50	20	50	30	..	..
Belgrave South and Heights Youth Centre	500	..	300	30	300	100	20	10
Belmont Community Youth Club ..	3,500	300	45	10	..	..	30	10
Benalla Police and Citizens' Youth Club..	2,500	..	300	100	200	150	..	..
Bendigo Police and Citizens' Youth Club..	6,000	..	400	20	500	100	..	..
Bentleigh-McKinnon Youth Centre	10,000	..	1,500	50	1,000	500	150	25
Beulah R.S.L. and Community Youth Club	..	..	80	20	20	20	..	..
Boorcan Boys' and Girls' Club ..	1,000	..	..	..	200	100	..	..
Boronia Police and Citizens' Youth Club..	3,000	400	..	..	..	..	..	..
Box Hill Baptist Pioneers' Club ..	..	..	358	50	..	..	..	..
Box Hill R.S.L. Youth Group ..	..	..	150	15	..	..	..	..
Boys' Brigade, The	500	..	250	100	100	100	100	50
Boys' Brigade, 9th Melbourne Company	..	..	97	..	..	..	..	..
Broadford Community Youth Club	500	400	250	20	150	80	..	..
Brotherhood of St. Laurence Children's Youth Club	..	..	485	50	1,211	200	260	..

DISTRIBUTION OF THE YOUTH ORGANIZATIONS ASSISTANCE FUND FOR THE FINANCIAL YEAR 1960-61—*continued.*

Name of Organization.	Type and Amount of Grant.							
	Capital Building.		Capital Equipment.		Maintenance.		Youth Leader Training.	
	Requested.	Approved.	Requested.	Approved.	Requested.	Approved.	Requested.	Approved.
	£	£	£	£	£	£	£	£
Brunswick and Coburg Girls' and Boys' Club	13,000	100	110	20	3,350	750	60	10
Brunswick Youth Centre ..	..	..	89	30	150	120	..	..
Buchan Valley Youth Club ..	..	..	67	30	..	..	..	..
Bungaree and District Youth Club	..	..	369	40	100	60	40	..
Buninyong R.S.L. and Citizen's Youth Club	..	..	196	35	71	50	30	15
Boy Scouts Association.								
Headquarters (Vic.) Branch ..	..	..	..	..	..	..	4,000	2,700
Metropolitan Groups—								
1st Blackburn	..	..	50	..	..	..	..	..
2nd Brunswick	300	200	..	..	..	..	..	..
3rd Brunswick	200	100	..	..	..	..	..	..
3rd Camberwell	1,000	..	..	..	..	..	..	..
13th Caulfield	500	..	70	..	..	..	..	..
1st Clayton	2,800	..	..	..	..	..	..	..
1st Clifton Hill	..	..	..	..	150	20	..	..
4th Glenroy	500	100	..	..	..	..	..	..
1st Greensborough	500	100	..	..	..	..	..	..
1st Hadfield	350	75	250	..	120	..	..	..
3rd Hampton	2,000	..	..	..	..	..	..	..
4th Ivanhoe	500	100	..	..	..	..	..	..
1st Montmorency	600	100	..	..	..	..	..	..
8th Moorabbin	250	..	..	..	..	..	..	..
10th Moorabbin	541	..	£42 10s.	..	..	..	..	..
5th Mordialloc Sea Scouts ..	1,219	..	..	..	..	..	..	..
8th Mordialloc Boy Scouts ..	1,900	..	..	..	..	..	..	..
3rd Northcote	375	100	..	..	..	..	..	..
5th Northcote	400	..	120	..	100	..	..	..
1st Nunawading	1,000	..	..	..	..	..	..	..
2nd Oakleigh	100	25	..	..	..	..	..	..
5th Oakleigh	..	..	90	..	..	..	..	..
10th Oakleigh	..	..	125	..	..	..	..	..
8th Preston	500	..	..	..	..	..	..	..
1st Richmond	739	..	490	50	..	..	..	..
9th Richmond	2,000	..	..	..	..	..	..	..
3rd Ringwood	1,500	100	..	..	..	..	..	..
5th St. Kilda	500	..	..	..	..	..	..	..
10th Sunshine	385	..	..	..	..	..	..	..
1st Victorian Sea Scouts ..	700	..	610	..	207	50	..	..
3rd Waverley Sea Scouts ..	1,500	..	..	..	..	..	..	..
Country Areas—								
1st Ararat	200	100	20	..	10	..	..	..
1st Ballarat	920	..	..	..	..	..	..	..
1st Benalla	2,000	..	..	..	..	..	..	..
7th Bendigo	500	..	..	..	..	..	..	..
1st Berriwillock	150	50	..	..	..	..	..	..
1st Castlemaine	..	..	50	..	250	100	..	..
2nd Colac Sea Scouts	1,000	100	..	..	..	..	..	..
3rd Colac Boy Scouts ..	..	..	125	..	..	..	..	..
1st Daylesford	..	..	N/S	..	..	..	..	..

DISTRIBUTION OF THE YOUTH ORGANIZATIONS ASSISTANCE FUND FOR THE FINANCIAL YEAR 1960-61—*continued.*

Name of Organization.	Type and Amount of Grant.							
	Capital Building.		Capital Equipment.		Maintenance.		Youth Leader Training.	
	Requested.	Approved.	Requested.	Approved.	Requested.	Approved.	Requested.	Approved.
	£	£	£	£	£	£	£	£
Boy Scouts Association—continued.								
Country Areas—*continued*—								
1st Foster	550	..	..	..	25	25	..	..
1st Glenmore	..	..	105	15	5	..	..	..
1st Golden Square	315	100	..	..	..	..	..	..
1st Goroke	200	..	..	..	..	..	..	..
Heywood	1,750	..	..	..	..	..	..	..
1st Horsham	..	..	90	..	100	30	..	..
1st Inverlock	N/S	..	..	..	..	..	..	..
1st Mardan	525	100	..	..	..	..	..	..
1st Marysville	500	50	..	..	..	..	..	..
1st Minyip	250	150	..	..	..	..	..	..
1st Moe	425	100	..	..	..	..	..	..
2nd Moe	300	100	..	..	..	..	..	..
1st Monbulk	350	100	..	..	..	..	..	..
2nd Mornington Sea Scouts ..	..	..	170	..	50	30	..	..
1st Mortlake	..	..	£78 10s.	..	..	..	25	..
1st Mount Best	200	100	50	..	..	..	..	..
1st Murtoa	250	..	..	..	..	..	..	..
1st Nambrok	432	100	60	..	145	50	..	..
1st Newborough	285	100	..	..	..	..	..	..
1st Newcomb	500	..	..	..	..	..	..	..
1st Paynesville	..	..	100	..	..	..	..	..
3rd Portland	2,000	..	..	..	..	..	..	..
1st Red Hill	400	..	..	..	..	..	..	..
1st Rochester	475	100	..	..	..	..	..	..
1st and 2nd Sale	..	..	..	..	200	100	..	..
1st Snake Valley	£490 10s.	..	60	..	..	..	..	..
1st Stratford	350	100	33	..	..	..	..	..
1st Tatura	180	100	35	..	25	..	10	..
1st Terang	..	..	..	..	350	100	..	..
1st Timboon	700	100	..	..	..	..	..	..
1st Tongala	250	100	..	..	..	..	..	..
1st Trafalgar	150	100	..	..	..	..	..	..
2nd Wangaratta	1,500	150	..	..	..	..	..	..
1st Warrenheip	500	..	..	..	..	..	..	..
1st Whittlesea	500	..	..	..	..	..	..	..
1st Woodend	200	50	..	..	..	..	..	..
1st Yarrawonga	1,000	200	100	..	..	..	..	..
1st Yarroweyah	£73 10s.	50	£55 10s.	..	..	..	..	..
Applications Forwarded Direct—								
12th Ballarat Sea Scouts ..	50	..	505	..	50	20	..	..
1st Boronia Boy Scouts ..	2,000	..	150	..	..	..	..	..
1st Forest Hill .. .	950	..	..	..	..	..	..	..
1st Lake Boort Sea Scouts ..	750	..	..	..	..	..	..	..
1st Pakenham Boy Scouts ..	300	100	..	..	..	..	..	..
1st Shepparton	1,500	..	..	..	..	..	..	..
1st Stawell	..	..	125	..	75	..	50	..
1st and 2nd Traralgon ..	450	200	..	..	..	..	..	..
1st Yarra Glen	2,000	..	..	..	..	..	..	..
Carlisle River and District Youth Club..	2,000	350	..	..	.	..	28	25

DISTRIBUTION OF THE YOUTH ORGANIZATIONS ASSISTANCE FUND FOR THE FINANCIAL YEAR 1960-61—*continued.*

Name of Organization.	Type and Amount of Grant.							
	Capital Building.		Capital Equipment.		Maintenance.		Youth Leader Training.	
	Requested.	Approved.	Requested.	Approved.	Requested.	Approved.	Requested.	Approved.
	£	£	£	£	£	£	£	£
Carrum Life Saving Club ..	750	..	..	..	..	..	..	..
Carrum Youth Club	265	150	122	30	26	20	..	..
Castlemaine Police and Citizens' Youth Club	2,750	..	93	20	300	100	..	..
Chelsea Amateur Athletic Club ..	500	..	..	..	..	..	..	..
Chelsea and District Youth Club ..	5,000	500	..	..	..	..	..	..
Chelsea Girls' Calisthenic Club ..	..	..	50	..	100	..	..	..
Cheltenham Community and Police Youth Club	500	..	250	100	130	100	..	..
Church of Christ Youth Groups—								
Department of Christian Education	500	..	..	..	500	500	1,500	1,000
East Malvern	..	..	100	50	..	..	..	..
Essendon	..	..	£79 10s.	..	100	..	£3 3s.	..
Sunraysia	500	..	390	..	..	..	..	..
Wattle Park	3,000	..	400	25	..	..	..	..
Young Explorers Club ..	..	..	50	25	..	..	..	..
Youth Council (Geelong) ..	..	..	..	..	370	..	50	15
Church of England—								
Melbourne Diocese—								
C.E. Boys' Society	..	..	700	150	2,684	200	250	100
Dept. of Christian Education ..	..	..	..	..	..	..	2,500	1,350
Girls' Friendly Society ..	..	..	200	150	500	350	..	..
Young Anglican Fellowship ..	5,000	..	4,545	300	1,905	300	1,405	..
St. Anslem's	..	..	100	30	50	..	..	..
St. Mark's	..	..	118	30	..	..	..	..
St. Phillips..	100	..	165	..	..	..	..	..
Ballarat Diocese—								
C.E. Boys' Society	..	..	77	30	..	..	..	..
Girls' Friendly Society ..	..	..	..	..	30	..	50	30
Young Anglican Fellowship ..	..	..	324	120	..	..	200	..
Gippsland Diocese—								
Board of Religious Education	500	..	200	100	..	..	..	..
C.E. Boys' Society	..	..	150	30	..	..	5	..
Girls' Friendly Society ..	..	..	20	20	..	..	..	..
Young Anglican Fellowship ..	..	..	170	30	..	..	120	70
(Diocese) St. Arnaud ..	200	..	..	..	50	20	..	..
Wangaratta Diocese—								
C.E. Boys' Society	..	..	100	..	25	25	15	15
City of Caulfield Memorial Youth Centre	..	..	..	..	500	300	..	..
City of Oakleigh Youth Club ..	2,330	..	£379 10s.	20	1,093	200	..	..
Clarinda Youth Club	(Pending further information)							
Coburg Police and Citizens' Club	5,000	..	..	..	..	..	..	..
Cohuna Youth Club	500	..	150	20	75	50	40	10
Colac Police and Citizens' Youth Club	500	..	250	20	..	..	100	20
Coleraine Youth Club	1,500	..	200	60	20	20	20	10
Congregational Churches—								
Dept. of Christian Education ..	650	..	295	..	2,500	1,000	500	200
Burnley Gym. Club	..	..	250	..	..	..	22	10
Croydon Open Youth Club ..	750	..	200	20	150	60	..	..
Dandenong Life Saving and Swimming Club	450	..	..	..	..	..	..	..

DISTRIBUTION OF THE YOUTH ORGANIZATIONS ASSISTANCE FUND FOR THE FINANCIAL YEAR 1960-61—*continued.*

Name of Organization.	Type and Amount of Grant							
	Capital Building.		Capital Equipment.		Maintenance.		Youth Leader Training.	
	Requested.	Approved.	Requested.	Approved.	Requested.	Approved.	Requested.	Approved.
	£	£	£	£	£	£	£	£
Dandenong Men's Amateur Basketball Association ..	3,000	..	150	..	..	..	..	..
Diamond Valley Police and Citizens' Youth Club	(Pending further information)							
Don Bosco Boys' Club	..	..	500	..	500	..	..	..
Doncaster District Youth Centre	5,000	500	..	..	150	100	..	..
Doutta Galla Youth Club ..	1,000	500	..	..	..	..	..	..
Doveton Community Youth Centre	500	300	100	50	25	20	..	..
Drouin and District Youth Club	640	350	113	30	90	70	..	..
East Geelong and District Police and Citizens' Youth Club	1,500	..	300	30	200	150	40	10
East Preston Youth and Community Centre	500	..	..	..	..	..	..	..
Edenhope R.S.L. and Citizens' Youth Club	2,000	..	100	20	..	..	..	..
Elaine-Meredith Youth Club ..	..	..	53	25	..	..	..	..
Eltham Community Youth Club ..	250	100	180	30	80	50	..	..
Emerald Community Youth and Life Saving Club	(Pending further information)							
Euroa Youth Club	250	50	170	50	50	50	..	..
Federation of Calvinist Youth Clubs	2,000	..	..	..	..	..	..	..
Flemington and Kensington Community Youth Club ..	(Pending further information)							
F and Y Youth Club	8,000	..	425	70	1,500	600	..	..
Footscray Youth Club	1,500	300	155	30	..	..	..	..
Frankston Police and Citizens' Youth Club	2,000	..	90	40	90	90	10	10
Girl Guides Association—								
Headquarters	..	..	..	..	..	..	2,000	2,000
Altona	500	200	..	..	..	..	..	..
Beaumaris	1,300	100	..	..	..	..	..	..
Bentleigh	500	..	..	..	..	..	..	..
Cheltenham	1,250	300	..	..	..	..	..	..
Colac	500	..	..	..	..	..	..	..
Daylesford	250	100	..	..	..	..	..	..
Dimboola	334	100	..	..	..	..	..	..
Fitzroy	750	..	..	..	..	..	..	..
Maryborough	100	70	..	..	..	..	..	..
Moe	..	..	..	..	300	100	..	..
Moorabbin	200	100	..	..	..	..	..	..
Mooroopna	100	70	..	..	..	..	..	..
Portland	2,000	300	..	..	..	..	..	..
Nunawading	1,500	300	..	..	..	..	..	..
Ringwood	500	100	..	..	..	..	..	..
Glenelg Citizens' Youth Club ..	2,000	..	750	..	150	..	50	..
Glenroy Police and Citizens' Youth Club	(Pending further information)							
Gnotuk Table Tennis Club ..	..	..	..	..	60	..	..	..
Goroke Youth Club	1,000	280	500	50	..	..	..	..

DISTRIBUTION OF THE YOUTH ORGANIZATIONS ASSISTANCE FUND FOR THE FINANCIAL YEAR 1960-61—*continued.*

Name of Organization.	Type and Amount of Grant.							
	Capital Building.		Capital Equipment.		Maintenance.		Youth Leader Training.	
	Requested.	Approved.	Requested.	Approved.	Requested.	Approved.	Requested.	Approved
	£	£	£	£	£	£	£	£
Hastings and District Youth Club	50	..	50	..	50	..	..	..
Heathmont Community Youth Club	1,450	..	120	30	125	60	24	10
Highett, Community Youth Club ..	500	..	80	50	375	200	..	..
Highett West Community Club ..	..	..	1,035	100	41	10	..	..
Holy Name Boys' Club	(Pending further information)							
Horsham Community Youth Club	5,700	..	600	30	..	..	200	20
Independent Order of Rechabites (Junior)	..	..	..	..	..	..	100	75
Jordanville and District Youth Club	(Pending further information)							
Junior Legacy, Melbourne ..	..	..	1,150	150	9,260	550	..	..
Katandra West Youth Club ..	(Pending further information)							
Keon Park Youth and Sporting Centre	500	..	..	..	..	..	..	..
Kew and District Police and Citizens' Youth Club	9,000	..	193	20	351	100	44	20
Kilsyth Youth Club	..	..	50	20	150	130	15	15
Kingston and District Youth Club	65	40	103	..	75	40	..	..
Kyabram Youth Club	1,200	250	250	70	..	..	..	..
Kyneton Police and Citizens' Youth Club	..	..	302	15	50	100	41	15
Lakes Entrance Police and Citizens' Youth Club	5,000	..	..	..	..	..	..	..
Lalor and District Youth Club ..	1,500	500	200	20	175	80	20	..
Lang Lang Police and Citizens' R.S.L. Youth Club	3,000	..	20	..	£26 10s.	25	24	15
Laverton Community Youth Club	..	..	..	..	65	20	42	20
Lilydale and District Police and Citizens' Youth Club	4,000	..	500	60	..	..	50	10
Little River Community Youth Club	1,000	200	57	..	102	60	..	..
Lorne R.S.L. and Citizens' Youth Club..	..	..	570	30	..	..	..	..
Maffra Youth Club	400	200	..	75	20	..	..	..
Mansfield Police and Citizens' Youth Club..	900	200	193	50	74	50	..	..
Maribyrnong Youth Club ..	450	..	345	30	465	70	..	..
Maryborough Community Club ..	3,000	400	560	..	230	100	100	15
Melbourne Legacy (Latrobe Valley)	..	..	240	60	55	40	30	10
Melbourne Newsboys' Club ..	..	..	..	..	500	450	..	..
Mentone Police and Citizens' Youth Club..	..	..	217	60	£199 5s.	150	40	10
Merbein Police and Citizens' Youth Club..	200	100	50	..	100	50	..	..
Methodist Church—								
Department of Christian Education	..	..	..	..	1,175	780	2,410	2,400
Ascot Vale Youth Club ..	..	..	10	..	..	..	..	..
Bellfield Gym. Club	80	..	107	20	..	..	..	..
Bellfield Youth Club	..	..	60	30	..	..	..	..
Box Hill Youth Fellowship ..	..	..	30	15	..	..	..	..
Brighton Youth Fellowship ..	..	..	50	..	..	..	..	..

DISTRIBUTION OF THE YOUTH ORGANIZATIONS ASSISTANCE FUND FOR THE FINANCIAL YEAR 1960-61—*continued.*

Name of Organization.	Type and Amount of Grant.							
	Capital Building.		Capital Equipment.		Maintenance.		Youth Leader Training.	
	Requested.	Approved.	Requested.	Approved.	Requested.	Approved.	Requested.	Approved.
	£	£	£	£	£	£	£	£
Methodist Church—*continued*—								
Dandenong Youth Fellowship ..	..	..	60	15	..	..	..	..
East Doncaster	..	..	300	40	90	20	40	15
East Frankston	..	..	100	20	..	..	..	..
Glen Waverley	..	..	35	15	..	..	..	..
Harrisfield Junior	..	..	£47 10s.	10	..	..	..	..
Male-street, North Brighton ..	..	..	310	..	..	..	15	10
Moreland Junior	..	..	..	..	..	..	125	20
Mount Pleasant	..	..	50	10	..	..	12	10
Preston	..	..	50	25	40	40	..	..
Richmond	..	..	260	40	150	25	..	..
Were-street, Brighton	..	..	76	15	..	..	£9 14s.	..
Woodhouse-grove and the Rays	..	..	100	20	..	..	..	..
Mildura Youth Centre	..	..	300	50	150	130	50	20
Moe and District Citizens' Youth Club	300	200	175	..	..	..	..	..
Montmorency Community Youth Club	4,000	..	..	..	100	..	..	..
Mordialloc and District Community Youth Centre	..	..	50	..	..	..	..	..
Mornington Police and Citizens' Youth Club	42,000	..	..	..	800	150	40	10
Morwell Amateur Athletic Club ..	250	..	158	..	..	..	..	..
Morwell R.S.L. and Citizens' Youth Club	700	150	200	50	..	..	..	..
Mount Beauty Youth Centre ..	500	300	..	..	..	..	..	..
Mount Clear Youth Club ..	..	..	£104 5s.	20	£37 10s.	20	..	..
Mount Waverley Youth Club ..	500	300	120	50	150	20	..	..
Natimuk and District Gym. Club	..	..	130	50	..	..	..	..
National Fitness Council of Victoria	..	..	135	135	£384 8s.	380	5,250	5,250
National Fitness, &c., (Special Application)	..	..	..	..	150	150	..	..
Nhill and District Youth Club ..	(Pending further information)							
Niddrie and Airport West Citizens' and Police Youth Club ..	3,000	300	..	..	..	..	..	..
Noble Park R.S.L. and Community Youth Club	400	..	40	30	125	100	..	..
Norlane North Shore Pedal Club	300	..	..	..	..	..	..	..
Norlane North Shore Youth Club	1,425	400	100	20	100	50	50	10
North Fitzroy Youth Club ..	500	..	..	..	..	..	..	..
North Geelong and District Police Boys' Club	..	..	274	..	143	..	..	..
Numurkah and District Police and Citizens' Youth Club	2,000	300	360	50	..	..	..	..
Nunawading Youth Club ..	800	250	360	50	300	200	81	20
Oakleigh Swimming Pool Youth Club	..	..	180	80	..	..	20	20
Olympic Athletic Club	..	..	141	40	100	20	..	..

DISTRIBUTION OF THE YOUTH ORGANIZATIONS ASSISTANCE FUND FOR THE FINANCIAL YEAR 1960-61—*continued.*

Name of Organization.	Type and Amount of Grant.							
	Capital Building.		Capital Equipment.		Maintenance.		Youth Leader Training.	
	Requested.	Approved.	Requested.	Approved.	Requested.	Approved.	Requested.	Approved.
	£	£	£	£	£	£	£	£
Opportunity Clubs—								
Headquarters	2,648	500	750	..	9,936	4,500	1,175	..
Collingwood	25,000	..	1,500	100	4,500	650	150	40
Northcote-Thornbury	15,000	..	894	150	6,008	900	366	70
Ramsay-Mailer	13,500	..	1,000	150	5,000	1,000	384	70
Richmond	20,000	..	1,870	100	4,750	700	360	70
Our Lady of Victories Youth Club	5,000	..	500	..	100	50	..	..
Our Lady's Youth Centre ..	6,000	300	£691 4s.	100	£196 9s. 6d.	100	40	20
Parkdale Central Life Saving Club	1,000	..	..	..	..	..	..	..
Paradise and District Youth Club	..	..	£103 5s.	50	..	..	..	..
Parkdale Yacht Club	4,000	..	50	..	..	..	..	..
Pascoe Vale R.S.L. and Citizens' Club	25,000	..	..	..	..	..	39	15
Penshurst Youth Club	3,000	..	..	..	50	50	..	..
Phillip Island Community Youth Club	500	..	..	..	..	..	..	..
Plast-Ukrainian Youth Association	1,900	..	550	100	270	..	..	..
Port Fairy and District Youth Club	..	..	140	20	100	60	..	..
Portland Community Youth Club	4,000	..	100	40	50	50	..	..
Presbyterian Church Groups—								
Central Organization	1,300	..	1,757	100	280	100	2,700	2,500
Aspendale	..	..	50	10	..	..	..	..
Hampton	..	..	450	30	150	40	..	..
Heidelberg Scots	..	..	50	10	30	20	..	..
Kew Boys' and Girls' Clubs ..	..	..	100	30	..	..	..	..
Ormond	2,050	..	135	30	..	..	..	..
Parkville	..	..	10	..	..	..	..	..
St. Andrews, Bendigo ..	2,200	..	..	..	..	..	..	..
St. Andrews, Explorers Club, Echuca	..	..	130	20	..	..	..	..
St. Andrews, Lilydale ..	..	..	250	25	..	..	..	..
Syndal	(Pending further information)							
Wattle Park	750	..	780	50	..	..	..	..
Preston R.S.L. Youth Club ..	..	..	£1,058 12s. 3d.	40 40	.. ..	.. ..	.. ..	.. ..
Preston Police and Citizens' Youth Club..	500	..	..	..	500	250	..	..
Queenscliff Police and Citizens' Boys' Club..	(Pending further information)							
Queenscliff Young Women's Club	(Pending further information)							
Reformed Church of Ferntree Gully	..	..	£273 10s.	..	..	..	..	..
Reservoir Young People's Club ..	5,000	..	..	..	..	..	..	..
Richmond Citizens' Boxing Club	..	..	50	..	..	..	..	..
Ringwood Police and Citizens' Youth Club..	..	..	75	35	200	165	96	20
Rochester and District Youth Club	2,000	..	300	80	..	..	..	..
Salvation Army Youth Department	..	..	..	..	..	..	200	200
Salvation Army Youth Centre ..	..	..	129	100	267	100	..	..
Salvation Army Box Hill North	..	..	51	20	219	80	..	..

DISTRIBUTION OF THE YOUTH ORGANIZATIONS ASSISTANCE FUND FOR THE FINANCIAL YEAR 1960-61—*continued.*

Name of Organization.	Type and Amount of Grant.							
	Capital Building.		Capital Equipment.		Maintenance.		Youth Leader Training.	
	Requested.	Approved.	Requested.	Approved.	Requested.	Approved.	Requested.	Approved.
	£	£	£	£	£	£	£	£
Sale Youth Club	..	..	1,250	50	50	20	..	..
Sebastopol Police and Citizens' Youth Club	2,500	..	£439 13s.	100	154	50	..	..
Seymour Youth Club	(Pending further information)							
Skipton and District Youth Club	..	..	150	25	100	75	..	..
South Kingsville Youth Club ..	10,300	400	510	50	40	40	20	10
South Melbourne Citizens' and Police Youth Centre	10,000	..	250	50	250	..	£33 12s.	..
South Melbourne Life Saving Club	4,000	..	..	..	..	..	..	..
"Spa" Community Youth Club ..	6,000	..	500	50	25	..	100	10
Springvale Community Youth Club	4,375	400	620	50	300	200	..	..
St. Kilda Police and Citizens' Youth Club..	2,000	..	500	50	1,000	200	..	..
St. Raphael's Fathers' and Supporters Club	..	..	120	60	..	..	..	..
St. Albans Police Youth Club ..	£394 12s. 6d.	150	£330 2s. 6d.	50	£78 8s.	40	..	..
St. Gabriel's Youth Assistance Association	..	..	£165 11s.	..	£86 2s.	..	..	..
St. Leonard's Youth Club ..	..	..	220	..	84	50	110	20
Stawell Police Youth Club ..	..	..	..	..	500	100	..	..
Syndal and District Youth Club ..	130	..	£73 5s.	20	50	50	£4 10s.	..
Tambo Valley Police and Citizens' Youth Club	..	..	200	50	..	..	..	..
Tatura Showyards and Recreation Reserve	4,000	..	..	..	..	..	..	..
Timboon and District Youth Club	400	..	100	..	100	..	..	..
Tongala Girls' Club	..	..	100	..	..	..	..	..
Traralgon Police Boys' and Girls' Club..	4,700	(Pending further discussions)						
Traralgon Swimming and Life Saving Club..	1,000	..	..	..	..	..	..	..
Tyabb Youth Centre	(Pending further information)							
Tyntynder Youth Club	..	..	150	60	..	..	..	..
Upper Yarra Police and Citizens' Youth Club	200	..	300	80	50	50	..	..
Victorian Amateur Athletic Association	..	..	700	..	370	..	200	..
Victorian Association of Youth Clubs	..	..	994	300	11,500	7,300	5,000	5,000
Victorian Calisthenic Teachers' Association	..	..	150	..	..	..	..	..
Victorian Jewish Board of Deputies	5,000	..	200	150	..	..	300	300
Victorian Women's Amateur Athletic Association	..	..	300	..	..	..	100	..
Wallan and District Police and Citizens' Youth Club	£349 5s.	..	£168 6s.	40	302	50	£12 12s.	10
Warracknabeal Youth Club ..	500	300	50	10	50	20	..	..

DISTRIBUTION OF THE YOUTH ORGANIZATIONS ASSISTANCE FUND FOR THE FINANCIAL YEAR 1960-61—*continued.*

Name of Organization.	Type and Amount of Grant.							
	Capital Building.		Capital Equipment.		Maintenance.		Youth Leader Training.	
	Requested.	Approved.	Requested.	Approved.	Requested.	Approved.	Requested.	Approved.
	£	£	£	£	£	£	£	£
Warragul Folk Dancing Group ..	..	..	150	..	50	..	..	..
Wendouree Youth Club	345	100	..	..	200	150	50	30
Westbreen and Oakpark Youth Club	5,000	..	..	..	50	50	..	..
West Essendon Community Youth Club..	(Pending further information)							
West Geelong Police Boys' Club ..	(Pending further information)							
Whitfield Youth and Citizens' Club	..	..	..	..	30	20	..	..
William Forster Try Boys' Society	..	..	..	..	1,000	600	..	..
Winchelsea Youth and Citizens' Club	..	..	220	30	20	20	10	10
Wodonga Youth and Citizens' Club	800	..	..	..	..	..	..	..
Woodend Citizens' Youth Club ..	1,000	280	..	..	..	..	..	..
Woods Point Youth Club ..	15	15	£22 10s.	..	..	..	..	..
Woorinen Community Youth Club	320	200	72	20	£72 10s.	50	..	..
Wycheproof and District Youth Club	..	..	50	10	..	..	..	..
Yallourn and District Youth Club	..	..	430	100	150	100	..	..
Yarraville Boys' Club	1,000	..	..	..	..	..	..	..
Young Catholic Students Movement	..	..	..	..	..	..	800	..
Young Christian Workers' Movement (Boys)	5,450	..	14,975	1,300	12,090	5,200	8,012	2,510
Young Christian Workers' Movement (Girls)	750	..	14,912	700	16,200	3,000	5,306	2,300
Y.M.C.A. Groups—								
Victorian Regional Council ..	..	..	45	45	1,000	1,000	2,500	2,500
Victorian Regional Council (Special Application)	(Pending further information)							
Ararat	..	..	285	50	370	200	60	40
Ballarat	2,500	..	605	100	1,300	500	100	50
Bendigo	14,000	..	284	100	500	500	200	140
Brighton and District ..	..	..	200	50	1,000	300	..	..
Burwood	..	..	194	..	50	50	..	..
Central Branch	..	..	..	..	1,000	650	..	..
Eaglehawk	..	..	320	50	..	..	..	..
Geelong	15,000	..	750	100	2,500	550	1,400	400
Kangaroo Flat	..	..	300	50	..	..	..	..
Kingsville	..	..	..	..	1,000	500	..	..
Latrobe Valley Youth Clubs (i)	2,000	..	80	30	800	500	2,300	800
Moe .. .. (ii)	1,000	200	240	40	650	150	..	..
Morwell .. .. (iii)	2,000	250	400	60	650	300	..	..
Newborough .. .. (iv)	1,500	200	400	50	650	200	..	..
Yallourn .. .. (v)	..	..	100	20	100	20	..	..
Melbourne Association.. ..	..	..	..	..	..	..	200	200
Montague	..	..	..	..	1,000	450	..	..
Port Melbourne	..	..	100	50	500	150	..	..
Spotswood	..	..	..	..	100	100	..	..
Warrnambool..	2,500	500	640	100	1,980	300	200	100
West Footscray and District ..	..	..	..	..	1,000	600	..	..
Young Women's Christian Association (Vic.)	3,350	850	1,090	220	9,600	5,500	4,350	2,750
Special Application—								
Camperdown Youth Club ..	..	..	400	250	..	..	..	..

Index—B = Building; E = Equipment; M = Maintenance; L = Leadership training; N/S = Not stated.

THE SPEAKER.

LEAVE OF ABSENCE.

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

That, owing to important official duties requiring the presence of Mr. Speaker in his electorate, leave of absence be granted Mr. Speaker until Tuesday next.

The motion was agreed to.

RELIEF OF DEPUTY SPEAKER BY TEMPORARY CHAIRMEN OF COMMITTEES.

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

That, during the absence of Mr. Speaker, Mr. Deputy Speaker be authorized to call upon any of the Temporary Chairmen of Committees to temporarily relieve him in the chair.

The motion was agreed to.

STANDING ORDERS COMMITTEE.

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

That the Standing Orders Committee have leave to sit during the sittings of the House.

The motion was agreed to.

LEGAL PROFESSION PRACTICE (FURTHER AMENDMENT) BILL.

Mr. MEAGHER (Minister without Portfolio), by leave, moved for leave to bring in a Bill to amend the Legal Profession Practice Act 1958.

The motion was agreed to.

The Bill was brought in and read a first time.

CHURCH OF ENGLAND (GREENSBOROUGH LAND) BILL.

Mr. MEAGHER (Minister without Portfolio), by leave, moved for leave to bring in a Bill to make provision with respect to trusts upon which certain land at Greensborough is held by the Church of England Trusts Corporation for the Diocese of Melbourne and with respect to the sale or other disposition of such land and the application of the proceeds thereof, and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

RURAL FINANCE AND SETTLEMENT COMMISSION BILL.

Mr. BOLTE (Premier and Treasurer).—I move—

That this Bill be now read a second time.

In the Budget speech, I foreshadowed this Bill when I said that the Government proposed to introduce legislation later this session to combine the activities of the Soldier Settlement Commission and the Rural Finance Corporation. This Bill is an interim measure, as the first step in the proposal. As the title indicates, the purpose of the measure is to constitute a new body to be known as the Rural Finance and Settlement Commission. This Commission will take the place of both the Soldier Settlement Commission and the Rural Finance Corporation.

The new Commission will consist of three members instead of two bodies each consisting of three members as at present. The Bill provides that, on an "appointed day" after the passing of the legislation, the Soldier Settlement Commission and the Rural Finance Corporation will cease to exist, and their functions will be transferred to the new Commission. The new Commission will become the successor in law of both the Soldier Settlement Commission and the Rural Finance Corporation. Apart from the appointment of one body to take the place of the two existing bodies, no administrative changes are proposed at the present time.

The new body will simply pick up the two existing bodies as they stand and continue to administer the Soldier Settlement Act, the Land Settlement Act and the Rural Finance Corporation Act exactly as they are at the present time. The new Commission will perform its duties in two separate and distinct branches. The "Settlement Branch" will administer soldier settlement and land settlement, and the "Finance Branch" will administer rural finance.

Clause 20 of the Bill provides that as soon as practicable the new Commission will make a special report to the Minister on measures to be taken for the co-ordination of activities and necessary

legislation to effect full co-ordination. In the meantime no changes will occur apart from the fact that one Commission of three members will replace the two present bodies of three members each. Although the Bill has twenty clauses, and a schedule which effects necessary interim consequential amendments to the Soldier Settlement Act, the Land Settlement Act and the Rural Finance Corporation Act, the effect of the Bill does not go beyond the picking up of the existing administrations exactly as they are now and providing for their operation as two separate arms of the new Commission.

In the past, the Soldier Settlement Commission and the Rural Finance Corporation have made a magnificent contribution to the development and settlement of Victoria. The Soldier Settlement Commission has expended an amount of about £71,000,000, of which approximately £18,000,000 has been spent on single unit farms. It may be of interest to honorable members to be informed that of that expenditure, an amount of approximately £10,000,000 has been repaid. Since it came into existence, the Rural Finance Corporation has handled a sum of £14,800,000, of which £11,500,000 has been advanced to farmers.

Mr. SCHINTLER.—What will the new Commission be known as?

Mr. BOLTE.—It will be as set out in the title of the Bill—the Rural Finance and Settlement Commission. That may not necessarily be the Commission's title ultimately, because the new Commission will make a special report, with recommendations, to the Minister. If the members of the Commission, or anyone else, can suggest a more suitable name, the Government will be prepared to adopt it. However, the name of the Commission for the interim period will be the Rural Finance and Settlement Commission.

The functions of the Soldier Settlement Commission and the Rural Finance Corporation have become very closely linked—in fact, they have been running parallel in some cases. The Minister of Lands, who has administered the Soldier Settlement Act in the past, could inform honorable members that the soldier settler must obtain his second stage of finance through a financial institution other than the Soldier Settlement Commission. It would be preferable if the second stage of finance could be obtained from the authority which handled his business in the past.

Mr. FENNESSY.—The Soldier Settlement Commission was handling land settlement too, was it not?

Mr. BOLTE.—It controlled both land settlement and soldier settlement. I do not wish to confuse the issue. The object of this Bill is to provide that the one Commission should administer both the Soldier Settlement Act and the Rural Finance Corporation Act. It has taken a rather complicated Bill to achieve this, and to safeguard superannuation rights, and so on, but the principal object of the Bill is to appoint a new Commission to adminster both Acts.

Mr. CAMPBELL TURNBULL.—Which Minister will administer this legislation?

Mr. BOLTE.—At the moment I shall handle the matter myself, but I shall accept the advice of the new Commission as to the administration of the Act. A further reason for the urgency of this Bill is the fact that in both the Rural Finance Corporation and the Soldier Settlement Commission several top men are due for retirement.

Mr. BROSE.—The new Commission may be composed of entirely different members from those who constitute the authorities at present?

Mr. BOLTE.—That will be the case within a short period of time. The idea is to establish the Commission and obtain the benefit of the vast knowledge and experience of Mr. Simpson, the present chairman of the Soldier Settlement Commission, and of Mr. Sandall, the chairman of the Rural Finance Corporation, both of whom are to retire shortly.

Mr. BROSE.—Will the new Commission handle all land settlement?

Mr. BOLTE.—Yes.

Sir HERBERT HYLAND.—When will the legislation be proclaimed?

Mr. BOLTE.—It must be done at an early date.

Sir HERBERT HYLAND.—It will take time to decide what to do with the various officers.

Mr. BOLTE.—This Bill will not in any way affect the present Soldier Settlement Commission or the Rural Finance Corporation; their present functions will continue. In the interim period, they will operate under a different name and the three commissioners will administer both Acts. There will be no curtailment of power or operation of either of those authorities.

Mr. STONEHAM.—Is Mr. Mann, of the Rural Finance Corporation, to retire shortly?

Mr. BOLTE.—An extension had been granted to Mr. Mann in view of the proposal now under discussion. It would be foolish for the Government to make appointments to an authority at a time when alterations were contemplated which might result in a lesser number of appointments being necessary. I emphasize that the Government is anxious to obtain the advice of Mr. Simpson, who has a wide knowledge of soldier settlement, before he eventually retires, and also that of Mr. Sandall. I commend the Bill to the House.

On the motion of Mr. STONEHAM (Leader of the Opposition), the debate was adjourned until Tuesday, November 28.

CO-OPERATION (AMENDMENT) BILL.

The debate (adjourned from October 25) on the motion of Mr. Bolte (Premier and Treasurer) for the second reading of this Bill was resumed.

Mr. FENNESSY (Brunswick East).—The principal object of this measure is to permit groups of co-operative housing societies to form a community advancement society under the Co-operation Act. Members of the Opposition agree with this proposal and do not oppose the measure. Under this proposal co-operative housing societies will be enabled to purchase a building. In some cases one secretary may be handling up to a dozen co-operative housing societies operating from the one office. Co-operative housing societies which form a community advancement society under the Co-operation Act may in the future, by letting portion of the building to other tenants, show a profit on the transaction. I wondered how societies would provide the necessary finance to invest in a community advancement society, but I have been assured by a member of the Federation of Co-operative Housing Societies that certain societies have what is termed an interest reserve fund which has been built up to £4,000 or £6,000. If a society has, say, £4,000 in its interest reserve fund, it will be enabled, under this legislation, to invest that money in a community advancement society to purchase a building. Some societies, which work on a very limited budget, have an excess of funds over the management fee which has over the years been built up into a sizeable amount. This also could be invested in shares in a community advancement society.

Honorable members are aware that co-operative housing societies are of the terminating kind; they terminate after a period of approximately 30 years. A society which has built up its interest reserve fund or has an excess of management fees, could terminate twelve months prior to its actual terminating date. A member of a co-operative housing society who takes out a loan for repayment over a period of 30 years could find himself in the fortunate position of obtaining twelve months' rebate on his repayments. I should imagine that co-operative housing societies would be interested in forming community advancement societies under the Co-operation Act because it could provide additional moneys for reimbursement.

The only query I have is what happens to a society's interest in a community advancement society when the society is due to terminate and is obliged to

realize on its equity in the building. Is the amount realized then disbursed among the members of the society which terminates? I ask the Minister without Portfolio to supply me with that information at a later date. The approval of the Registrar of Co-operative Housing Societies must be obtained by co-operative housing societies desiring to form a community advancement society. That is a wise precaution, because we all have great faith in Mr. Ebbels, the Registrar.

A further amendment contained in this Bill relates to section 61 of the principal Act which requires a society to furnish a full list of its members once in every three years. Each society must inform the Registrar of any transfers that have taken place during the intervening years. A similar provision previously operated in the Co-operative Housing Societies Act but, due to the large number of co-operative housing societies in operation, it was realized that a vast amount of work was involved in submitting a full list of members every three years and furnishing the names of any members who had transferred in the intervening years. Moreover, although a vast amount of work was entailed, the Registrar was not, in fact, furnished with a great deal of information. The return was more or less a dead document. Accordingly, the Co-operative Housing Societies Act was amended to cover the position, and similar action is now being taken concerning the Co-operation Act. In the future, therefore, societies operating under the Co-operation Act will not be required to submit a return every three years but will be required, as are the co-operative housing societies, to supply relevant information upon request or demand by the Registrar.

I am certain that all members will agree that if the Registrar has a doubt at any time as regards the workings of any society, either he or a member of his staff immediately takes steps to ensure that the requisite information is furnished to the Registrar. Accordingly, the Opposition does not intend to oppose the Bill. Nevertheless, I should be pleased if the Minister would supply me with information in reply to the query I raised earlier in the debate with respect to a co-operative housing society's equity in a community finance society and whether such a society would be required to realize on its equity and make a disbursement to a co-operative when it terminated.

Mr. MEAGHER (Minister without Portfolio) (*By leave*).—In reply to the query raised by the honorable member for Brunswick West, my understanding is that, when a building society terminated, the community advancement society would itself buy out the shares of the society. That is the anticipated outcome.

Mr. FENNESSY.—And the moneys would then be disbursed?

Mr. MEAGHER.—That is so.

The motion was agreed to.

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

UNIVERSITY (OFFICERS) BILL.

The debate (adjourned from November 9) on the motion of Mr. Bloomfield (Minister of Education) for the second reading of this Bill was resumed.

Mr. CAMPBELL TURNBULL (Brunswick West).—This is a short Bill which concerns the University of Melbourne and under which it is proposed to amend the University Act 1958 by increasing the number of members of the University Council from 33 to 34. The Vice-Chancellor is the chief executive administrator of the University of Melbourne, and it is desired that at times he should be represented by someone else. The current practice is to have two Pro-Vice-Chancellors and, in effect, it is desired that both of these learned gentlemen should be members of the University Council. Accordingly, the House is asked to agree, under this Bill, to an increase in the number of persons on the University Council from 33 to 34. That proposal is covered by paragraph

(*a*) of proposed new sub-section (3) of section 15 of the principal Act, as provided for in paragraph (*c*) of clause 2 of the Bill, which states—

> Without limiting the generality of sub-section (1) of this section the council may annually appoint two pro-vice-chancellors one of whom shall be the chairman of the professorial board.

I understand that the other pro-vice-chancellor is the gentleman who previously occupied that position. The Opposition has no objection to that proposition.

The next proposal contained in the Bill is an interesting one, because the University Act at present provides that a dean of each faculty shall be appointed annually, and this is confirmed by the *Calendar* of the University of Melbourne, which states, at page 143, that a dean of a faculty—

> Shall exercise a general superintendence over the educational and administrative business of the faculty.

The present practice and, indeed, the requirement of law, is that he shall be appointed annually, and this Bill, having regard to experience, is seeking, in clause 3, to insert two new paragraphs in sub-section (1) of section 29 of the principal Act as follows:—

> (*b*) A dean of each faculty shall pursuant to and in accordance with statutes of the University from time to time as occasion arises be—
>
> (i) appointed by the council; or
>
> (ii) elected by the members of the faculty from their own number; and
>
> (*c*) each faculty may subject to the statutes and regulations of the University regulate its own proceedings.

There is no limitation on the period of time during which a dean shall occupy that position, and I have no doubt that the idea is that the faculty will have the benefit of his experience in administration and teaching and, in some cases, in research work. I regret to some extent the passing over of the old practice of electing a new dean annually, but I have no doubt that, in the interests of the university and its administration, the new procedure will be beneficial to the various faculties, and the Opposition offers no objection. We wish the Bill a speedy passage in this Chamber and in another place.

The motion was agreed to.

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

JURIES (FEES) BILL.

The debate (adjourned from November 14) on the motion of Mr. Meagher (Minister without Portfolio) for the second reading of this Bill was resumed.

Mr. CAMPBELL TURNBULL (Brunswick West).—The Minister, in explaining this measure, stated that it was a very short one, and I agree with him. I hasten to say that the pay of a juryman—£2 10s. a day—is also small. Apparently the honorable gentleman realized that this is so when, in his second-reading speech, he said—

> But the Government recognizes that occasionally particular jurymen are by chance called on to sacrifice a great deal more of their time than is customary in the ordinary course of jury service.

I should have thought that this would be a good opportunity for the Government to increase the current remuneration of £2 10s. a day. After all, the Minister and his colleagues have some responsibility in this matter. They frittered away the value of money in the community, and £2 10s. a day is not enough for a person who is called up to serve on a jury. I should imagine that the average juror summoned for service at a county court would lose considerably more than £2 10s. a day by virtue of his service. Apparently the Government has realized that some trials extend over a period longer than six days and that such cases cause great inconvenience to the jurors empanelled. It has therefore decided to raise the payment that may be made to jurors in such cases to £5 a day. To my mind, that proposal implies that the Government realizes that jury fees generally are insufficient. However, this Bill is a small attempt to repair the damage. I am sure that everybody in a British community stands behind

the jury system, and we should at all times be prepared to pay jurors an adequate sum to reimburse them for losses they may incur through their service.

A book entitled *Trial by Jury* describes the touchstone of common sense which trial by jury brings to the British system of law. At page 148 it states—

> The point has been most excellently put by Sir William Holdsworth—
>
> "The effects of the jury system upon the law are no less remarkable and no less beneficial. It tends to make the law intelligible by keeping it in touch with the common facts of life. The reasons why and the manner in which it thus affects the law are somewhat as follows: If a clever man is left to decide by himself disputed questions of fact he is usually not content simply to decide each case as it arises. He constructs theories for the decision of analogous cases. These theories are discussed, doubted, or developed by other clever men when such cases come before them. The interest is apt to centre, not in the dry task of deciding the case before the court, but rather in the construction of new theories, the reconciliation of conflicting cases, the demolition of criticism of older views. The result is a series of carefully constructed, and periodically considered rules, which merely retard the attainment of a conclusion without assisting in its formation. . . ."

We believe in the common touch of the jury system wherever it may be, and therefore we commend the Bill to the House.

The motion was agreed to.

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

MELBOURNE AND METROPOLITAN BOARD OF WORKS (YARRA RIVER) BILL.

The debate (adjourned from November 1) on the motion of Mr. Petty (Minister of Public Works) for the second reading of this Bill was resumed.

Mr. FLOYD (Williamstown).—The purpose of this small Bill is to vest in the Melbourne and Metropolitan Board of Works portion of the bed, soil and banks of the Yarra river. The only fault the Opposition can find with it—we do not oppose it—is that it is belated. I do not suppose anyone can be blamed for that. It could be said that other Governments should have remedied the defect which has been revealed. However, in the meantime, there has been a great deal of chaos in the particular area which is the subject of this measure because the situation that occurred has not been corrected since the Spencer-street bridge was built. The area between the Spencer-street bridge and Queen's bridge became a no-man's land —the Minister so described it in his second-reading speech. In the early days when there was no Spencer-street bridge and no King-street bridge that part of the Yarra river was a busy part of the port of Melbourne. There was the swinging basin—probably a term with which many honorable members are not familiar—which was carved out of the west side of the Yarra river adjacent to Queen's bridge where the *Nairana* and *Loongana* and other ships often berthed. They could come in bow first, tie up and at the appropriate time swing around and sail back down the river without being impeded by bridges.

Great changes took place in 1927 in that part of the river, and since that time the area referred to in the Bill has become a no-man's land. The wharves along the banks of the river became derelict because no one looked after them. It amazes me that the Melbourne City Council did not insist that some authority demolish the old sheds on the side of the wharves. Following the construction of the Spencer-street bridge, great changes occurred. In recent years the old, derelict fish market has been demolished and the King-street bridge has been constructed. The latest development has been the provision of a heliport which is a reminder that these days are far different from those when the old *Loongana* used to take passengers to Tasmania. On one occasion, during a national disaster in Tasmania that vessel made the trip in the excellent time of eighteen hours. That form of transport has been replaced now to a large extent by air travel.

They are the changes that we have seen, but they do not alter the fact that somewhere along the line a Government

of this State should have done something to determine who was responsible for the maintenance of this area. I must give this Government credit for at least bringing the matter up to date. I have noticed in recent times as I pass the vicinity that the swinging basin no longer exists. It has been demolished, and the original alignment of the Yarra river has been restored. The area in which ships used to turn around has now been converted into an excellent car park. Again, I do not object because it has been put to a sensible use. The area has now taken on a rather picturesque atmosphere, despite the fact that it is cluttered up with motor cars and parking meters. The Melbourne City Council has provided parking facilities in an orderly fashion and has planted plots of grass and trees in the area. I think it should be noted that some city councils do not only cut down trees; occasionally they plant some.

In his second-reading speech the Minister stated that the area has been disfigured by old hulks and rubbish. I would have referred to it as a miniature Sargasso Sea because debris of all types is thrown into the Yarra river in this area of no-man's land. It has now been decided to hand responsibility for this matter over to the Melbourne and Metropolitan Board of Works. In 1927 the harbor Trust handed the area over to the Public Works Department which virtually had no control over it. It could only exercise authority below the high-water mark, and it could not interfere with what was happening above the high-water mark. It had control over only the bed, soil and banks of the river. As a result people could moor derelict hulks there and nobody could do anything about it.

By this Bill control will be given to the Melbourne and Metropolitan Board of Works, and I hope it will accept this responsibility in the spirit in which it is tendered. I do not know whether the Board will gain anything or whether it will be given a liability. Recently, some derelict sheds on the south-western part of the area under discussion were gutted by fire. How soon the Board of Works will be able to clean up the resultant mess, I do not know. However, I hope that permission is not given for more sheds to be erected to become derelict in the years to come. The area should be restored to natural river bank. In the early days, when shipping came this far up the river, it was natural for wharves and sheds to be erected. However, after the Spencer-street bridge was constructed this part of the Yarra was closed for shipping. The Spencer-street bridge has been in use for a long time and whatever leases were in operation at the time of its construction should have expired by now. I consider that the Government has done a good job in catching up with this lag; this action should have been taken years ago. The Yarra river is not as bad a stream as some people in other States like to make out. During the past few months, I have seen many rivers in worse condition.

Sir HERBERT HYLAND. — The area under discussion has always been pretty bad.

Mr. FLOYD.—I agree. The Opposition believes that any action taken would be an improvement. We consider that the Bill fulfils a temporary need, and we offer no objection to it.

Sir HERBERT HYLAND (Gippsland South).—The Country party supports the Bill. Older members can recall the days when the *Edina,* the *Excelsior* and other craft used to sail from North Wharf to Portarlington. As the honorable member for Williamstown said, the construction of the Spencer-street bridge brought an end to all that traffic. I can remember, as Minister of Railways for a number of years, that visitors to that end of the city could not help noticing the derelict appearance of the entire area with old boats, parts of boats, dredges, barges and so on in full evidence. I am delighted to know that the Government has decided to take action and is handling control of the area to the Melbourne and Metropolitan Board of Works. However, it does not appear that the Government intends to provide any money for the job and it seems that property owners throughout the metropolitan area will be called upon to foot the bill. I acknowledge that

previous Governments—Country party, Labour party and Liberal party—neglected to take action, but I feel that the present Administration should meet the cost of cleaning up the area before it is handed over to the control of the Board of Works. I think that would be the only fair way in which to handle the matter.

As the honorable member for Williamstown said, the Yarra is not as bad a river as people in other States sometimes make out, but I do not know of any part of any other river that has been so badly neglected as the area with which the Bill deals. I do not think it could be worse. I should like to see either the Public Works Committee or the State Development Committee conduct a full-scale inquiry into what should be done to improve the Yarra river between, say, Spencer-street bridge and Prince's bridge, or even beyond if necessary. Such an inquiry could hear evidence on what should be done, who should do it and who should pay for it. These parliamentary committees are doing a mighty good job, and one of them could carry out an independent examination of the situation. One could hardly expect the Melbourne and Metropolitan Board of Works to view the matter impartially. It would probably say that it could do the job but that the Government should pay for it. That is exactly what I would say if I were placed in such a position.

To some extent, this Bill merely plays with the problem. It enables the Government to get rid of a liability and pass it over, lock, stock and barrel, to the Board of Works. I consider that the banks of the Yarra should be properly safeguarded and made as pleasant as possible. Any derelict sheds should be pulled down, and when leases operating within the area have expired or are about to expire the Government should take steps to notify those concerned that renewals will not be granted because it is intended to clean up the banks of the Yarra in order that something worth while might be done.

Mr. HOLLAND.—Have you seen what the Melbourne City Council is doing in the vicinity of Queen's bridge.

Sir HERBERT HYLAND.—Yes, I have seen that area. I consider that steps should be taken to improve the river banks right through the city, and so make the river something of which we can all be proud. The Country party is not attempting to find fault with the Bill, but it is felt that it does not go far enough. Is it fair that the Melbourne and Metropolitan Board of Works should be asked to do this national job from its own funds at a time when it has not sufficient finance to provide sewerage, water supply and roads throughout the area over which it has jurisdiction? People in outer metropolitan areas are badly in need of sewerage and adequate water supply systems, and it would be hard for the Board to justify expenditure on Yarra river improvements when thousands of people are still waiting for sewerage and water. The Government should provide funds to clean up this area thoroughly, and then hand it over to the Board of Works.

Mr. PETTY.—That is what we intend to do.

Sir HERBERT HYLAND.—I have not heard anything about that. There is no mention of it in the Bill.

Mr. PETTY.—I shall furnish this information in Committee.

Sir HERBERT HYLAND.—If it is the intention of the Government to provide money to clean up this area, such a provision should have been included in the Bill or the information should have been included in the second-reading speech of the Minister of Public Works.

Mr. FLOYD.—Do you think it is a death-bed repentance?

Sir HERBERT HYLAND.—It may be. However, we shall be delighted to hear in the Committee stage what the Government intends to do.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2. (Vesting of bed soil and banks of part of Yarra River in Melbourne and Metropolitan Board of Works).

Mr. PETTY (Minister of Public Works).—The Government asks the Committee to negative this clause because it is intended that another provision should be inserted in its stead. A copy of the new clause has been circulated. I shall outline the reason for this proposal. The intention is to put the Yarra river as far west as the west side of Spencer-street bridge under the control of the Melbourne and Metropolitan Board of Works.

The effect of clause 2 of the Bill would be to put a small part of the river west of the bridge under the Board's control, because the land described in the Second Schedule to the Spencer-street Bridge Act 1927 referred to in the clause extends for a short distance west of the bridge. It is therefore necessary to make some alteration to the clause which will limit the part of the river to which it applies. The part of the river to be placed under the Board's control cannot satisfactorily be defined, however, by reference simply to the bridge, because the bridge and its piers have abutments which extend beyond the decking. A line determined by survey is necessary. Furthermore, it is proposed that the small area of land to the west of the bridge should be vested in the Melbourne Harbor Trust Commissioners, and it is desirable that the respective spheres of the two authorities should be defined by a reference to the same boundary. The small area to the west of the bridge has been surveyed, and in the new clause, which I propose should be substituted for the existing provision, the portion of the river which the Board is to control will be defined by reference to the eastern boundary of this land. A technical description of the land is set out in a schedule which it is proposed to add at the end of the Bill. The land itself is not, of course, being affected; its description is being included merely for the purpose of fixing a boundary line.

Sub-section (3) of section 6 of the Spencer-street Bridge Act 1927 relates to certain rights of the Melbourne Harbor Trust Commissioners in respect of the land to the west of the bridge. As the land is not to be affected by the Bill, it is not proper at this stage to repeal that sub-section. The provisions of sub-clause (2) of clause 2 of the Bill are, therefore, omitted from the proposed new clause. The proposed additions and alterations to the preamble are, of course, self explanatory. It was intended to vest the small area of land described in the proposed schedule in the Melbourne Harbor Trust by another Bill dealing with a large number of pieces of land and the harbor Trust boundaries, but owing to technical and other difficulties in regard to several areas of land it will not be possible to proceed with that Bill until the next sessional period.

Mr. FLOYD (Williamstown).—Honorable members cannot possibly be expected to understand at a moment's notice the technical description given by the Minister. I listened attentively to the honorable gentleman's explanation and tried to draw a sketch plan of the area concerned. One of my colleagues reminded me that I should have referred to the area known as Little Dock, by which name an area west of the Spencer-street bridge was known before that bridge was built. Small fishing boats from Tasmania used to come in there. That land has now been filled in. It would be of great assistance on occasions such as this if a map were prepared by the responsible authority. According to my map, the land referred to is the reclaimed area which was known as Little Dock, west of Spencer-street bridge. The clause seems to deal with an area of the river beyond the Spencer-street bridge, mainly because the abutments of the bridge extend out beyond the decking. I fail to see why we should be concerned about a boundary on water because the abutments of a bridge extend further out than the decking, in view of the fact that since 1927 derelicts have been moored near the banks. Apparently, a

legal requirement has made this amendment necessary. I have consulted with my Deputy Leader, and we can see no alternative but to agree to the Minister's proposal. However, all honorable members should examine the map later in case some objection should have been taken at this stage.

The clause was negatived.

Mr. PETTY (Minister of Public Works).—I move—

That the following new clause be inserted to follow clause 1:—

A. In the Twelfth Schedule to the Melbourne and Metropolitan Board of Works Act 1958 for the words "The Yarra River from the west side of the Queen's Bridge towards its source" there shall be substituted the words "The Yarra River from the eastern boundary of the land described in the schedule to the Melbourne and Metropolitan Board of Works (Yarra River) Act 1961 towards its source (excepting any portion of the bed soil and banks thereof lying between the said eastern boundary and the west side of the Queen's Bridge on which any wharf building or erection was standing at the commencement of the said Act."

Sir HERBERT HYLAND (Gippsland South).—The proposed new clause is difficult to follow. The Minister said that he would inform honorable members where the money to clean up the area was to come from. I do not know why this amendment is necessary. Why was this provision not included in the Bill in the first place?

Mr. PETTY.—It was discovered later by officers of the Melbourne Harbor Trust and the Melbourne and Metropolitan Board of Works that a small area on the west side of the bridge was not included.

Mr. FLOYD.—A map would have been helpful.

Sir HERBERT HYLAND.—That is so. In days gone by, particularly when Sir Albert Lind was Minister of Forests, when a proposal such as this was put before the House a map was exhibited so that the Minister could make a proper explanation to honorable members. I believe this practice should be adopted, otherwise members are groping in the dark. Apparently, the amendment is necessary because officers of the Melbourne and Metropolitan Board of Works and of the Melbourne Harbor Trust found that the abutments of the bridge extended beyond the decking. I cannot understand why this difficulty was not foreseen when the Bill was originally drafted. We have no alternative but to accept the position and to hope for the best.

Mr. PETTY (Minister of Public Works).—I regret the necessity for the amendments which I have moved, but it was not until the Bill was drafted that the difficulty was discovered. Another Bill was being prepared in connexion with Melbourne Harbor Trust land, and it was originally proposed to introduce that Bill in this session. The defining of those areas made a very bulky Bill. When the area just west of Spencer-street bridge was examined, it was found that the clause as drafted did not sufficiently describe the land, and therefore the new clause was considered necessary. It was considered worth while to submit the amendment at this stage so that the legislation relating to the taking over of this land by the Melbourne and Metropolitan Board of Works will be in order.

With regard to the matter raised by the Leader of the Country party, I remind the Committee that for many years the area in question has been a no-man's land. It was taken away from the Melbourne Harbor Trust Commissioners twenty or 30 years ago and was not vested in any other authority. In the intervening years, the appearance of the area has deteriorated. On the banks on either side of the river roughly between Queen's bridge and Spencer-street bridge, hulks have been left and boats have sunk, with the result that the area has become a grave-yard for derelict boats. Unfortunately, nothing could be done to improve the locality because it was not the responsibility of any one authority. This question has been raised a number of times during the past ten years when various organizations and people have expressed the view that the area should be "cleaned up," but each time the matter has lapsed.

The completion of the King-street bridge, which enabled the public to see this section of the river, high-lighted the fact that some action would have to be taken, and it has fallen to my lot to handle this measure on behalf of the Government. An attempt was made to find some suitable authority which would take charge of this section of the river, and, some months ago, the Board of Works was approached concerning the matter. The Board was asked whether it would agree to this area being added to the section of the river upstream from Queens' bridge, for which the Board was already responsible. The Board agreed to assume control of the area in question on condition that the river banks were " cleaned up " and that considerable work was carried out. No one could blame the Board for adopting that attitude because the locality had been neglected for 30 years. It was estimated that the work necessary would cost between £45,000 and £50,000.

At first sight, the amount of approximately £50,000 may appear to be somewhat large, but between 50 per cent. and 60 per cent. of the total expenditure will be incurred in putting a barrier along the bank on the northern side of the river. Over the years, good work has been done by providing car parking facilities in this locality. The area has been built in and cleaned up, and the old derelict boats have served a useful purpose—actually, they have acted as a barrier, thereby preventing the car park from falling into the river and the old bank from falling down. It will cost from £20,000 to £30,000 to make the bank safe and to clean it up thoroughly. Furthermore, the hulks must be pulled out of the river, and a considerable amount of other cleaning-up work, including development along the banks of the river, must be carried out. It is estimated that £48,000 will be required for this work.

At first, it was suggested that the Government should undertake the whole of the work. The three authorities which were considered in connexion with this proposal were the Government, the Melbourne City Council and the Board of Works. However after long negotiations and discussions between the Government and the two other authorities it was agreed that the Board of Works should pay £10,000 towards the cost of the work. In any event, the Board would have to carry out certain work in undertaking its normal activities along the river-banks, and this work was estimated to cost about £10,000. It was also agreed that the Melbourne City Council should carry out certain beautification works, including gardening, planting of lawns, and generally tidying up the banks in the area between the river and the car park. The council agreed to contribute £10,000 for that purpose, and the Government will find the other £28,000 for the project.

When this Bill is passed, the Board will commence clearing the whole area, and, as agreed to in writing, the Government and the Melbourne City Council will make their contributions towards the cost of the work. When the Bill was being prepared, I raised this question with the Parliamentary Draftsman who informed me that it was a straight out measure to define the land to be vested in the Board of Works and that there was no need to include in the Bill the various other matters to which I have referred.

Sir HERBERT HYLAND.—Is a Bill not required to authorize the financial expenditure?

Mr. PETTY.—No.

Sir HERBERT HYLAND (Gippsland South).—When certain expenditure in connexion with the King-street bridge and other such projects was contemplated, enabling legislation was passed by this House. However, the Minister of Public Works has assured honorable members that there is no need for this Bill to contain a clause indicating that the Melbourne City Council and the Board of Works have each agreed to pay £10,000 and the Government to pay £28,000 towards the cost of the project. In view of the fact that the Minister's statement will be recorded in *Hansard,* I am prepared to accept it.

Mr. HOLLAND (Flemington).—The finance committee of the Melbourne City Council has considered this question and is prepared to spend £10,000 upon the beautification of the section of the river to which this Bill relates. I am sure that, having agreed to the relevant expenditure, the council will not refuse to meet it.

Mr. FLOYD (Williamstown).—The Opposition never desires to be difficult when dealing with Bills of this type. If, some time ago, we had been given the information that has just been supplied by the Minister of Public Works, we would have been more helpful, but we cannot be blamed for being cautious. After all, no one wishes to see the errors that occurred years ago being perpetuated to-day. Whilst this is a simple Bill and the Opposition agrees with it in principle, we felt justified in seeking further information concerning the amendment that has been moved.

The new clause was agreed to.

Mr. PETTY (Minister of Public Works).—I move—

That the following schedule be inserted in the Bill:—

"SCHEDULE.

Crown land (including portion of the bed, soil and banks of the Yarra river), being portion of the land described in the Second Schedule to the Spencer-street Bridge Act 1927, *to be vested in the Melbourne Harbor Trust Commissioners.*

One rood fourteen perches more or less, situate in the cities of Melbourne and South Melbourne, parishes of Melbourne North and Melbourne South respectively, County of Bourke, and bounded as follows:—

Commencing at a point bearing 11 deg. 17 min. 133 ft. 4¼ in. from the north-eastern angle of allotment 77A City of South Melbourne parish of Melbourne South, bounded thence by lines for 15 ft. 2½ in. bearing 41 deg. 37 min.; for 6 ft. 6¾ in. by an arc of a circle of radius 12 ft. 5¼ in. the centre of which lies to the north-west and the chord of which bears 24 deg. 19 min. for 6 ft. 5¾ in.; for 13 ft. 3¼ in. bearing 11 deg. 24 min.; for 8 ft. 2¼ in. by an arc of a circle or radius 11 ft. 10 in., the centre of which lies to the west and the chord of which bears 353 deg. 46 min., for 8 ft. ¼ in.; for 14 ft. 6¾ in. bearing 331 deg. 46 min.; for 1 ft. 7 in. bearing 241 deg. 43 min.; for 24 feet bearing 331 deg. 43 min.; for 6 ft. 6 in. bearing 61 deg. 43 min.; for 331 ft. 3½ in. bearing 331 deg. 43 min.; for 6 ft. 7½ in. bearing 241 deg. 43 min.; for 23 ft. 3 in. bearing 331 deg. 43 min.; for 1 ft. ¼ in. bearing 61 deg. 43 min.; for 12 ft. 6 in. bearing 331 deg. 22 min.; for 43 ft. 11¾ in. by an arc of a circle of radius 28 feet the centre of which lies to the south-west and chord of which bears 287 degrees for 39 ft. 7¼ in.; thence by part of the Melbourne Harbor Trust boundary described in the Second Schedule to the Spencer-street Bridge Act 1927, No. 3515, for 460 ft. 7 in. bearing 152 degrees to the point of commencement."

The schedule was agreed to.

The preamble was adopted with a consequential amendment.

The Bill was reported to the House with amendments, and passed through its remaining stages.

The sitting was suspended at 5.53 *p.m. until* 7.24 *p.m.*

LANDLORD AND TENANT (AMENDMENT) BILL.

The debate (adjourned from October 11) on the motion of Mr. Rylah (Attorney-General) for the second reading of this Bill was resumed.

Mr. LOVEGROVE (Fitzroy).—This Bill, which is the sixth the Government has introduced to deal with this subject since it assumed office, has been precipitated by the Government's legislative, legal and administrative mistakes in connexion with the landlord and tenant legislation. I have these preliminary comments to make about the measure: First, it is the latest instalment of the Governments' incompetent and ineffective approach to rents and the housing shortage; secondly, it admits the grave hardships imposed by previous Government Bills but does not cure those hardships in any adequate degree; thirdly, the Opposition believes that only recontrol, as recommended by the Government's own Royal Commission, can properly control accommodation charges; and, fourthly, the Opposition will submit an amendment to give tenants a six months' stay of warrant for eviction from their premises instead of the possible three months foreshadowed in one of the clauses of this Bill.

In explanation of the Opposition's proposed amendment, I must say at this stage, that the Opposition was encouraged by a statement of the Attorney-General when he delivered the second-reading explanatory speech on the Bill, because he pointed out that the Bill had its origin in the admitted hardships that had flowed from the last amending Bill introduced on the subject of landlord and tenant legislation. He also directed attention to the fact that previously it had been customary for tenants to obtain a stay of six months before being evicted. Clause 5 provides for the amendment of section 33 of the principal Act, as follows:—

> . . . (2) Where the court orders a warrant to issue in respect of premises being a dwelling house which had been held on a periodic tenancy the recurring period of which did not exceed one month the court may by its order stay the issue of the warrant for such period, not exceeding two months, as the court thinks fit.

Our intention is to move, in Committee, for the omission from the proposed new sub-section (2) of the words "two months" with a view to inserting the words "six months."

The history of the Government's activities in connexion with the Landlord and Tenant Act warrants more than the two or three cursory observations which I made at the beginning of my speech and which seemed to meet with some scepticism on the part of members on the Government benches. Therefore, I direct attention to the fact, that the Government's legislation in connexion with landlords and tenants was originated by the Leader of the Government in another place. He is a most estimable gentleman in the business world and has a far better theoretical knowledge of the principles involved in this and other legislation than his colleagues in this House who never seem to be able to put their case as clearly as he does.

Mr. HOLDEN.—That is the first time you have complimented him.

Mr. LOVEGROVE.—In complimenting him, I direct attention to the fact that when the Government, in pursuance of its undertakings to its supporters, introduced its first landlord and tenant Bill in another place in 1955, the Leader of the Government in the other place stated that, in his opinion, it was impossible to house the low-income groups except in second-hand houses. The honorable gentleman stated that if the measure he introduced were adopted by Parliament, landlords would be encouraged to repair old houses, bring still more obsolescent dwellings into some kind of habitable order, and, by obtaining a reasonable return on expenditure incurred in payment of rates and cost of alterations made to antiquated slum dwellings—frequently condemned by the former Minister of Housing—overcome the housing shortage for the low-income groups. All those predictions by the Leader of the Government in another place are recorded in *Hansard* and they can be studied by members and supporters of the Government who are not afraid to look at them. If they do they will realize how futile, misleading, and false every prediction made by this Government in connexion with landlord and tenant Bills has been.

Mr. RYLAH.—What utter rot.

Mr. LOVEGROVE.—The versatility of the Attorney-General to-night has been apparently reduced to the making of interjections of a not very inspiring character.

Mr. HOLDEN.—You have not heard him yet.

Mr. LOVEGROVE.—I shall be glad to hear him before the debate finishes.

Mr. RYLAH.—We are certainly not inspired by what you have said so far.

Mr. LOVEGROVE.—When the Bill introduced in another place was transmitted to this House, it was handled by the Minister of Education. I recall the history of this measure for reasons that will become apparent as I proceed, even to the most backward supporters of the Government. The Minister of Education, of course, is an eminent lawyer. Perhaps I use the word "eminent" too generously, but, having seen some of the Liberal party's lawyers in action, I do not think I shall be misunderstood.

The Bill to which I refer provided for a 25 per cent. increase in the rents of dwellings, a 30 per cent. increase in the rents of business premises, and repossessions of certain premises. The measure had a poor reception, even from the Government's own supporters, and within a few months the Government found it necessary to desert the wisdom of its Leader in another place and the wisdom of the Minister of Education in this place, and decided to appoint a Board of Inquiry to investigate the operation of the Landlord and Tenant Acts. The chairman was Mr. R. M. Eggleston, Q.C., who now occupies a national position in the judicial hierarchy of this country.

Mr. RYLAH.—Do you put that to his credit or discredit?

Mr. LOVEGROVE.—To his credit. It is a pleasure to be able to draw a comparison between a good lawyer and some of the lawyers one has to put up with in this House. On the 13th December, 1955, Mr. Eggleston commenced his investigation, and on the 20th September, 1956, he reported to the Government which, I suppose, went into some kind of soliloquy to find out how many of the recommendations it was prepared to accept. The Government decided to reject the one that was basic to the inquiry—the recommendation that all rents be recontrolled.

Mr. HOLDEN.—Do you consider that a Government should adopt all the recommendations of Royal Commissions and Boards of Inquiry?

Mr. LOVEGROVE.—My opinion, I know, is a matter of indifference to honorable members on the Government side of the House.

Mr. WILCOX.—Did Mr. Eggleston say what you have indicated?

Mr. LOVEGROVE.—I would not have the impertinence to measure my opinion against that of such a galaxy of legal talent as exists in the Government party, so I call upon the opinion of one of the most eminent jurists in Australia who recommended to the Government in 1956 that rents be recontrolled. However, the Government decided to reject the recommendation.

Mr. WILCOX.—Did he say it in those words?

Mr. LOVEGROVE.—Yes. It is a pleasure to be able to educate some of the Government's supporters, even if they are only back-benchers. In recent months, I have been very disappointed with the education of the members occupying the Treasury bench; the longer they remain there, the duller they become. In his report, Mr. Eggleston stated—

> 411. I recommend that the recontrol of dwelling-houses at present free from control should be as in the 1938 Act with the changes indicated hereunder.
>
> 412. The recontrol should apply as follows:—
>
> (*a*) It should apply to the whole of Victoria but should be limited to houses of a capital value at the date when the application is made of not more than £6,000. Houses of a greater value are likely to be occupied by persons with substantial incomes, and some ability to find alternative accommodation for themselves. At the same time, I do not think the benefits of the legislation should be confined only to the lowest income group.

In 1956, Mr. Eggleston could not possibly appreciate the radical depreciation of the currency that was to be brought about by the continuance in office of the Menzies Commonwealth Government, and therefore he recommended a ceiling on recontrol of houses to the value of only £6,000. Mr. Eggleston stated also—

> (*b*) I see no reason why premises used as a lodging-house or boarding-house should be excluded from control, if their value does not exceed the limit of £6,000.
>
> (*c*) The definition of "lease" should be extended to cover licences to occupy—compare section 4 (1) of the 1953 Act.

In his summary of recommendations, Mr. Eggleston stated—

> 434. The following is a summary of the recommendations contained in this report:—
>
> CONTROL OF RENTS.
>
> (1) That rents of dwelling-houses and business premises should be permitted to rise to an amount calculated on the basis of a 5 per cent. net return to the landlord on a capital value 50 per cent. higher than the capital value of the premises at 31st December, 1940, or, if the premises were

not in existence on that date, but were erected prior to 1st January, 1946, on the date of erection of the premises. This increase is inclusive of and not additional to the 25 per cent. increase permitted by the 1955 Act.

He made some consequent recommendations, following what was probably the most comprehensive investigation of this most contentious legislation ever made by a jurist in this country, which were rejected out of hand by this Government. Every Bill that the Government has introduced since Mr. Eggleston's report reflects its failure to realize the need for the recontrol of rents.

Mr. HOLDEN.—The Government is endeavouring to cover up the mistakes made by the Labour Government in 1954.

Mr. LOVEGROVE.—I hope to hear from the honorable member for Moonee Ponds later in the debate.

Mr. RYLAH.—Are you rejecting this Bill?

Mr. LOVEGROVE.—As the Attorney-General has already been informed, the Opposition, proposes to move an amendment which I have indicated to him. In due course I shall inform the honorable gentleman what the Opposition thinks about the Bill. Subsequent to the report of the Eggleston inquiry, the Attorney-General introduced another Landlord and Tenant Bill, in May, 1957, in which approximately eleven more controls were abandoned. Because of an outcry by the Leader of the Country party, at the time the Bill was introduced, the Government was concerned to do something in addition to bringing forward the legislation. It will be recalled that the Leader of the Country party, who, I understand, resides in St. Kilda, discovered during his wanderings in that seaside suburb that all kinds of malpractices relating to the landlord and tenant legislation were occuring in St. Kilda. Because the Leader of the Country party threatened the Government, accompanied his threats by a most memorable appearance in the pulpit of Wesley Church, and gained the support of the Victorian press at that time, the Government did something else. The Government's action after the second Bill was passed has led directly to the introduction of the present measure. A committee of three was appointed; it consisted of the Minister of Transport in another place, the then Minister of Housing, and last but not least the Attorney-General. The aim of the committee was to protect tenants and sub-tenants from the rapacious malpractices which had flowed from the first two Bills introduced by the Government.

Mr. LOXTON.—And the 1954 legislation.

Mr. LOVEGROVE.—If the Government had accepted the view adopted by Mr. Eggleston in his report, there would not have been any need for Bills of this description. In fact, on that occasion, in addition to setting up the committee, the Government appointed what became known as the Rental Investigation Bureau. What I shall say about the Bureau is not in any way critical of its personnel, for whom the Opposition has great admiration. It was founded on the conception of an extra-legal action by the Government. A departmental officer was to intervene between a landlord and a tenant, or a businessman and his landlord, or a businessman and his tenant, and endeavour to persuade one or the other to raise or lower the rent, as was appropriate. If the persuasions and inducements, or inferentially the threats, made by this new department failed to achieve any results, the Government had provided that the Governor in Council would be given the right to declare the premises as prescribed premises and permit them to be dealt with by the Fair Rents Board in the usual way.

Mr. MEAGHER.—That is conciliation.

Mr. LOVEGROVE.—If a member of the legal fraternity had made that interjection, I would have pointed out that conciliation is a legal function, but this had no legal significance at all. The Bureau was purely an agent of the Government going to people, who were subsequently described by the Minister of Labour and Industry as rapacious, and endeavouring to temper the wind to the shorn lamb.

Mr. G. O. REID.—The Minister without Portfolio was not far out when he described it as conciliation.

Mr. LOVEGROVE.—Let us trace the history of the matter. It is because of the Rental Investigation Bureau and some of its actions as well as of the Government that this Bill has come before the House. The Attorney-General appealed to people to give the Bureau cases with which to deal. I promptly brought to its notice a case, which was dealt with expeditiously. In that instance the persons concerned were new Australian room tenants of another new Australian, who owned a rooming-house in Carlton. In pursuance of his pledged word, the Attorney-General did everything possible to give effect to the policy of the Government, but with the inevitable result that the owner appealed to the Supreme Court, which gave a decision that constituted a direction to the Fair Rents Board. Another approach was made to the Supreme Court, and eventually the case went to the Full Court.

After two hearings by the Fair Rents Board and three hearings in the highest State court, the litigation was finalized by a judgment in which the major view was that the Landlord and Tenant Act was full of anomalies and unharmonious provisions which in their present form could not be properly interpreted. The Government and other people are just as aware of what has happened as I am, but the Government did nothing about it. After the cost of the litigation became public and the Government agreed to pay only half the costs incurred by the tenants, it became apparent that it was most unwise for the ordinary tenant to take advantage of the provision for declaring prescribed premises, and that, in effect, it was better either to pay the increased rent or get out.

Mr. MEAGHER.—A large number of tenants have taken advantage of the procedure.

Mr. LOVEGROVE.—As the Minister without Portfolio states, a large number of tenants and landlords took advantage of the legislation and availed themselves of the services of the Rental Investigation Bureau, and presumably some small measure of satisfaction was obtained thereby. However, considering the dissatisfaction that is rampant throughout the remaining 100,000 or so persons in the tenant class in Victoria to-day, the Government's policy and legislation have, in the main, been futile. The next Bill was brought forward, not by the Attorney-General but by the Minister of Labour and Industry, in October, 1959.

Mr. G. O. REID.—You were happy about that one; you did not oppose it.

Mr. LOVEGROVE.—The third Bill was introduced to protect the victims of the second measure, because even those persons for whom the Government had spoken most eloquently—the business section of the community—had found to their cost that the second Bill did not afford them the protection that the Attorney-General said it would. Therefore, after the Attorney-General's failure with the second measure, the Minister of Labour and Industry introduced the third Bill to protect people who were tenants of business premises. In explaining this measure on the 13th October, 1959, the Minister of Labour and Industry is reported in *Hansard* as having said—

> The Government has no reason to think the lifting of controls on business premises was not justified. However, since the lifting of controls took place, cases have been brought to the notice of the Government which indicate that there are some landlords who are extortionate in their demands and, whilst the number of such persons is small, the Government is of the opinion that there ought to be in existence a means of curbing the rapacity of such people.

In one of the most violent statements the Minister has ever made in the House, he used the word "rapacity." After the introduction of this measure, the Minister of Labour and Industry was "sacked" and the fourth Bill to amend the landlord and tenant legislation was brought in by the Attorney-General in November, 1959, when the honorable gentleman explained the now notorious measure which permitted the rent of any dwelling to be estimated on its current market valuation. The result was that

obsolescent properties, which were erected in the closing years of the last century for about £300, were immediately the target of speculators, real estate agents of a certain type, and all those persons who battened on the inability of the thousands of migrants who were brought into the country by the Federal counterpart of this Government to find adequate accommodation. In view of the fact that migrants were desperate for accommodation, these dirty old properties in the industrial suburbs of Melbourne were sold for about £3,000 or £3,500.

Mr. HOLLAND.—Thousands of them.

Mr. LOVEGROVE.—That is so.

Mr. J. D. MACDONALD.—Who bought them?

Mr. LOVEGROVE.—Mainly migrants who could not find anywhere else to live; they were bled white by these unscrupulous persons who took advantage of the Government's third Bill to amend the Landlord and Tenant Act. The fruits of the Government's policy and of that measure are reflected in the fact that it now costs the Housing Commission two or three times as much to resume a slum reclamation area as it did before the enactment of that measure.

Mr. J. D. MACDONALD.—Are you questioning the valuers who value properties for the Housing Commission?

Mr. LOVEGROVE.—No. I am pointing out that the values would not have risen if the Government had in the first instance accepted Mr. Eggleston's recommendation in 1956 and not permitted rents to be fixed on current market values, the provision for which was contained in the Landlord and Tenant (Fair Rents) Bill which was introduced in November, 1959. Referring to the position of pensioners and other persons of limited means, the Attorney-General is reported in *Hansard* of the 19th November, 1959, as having said—

> The Government is convinced that such persons can only be provided for by non-commercial institutions, such as the Housing Commission or municipal councils or the like.

He also pointed out with some force that in his view no hardship would be imposed by that measure on these people because the Government would protect them. Provision was made to enable tenants to reach agreements with landlords. During the debate on the Bill, the Leader of the Country party pointed out that such agreements between tenants and landlords would be made with a big waddy. The Attorney-General denied the possibility, and claimed that the Bill gave adequate protection to all persons of poor means.

So, within a short period of time, as a result of the criticism, not of the Opposition, but of the Government's own supporters, the Attorney-General, in May, 1960, introduced a further Bill to amend the Landlord and Tenant Act. This measure was designed to stop the intimidation caused by the amendments contained in the previous Act. Honorable members cannot deny these facts; they are all on the record. The Attorney-General presented the fifth Bill to amend the landlord and tenant legislation specifically because the fourth Bill had failed to safeguard the people to whom he had promised protection.

This Bill, which is the sixth measure that has been introduced to amend the principal Act, is designed, according to the Attorney-General, to help tenants and sub-tenants who have been adversely affected by previous amendments of the legislation. In his explanatory second-reading speech, the Attorney-General, as reported at page 523 of *Hansard* of 11th October, 1961, made the following statement:—

> In the days when almost every suburban street had in it a house available for letting, the tenant who received a notice to quit had little or no difficulty in finding suitable alternative accommodation at a rent within his financial means. To-day, no such conditions prevail in the case of dwellings within the means of the lower income groups of the community and the tenant of such a dwelling may have considerable difficulty in finding another house.

In other words, the Attorney-General admitted, because he was forced to do so, the truth of the statements made in

criticism of the landlord and tenant legislation by the Opposition and by some supporters of the Government in the voluntary social organizations outside the House. The honorable gentleman proceeded—

> Whilst all dwellings were under control, the tenant received considerable means of relief where eviction proceedings were taken against him. Thus, no notice to quit could be given save upon one of the prescribed grounds. The question of relative hardship had to be taken into account, and, where an order for eviction was made, the court was empowered to stay the execution of such order and a stay for a period of six months or more was not uncommon.

I shall not quote further from the Attorney - General's second - reading speech, but I emphasize that the honorable gentleman pointed out that many dwellings are not under the control provisions of the Act and that, at the present time, after the various legal details have been exhausted, the longest stay a tenant obtains before an eviction is effected is about seven weeks. Because he admits that this class in the community—it is a considerable class—is suffering acute hardship and that the existing legislation and the Government's policies in the sphere of housing have failed to protect this class, the Attorney-General has introduced this Bill, which makes it possible for an eviction to be delayed for two months. The Opposition proposes to take the Attorney-General at his word and, during the Committee stage, to move an amendment to permit an eviction to be stayed on warrant by the magistrate, if he so deems fit, for a period of six months instead of two months.

In addition to the matters I have raised, the Bill contains other provisions, as the Attorney-General pointed out by way of interjection a little while ago. It contains certain provisions to protect the interests of sub-tenants, and for the legal failures of the Government before the Supreme Court. The proposal to provide protection for sub-tenants represents another instance of the Government being compelled, by its own supporters, to bring in an amendment to the existing legislation.

The case to which I shall now refer relates to an apartment-house in King William-street, Fitzroy, from which, only about twelve months ago, as a result of the neglect of this Government, eight or nine old women were thrown into the street. In this case, although a peremptory notice had been given informing the tenants that they had only one week in which to vacate the premises, the principal tenant had not given the sub-tenants adequate notice to allow them to obtain alternative accommodation and, despite the fact that the Chief Secretary's Department and the Housing Commission had been advised of what was going to occur, eight or nine elderly ladies were unceremoniously flung into the street, and the Government did nothing to protect them. It was not until the Brotherhood of St. Laurence protested directly to the Government that it decided, not from any qualms of conscience but because it was prodded and compelled to take action by its own supporters to introduce legislation which makes it obligatory for a principal tenant to give a sub-tenant some protection when an eviction notice or a notice to quit is pending.

I shall not deal with all of the other evils which this Bill aims at curing because they are insignificant when compared with the general problem. The third principal matter dealt with in this Bill relates to a weakness in the Act which was discovered by appeals to a superior court. In December, 1959, a case relating to a sub-tenant in Victoria-street, Collingwood, came before the Supreme Court of Victoria presided over by Mr. Justice Sholl, and the court decided—

> Robinson, the head lessee of prescribed premises, sublet the premises after 31st October, 1957, the date of the coming into operation of the Landlord and Tenant (Control) Act 1957. On 26th September, 1959, Robinson served on the sub-tenants a seven days' common law notice to quit, and thereafter (on 6th October) issued a complaint and summons, returnable on 20th October, which she served on 8th October. On 14th October, the premises were declared "prescribed premises" under section 44 (1) of the Landlord and Tenant Act 1958.

On 22nd October, a court of petty sessions made an order of ejectment holding that sub-tenants could not call in aid Part V. of the 1958 Act.

Held, on order to review: that the court below was in error, that the relevant provisions of Part V. ought to be so construed as to render that part applicable to the proceedings as from 14th October, and no order of ejection should have been made.

In this case, the policy of the Government being upheld, the circumstances were created for another challenge. I direct attention to the fact that in one year alone thirteen cases of appeal in regard to the landlord and tenant legislation were heard by the Supreme Court and by different Judges of the Supreme Court. The next case came from the electorate of the honorable member for Prahran, and it was heard by the Full Court consisting of the Chief Justice, Sir Edmund Herring, and Justices Dean and Adam. The case was heard in October, 1960, and it was held—

A person cannot claim to be a lessee under section 43 (2) unless he has remained in possession after the expiration of a tenancy of prescribed premises. Consequently where, after the determination by notice to quit of a tenancy of premises which were not prescribed premises, the former tenant remained in possession against the will of the former landlords and the Governor in Council by order published in the *Government Gazette* declared that the application of Part V. of the said Act should extend to the said premises such declaration did not operate so as to afford the former tenant the protection given by Part V. to lessees of prescribed premises nor did it deprive the former landlords of the remedies for recovery of possession to which they were entitled at common law.

Mr. WILCOX.—What does that mean?

Mr. LOVEGROVE.—If I understand it correctly, it means that if the tenant had not paid his rent but had been permitted to remain in the premises, nothing would have happened. In the absence of any judgment to the contrary, it could have been held that he was still a tenant. But, because some action was taken by the principal tenant or the owner, it was determined that he was not a tenant. The significance of the judgment resides in the fact that for at least two years some of the actions taken by the Bolte Government through the Rental Investigation Bureau, under the Landlord and Tenant Act, were, in fact, illegal and had no force in law. In order to cure that situation, the Government has introduced into the House this short Bill which provides, in the appropriate section, that the next case taken under the Act by some owner will presumably be decided on stronger legal grounds than was the case of Gilbert and Bond to which I have already referred.

For the reasons I have stated, the Opposition does not regard this Bill very highly. It does not propose to vote against the measure, but in Committee an amendment will be moved concerning the provisions of clause 5. Before I conclude, I desire to make one or two further observations. First, the situation to-day is far graver than that which was outlined by the Attorney-General in his second-reading speech. It is true, of course, that the honorable gentleman has been acquainted of the situation by supporters of the Government in the various voluntary service organizations. I wish to cite some examples of what is occurring in Melbourne at the present time, and shall take as my guide to the property market advertisements appearing in the *Age* newspaper of last Saturday. There were 80 houses advertised as being to let, and the cheapest of them was available at from £5 to £10 a week. The average weekly rental of a house would be £7 or £8, and, in the case of the better class house, about £9. Very few of those properties were located in the inner suburbs. There were some 440 rooms advertised to let, and the cheapest ranged from £2 to £2 15s. a week. Generally speaking, the rental of a room was from £4 to £5 a week, and in only two cases were children allowed. Some 480 flats were advertised to let, the cheapest being from £5 to £6 a week, others ranging from £8 to £9 a week.

Whereas it may be true that owing to the depressed conditions in the property market, which have been brought about by the actions of the Commonwealth

Government, there is property to let, that property is completely beyond the resources of the ordinary wage earner in the community. To expect persons earning from £16 to £18 a week to pay £7 or £8 a week as rent is fantastic, and such rentals represent an infliction of hardship to which this Government apparently takes no objection. At this point I cite some examples from the latest brochure issued by the Brotherhood of St. Laurence, which is established in my constituency, as representing some of the least objectionable of the circumstances that are quite common in tenanted houses in Victoria to-day.

No. 1. Husband, wife and four children; current rent, £9 a week.

No. 2. Husband, wife and two children; current rent, £2 a week for a room.

No. 3. Husband, wife and two children; current rent, £5 5s. a week.

No. 4. Husband, wife and two children; current rent £4 per week for share of house.

No. 5. Husband, wife and eight children; current rent £4 for house.

No. 6. Deserted mother and two children; current rent £4 10s. for room with cooking facilities.

No. 7. Husband, wife and six young children; current rent £8 8s. per week.

No. 8. Husband, wife and one child; current rent £4 10s. for two rooms and kitchen.

No. 9. Husband, wife and four children; current rent £7 for house.

No. 10. Husband, wife and six children; current rent £8 per week for half-house.

No. 11. Husband, wife and two children; current rent £3 5s. for room at back of shop.

No. 12. Husband, wife and three children; current rent £4 10s. for room in Carlton.

No. 13. Husband, wife and ten children; current rent £9 9s. a week.

No. 14. Husband, wife and two children; current rent £5 for two rooms.

No. 15. Husband, wife and three children; current rent £5 5s. a week.

No. 16. Mother and nine children; current rent £8 a week.

No. 17. Husband, wife and five children; current rent £6 6s. a week.

No. 18. Wife and four children; current rent £8 8s. per week.

I put these cases on the record with some deliberation because, in the main, they represent persons who are either out of work or semi-employed. The rates I have cited represent the lowest rents that are generally paid by the lower income group in Melbourne to-day. I predict that later, if the situation deteriorates further, another Landlord and Tenant Bill will be brought down by the Government in an effort to remedy some of the evils that have been left unremedied by this measure.

I now direct attention to another analysis that has been made by the Brotherhood of St. Laurence. In January of this year, that body made an analysis of how 56 low-income families lived. Of the families investigated, six were buying their own homes, eighteen were renting Housing Commission homes, sixteen were renting private houses, and sixteen were renting rooms. Honorable members have heard me raise this question previously in the House, and I intend to continue to raise it and to point out that no Government which had any regard at all for the morality of the community generally or the morality of the youth of the community in particular would condemn a quarter of the class to which I have referred to live in rooms that accommodate husband, wife and children of mixed sexes, with all the debasing promiscuity and degrading harm that flows from a situation of that description, as is evident in the cases brought before the courts every day in the week.

For the reasons I have stated, the Opposition does not regard this Bill with any satisfaction but believes that the Government has, by its treatment of the landlord and tenant legislation in the six Bills it has introduced, completely failed to remedy the situation. Its administration has been distinguished by a cynicism and indifference to the plight of a very large section of the community. That is why the Opposition proposes, as I have already indicated, to move its amendment.

Mr. STIRLING (Swan Hill).—All members of this House have realized over the years the need for landlord and tenant legislation and for its amendment from time to time. This is, no doubt, important legislation, because it

is based on our belief that a very large section of the community throughout the State—a section that is not by any means wealthy—is involved. There are in the low-income groups in the community very large numbers of people who have found themselves in the position of having to rent their homes, not merely for a little while but over a great part of their lifetime.

These people do not know a great deal about the law and have no desire to find themselves before a court of law. They are always hoping that they will be given some form of protection so that they may continue the way of life that they prefer. An overwhelming majority of them are honest and sincere people; they realize that they have to rent their homes at a fair and reasonable weekly amount, and the majority of them are willing to do so. Moreover, most of them desire, and succeed in doing so, to look after the homes in which they live. I suppose, however, that there are a few who do not do that. If they could get out of it, they would not pay any rent at all. I suppose there are even a few who would not hesitate to pull a board off the house so that they might have a fire in winter. However, tenants of that type are few and far between.

Parliament must endeavour to give proper and adequate protection to the ordinary class of tenant. We all realize the need for that course and have the desire to bring it about. I believe the majority of landlords are honest and sincere people, but there are some who are certainly not, just as there are tenants who are not honest and sincere. Everyone will agree that the tenants should be protected against landlords who are neither honest nor sincere. I know that the Leader of the Country party, whether he has spoken on the subject of landlord and tenants in church or in this House, has been sincere in what he has said; and that comment, I feel sure, can be applied to every member of this House.

We all want to do the right thing for people requiring protection under this legislation. At the same time, we do not wish to give further protection to either the landlord or the tenant who does not need it. We can recall the conditions under which properties were controlled during the war years. In the old days, landlords could give their tenants a week's notice and they had to get out.

Mr. FENNESSY.—There were plenty of houses to let in those days.

Mr. STIRLING.—Whether there were other houses to go to or not, that kind of action could be taken and it was frequently taken. But we do not want to see a tenant again in the position of having to get out at shortest notice and trying to find another home for himself and family. In those days honest and sincere people were tossed out into the street, and were left without a home. We are hopeful that this amending legislation will afford further protection where it is needed. We do not forget that during the last war controls were fixed over premises and rents. Whether in ordinary circumstances that was quite right and fair, there may be different opinions, but I do not think it was. We all realize that people on low incomes cannot afford to pay out a great part of their earnings in rent. I should like to see those in the low income group being given the opportunity of securing a home on reasonable terms. I do not know whether the Government is suggesting that in the good old days we were too tough and that now an attempt should be made to give some relief and protection.

This Bill applies only to dwellings or to dwelling parts of shop premises, and only to tenants who are on a weekly or monthly tenancy. The question has arisen whether a tenant should be in a position to get a stay order of two months in certain circumstances. If a matter such as this is left to the courts we may feel sure that if the tenant has done the right thing he will obtain a two months' stay upon being notified of his eviction. In the circumstances, I do not think the proposal in the Bill will bring about any difficulty or hardship so far as the landlord is concerned. Under the existing legislation there is provision

specifically for the landlord whose income is not large. If he is over the age of 65 years and his income does not exceed £429 per annum or, where his income and that of his wife does not exceed £858 per annum, he can obtain an eviction order against a tenant. Circumstances have changed and the value of money has declined. It is proposed by this Bill to increase those amounts to £455 and £910. In my opinion, those amounts are reasonable because the owners concerned have only small incomes and have no other means of obtaining more money. Therefore, they should be protected to some extent. I hope that this Bill will do the right thing for all concerned.

I am sure that in presenting its case the Opposition is sincere in its desire to protect the tenant, and I am equally certain that the Government is desirous of protecting both the landlord and the tenant. If the Deputy Leader of the Opposition was sincere in his desire to protect the lower-income group—I am sure he was—he would have voted against the £1 insurance surcharge on motor vehicles, because many people in the lower-income group of necessity own motor cars.

Mr. CAMPBELL TURNBULL (Brunswick West).—I wish to express, on behalf of the electors of Brunswick West, their protestations and disgust at the policy of this Government in regard to the landlord and tenant legislation. When this Government came into office all leased premises were subject to rent and ejectment control. However, this Administration was not long in office before it started to undermine those rights which were established because there was a dire shortage of houses. I make these protestations in order to protect tenants from the ravages of the landlords. It may well be that higher rents were justified for certain premises, but there was adequate provision in the legislation to cover that aspect. I am sure that those honorable members representing areas such as Prahran, Moonee Ponds, Coburg and parts of Essendon are conscious of what has been happening to tenants in those areas.

During the time that I have been a member of this institution I have received many letters from tenants complaining about the attitude of landlords in West Brunswick. A letter I received from a constituent—it is dated 17th October, 1961—reads—

> It has come to my notice that a Mr. Kominski of 28 Gray-street, Brunswick West, (who has a family of six children, the eldest being only eleven years) is to be evicted from his home in two weeks' time. He is paying £7 a week rent. Some time ago he became unemployed and was out of work for about five months, but he is now employed by the Brunswick City Council. While he was out of work he fell in arrears with his rent to the extent of £28. He offered to pay this amount on a weekly basis of £1, but the owner would not accept it.
>
> The owner applied to the court and was granted a garnishee of £5 per week, this amount to be taken out of Mr. Kominski's wages. So, with the garnishee of £5 and £7 a week rent he is in a pretty had state.

This is not an unusual case so far as the industrial areas are concerned, and it illustrates the hardships, injustices and miseries which legislation passed by this Government has brought upon the people of West Brunswick, Moonee Ponds and Prahran.

Mr. LOXTON.—What is the name of the owner?

Mr. CAMPBELL TURNBULL.—I will give that later. The letter continues—

> I have brought this case before you hoping that you will be able to do something towards getting the Kominski family suitable accommodation.
>
> Hoping that this appeal meets with your sympathetic consideration.

I know what sympathy they will get from the Housing Commission. The letter was written by Mr. J. S. McCormick, president of the St. Vincent de Paul Society. The name of the owner of the premises in question is Mr. Lombardi of 86 Barkly-street, Brunswick West. Fortunately, the complainants supplied me with the name. I do not know whether landlords vary according to their names. This Bill removes certain anomalies and injustices. The provisions of clause 7 will override a decision by the court, a reference to which has already been made. The amendment has been made necessary because of a mistake that was

made, and I think it is generally agreed that it was quite easy to make a mistake in a declaration of premises. In fact, the tenancy had been determined and the premises were outside the scope of section 44 of the principal Act.

I support the view put forward by the Deputy Leader of the Opposition that the two months' period that the Government proposes to permit the court to grant under clause 5 is far too short, having regard to the existing circumstances in Melbourne to-day.

The DEPUTY SPEAKER (Mr. Rafferty).—Order! I suggest to the honorable member for Brunswick West that it might be better to deal with this matter during the Committee stage.

Mr. CAMPBELL TURNBULL.—I do not agree, Mr. Deputy Speaker. A study of Irish history provides many examples of the relationship between landlords and tenants. I hope to read some short passages from books on Irish history that deal with that relationship, which brought about the severance of Ireland from the British Empire. This severance was brought about not by questions of religion and politics but largely by the actions of rapacious absentee landlords who lived in England and rented out their land. Some extraordinarily good comments have been expressed in relation to landlords, and later I hope to read a few of them.

One of the proposed amendments to the principal Act affects permanently incapacitated or blind returned soldiers. I was responsible for framing a provision which the Attorney-General was good enough to accept. Section 92 of the Landlord and Tenant Act 1958 deals with the question of hardship and the availability of alternative accommodation, and states, *inter alia*—

> Provided that, where the lessee is a person in receipt of a total permanent incapacity pension or a blinded person's pension under the Commonwealth Act known as the Repatriation Act 1920-57, an order shall not be made unless the court is satisfied that reasonably suitable alternative accommodation in lieu of the prescribed premises is so available as aforesaid.

The Act states further that other accommodation is not alternative accommodation for the purposes of the legislation unless the tenant is able to secure a lease for five years.

For some unknown reason, the Government proposes to whittle down that provision. It proposes that in the case of a pensioner under the Act referred to, if the total income of the lessee is less than the total income of the lessor, an order shall not be made. I should have thought that when the Government proposed to interfere with the rights of a class of persons such as blinded soldiers, it would at least place before the House some cases which had come to the notice of the Government and which had caused it to propose that their rights should be reduced. The Government seems without justification to have gone out of its way to destroy the rights of these persons, whereas I should have thought that tenants of this type might remain for the rest of their lives in the premises they occupied.

Since the Liberal party became the Government, and we all know how it gained office—the subject has been repeatedly discussed in this Chamber—it has time and time again taken the side of the landlords and sponsored legislation designed to enable them to obtain for their premises higher rents than are commensurate with their value. The Government is a landlords' Government, just as the British Government was a landlords' Government in the troubled days of Ireland of which we are familiar. In 1955, the Government decided that premises leased after the 1st January, 1956, should be absolutely free of rent control.

Mr. HOLDEN.—What did you do in 1953?

Mr. CAMPBELL TURNBULL.—I am interested in what the villains on the Government side of the House did in 1955. If any member of the Labour party did wrong in 1953, he stands condemned, just as the Government stands condemned for what it did in 1956 and 1959. I should be pleased if the honorable member for Moonee Ponds would

tell me something about the failings of the Labour Government in 1953 and 1954, because I am not aware of them. I am reminded that most of the members of the Labour party about whose wrongs the honorable member is apparently complaining are now friends of the Government party.

The DEPUTY SPEAKER (Mr. Rafferty). — Order! The honorable member for Brunswick West will address the Chair and ignore interjections.

Mr. CAMPBELL TURNBULL.—Very well, Mr. Deputy Speaker. The Government was responsible for the passing of legislation enabling landlords to recover possession of premises from tenants on various grounds. The grounds were enlarged to such an extent that they could not fit within the alphabet. As a result, any landlord who desires to obtain possession of premises can do so. In my opinion, the Government was far from honest when it set out to destroy the rights of people in this way. I should be interested to know how many tenants enjoy protection from ejectment and the other rights created by the Cain Labour party.

Although it is surrounded by many decorations, the real provision in the Bill is designed to enable a court to grant a stay of proceedings for two months in approved cases. Where can an ejected tenant obtain premises within two months? Few houses are to let in the metropolitan area to-day. Of course, there are flats available in Toorak and adjoining districts at fancy prices such as £10 10s. to £15 15s. a week, but those prices are beyond the financial competence of the electors of the northern suburbs. The Government has driven the indigent and the aged into dirty back rooms in back streets of Brunswick and other areas.

Mr. HOLDEN.—Absolute rubbish!

Mr. CAMPBELL TURNBULL.—My statement is true, as the honorable member would learn if he spoke to tenants in Brunswick West, especially widows in receipt of age pensions, some of whom live in indescribable conditions.

Mr. HOLDEN.—Why does not the local municipal council clean them up?

Mr. CAMPBELL TURNBULL.—I am interested to learn that the council can do so.

Mr. WHEELER.—Do not forget that many widow-tenants of houses let parts of them.

Mr. CAMPBELL TURNBULL.—Has the honorable member for Essendon any objection to a poor widow helping herself?

Mr. WHEELER.—Not a bit.

Mr. CAMPBELL TURNBULL.—Where are tenants to obtain alternative accommodation within two months? The Housing Commission has 17,000 or 19,000 unsatisfied applications for tenancies. What hope has an unfortunate person such as the author of the letter to which I have referred? If a person applies to the Housing Commission for accommodation, he is sent a blank application form. I feel certain that the second-reading speech read by the Attorney-General was not prepared by him, and it is clear that the sympathies of the writer are towards the unfortunate tenants. The Attorney-General stated, *inter alia*—

> In the days when almost every suburban street had in it a house available for letting, the tenant who received a notice to quit had little or no difficulty in finding suitable alternative accommodation at a rent within his financial means. To-day, no such conditions prevail in the case of dwellings within the means of the lower-income groups of the community and the tenant of such a dwelling may have considerable difficulty in finding another house.

That is a self-indictment of the Government. What does it propose to do? How does it propose to relieve the members of the unfortunate lower-income groups in the community? In effect, it says that these people can go to a court, and it is possible they may be able to convince a magistrate to grant a stay of two months. It did not even have the guts to say that a magistrate shall allow a stay of two months. What can a tenant do in two months?

Mr. HOLDEN.—Do you believe in directing courts?

Mr. CAMPBELL TURNBULL.—Government members seem to be enjoying this self-indictment, so I shall continue the quotation from the Attorney-General's speech—

> The question of relative hardship had to be taken into account, and, where an order for eviction was made, the court was empowered to stay the execution of such order and a stay for a period of six months or more was not uncommon.

Again, what better statement could one produce in support of the foreshadowed amendment that a period of six months should be provided? I should like all honorable members of this Chamber to see how long it would take them to obtain suitable alternative accommodation equivalent to what they are enjoying to-day. I doubt whether that could be accomplished within six years. There are four Ministers present in the House at the moment, and I hope that when the Bill reaches the Committee stage they will support the amendment to be moved by the Opposition. In their own hearts and consciences they know that it is idle to talk about the possibility of a poor tenant who is thrown out into the street obtaining other premises within two months. I appeal to them to have some mercy, some feeling of justice and, at the appropriate time, to support the Opposition's proposal.

To some extent, the Government has made a little bit of history. At one time, especially in Ireland, landlords had the right simply to throw tenants out into the streets, and that is what they did back in the days of the reign of Richard II. These rapacious landlords took tenants by the scruff of the neck and hurled them out into the road. Statute 5 of Richard II., Chapter 8, provides—

> And also the King enjoineth, that none from henceforth make any entry into any lands and tenements but in case where entry is given by the law and in such case not with strong hand nor with multitude of people but only in peaceable (lawful), and easy manner.

Under the provisions of that statute, a landlord could put his tenant out into the street, but he had to go to court to get an order. A court official, whether it be a sheriff or a bailiff—both are nice gentlemen to have around—carried out the eviction. A court had no discretion but was compelled to grant the order, the nature of which depended on the type of court making it. In the case of a court of petty sessions, the order went to the police. So far as I know, from that day to this there has been, apart from that granted in war time landlord and tenant legislation, no discretion in a court; it must grant an order automatically. However, this Government is making history, because it proposes that courts shall be given power to stay orders for two months. I think it might well have left the matter alone. I cannot see what a poor unfortunate tenant will be able to do in two months.

I know that members of the Government party are all reasonable, honorable men. The Minister of Education had the brief to bring down this Government's original legislation in 1955. However, nothing has been heard from him since on this subject. I can only draw the inference that his sympathy is with the tenants and not with the landlords. As a lawyer, I feel that that is not an unreasonable inference to draw. One remembers that it was stated by a Minister of the Crown that in so far as rents in this community were concerned the "sky was the limit." This Government has not failed that Minister in carrying out its policy. I suggest, if honorable members do not believe me, that they should read the advertisement columns in Saturday editions of the *Age* newspaper. If they do they will be convinced that the Government has not failed the Minister of Transport.

I now wish to quote from *The Story of Ireland* by Brian Inglis. What is contained in this book is as true to-day as it was of the time to which the book refers. At page 124, the author states—

> The improvement in the country's economic prospects, consequent upon the growing demand for Irish foodstuffs, was, therefore, of no benefit to the tenant. If he switched from grazing to tillage, and grew corn, he might obtain a higher profit per acre than he had done from grazing; but of what use was that to him, when the profit was promptly taken from him in higher rents by the landlord, or by the landlord's middle man? If the tenant protested that he ought to get some benefit from his harder work, and refused to pay, he was evicted.

Mr. MEAGHER.—To what date does the book refer?

Mr. CAMPBELL TURNBULL.—To 1782. Things are no different in 1961 from what they were in 1782 so far as landlords are concerned. The quotation continues—

> And unluckily for the tenant, the population of Ireland was rapidly increasing at this time, putting more pressure on the land. The Irish countryman, having no alternative employment, was forced to pay the rack-rents demanded, for if he did not, he knew there were other hungry men longing to take his place.

How descriptive of this Government's landlord and tenant policy. I can see that Government members have no sympathy for tenants and are quite unfamiliar with the rack-rents of the Irish landlords. Again referring to the history of the unfortunate tenant in Ireland, the following has been written:—

> Equally legal and equally harsh were the evictions carried out by Mr. Adair at Derryveagh, in Donegal, commonly referred to as the Glenveagh evictions, which divided the general indignation with those of Lord Plunket. "Twenty-eight houses were unroofed or levelled; 46 houses evicted; 47 families, comprising 37 husbands, 35 wives, 159 children, 13 other inmates, making a total of 244 persons."

I assure the House that there are far more than that number of evicted persons in Melbourne to-day. Indeed, there are thousands of them. History repeats itself, and I commend to honorable members these books on the relationship between the landlord and the tenant in Ireland.

Mr. PETTY.—What book were you quoting from then?

Mr. CAMPBELL TURNBULL.—*Two Centuries of Irish History*, introduced by James Bryce, M.P. I urge the Government to accept the reasonable amendment foreshadowed by the Opposition. I feel sure that the Leader of the Country party will be sympathetic towards it.

Mr. FLOYD (Williamstown).—I did not intend to speak on the Bill, but now feel impelled to support the sincere remarks of my colleague the honorable member for Brunswick West. Of course, the title of the Bill, as usual, is the Landlord and Tenant Bill. The landlord always comes first! Whether the Government likes it or not, the Opposition believes that tenants have some rights. I shall not speak at length, because I have "given away" the idea that one can convince the Government that justice should be given on this question. My party believes that such measures should be termed, "Tenant and Landlord" Bills, because there are more tenants than landlords. Opposition members represent the industrial suburbs of Melbourne and have far more problems to cope with than members on the Government side of the House will have in 100 years. We believe that a more human approach should be made to this problem, but it is impossible to convince the Liberal party of that.

On one occasion the Deputy Leader of the Opposition stated that the average rent payable was £13 a week, and an honorable member representing one of the plush suburbs of Melbourne thought that payment was quite reasonable. He said, "What is wrong with that?" That is indicative of the philosophy which confronts the Opposition. If it were possible to induce some members supporting the Government and some Ministers—I exclude the Minister of Education and the Minister of Public Works, who might be sympathetic—to take notice of our arguments, we would submit to them a proposition. For some years the Government has believed that the best thing to do is to kick people out on to the street so that rents will reach their own level and become stabilized. It is ridiculous to assert that rents will reach their own level in this way. The Government thought that when people were evicted they would go into somebody's back room or garage or to their mother-in-law's place, and thus reduce the huge number of persons on the waiting list for Housing Commission homes.

The Government has overlooked the fact that, in early Melbourne, a number of homes at a cheap rental were available in industrial suburbs. In addition, a

number of landlords were prepared to let houses at a fair rental and receive a reasonable return on their investment. The Government has overlooked, too, that as those landlords passed on, their sons and daughters inherited the properties and benefited by the onset of inflation. They did not treat the tenants in the same way as the original landlord.

Mr. WILCOX.—Many of them sold the same houses to the tenants. They were successful transactions.

Mr. FLOYD.—The Opposition does not deny that, over the years, there have been some decent, benevolent landlords who acquired a number of homes in the older suburbs and were prepared to let tenants live in them at a reasonable rental. In those days of Liberal Government decent conditions were not always prevalent. People lived in houses, without spouting, where the water ran down the outside walls, and there was no sewerage. It did not cost a landlord much to keep such places in repair. The rents of 7s. 6d. and 10s. 6d. a week that were paid in those days provided a good investment for landlords. As the benevolent landlords died and their heirs took over the estates, conditions were made harder for tenants.

People tend to forget whence their refrigerators and other amenities have come. They have forgotten that the Liberal party has adopted most of the ideals for which the Labour party fought in 1900. The Labour party's greatest achievement was to induce the Liberal party to adopt most of its social reforms. Now Opposition members have to turn themselves into political archaeologists to dig up the things that we wanted to do years ago. The amendment extending the period for which the Court may stay the issue of a warrant for possession to six months does not go far enough, in my view. I am making a plea to the Government. We have been living in a period of great prosperity and, as a Federal election is in the offing, the credit squeeze appears to be ending. I congratulate the Prime Minister for getting rid of it at such a propitious time. I would not have a high opinion of his political acumen if he did not start to get rid of it.

To return to the provisions of the Bill, almost daily persons seek assistance from members of the Opposition. In some cases their mothers and fathers lived in the same home. Although they paid perhaps only 7s. 6d. or 10s. a week in rent, over the years the property has been paid for time and again. The children have, in effect, inherited the house. As time has gone on, the original benevolent landlord has passed on and left the property to his children, who now desire to sell it for speculation. Honorable members on the Government side of the House desire to see the homes of ordinary people become the subject of speculation. If desired, I could provide names and addresses of specific instances. I would be happy if a member on the Government side of the Chamber said he could provide accommodation for such people. Next Thursday a couple, who have lived for 30 years in a house in Port Melbourne and have paid rent all their lives, are to be evicted. One of them is a cripple. Although the capital outlay on the house has been paid for time and again, the landlord, who has no interest in Port Melbourne and who is a speculator, —one of the get-rich-quick fellows taking advantage of the Landlord and Tenant Act—desires to evict them on to the street so that he may sell the house and make a profit for the estate. No doubt when the house is sold, other beneficiaries will come from all over Australia to be in at the kill.

I am on the side of the tenant; I could not care less about the beneficiaries. The couple I referred to have been given a month to vacate the premises. Through the good offices of a member of another place, the Honorable Archibald Todd, and myself, the time was extended. What a great life some people live in this prosperous Victoria! A 26-story building is being constructed in Collins-street, a "magnificent" building of three stories is to be erected at Spencer-street railway station, the new Southern Cross Hotel is being built, and the *Herald* is advocating the establishment of a civic square.

Do honorable members believe the people of Port Melbourne, Williamstown, Collingwood or any other industrial suburb, are interested in the aesthetic question of a city square? I think the best place for a square in Melbourne would be on the corner of Flinders-street and Collins-place.

I support the amendment which has been foreshadowed, although I realize that it will not cure all the difficulties. However, it will be of some assistance and will provide a breathing space. I invite members of the Country party to take an interest in this problem. People who have lived in low rental units for many years and who cannot afford to get out of them should not be persecuted by avaricious people who wish to sell the properties for speculation purposes. If the Government adopted a humane attitude to the problem of housing people, an extension of the stay of proceedings to twelve months would be granted, and the landlord and tenant legislation would be further amended to protect people who cannot defend themselves and who have been caught up in the toils of the Government's avaricious satellites who always want to make money out of the poor. Any honorable member who has any milk of human kindness in his heart will support the amendment which has been foreshadowed by the Opposition.

Mr. WILCOX (Camberwell).—I had no intention of taking part in this debate, but was provoked into doing so by the remarks of the honorable member for Williamstown. He referred to the year 1900 and to archaeology and gave an indication of how out of date his thinking is. It is as well that he reminded us of his out-of-date thinking, because the people of Australia will have it well in mind in a few weeks' time, when his party will again meet the same success as it has enjoyed for some time past. The honorable member for Williamstown made great play of the fact that he is proud to be on the side of the tenant. Members on the Government side of the House are proud to be on the side of both tenant and owner in this case. It is possible, when dealing with landlords and tenants, to attempt to be fair to both sides. It is to be regretted that the word "landlord" is used in this legislation. It would be preferable if the word "owner" was used. Apparently, the honorable member for Williamstown thinks of a landlord in terms of a melodrama of some sort. Recently in Melbourne a melodrama was staged in which the landlords had side-whiskers and so on and did not have the benevolent appearance that the honorable member for Williamstown claimed they used to have. I have no doubt that there are some good owners and some avaricious ones. However, I remind honorable members that there are also some bad tenants, so that there is good and bad on both sides. Honorable members might be interested to learn that the first relaxation of the landlord and tenant legislation came about after some fourteen years of control, during the war period and for many years afterwards until 1954.

Mr. FENNESSY.—You would not disagree with the exercise of control during the war and the aftermath of the war?

Mr. WILCOX.—The people had to suffer all sorts of control during the war, and that was not unreasonable. Furthermore, it is not unreasonable that in due course the controls should be relaxed. The first relaxation was brought about in 1954, when the Cain Labour Government introduced a Bill providing certain relaxations to the landlord and tenant legislation.

Mr. CAMPBELL TURNBULL.—Did that Administration lift controls of rent?

Mr. WILCOX.—The controls were eased tremendously; the manner in which an owner could obtain possession of his house was also eased. It is not unreasonable that, at some stage or other owners should be able to obtain possession of their own properties. This Government has continued the relaxations which were commenced by the Cain Labour Government, and its policy in that regard has been sound. The Bill now under consideration is not so much a relaxation but, to some extent, a tightening up of the legislation to cover some of the loopholes which a few unfair persons have taken advantage of.

Mr. FENNESSY.—Some of the weaknesses of your legislation!

Mr. RYLAH (To Mr. Fennessy).—What a " nitwit " you are! It has nothing to do with our legislation, but you would not understand that.

The SPEAKER (Sir William McDonald).—Order! This is not a debate between the Attorney-General and the honorable member for Brunswick East.

Mr. WILCOX.— I have no doubt that the Attorney-General will make his remarks in due course during the debate. I remind Opposition members that in considering this question of owners and tenants, particularly owners, they must bear in mind that almost 75 per cent. of the people in Victoria own their own homes—they either own them or are purchasing them.

Mr. DIVERS.—They hope to own them.

Mr. WILCOX.—Like many other persons in the community, I am purchasing my own home, and I am quite happy to say that I owe a certain amount on my own home. That is a good way of getting by in this life. In due course, I hope to pay off the debt and, if any honorable members have ideas how I can reduce it quickly, I shall listen to them. So far as rent control is concerned, it is wise to remember that the rent controls which existed for so long during the war and after the war—and to some extent they still exist, although the majority of dwellings are no longer subject to them—have had a very bad effect on the building of homes for tenants to whom the honorable member for Williamstown referred. The departure of the private landlord from the field of tenanted premises has been a feature of the housing situation since the second world war commenced.

Mr. MEAGHER.—It is a disaster.

Mr. WILCOX.—I agree. It has been an unfortunate trend in the community that the building of homes for low-income persons has been left to the Government which, of course, is not what might be termed an easy landlord. So far as the rents charged by the Government are concerned, the Government is by no means " behind the door." It fixes economic rentals. By virtue of the controls that have existed for so long, the private person is not in the race, so to speak, and no longer builds houses for rental purposes.

Mr. HOLLAND.—Those controls have not existed since 1956.

Mr. WILCOX.—They have existed in some form or another right up to the present time.

Mr. HOLLAND.—Not for new houses.

Mr. WILCOX.—I was coming to that point.

Mr. HOLLAND.—You were not coming to it at all—you were not going to mention it. How many rental houses have been built by private enterprise in recent years?

Mr. RYLAH.—Opposition members know everything about that.

The SPEAKER (Sir William McDonald).—Order! For the second time, I ask the Attorney-General to refrain from interjecting.

Mr. WILCOX.—Despite the fact that the honorable member for Flemington almost rose from his seat——

The SPEAKER.—I suggest that the honorable member for Camberwell should be less provocative.

Mr. WILCOX.—There may be some justification for your comment, Mr. Speaker, and I shall do my utmost to ensure that the honorable member for Flemington can sit back quietly in his seat during the remainder of my speech. I was about to deal with the aspect of what the private person is doing. During the past three or four years, private persons have undertaken a reasonable amount of building, and it is interesting that, to an appreciable extent, they have concentrated on the construction of own-your-own flats. Quite a few other homes are being built to-day for rental.

Mr. CAMPBELL TURNBULL.—At what rentals?

Mr. WILCOX.—At economic rentals, the same as the Housing Commission charges.

Mr. FLOYD.—A person would have to be working to pay such rentals.

Mr. WILCOX.—I hope that most of the people in the community are working.

Mr. FLOYD.—There are a large number of people out of work.

Mr. WILCOX.—The interjection of the honorable member for Williamstown is another illustration of how far he is behind the times because he said —it was interesting to hear him although he may not have used the exact expression—that this period was the tail end of the credit squeeze. That was an admission, and I have no doubt that the Federal Leader of the Labour party will take up the point during the election campaign that is going on somewhere in Australia. It is interesting that the newest type of development has been the construction of own-your-own flats which provide good accommodation, not for tenants, but for many persons who are in a position to live in that type of accommodation.

Mr. FENNESSY.—Own-your-own flats cannot be sold.

Mr. WILCOX.—It is possible to sell them.

Mr. FENNESSY.—It is difficult to do so.

Mr. WILCOX.—That does not matter very much. The construction of own-your-own units means that persons are being housed in them and, if they cannot be sold, they can be let to other people at a reduced rental. The contribution made to the easing of the housing shortage by the construction of own-your-own flats has been considerable, and I have been pleased to see this development. I shall certainly heed your advice Mr. Speaker, and refrain from further provoking Opposition members, although I find it is encouraging that they can be provoked, and I hope that, before the sessional period closes, I shall have the opportunity of provoking them still further. However, I shall not do so to-night, and I appreciate the kindness of your remarks, Mr. Speaker. I conclude by emphasizing that this Bill provides further evidence of the sound policy of the Government so far as the operation of the landlord and tenant legislation is concerned.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Interpretation).

Mr. RYLAH (Attorney-General).—I feel that I should be guilty of some discourtesy if I did not make one or two comments respecting the position that has arisen on this Bill. Contrary to what has been heard in the course of the debate, this is a Bill generally to help tenants. I am somewhat pleased with the turn that the debate has taken because some people have suggested that the tenants have been treated too generously. I consider that this amending measure is doing justice. Far from this being a Bill to patch up any defects in the legislation of this or a previous Government, the amendments it contains are mainly amendments of the principal Act that have come into operation through the policy of relaxation of controls since 1954.

Mr. CAMPBELL TURNBULL.—In 1954, or 1956?

Mr. RYLAH.—I should like to quote certain remarks which are to be found on page 2269 of *Hansard,* 1954.

Mr. CAMPBELL TURNBULL.—Made by whom?

Mr. RYLAH.—By the Minister of Housing in the Cain Government. That Minister said:—

> Therefore, the Government considers that whilst general control must continue, some relaxation of control in certain directions is called for. The present Bill implements that intention. The Government believes that the lifting of controls must be done gradually and cautiously, so that the least harm will be done to the people and the economy thereby.

We, as a Government, have been given credit, or discredit, for our policy of cautious relaxation of controls, and a situation has been reached when it is

believed that, in justice to both parties concerned with the legislation, certain things should be done.

I do not often quarrel with the honorable member for Williamstown because usually he makes pretty sane and sensible statements in this House, but I quarrel with him very strongly when he talks about wealthy and voracious landlords and poor tenants. It has been my lot to be Attorney-General for the past six years, and I have seen many cases of misery and hardship on the side of the landlord. It is quite extraordinary that, while the honorable member for Williamstown refers in this House to cases of tremendous hardship that are going to happen next Thursday, of which I have not heard, most honorable members, when they have a similar problem see the Attorney-General or officers of the Law Department and ask for their help. And many cases we have been able to help.

Mr. FLOYD.—This is a matter of the Housing Commission.

Mr. RYLAH.—Then the statements of the honorable member were unfair because he knows that the Housing Commission has nothing to do with this legislation and never has had except that the provisions of this legislation which are in favour of the tenant will apply to Housing Commission tenants as well as to any others. It is unfair to charge landlords generally with something that is alleged against some other body.

Mr. FLOYD.—I am sticking to what I said.

Mr. RYLAH.—That may be so, but I want to point out what is fair and what is not fair. When any case of hardship or exploitation is brought to my notice or to the notice of the Rental Investigation Bureau, where it is a private case of a landlord against a tenant it will be investigated and, in many cases, action is taken. I compliment most members of this House in bringing these cases to notice so that an investigation may be made in an endeavour to see that justice is done. The purpose of this Bill is to see that justice is done. Some problems have been explained to the House, and statements have been made how it is proposed to alleviate them.

The clause was agreed to.

Clause 3, providing, *inter alia*—

(2) After sub-section (3) of section 32 of the principal Act there shall be inserted the following sub-sections:—

. . . . . .

(5) Every notice to quit given by a landlord in respect of any premises referred to in sub-section (4) of this section shall contain a statement requiring the tenant if he has sub-let the premises or any part of the premises to notify the landlord in writing of the name and address of each person who is a sub-lessee of the premises or any part thereof at the date of the service of the notice to quit.

Mr. RYLAH (Attorney-General).—I move—

That, in proposed new sub-section (5), after the words "in writing" the words "within seven days after service on him of the notice to quit" be inserted.

This amendment is designed to protect the sub-tenant. The purpose of imposing the time limit is to ensure that the tenant notifies the landlord within a fixed time so that the necessary action can be taken so far as the sub-tenant is concerned.

The amendment was agreed to, and the clause, as amended, was adopted.

Clause 4, providing, *inter alia*—

After section 32 of the principal Act there shall be inserted the following sections:—

. . . . . .

32B. (1) . . . . .

(2) Any tenant who when so required by a statement contained in a notice to quit served on him pursuant to this Part fails to notify the landlord in writing of the name and address of any person who is a sub-tenant of the premises or any part thereof, shall be guilty of an offence and liable to a penalty of not more than £50.

Mr. RYLAH (Attorney-General).—I move—

That in sub-section (2) of proposed new section 32B, after the word "fails" the words "within seven days after the service on him of the notice to quit" be inserted.

This amendment is consequential upon that made in clause 3.

The amendment was agreed to, and the clause, as amended, was adopted.

Clause 5, providing, *inter alia*—

Section 33 of the principal Act shall be amended as follows:—

. . . . . .

(*b*) at the end of the section there shall be inserted the following sub-sections:—

. . . . . .

"(2) Where the court orders a warrant to issue in respect of premises being a dwelling-house which had been held on a periodic tenancy the recurring period of which did not exceed one month the court may by its order stay the issue of the warrant for such period, not exceeding two months, as the court thinks fit."

Mr. LOVEGROVE (Fitzroy). — I move—

That, in proposed new sub-section (2), the words "two months" be omitted with the view of inserting the words "six months".

I shall not repeat the arguments put forward on behalf of the Opposition during the second-reading debate. The usual procedure in happier days, as the Attorney-General related in the course of his speech, was that the tenant did in fact obtain a stay of six months.

Mr. BLOOMFIELD.—What the Attorney-General said was that that was not uncommon.

Mr. LOVEGROVE.—I will not contest the fine point sought to be made by the Minister of Education. However, the Attorney-General has given an indication privately regarding the Opposition's amendment which he may now desire to state.

Mr. CAMPBELL TURNBULL (Brunswick West).—I appeal to the spirit of humaneness on the part of the Attorney-General, who is in a reasonable mood. He knows the difficulty in which a tenant is placed if he has an order made against him. Where is he going to get a home in two months? I hope the Attorney-General will be fair and just, having made reference to the period of six months in the course of his speech on the Bill. If he said it was not uncommon for a tenant to be given a stay of six months, he should make it common hereafter. In these times, when houses are so hard to secure and rents are so high, even a period of six months may not be long enough in some cases.

Mr. RYLAH (Attorney-General).—There has been no pressure for this amendment. No view has been expressed upon it by anybody. I thought of it myself. I am prepared to concede a period of three months because I think that is reasonable. Let us be quite frank. There are problems on both sides. If the Opposition withdraws its amendment, I shall be prepared to accept an amendment to make the term three months.

Mr. LOVEGROVE (Fitzroy).—I am sorry that I did not understand properly the indication given by the Attorney-General prior to the honorable member for Brunswick West rising to speak and making a statement in which I do not share. I cannot withdraw the amendment. It is a caucus decision that it should be submitted. The Attorney-General knows that, and I will not take the responsibility of withdrawing it, so I leave the matter to the Minister.

Sir HERBERT HYLAND (Gippsland South).—The party for which I speak has gone into this matter and we feel, as the Attorney-General has stated, that there are difficulties on the side of both the landlord and the tenant. But we realize that one of the greatest difficulties will be for any tenant who has resided in a house and paid a reasonable rental, and against whom an eviction order has been made, to obtain another suitable dwelling within a period of two months. We feel that the term of two months is not long enough. Honorable members may recall that when I gave an address in Wesley Church by invitation one Sunday afternoon I spoke of people who were living in converted motor car cases and under stairs. I stated that as many as ten or twelve persons were crowded together in such conditions. Those tenants were paying £3, £4, £5 and £6 a week. In the metropolitan area a person is fortunate if he can obtain a flat of any description for £8 8s. a week. A man battling on the basic wage or remuneration close to it—little overtime is available these days—would find great difficulty in obtaining accommodation at a reasonable rent within two months. The Country party decided that it could not agree to the fixation of this period but that it would be happy to support an amendment providing for a period of four

months. Now the honorable member for Fitzroy is insisting that the period should be six months.

Mr. LOVEGROVE.—In our party we do our business properly.

Sir HERBERT HYLAND.—If the Labour party adheres to its decision to seek a period of six months and will not support the period of four months suggested by the Country party, the Country party will leave the matter to the Government. Members of my party have shown our sincerity in endeavouring to get extra time. If the Attorney-General moves for a period of three months, we shall support him. I make it clear that, in our view, a period of three months is insufficient but it would be going too far so far as some owners are concerned to make the period six months. I am neither a tenant nor a landlord, so I can speak freely on the matter. Some landlords who are pushed wish to obtain possession of premises and some seek a little more rent. Ratepayers pay enormous amounts to the Melbourne and Metropolitan Board of Works. I live in a six-room house in respect of which the Board of Works rates total £35, while the municipal rates, which are the lowest in the metropolitan area, are about £33, and land tax of £12 10s. a year is payable. Certain landlords working on overdrafts deserve consideration, but on the other hand I am sympathetic towards the tenants. The Country party considered that if it could induce the Government to increase the period to four months, it would be giving the tenant required to vacate premises an extra period in which to find a home at a reasonable rent, although that would be difficult irrespective of how much time was allowed.

The amendment was negatived.

Sir HERBERT HYLAND (Gippsland South).—Does the Attorney-General intend to move to extend the period to three months?

Mr. RYLAH (Attorney-General).—I am prepared to move that the words "two months" be omitted with the view of inserting the words "three months."

The ACTING CHAIRMAN (Mr. Tanner).—The Attorney-General may submit his proposed amendment after the third reading.

The clause was agreed to, as was clause 6.

Clause 7 (Effect of declaration of premises as prescribed premises upon status of person in possession).

Mr. LOVEGROVE (Fitzroy).—This clause seeks to cure a difficulty brought to light in two cases, one of which was the subject of a judgment given by His Honour Mr. Justice Sholl who, I understand, was deprived of some of the advantages regarding the hearing of evidence that were subsequently enjoyed by the Full Court. In November, 1960, the Full Court overruled Mr. Justice Sholl's judgment and gave a decision which made necessary this proposed amendment. I should like to know whether the Attorney-General will consider referring the Bill to the Statute Law Revision Committee for examination.

The clause was agreed to, as was clause 8.

Clause 9 (As to necessity for suitable alternative accommodation).

Mr. CAMPBELL TURNBULL (Brunswick West).—Will the Attorney-General inform members of the nature of any cases which may have caused the Government to sponsor the proposed amendment contained in this clause? There must be some facts to justify the provision. As I said before, people protected under the relevant section are blinded and totally incapacitated ex-servicemen.

Mr. RYLAH (Attorney-General).—No particular case has been directed to my attention. The Government considered it just to amend these provisions in accordance with the normal pattern.

The clause was agreed to, as were the remaining clauses.

Mr. RYLAH (Attorney-General).—I propose the following new clause to follow clause 9:—

AA. In paragraph (*a*) of sub-section (1) of section one hundred and twelve of the principal Act after the words "are sold" there shall be inserted the words "or offered for sale".

Sub-section (1) of section 112 of the principal Act prohibits a person from selling any prescribed premises, being a single dwelling-house which is occupied by a lessee, to any person other than the lessee unless (*a*) the premises are sold by auction, of which due notice has been given to the lessee; or (*b*) the vendor has first offered to sell to the lessee at a price not greater than the price actually obtained and on terms not less favorable to the lessee than the terms upon which the premises are actually sold and the lessee has not accepted that offer within fourteen days.

Frequently it happens that a house is offered at auction but is not sold thereat because the reserve fixed by the owner is not reached. As a result of publicity given by the auction, however, an offer is subsequently made to the owner by some interested person. As the sub-section stands, the owner cannot accept any offer made after the auction by some person not the lessee until he has first offered to sell to the lessee at the price so offered and has given the lessee fourteen days in which to accept or reject that offer. It frequently happens that when the fourteen days have expired and the lessee has not accepted the offer, the owner finds that the person making the offer is no longer willing to buy, and so a sale is lost.

The Government considers that where premises are offered for sale at auction of which due notice is given to the lessee, the lessee has been given the opportunity to buy and, if he does not do so, the owner should be free to sell to whom he chooses. I should point out that if no auction is held, the lessee must be given the opportunity to buy in accordance with the provisions of paragraph (*b*).

Mr. LOVEGROVE (Fitzroy).—I assume that the Attorney-General has some reason for proposing this amendment to section 112 of the principal Act and that the reason cannot be the general one that he gave the honorable member for Brunswick West in reply to the question the honorable member raised concerning another amendment.

Mr. RYLAH.—I thought I gave a very good reason.

Mr. LOVEGROVE.—I suggest that this amendment has been proposed because, as is well known, a large number of properties are not realizing the reserve prices placed upon them at present due to the depressed state of the property market. I should like to know whether representations have been made to the Attorney-General in the matter by any body of any description.

The new clause was agreed to.

The Bill was reported to the House with amendments, and the report was adopted.

On the motion of Mr. RYLAH (Attorney-General), the Bill was read a third time.

Mr. RYLAH (Attorney-General).—Clause 5 provides, *inter alia*—

> Section thirty-three of the principal Act shall be amended as follows:—
>
> (*a*) Before the words "Upon the hearing" there shall be inserted the expression "(1)"; and
>
> (*b*) At the end of the section there shall be inserted the following sub-sections:—
>
> "(2) Where the court orders a warrant to issue in respect of premises being a dwelling-house which had been held on a periodic tenancy the recurring period of which did not exceed one month the court may by its order stay the issue of the warrant for such period, not exceeding two months, as the court thinks fit.
>
> . . . . . .

I move—

> That, in proposed new sub-section (2) of section 33 of the principal Act, the words "two months" be omitted with the view of inserting the words "three months."

This will give the court power to stay a warrant for a period of three months subject to the conditions set out in the Bill, and any warrant which is issued can be executed within 30 days. Therefore, in effect, the period may be longer than three months.

Mr. LOVEGROVE (Fitzroy).—The Opposition raises no objection to the amendment, which the Attorney-General indicated to me prior to the honorable member for Brunswick West rising to make an appeal to the Government, and prior to the Leader of the Country party

conveying a suggestion to the honorable member for Brunswick West which was then communicated to me. The only reason for my commenting at this juncture is this: First, I yield to no other honorable member in regard to my feelings concerning the Bill and the circumstances under which tenants are evicted. I do not believe for one minute that what may be read in *Hansard* as special pleading by any honorable member would properly represent to those who read the reports that the honorable member making such special pleading has any more concern for tenants than I have.

Mr. CAMPBELL TURNBULL.—I was only trying to urge the Attorney-General to agree to a period of six months.

Mr. LOVEGROVE.—I merely wish to protect myself on the record. I do not propose to yield to the Country party either, when it comes to concern for tenants. I do not say this in any spirit of animosity towards the Leader of the Country party, but as a statement of fact. As the honorable member knows, the great bulk of landlord and tenant legislation that has been passed by this House has been supported by the Country party, and that party was quite entitled to do so. We respect the views of members of that party, and have no quarrel with what they do, but point out that most of the landlord and tenant legislation passed in the last six years has been opposed by the Labour party.

When the question of the difference between six months and four months became apparent only a short time ago during the debate, I was at a loss to find some reason for the proposed amendment of four months. I say this only as it affects my own mind. In my view, the Leader of the Country party did not advance any convincing reason why he fixed on four months unless he thought it was a compromise which might be acceptable to the Government. If that is so, I have the greatest respect for his motives and have no quarrel with them. However, I also want to make it clear that I have seen Bills go from this House after they have been debated here for hours, as has this measure, and after a good deal of logic, pleading and evidence have been submitted, and a good deal of thought has been given to them by honorable members on both sides of the House.

I have been told that in the course of a few minutes' desultory conversation in the form of special pleading in another place, by some magical eloquence there is accomplished what cannot be done during hours of reasoning in the Lower House. When that occurs, I have the greatest admiration for the members of another place, but when I see the precarious conditions in which people whom we have been discussing to-night are living, and find them degraded in the service of cheap political tactics, I denounce them, I reject them and refuse to be associated with them. For that reason, without levelling any accusation at any honorable member, I make it plain that, so far as the Opposition is concerned, its attitude on this Bill in this House will be its attitude when the Bill reaches another place.

Sir **HERBERT HYLAND** (Gippsland South).—I did not intend to "buy into" this debate, but wish to say that the Country party does not take second place to the Opposition or anyone in regard to this legislation. We believe that problems exist, both for the landlord and for the tenant. When the Government has provided for a period of two months in a Bill, a mere child would know that it would not accept an amendment making the period six months. Such a suggestion has not been accepted during my experience in the House. Usually it is a question of endeavouring to obtain a compromise. We believed that if the period could be extended to four months, it would be worth while for the people concerned. I did not speak until the Attorney-General had replied to the Opposition stating that the Government would agree to make it three months. I think the honorable gentleman had agreed or made a suggestion to someone.

When the amendment was circulated, I discussed it with as many members of my party as were available, and we agreed that if a compromise between

the periods of two months and six months—in other words, four months—could be arrived at, we would support it. I informed the honorable member for Brunswick West of our view, as we did not wish to spring it on the Opposition. That honorable member told his Deputy Leader, who shook his head saying, in effect, "Let the Country party jump in the lake. If we cannot get six months, leave it at two months." Honorable members soon learn that it is necessary to be ready to compromise in this place. That is the attitude of my party. We support the amendment.

Mr. CAMPBELL TURNBULL (Brunswick West).—I wish to make it clear that I would favour making the period six months. The expression—

The court my by its order stay the issue of the warrant for such period, not exceeding two months. . . .

does not mean that in every case the court will grant a period of two months, three months, or six months, as the case may be. Its jurisdiction will extend to a maximum of whatever period is specified. I have been in court on many occasions when the maximum period has not been granted. In his second-reading speech, the Attorney-General stated that the court was empowered to stay the execution of an order and that a period of six months or more was not uncommon. I submit that it is clear that the Attorney-General considered that six months would not be unreasonable in the circumstances. I appealed to the honorable gentleman to honour his own statement.

The motion was agreed to.

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

STANDING ORDERS COMMITTEE.

ADMISSION OF CHILDREN WITHIN THE PRECINCTS OF THE LEGISLATIVE ASSEMBLY.

Mr. SUTTON (Albert Park), on behalf of Mr. Speaker, Chairman, presented the report of the Standing Orders Committee on the question of the introduction of groups of children within the precincts of the Legislative Assembly.

It was ordered that the report be laid on the table.

Mr. SUTTON (Albert Park).—I move—

That the report be read by the Clerk.

The motion was agreed to.

The Clerk read the report as follows:—

The Standing Orders Committee has the honour to report to your Honorable House as follows:—

The committee has considered the question of the introduction of groups of children within the precincts of the Legislative Assembly and has agreed to the following recommendations—

1. That, as from the termination of the 1961 sittings of the House, groups of children visiting the Legislative Assembly for the purpose of being shown over the Parliament Building or attending in the Strangers Gallery be limited to twenty in number and be restricted to those who have completed the sixth grade standard of education or the equivalent thereof.
2. That each such group be accompanied by a teacher, or a responsible adult other than the member introducing the group.
3. That at least twenty-four hours notice of any proposed visit of such groups should be given to the Serjeant-at-Arms.

Mr. MANSON (Ringwood).—Mr. Speaker, on a point or order, may I speak to the terms of the recommendations?

The SPEAKER (Sir William McDonald.)—Honorable members may address themselves to those matters after the motion for adoption of the report has been moved.

Mr. SUTTON (Albert Park).—I move—

That the report be adopted.

Mr. MANSON (Ringwood).—I think this is a completely ridiculous recommendation. I am bitterly and utterly opposed to it, and I believe I speak for the majority of my constituents in this. The limitations now imposed so far as numbers are concerned were, I understood, a matter for the House Committee, but I shall accept the motion as it stands as having been one for the Standing Orders Committee. However, it seems peculiar to me that the Standing Orders Committee, which met very hurriedly this afternoon for the first time for some fifteen years to deal with

a matter of this nature, should at this late stage in the sitting of this particular session try to rush this motion through the House. I may be the greatest culprit so far as this question is concerned—in fact, I believe I am—but I say with all sincerity that I am not, and never have been, electioneering when I arrange for groups of school children to visit Parliament House. The basis of my inviting children to this Parliament has been that, because I am fortunate enough to be a member of Parliament at the moment, my children are fortunate enough to be able to come here, and I feel that what is good enough for them should be good enough for every other child in the area I represent.

Coming to the question of whether these children should have completed the sixth grade and should therefore be nominally of high school standard, or whether they should be in the sixth grade, I have made a special feature of inviting to Parliament House the sixth grade in every school in my constituency. Following such visits, I have carefully checked with each teacher who has accompanied the children whether they thought it was a good idea, whether in practice it was a good idea, and whether in fact the children derived some benefit out of the visits. I have been amazed that not one of the teachers has ever said to me that the children should be older than they are. How ridiculous can we become? Within two months of this particular week, the children who will be coming here during this week will be high school students. Apparently, in two months' time, suddenly they are going to get all the wisdom of Solomon and be even wiser than we are because they will be appreciating everything that this House can ever have. I bitterly and utterly oppose the motion. I think it is a ridiculous motion which is a complete and absolute intrusion into the rights of individual members.

Mr. CHRISTIE (Ivanhoe).—I oppose and regret this motion and I shall make my position concerning it quite clear. I agree with the honorable member for Ringwood that it is ridiculous that the children from my constituency, who may desire to visit this place to learn how Parliament works, should not be permitted to do so in November, 1961, but may be eligible to attend in February, 1962. I have found that the children who have come here from the sixth grade in the State schools in my electorate have been well conducted, in the charge of teachers—at least one teacher to twenty children—and they enjoy coming into this place, where they learn how Parliamentary democracy works and they gain an intelligent appreciation—far greater in my view than many of the older high school children—of what goes on here. As a matter of fact, in some of the schools in my electorate, after visiting this place the children in the sixth grade are required to undertake a project on Parliament—it is part of their civics and social studies training and teaching. A delightful lad in one school certainly found out how this place works. Following a visit here, he wrote—

> When the Mace is on the table Mr. Speaker is in charge, and that indicates that the House is in session. No Mace no meeting.

That was a very fair summing up of what goes on in this place. He understood the symbol of the Mace, your very august office, Mr. Speaker, and how this place works. I have found the most intelligent appreciation of Parliament in sixth grade children in the primary schools. Visits to this place have become part of the children's social studies training.

With the honorable member for Ringwood, I cannot understand how, at this stage of the session, such an arbitrary decision—it has become an arbitrary decision of the Standing Orders Committee after fifteen years in recess—should become the motion before this House. If there is anything we should do, it is to teach in schools how Parliamentary democracy works and, incidentally, how it should work. I believe that we should bring into this place those children who are in the sixth grade of the primary schools and who want to know under what system they are governed. The motion now under

consideration provides that only those children who have completed the sixth grade should be permitted to visit Parliament but we have been trying to help these bright-eyed children in our electorates in the right way. In arbitrarily reducing this teaching of how this place works to groups of twenty children and providing that they must come from a high school, it seems to me that we are "letting the side down." I am amazed at this recommendation from the Standing Orders Committee which I feel has not been meeting enough. It has become ossified after fifteen years. Does it not realize that we must start early to teach these young children just how important it is that the individual must count, that Parliament must count and that the Opposition must count? The more the Opposition counts the more we like it.

I must oppose this motion on the greatest liberal grounds, using the word liberal with a small "l." I am not talking politics, but I am talking of the survival of freedom, the survival of the great challenges, the survival of criticism which is necessary if Parliamentary democracy is to work. If we cannot start with the children in the sixth grade, who are intelligent and more amenable to teaching than many other children, I think we are failing in our job. On behalf of my electorate, in which there are only primary schools—there are no high schools or technical schools—I regret the motion wholeheartedly. The children look forward to coming into this place and children's parents think that their children learn something here. They find out that members of Parliament are a cross-section of their own community; they learn that the future of mankind lies in the ever-continuing quest for perfection, the questioning of the Opposition and the individual, and if we block the primary schools from visiting Parliament, where do we then start? How can we make a distinction between the intelligent children in the sixth grade of the primary schools and the children who pass on to the secondary school three months later? I cannot imagine that a strict rule should be imposed concerning when children should come into this place. For my part, I think, children should come here when they are ten years or eleven years of age. I thoroughly regret this motion and I oppose it.

Mr. RYLAH (Chief Secretary).—I move—

That the debate be now adjourned.

I think it is desirable that honorable members should have an opportunity of making further inquiries before the House debates this motion. In view of the fact that you, Mr. Speaker, will not be present in this Chamber to-morrow or on Thursday, I suggest that the debate be adjourned until Tuesday next.

Mr. STONEHAM (Leader of the Opposition).—I support the motion for the adjournment of the debate. In view of the fact that the Standing Orders Committee met only this afternoon this matter has been thrust somewhat suddenly on us. There are certain facts relating to the question which are not readily at my disposal.

The motion for the adjournment of the debate was agreed to, and the debate was adjourned until Tuesday, November 28.

PUBLIC WORKS LOAN APPLICATION BILL.

The debate (adjourned from October 24) on the motion of Mr. Petty (Minister of Public Works) for the second reading of this Bill was resumed.

Mr. CLAREY (Melbourne).—This is a Bill primarily to sanction the allocation and expenditure of loan moneys for works carried out by the Public Works Department, but also for other purposes. As honorable members are aware, a similar measure is brought forward each year. Such Bills are, as a matter of fact, hardy annuals and so far as my researches have enabled me to look into it, I do not think a Bill of this type has ever been rejected or amended. The Public Works Department is the principal designing and construction authority for all Government Departments other than the Railway Department, the State Rivers and Water Supply

Commission and the Forests Commission. It is responsible also for maintaining, fitting and furnishing buildings. One section of the Department is in charge of harbor works and improvements not under the control of harbor trusts or municipalities. Provision is made under this Bill for the expenditure of the sum of £29,620,000. A similar Bill is brought forward regularly about this time each year.

There are three similar Bills authorizing loan expenditure, and two have already been passed by this House. I refer to the State Forests Loan Application Bill, which authorized the sum of £1,300,000 and the Water Supply Loan Application Bill, which authorized the sum of £11,300,000. Listed on the Notice Paper also is the Railway Loan Application Bill, which provides for the authorization of £11,000,000. As I said earlier, the authorization under this measure is £29,620,000, bringing the total loan authorizations to £53,220,000. This measure, of course, represents the most important of the four loan application Bills since it relates to an amount of £29,620,000, as compared with a little under £24,000,000 for the other three Bills combined.

The Opposition and, I think, every member of this House will be gratified with the revised form in which this Bill has been presented. Until 1960, measures of this character merely authorized loan expenditure of a certain amount and did not specify the period within which that money was required to be spent. Consequently, a Bill could be passed one year authorizing the expenditure of so many millions of pounds and another Bill of similar character could be passed the following year, and so on. According to a statement made by the Minister when explaining this Bill and according to his predecessor's remarks when introducing a similar Bill in 1960, loan expenditures which may have been authorized many years ago have not, up to the present, all been spent. Last year an improvement was made in the counterpart of this Bill by setting forth as explanatory matter the amount of authorized expenditure which up to November, 1960, had not been spent, the amount which it was intended to spend during the twelve months of the financial year ended 30th June, 1961, and the amount which was sought as authority in that particular Bill.

On this occasion we have even more enlightened information in the notes that were circulated to honorable members, and which I note have been incorporated in *Hansard*. In this explanatory statement there are three columns. The first shows expenditure from the Loan Fund during the year ended 30th June, 1961. The figures set out in that column are, or should be, identical with those on pages 13 and 14 of the Budget Papers, where there are set forth the amounts expended from loan and on account of loan, the only difference being that in the Budget Papers the figures are given from the year 1956-57 until the year 1960-61 inclusive.

The second column in the explanatory statement shows the proposed or anticipated expenditure from the Loan Fund during the year ending 30th June, 1962, against each of the 61 items which make up the sums for which authority is sought. The third column shows the amount to be issued and applied under this loan application Bill, which, of course, is for the purpose of giving authority for the expenditure until another Bill of a similar character is passed in about twelve months' time. So, obviously the figures in the first two columns have no necessary relevance to the figures shown in the last column. I shall not weary members by going through the whole of the explanatory statement, but shall cite one example by way of illustration for the benefit of members who have not the actual figures before them. In respect of schools, hostels, teachers' colleges, and so forth, the actual expenditure from the Loan Fund during the year ended 30th June, 1961, was £10,731,208. During the current financial year, it is proposed to spend an amount of £11,300,000, but the sum for which authority is sought under this Bill is £13,500,000. For the reasons

which I have explained, this authority will enable the Government to utilize loan moneys until another Bill is passed in about twelve months' time. Clause 3 of the Bill states—

> Notwithstanding anything in any Public Works Loan Application Act in force before the commencement of this Act no money shall by virtue of any such Act be expended out of the Loan Fund for works and purposes relating to public works except pursuant to and to the extent authorized by this Act.

In other words, the passing of this Bill and its becoming an Act will mean that in respect of any loan moneys previously authorized but which have not so far been expended, the authority will be cancelled and from now there will be no retrospectivity concerning the application during this year of loan moneys which were authorized many years ago. A similar provision has previously been incorporated in the other loan application Bills which I have mentioned, and it is gratifying to note that it is now being adopted in relation to the Public Works Loan Application Bill. I compliment the Government on what it has done in this direction.

In dealing with Bills of this character a realistic outlook must be adopted, and that is the attitude which the Opposition is assuming. I assert, in all sincerity, that it is useless for honorable members on either side of the House to claim that more money should be spent against some items unless they are prepared to state which other items should be reduced or eliminated. The point I make is that Parliament and this or any other Government which happens to be in office is limited in relation to the amount of loan money which it can spend because of the decisions of the Australian Loan Council. The reports of proceedings of that body are never made public, although its decisions are eventually published. When the Premier or his representative returns from Canberra, all we are told is the amount of loan money which the Federal Government has approved of for use by the States. I feel that we should be told in more detail what the States asked for, what fights were put up, how much Victoria asked for, and how much the other States sought. We have been told that for this financial year the provision made by the Loan Council for the State of Victoria is £50,075,000. For the year 1960–61, the relevant amount was £48,805,000, and for the preceding year, £46,405,000. So, the amount that is provided for in the schedule to the Bill must be limited to the amount of loan money which the State is authorized to spend.

Although we may have our own ideas as to whether certain items should be larger or smaller in amount, I do not propose to discuss all of the 61 items and make individual criticisms concerning each. We know what a considerable amount of time was spent last Thursday in discussing the various items under the Water Supply Loan Application Bill, which provided for the expenditure of £11,300,000. The sum to be authorized under this measure is nearly three times as great as that covered by the Water Supply Loan Application Bill and an infinitely greater number of items is listed in this measure so that, if each item were to be discussed individually and in detail, Parliament could remain in session until Christmas. It is very nice for the Government to be able to bring forward a measure of this kind and to say, "This is the money we propose to spend." Honorable members may say, "Yes, but perhaps something should be done in another direction." It is all very well to vote these vast sums of money, but do we ever take any recognition of the interest bill that is being built up? Are we taking any cognizance of the position into which the State of Victoria is being forced by the expenditure each year of £50,000,000 or more of loan moneys, much of which goes into non-productive or non-reproductive channels?

I hope I may be pardoned if I appear to be labouring the point, but we must have some cognizance of the alarming position into which the State is drifting. As at 30th June, 1951—only a decade ago—the loan liability of this State was £248,932,713. As at 30th June, 1955—just about the time when the Bolte Government assumed office—in a period of four years, the loan liability jumped

from £248,932,713 to £441,199,041, and, by 30th June, 1961, it had risen to £633,008,578. It is a very sore point, even among members of the Government party, that much of the money expended in interest payments goes to the Commonwealth. I trust that, during the forthcoming Federal election campaign, members of the Government party will tell their constituents of the harsh treatment that their "Victorian" Prime Minister is meting out to this State. The amount of interest payable by the State of Victoria as at 30th June, 1951, was £7,813,898, equivalent to £3 2s. 9d. per head of population. By 30th June, 1955, the interest liability had jumped to £14,812,024, equivalent to £3 12s. 1d. per head of population and, by 1961, it had leapt to £27,750,766, equivalent to £4 7s. 8d. per head of population. So, within a decade our amount of interest payable had jumped to nearly four times what it formerly was and the amount payable per head of population had increased by practically 50 per cent.

Mr. WILCOX.—Is all of that interest owed to the Commonwealth?

Mr. CLAREY.—The figures I have cited were extracted from the Budget Papers. I do not say that the whole of our interest liability is owed to the Commonwealth, but the interest is paid through the Commonwealth, and sinking fund payments are of course made into the National Debt Sinking Fund. As the honorable member for Camberwell will appreciate, a lot of this money might have been raised by the Commonwealth in the form of Commonwealth loans for State purposes. As honorable members are aware, the Commonwealth pays for all of its capital works out of revenue, and last year the sum thus involved was approximately £152,000,000.

Mr. MEAGHER.—It is not a bad sort of a racket.

Mr. CLAREY.—I agree, and calling it a racket is putting it mildly. If a loan is under-subscribed—on a number of occasions loans have been under-subscribed—the Commonwealth Government says, "We do not like to see the States stranded. We know they are in difficulties so we will lend them money out of our ordinary revenue and they can pay us interest on it." I do not say that the whole of the £633,000,000 is owed to the Commonwealth but a large percentage of it represents a debt to the Commonwealth.

Mr. HOLLAND.—Liberal finance!

Mr. CLAREY.—It is certainly liberal finance so far as the Commonwealth is concerned.

Mr. MEAGHER.—Why does not the honorable member help us to oppose it?

Mr. CLAREY.—I am anxious to help the Minister to oppose it. I am not in any way backing up the manner in which the Commonwealth Government is treating the States. I could quote more figures relating to the loan liability but I shall pass that over because this Bill has to be passed. Despite all the discussion last Thursday on a similar Bill, when practically every member of the Country party made a valuable contribution to the debate, the Bill was passed without amendment.

It is unfortunate that the Government has not replied to the criticisms which the Opposition and the Country party put forward during the Budget debate. We quoted statements made by the Auditor-General to the effect that a disquieting state of affairs was arising in this State by reason of the fact that to an increasing extent loan moneys were being used for purposes which previously were considered revenue expenditure. At the risk of making one or two repetitious statements, I refer honorable members to pages 8 and 9 of the report of the Auditor-General for the year ended 30th June, 1960, in which he stated—

> In my review of the previous year's accounts, I mentioned that, in recent years, loan moneys had been used to finance maintenance and replacement works whereas, formerly, expenditure on these works would have been regarded as a proper charge to Consolidated Revenue. It is impracticable, for the reason outlined immediately below, to ascertain the exact sum which may be regarded as coming within this category.
>
> Many of the items in Loan Application Acts are couched in such terms as cover not only additions and improvements but

also the remodelling, renovation, replacement and renewal of assets. Further, some items cover contributions to Special Accounts in the Treasury without specific directions that the sums authorized are to be used for the acquisition of assets. Therefore, without a complete and laborious analysis of the charges to these items, it is not possible to determine the respective sums expended in any year on maintenance and capital works.

Then on page 7 he makes a specific reference to item 2 of the Public Works Loan Application Act. In that reference he mentioned that item 2 of the Act supplements provisions for maintenance, repair and renewal of school buildings and their contents and teachers' residences, &c. He points out that in 1958-59 the sum of £1,153,965 was expended on the maintenance of school buildings and not on the erection of new school buildings. In the following year, 1959-60, an amount £960,289 was spent out of loan money purely on maintenance of old buildings. No honorable member can tell me that that is a reasonable method of finance. It is bad enough that we have to pay for new school buildings out of loan moneys, but we are drifting into a dangerous position when we pay for repairs out of loan moneys. Of course, this action is taken with the approval of Parliament which votes the money. We do not specifically vote £1,000,000 for the maintenance of school buildings, but an examination of the Bill reveals that the sum of £13,500,000 is provided for schools, hostels, teachers' colleges, &c. It does not specify how much is for new buildings and how much is for maintenance of old buildings.

Then on the same page the Auditor-General deals with the use of loan money for purposes which a few years ago would have been regarded as certainly not applicable to loan money. He said—

However, with parliamentary approval, this method of finance was, in 1959-60, applied to another class of governmental expenditure which, in former years, had been financed from Consolidated Revenue. I refer to the costs and expenses of the Vermin and Noxious Weeds Branch of the Lands Department. This change of financial practice is exemplified in comparative form below.

He then sets out that in 1958-59, the sum of £710,000 was provided solely from Consolidated Revenue; in 1959-60 only £195,000 was applied from Consolidated Revenue and £529,859 was applied out of loan money. For the benefit of those who might wish to look it up, the Auditor-General deals again in more detail with that particular aspect on pages 56 and 57 of his report for 1960 where he refers to the Department of Crown Lands and Survey. On pages 92 and 93 of his report for 1961 he has something caustic to say about the Municipalities Assistance Fund. He there stated—

In previous reports, it was indicated that—

(1) The normal revenue of the fund after deduction of costs, had been insufficient to meet the annual statutory commitment to the Country Fire Authority.

That comment is immaterial, but I read it merely so that I will not be accused of emasculating the Auditor-General's report. He continued—

(2) A contribution of £400,000 from Consolidated Revenue had been made to the Fund in 1953-54; and

(3) In 1957-58, 1958-59 and 1959-60, loan moneys amounting to £120,000, £100,000 and £150,000 respectively, had been allocated to the Fund.

Again, it is emphasized that the financing of the Fund partly from loan moneys is a significant departure from the original intention of Parliament that any shortage in the Fund should be met from Consolidated Revenue.

Item 55 in the schedule to the Bill refers to subsidies to municipalities, for which £700,000 is provided, and of which £655,500 is proposed to be expended during the current financial year out of loan moneys. According to the report of the Auditor-General, some of this money will have to go to the Municipalities Assistance Fund, but we do not know how much, despite the fact that the Auditor-General said that it is a significant departure from the intention of Parliament that this should be done. Nevetheless, apparently we are giving approval for it to be done.

Another point to which reference has been made by the Leader of the Country party was how loan moneys are being milked to bolster up revenue in the

Public Works Department by the "oncost" method, as it is referred to. In previous debates I have quoted the very stringent remarks of the Auditor-General, contained on pages 8 and 9 of his 1960 report, and I do not propose to repeat them on this occasion. In his report for 1961, the Auditor-General has this to say on this matter—

> Works financed from Loan Fund or from trust or special funds and carried out under the supervision of the Department were charged, as in the previous year, with an oncost of 12½ per cent. . . . Recourse on the basis of these and other oncost charges paid to Consolidated Revenue rose from £1,289,592 in 1959-60 to £1,470,785 for 1960-61. In connexion with the figure for 1960-61, it is pertinent to make the following observations.
>
> The administrative expenses of the Department and its Ports and Harbors Branch . . . amounted to £1,638,296. On assessment, it would appear that, of this amount, £1,450,814 is the sum of the expenses directly associated with the Department's works programme. However, this programme included works financed from Consolidated Revenue which are not subject to oncost charges.

So in addition to robbing loan moneys to recoup the Public Works Department and paying them back into Consolidated Revenue to reduce the overhead costs of the Department, last year it received the amount of £181,908 out of loan moneys which it was not entitled to do. The Auditor-General continued—

> Accordingly, on an over-all assessment, the amount properly recoverable from works financed from loan and other funds subject to oncost is £1,288,877, whereas the amount of £1,470,785 was actually recovered.

There is a difference of £181,908. The Auditor-General continued—

> It is understood that the Treasury and the Department have under consideration a reduction in the rate of oncost with effect as from 1st July, 1961.

In other words, there was an admission that the present rate of oncost of 12½ per cent. was too high.

Mr. PETTY.—It has now been reduced to 11 per cent.

Mr. CLAREY.—It has been admitted that the Department was overcharging. I am intrigued to know that the Public Works Department charges 12½ per cent. to the Education Department for school buildings but only 10 per cent. to the State Rivers and Water Supply Commission. The rate for the State Rivers and Water Supply Commission was a little over 8 per cent. at one time and was increased to 10 per cent., but the rate for the Education Department was increased from 7½ per cent. to 12½ per cent.

Mr. PETTY.—The Department was employing too much day labour.

Mr. CLAREY.—I do not know what the cause was, but it is clear that it has actually overcharged £181,000 odd, which is more than the alleged surplus the Government showed in the last financial year.

I do not intend to go through the entire 61 items, but I now wish to make reference to one or two of them. I notice that the amount estimated to be spent this year from loan moneys for works on school buildings and so forth is given as £11,300,000. If one examines the report of the Committee on State Education dated 12th February, 1960, one notices that the committee stated that, basing the figure for 1961-62 on minimum requirements and not including less urgent works which were set out in a section of the report, it was considered that at least £12,600,000 would be needed from loan moneys for the erection of new school buildings. The Government is merely providing £11,300,000 and included in that figure, according to the records of the last few years, would be £1,000,000 or more for maintenance of old school buildings. One wonders whether the Premier did put up a fight at the Premiers' conference for Federal assistance for education. In this House on 18th October, 1961, the Leader of the Country party asked the following question:—

> When the request was made to the Commonwealth Government for a special grant for education and what reply was received?

The answer of the Premier was—

> The Premier of New South Wales, on behalf of the Premiers of all States, submitted to the Acting Prime Minister in

March last year the special report prepared concerning the deficiencies in the Australian education system.

The subject was fully debated at the Premiers' conference in June when the six Premiers spoke in support of the submissions.

The Prime Minister undertook to fully consider the representations made.

I invite honorable members to read the published official report of the conference of Commonwealth and State Ministers held at Canberra on 15th June, 1961, and tell me if they consider that our Premier put up a wonderful case. His remarks cover just one two-column printed page, and included in them was this passage—

I am putting it on record that we in Victoria do not admit that we are not doing all that we should be doing in education.

That is a nice way to put up a case for more funds for education. If the Premier had said that we are doing all that could be done, he might have had a better case. Incidentally, all that he suggested at that meeting was that certain assistance should be given for technical education. He raised no question about assistance from the Commonwealth Government for primary or secondary education. The Prime Minister's reply was that he had appointed a committee to see what further could be done in the way of university education. I think it is misleading the House to say that the Prime Minister undertook to fully consider representations made.

I now come to an item to which perhaps I should have referred earlier. However, all these things link up. This very interesting question was raised in another place on 24th October, 1961—

What were the amounts paid into Consolidated Revenue by the Melbourne Harbor Trust in each of the years 1940 to 1960?

Under its legislation, the Melbourne Harbor Trust is required to make a certain contribution to Consolidated Revenue. I understand that the contribution is ostensibly made so that maintenance work and the provision of navigation facilities—dredging port channels and so forth—will be carried out by the State through the Public Works Committee. The reply to the question contained some interesting information, and I shall refer only to the payments made in the last three years. In 1958 the sum of £404,062 was received; in 1959, £417,399; and in 1960, £495,662. In 1957-58, the total expenditure of the Public Works Department for the maintenance of navigation facilities and the dredging of port channels was £194,878, which was provided from revenue. Consolidated Revenue received £404,062 and the Department spent £194,000. In the following year £417,000 was received, and £98,890 was spent from revenue, and £109,517 from loan money. What justification is there for such a state of affairs? In 1959-60 Consolidated Revenue received £495,000 and the Department spent £93,000 from revenue and £158,484 from loan funds. No wonder the Government can show a surplus. These things should be borne in mind when Parliament is asked to vote millions of loan moneys for public works.

There is only one other item to which I wish to make specific reference, and I am surprised that it was skipped over so lightly by the Government. As I said at the beginning of my remarks, nobody can object to the expenditure involved in perhaps 60 out of the 61 items, but we are justified in asking whether all this money should be provided from loan funds instead of a very large portion of it from revenue. I direct attention to item No. 23 in the schedule. It covers the sum of £80,000 to be provided from loan moneys for residential colleges affiliated with the University of Melbourne. Expenditure from loan funds during the year ended 30th June, 1961, was £11,000 and the proposed expenditure during the year ended 30th June, 1962, is £50,000. The amount issued and applied under this Loan Application Bill is £80,000. It seems to be a most remarkable thing that this Government, which cannot find money for essential primary, secondary and technical schools, can provide £80,000 from loan funds for residential colleges affiliated with the University of Melbourne.

Another intriguing point is that the sum of £11,000 which was expended out of loan money last year has not been authorized by Parliament. No approval was given by Parliament for the use of that money. If one studies the Public Works Loan Application Act for 1960 it will be seen that there is no mention of this expenditure. At page 127 of Appendix A of the Auditor-General's report the following passage appears:—

> Treasurer's Advance 1960-61. The particulars of the expenditure which has been carried forward are—pending Loan Application Act, Public Works Building Grants—University Residential Colleges, £11,000.

In other words, this Government anticipated approval for something which could not have been regarded as urgent. It was expenditure of a nature which had never been authorized before. Probably other sums have been granted for a similar purpose since 1st July. One would have thought that a grant of this character would certainly create a precedent, so attention should have been directed to it. I think the Government anticipated that so many items would be included in the schedule to this Bill that nobody would pick out this particular item of expenditure. We can have differences of opinion as to whether a grant even out of revenue should be made to these residential colleges, which are not State institutions and which are quite distinct in that respect from the university itself, but what justification can there be for spending £80,000 out of loan funds, with a likelihood that there will be further amounts provided for the same purpose in the next Public Works Loan Application Bill?

As I said earlier, this is the type of Bill Parliament must accept. Even if the Opposition tried to amend it, no suggested alteration would be accepted by the Government. I hope that the Government will give serious consideration to the charge that it is driving this State into very serious financial difficulties by increasing each year not only the amount but the percentage of loan moneys spent for purposes other than reproductive works or the creation of fresh assets.

Mr. Clarey.

On the motion of Sir HERBERT HYLAND (Gippsland South), the debate was adjourned until next day.

CHURCH OF ENGLAND (GREENSBOROUGH LAND) BILL.

The Order of the Day for the second reading of this Bill was read.

The DEPUTY SPEAKER (Mr. Rafferty).—I have examined this Bill, and am of opinion that it is a private Bill.

Mr. MEAGHER (Minister without Portfolio) (*By leave*).—I move—

> That all the private Bill Standing Orders be dispensed with and that this Bill be treated as a public Bill.

The motion was agreed to.

Mr. MEAGHER (Minister without Portfolio).—I move—

> That this Bill be now read a second time.

This is a short Bill to overcome certain legal difficulties that affect land at Greensborough vested in the Church of England Trusts Corporation. More than 100 years ago a charitably-minded person gave this land at Greensborough to the Bishop of Melbourne as a site for a school for poor persons, and the land was for some years in fact used as a site for a school. However, with the coming of the public education system and the establishment of a State school in Greensborough it was found impracticable to continue the use of the land as a site for a school. The Parish Church of All Saints at Greensborough is erected on the land.

Despite the growth of the district at Greensborough it remains impracticable for the Church of England to establish a school on the land in accordance with the terms of the trusts, but in view of the development in the Greensborough area, it is highly desirable that the land should be developed and used for the purposes of the church in that area in particular and throughout the diocese in general. This can be achieved only with the authority of this Parliament, and the Bill proposes to direct the Church of England Trusts Corporation for the Diocese of Melbourne, in which the land is already vested, to hold it upon the normal trusts on which all land

is held in the diocese. The trustee, with the consent of the Archbishop and acting under the advice of the council, is also authorized to mortgage, sell, lease or exchange the land, but the proceeds from any such transaction will be held for the benefit of the diocese. This Bill is introduced at the request of the Archbishop and the members of the parish at Greensborough and will greatly assist the church in its pastoral work. I commend the Bill to the House.

On the motion of Mr. STONEHAM (Leader of the Opposition), the debate was adjourned until Thursday, November, 23.

LEGAL PROFESSION PRACTICE (FURTHER AMENDMENT) BILL.

Mr. MEAGHER (Minister without Portfolio).—I move—

That this Bill be now read a second time.

This is a short Bill the purpose of which is to amend the Legal Profession Practice Act 1958 in two aspects relating to the Solicitors' Guarantee Fund. The first relates to the maximum liability of the fund. Honorable members will note from sub-section (2) of section 64 of the Act that there is elaborate provision whereby in the years following its establishment the maximum liability of the fund increased by £1,000 in each successive year until the current maximum of £10,000 was reached. These provisions commenced to run on the 1st January, 1948, so that the maximum would have become payable in 1957. The Law Institute has recently advised that it would be possible to increase the maximum in respect of any future defalcations to £20,000 without imperilling the stability of the fund. The Bill substitutes for this "escalator" clause a new maximum liability of £20,000.

In the course of recent application to substantial claims it has been discovered that there is a defect in the current Act which needs to be remedied. Section 64 provides that the total amount payable in respect of any solicitor shall not exceed certain limits, and section 66 makes provision for the institute to allow and settle claims. The Act contemplates that claims may be disallowed and makes provision about the commencement of proceedings against the institute in relation to the fund. The institute has realized that on substantial claims the total amount payable in respect of any solicitor cannot be finally determined until legal proceedings in respect of claims disallowed by the council have been determined. It believes that proceedings might now be properly brought at any time within fifteen years, and feels that it could not properly apply the funds up to the maximum until all claims have been finally determined. The institute suggests that a period of three months should be sufficient time for any claimant to bring proceedings against a disallowance if his attention or that of his solicitor is drawn to the period of limitation.

Clause 1 is the usual citation clause. The provisions contained in paragraph (*a*) of sub-clause (1) of clause 2 increase the maximum liability of the Solicitors' Guarantee Fund to £20,000. Sub-clause (2) is designed to continue the application of the current maximum in respect of defalcations wholly committed before the date of the increase. The main purpose of this is to draw a clean line between claims pending and claims coming to hand. Clause 3 simply adds to section 66 a provision limiting to three months the period within which legal proceedings may be commenced in relation to any claim disallowed by the Council of the Law Institute. The purpose of this, of course, is to enable distribution to be made with certainty within a reasonable time where the total of claims exceeds the current maximum. I commend the Bill to the House.

On the motion of **Mr. STONEHAM** (Leader of the Opposition), the debate was adjourned until Thursday, November 23.

ADJOURNMENT.

Mr. MEAGHER (Minister without Portfolio).—I move—

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

The motion was agreed to.

The House adjourned at 11.24 *p.m.*

LEGISLATIVE COUNCIL.

Wednesday, November 22, 1961.

The PRESIDENT **(Sir Gordon McArthur)** took the chair at 4.28 p.m., and read the prayer.

STANDARD INSURANCE COMPANY.

CLAIMS FOR DAMAGES.

The Hon. MURRAY BYRNE (Ballaarat Province) asked the Minister of Transport—

In view of the representations made to the Chief Secretary on behalf of policy-holders of the Standard Insurance Company, which has gone into liquidation, and on behalf of members of the public who have been injured in accidents by people who were insured by that company, is it the intention of the Government to bring down legislation which would give protection to policy-holders and to members of the public who may have some legal claim for damages against the company?

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

This is a very complex question which the Chief Secretary has had under consideration for some time. Investigation is proceeding, and it is hoped to find a satisfactory formula which will ensure that persons with claims under the third-party provisions of the Motor Car Act 1958 will be protected.

BANKING.

FIVE-DAY WEEK.

The Hon. W. O. FULTON (Gippsland Province) asked the Minister of Transport—

Is it the intention of the Government to make provision for a five-day week for banking officials; if so, when will this be done?

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

The Government party has undertaken to give consideration to this matter when the New South Wales Bill has passed both Houses of the New South Wales Parliament and definite information is available as to when its provisions will come into operation.

NATURAL THERAPY.

INVESTIGATION.

The Hon. J. M. TRIPOVICH (Doutta Galla Province) asked the Minister of Health—

Has the Minister studied the report relating to natural therapy referred to by him in reply to my question in the House on 25th October last; if so, do the findings of the Royal Commission in that report merit further consideration by the Government?

The Hon. R. W. MACK (Minister of Health).—The answer is—

I have read the report of the honorary Royal Commission appointed to inquire into the provisions of the Natural Therapists Bill in Western Australia. However, the report is a lengthy one and I have not as yet been able to prepare any statement for the Government on the West Australian findings.

DEPARTMENT OF AGRICULTURE.

DOOKIE AND LONGERENONG AGRICULTURAL COLLEGES: BUILDING PROGRAMME.

The Hon. K. S. GROSS (Western Province) asked the Minister of Agriculture—

(*a*) When will the building programme at Dookie Agricultural College be completed, and when is it proposed to have the official opening ceremony?

(*b*) When will the next building stage be undertaken at Longerenong Agricultural College?

(*c*) When such building programmes are completed, how many additional students will be accommodated at—(i) Dookie; (ii) Longerenong?

The Hon. G. L. CHANDLER (Minister of Agriculture).—The answers are—

(*a*) The building programme at Dookie will be completed before the commencement of the 1962 college year, viz. 12th February, 1962. The official opening ceremony will be held on Thursday, 22nd March, 1962.

(*b*) Foundation work for the building project at Longerenong will commence in February, 1962. Completion is anticipated by 30th June, 1963.

(*c*) On completion of the building programmes, 100 additional students will be accommodated at Dookie and 40 at Longerenong.

SUBORDINATE LEGISLATION COMMITTEE.

DOG-RACING CONTROL BOARD (FEES AND TRAVELLING EXPENSES) REGULATIONS.

The Hon. MURRAY BYRNE (Ballaarat Province) presented the report of the Subordinate Legislation Committee on the Dog-Racing Control Board (Fees and Travelling Expenses) Regulations 1961.

It was ordered that the report be laid on the table.

BUSINESS OF THE HOUSE.

NEW BUSINESS.

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

That so much of the sessional orders as provides that no new business shall be taken after the hour of half-past Ten o'clock be suspended for the remainder of this year and that during the remainder of this year new business may be taken at any hour.

The motion was agreed to.

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

That so much of the sessional orders as provides that on Wednesday in each week private members' business shall take precedence of Government business be suspended for the remainder of this year, and that during the remainder of this year Government business shall take precedence of all other business.

The motion was agreed to.

FORESTS (WOOD PULP AGREEMENT) BILL.

The debate (adjourned from November 14) on the motion of the Hon. L. H. S. Thompson (Minister of Forests) for the second reading of this Bill was resumed.

The Hon. ARCHIBALD TODD (Melbourne West Province).—The object of this Bill is to give Parliamentary approval to an agreement between the Minister of Forests and the Forests Commission on the one hand and Australian Paper Manufacturers Limited on the other hand. It has as its basis the granting of the exclusive right to the company in question to take pulpwood from certain forest areas. The agreement that it is proposed to validate is not new in character. All that is proposed is to supersede an agreement that was brought into operation in 1936 and which to-day proves inadequate for the company's requirements. The forest areas in which the company was permitted to operate under the 1936 agreement suffered considerably because of the devastation of the 1939 bush fires. As a result, the Forests Commission has not been able to fulfil the company's requirements which under the agreement it was bound to provide. Therefore, the company has, of necessity, had to seek other sources to obtain the necessary supplies.

An undertaking such as Australian Paper Manufacturers Limited conducts in the town of Maryvale requires that the company must see adequate supplies ahead for many years so that the wood pulp mill may be kept going constantly. Unlike ordinary crops which are rotated year after year, tree farming and timber cropping must be planned a long way ahead. Therefore, it is almost paramount that the company should know what supplies will be available to it over the next 100 years. Honorable members should realize the nature of the operations being carried on by Australian Paper Manufacturers Limited at Maryvale. These should be regarded as a truly decentralized industry. The company can take credit for the courage it displayed in bringing the mill into production in about 1938 or 1939. It has honoured the original agreement and has some justification for asking Parliament to agree to the proposed new agreement which will give it additional rights over increased forest areas. The company has been quite frank in its attitude and has invited members of parties to visit the district and inspect the additional areas which are the subject of the new agreement. Members of my party took the opportunity of accompanying officers of the company through the various parts of the forest affected by this new agreement and seeing for themselves what the company hopes to accomplish and what it has already accomplished, especially in regard to tree farming. Some of the plantations, particularly of pines,

that were put down many years ago are almost ready to be tapped for the company's purposes.

The forest areas which are the subject of this measure are concerned mainly with the supply of eucalypts. Originally, many people considered that eucalypts would not be suitable for pulpwood, but the company, through its investigations and experiments, has proved that it is. To-day eucalypt timber plays an important part in the company's operations. This timber is mixed with pine pulpwood in order to provide the requisite strength.

The company has prepared various brochures which contain information as to its sources of pulpwood supplies. It is stated that 33 per cent. is drawn from the State forests; 13 per cent. is harvested from the company's forests; 11½ per cent. is obtained from private property; 35½ per cent. is taken from salvage after logging; and 7 per cent. is obtained from sawmill waste. Therefore, even to-day, after such a limited span of years, the company is drawing a fair percentage of its requirements from its own forests. The pulpwood cutter is regarded as the scavenger of the forests. He does not pick the eyes out of the forest; he endeavours to take what is left after logs have been taken for poles, for sawmill timber and so on. He also takes old trees and heads of sawmill logs. This fact has been of considerable assistance to sawmillers in the Heyfield district and has enabled them to pay increased royalties to the Forests Commission. Almost the whole of a tree, parts of which would normally be wasted, is now usable. At the various sawmills chippers are in operation which cut up the sawmill waste, and it is then conveyed by hopper trucks from Heyfield and other districts to the company's mill at Maryvale.

The clauses of the Bill deal with the new agreement and also with the preservation of the rights of the State Electricity Commission in its operations within the prescribed areas. Not all of the areas which the company will work over will be forest areas under the control of the Forests Commission, but they include areas which the company desires to lease and some freehold land which the company has succeeded in purchasing. The company has always desired to consolidate the areas from which it can take pulpwood and in which it can indulge in tree-farming operations. In this way cartage costs can be kept to a minimum. The farther away the product is in its natural state from where it is manufactured, the greater the cost. Therefore, the company is endeavouring to consolidate by obtaining leasehold areas and freehold properties which adjoin forest areas, and thus have one large area in which it can operate continually.

The manner in which it has conducted its operations in the forests has always reflected credit on the company; it has never been prone to rebel against the dictates of or to depart from the standards set by the Forests Commission. It has always been desirous of looking after the forests. It may be said that some of the areas in which it proposes to move contain stands of timber that require a great deal of silvicultural work in order that some of the regrowth after the 1939 fires will develop better than it is at present. Possibly the ordinary sawmill operator would not bother with these areas, but this company is prepared to thin them out, and in the years ahead the results of the company's foresight and operations will be an asset to this State.

I do not think we should look at the agreement as being beneficial only to the company. A close examination—my party has made such an examination of the agreement—will show that it is a well-balanced document. The company will do a good job in restoring the forests to a proper condition for the benefit of the State. In return it will obtain the right of taking pulpwood, but it will have to leave behind the timber that is suitable for better class purposes. It may well be that we should examine the organization to which it is proposed to give these rights and ask what type of company it is. I believe it is a purely Australian company with an Australian outlook. During a previous debate in this House when the

operations of another company were being considered, the Leader of the House said that the Labour party hated successful private enterprise. That is not so; the Labour party is always prepared to acclaim the success of any enterprise which establishes itself and moves on a progressive path. What we do object to are monopolistic companies and companies which take excessive profits at the expense of the people. An examination of the annual report of Australian Paper Manufacturers Limited reveals that it has been content for many years to pay a steady dividend. Except for a couple of lean years when it paid only 4 per cent., it has paid a steady dividend of 8 per cent. from 1952 to 1961. I do not think by any stretch of the imagination we could regard the company as being a profiteering organization setting out to milk the State by reason of the special privileges given to it.

During my visit to the country areas concerned, I was taken through portion of the Strezlecki ranges where the company proposes to operate and intends to endeavour to regenerate the forests there. I felt some pride in the courage of the pioneers who set out in the first place to establish farms in these areas, but who were ultimately defeated by the nature of the country and by the growth of weeds. There was strong evidence of the takeover by ragwort in that portion of the Strezlecki ranges which is to be allotted to the company's care. We should be thankful that there is an avenue by which this area of land can in some measure return to productivity in the years to come.

I have previously referred to the fact that the company has established a truly decentralized industry and that it set out in the first place to do the job properly. Looking back through its history we find that it was established somewhere about 1890 and later on the Broadford, Melbourne and Geelong plants were amalgamated to form Australian Paper Mills Proprietary Limited. Following the link some considerable time later with an organization in New South Wales the present company, Australian Paper Manufacturers Limited, was formed. It is interesting to note the changes that have been made in the company's articles of association to prevent takeovers by stealth. It has been said that on one occasion the people associated with Rolls Royce engines in England were perturbed by the fact that American interests were seeking to obtain a grip on the company and it altered its articles to provide that no shareholder outside the United Kingdom would have the right to vote on company affairs. Australian Paper Manufacturers Limited, realizing that it was a national asset to Australia, followed in the footsteps of the Rolls Royce organization and altered its articles to ensure that the affairs of the company will always remain in the hands of Australian shareholders and that foreign interests will never be able to achieve a takeover by stealth, which is quite common in Australia today. Many Australian companies have passed into the hands of foreign interests.

In 1937, the Maryvale plant of the company was established, and it represents real decentralization. Its employees now number over 1,000 collectively in the mill, the forest and the plantation areas. One important feature about this organization is that during its history of operation in the Maryvale area it has built over 1,000 homes for its employees. Some few years ago it decided to afford these employees the opportunity of purchasing these homes on low deposits—ridiculously low deposits in some cases—in order that they might have a roof over their heads. It is interesting to note from the balance-sheets of the company that loans to employees for housing amount to more than £883,000. I think the company deserves some commendation from Parliament for the attitude that it has taken towards its employees in regard to housing. It is looking after its own interests in the development of its mills, but it is not neglecting the welfare of its employees. A company which advances nearly £1,000,000 of its own funds to its employees for housing should be commended. It is regrettable that many other commercial organizations which make

fairly large profits do not follow the footsteps of this company and indulge in a bit of house construction.

Like many other organizations, this company was also a victim of the credit squeeze. It is interesting to note that in its report it has some comment to make on the effects of the "squeeze" and the fact that it was forced to dispense with the services of a number of its employees. We should all regret that. If there is one thing to which my party strongly objects it is the dumping on our shores of cheaply-produced pulpwood from other countries in competition with pulpwood and paper produced by a truly Australian company. We regret that the company, because of the actions of the Federal Government, has had to severely reduce its production and to retrench staff. However, I congratulate the company for not being afraid to make such a statement.

Recently in this House there was a reference to employers and employees on wages Boards getting together and making agreements. In my opinion, where that can be achieved it is a good thing for industrial peace. Australian Paper Manufacturers Limited has an excellent industrial record, and I shall quote from a booklet prepared by the company to illustrate that point. I know that the statement that I am about to quote is based on fact because of my knowledge of the unions which have been associated with Australian Paper Manufacturers Limited. This article ilustrates how things can work in both ways. Under the heading "A.P.M.'s People" it states—

> The Industry Agreement, which covers the wages and working conditions for our employees, was renewed during the year. In exchange for increased benefits the Unions agreed to two major changes, namely, flexible mill operation whereby our mills will work as required up to a maximum of 361 operating days per year, and to a three-year term commencing in September, 1960.
>
> The curtailment in production during the second half of the year had the unfortunate consequence of causing the company to retrench a substantial proportion —14 per cent.—of its staff and employees. The need to take this action is regretted but there was no other reasonable alternative to meet the effects of the Government's measures introduced last year.

So, here again is a company which has been prepared to negotiate at all times with the employees and has been able to convince the unions, by its sincerity, that they should concede something in return for what the company gives. Therefore, I do not agree with the statement made by the Leader of the House in relation to agreements between parties being detrimental to the community. The agreements made by Australian Paper Manufacturers Limited have had a beneficial effect on the community because it is rarely that two sides to an agreement neglect the interests of the general public.

I have said a great deal about the company, but I think it is worthy of mention because it is a truly Australian company with an Australian outlook. The agreement mentions subsidiary companies, of which Australian Paper Manufacturers Limited has one in regard to its forest operations. I pay tribute not only to the forest operations section of the company but also to the people in charge of the Maryvale mill, the metropolitan mill and the Broadford mill for their record of industrial safety. Many people in the community are prepared to talk about industrial safety, but are not prepared to do anything about it. Australian Paper Manufacturers Limited, together with the Forests Commission, the Victorian Sawmillers Association and the Timber Workers Union produced a book entitled *Forest Safety Rules*. This book is made available to any person who wishes to undertake employment in the forests of this State and it is one of the most soundly produced documents on industrial safety that I have ever seen. In the setting up of this booklet we were greatly indebted to the work of Mr. J. D. Brookes, of Australian Paper Manufacturers Limited. He is a safety-minded man, and when the Government is discussing industrial safety it should not hesitate to avail itself of his services.

My party has examined the agreement referred to in this Bill and we believe it to be sound and sensible.

It will benefit not only Australian Paper Manufacturers Limited but also the State. Under the agreement the company will be required to pay increased royalties, so that the coffers of the State will benefit accordingly. My party supports the Bill to validate the agreement.

The Hon. R. W. MAY (Gippsland Province).—The Country party considers the agreement embodied in the Bill, which we are being called upon to validate and ratify, as being already approved by the Minister of Forests and Australian Paper Manufacturers Limited and as a very progressive step. We are thrilled to know that this company, one of the great examples of decentralization in this State, should have been established in the Latrobe Valley. We are particularly gratified that a great Australian in the person of Sir Albert Lind, a former Minister of Forests, should have played such a prominent part in the establishment of the company in Gippsland. He was one who had a very great and signal interest in forestry. He grew up as a man of the land in the outback, in close association with nature and with forests.

It is particularly gratifying to me to have seen Australian Paper Manufacturers Limited going forward as it has done. The company employs 1,070 men directly in its mill at Maryvale. I note from the literature which it has distributed that it claims that it employs, directly and indirectly, some 4,000 persons. I know of no other company in the State where the employer-employee relationship is so happy and altogether congenial.

I wish to say how pleased I was to have had the opportunity of accompanying the Minister of Forests, Sir Herbert Hyland and Mr. Hamer on a visit of inspection of the company's plantations, nurseries and works. We could not help being impressed by the tremendous volume of work being carried on there, and by the co-operation by the company with various governmental bodies such as the Forests Commission, the State Electricity Commission, the Latrobe Valley Water and Sewerage Board and the Country Fire Authority. Besides embarking upon a major plan for the large-scale planting of trees in its own forest areas, the company has co-operated with the Forests Commission under the terms of the original agreement, and always there has existed harmony between the company and the Commission.

While we were at Maryvale we saw the way in which the company carries on its thinning and pulpwood operations. Logs were placed on a landing and any that were suitable for sawmill use were marked by officers of the Forests Commission; those that were unsuitable for that purpose went to the pulpwood mill. In association with these activities the tree tops were utilized, and the forest areas were cleaned up to assist in the process of regeneration. It has been estimated that the value to the Forests Commission of the clearing of this residue of timber is the equivalent of approximately £10 an acre and the return by way of royalty to the Commission the equivalent of a further £2 to £4 an acre. As Mr. Todd has already stated, it was not all a one-way bargain that was entered upon when the original agreement was made. On top of these activities, the company has constructed 95 miles of secondary roads and 15 miles of main roads in State forests. It is worthy of note that in the Bill before the House, provision is made for the Forests Commission to charge for operations over forest roads. These roads, which were constructed by the company, have become forest roads.

I read with some measure of interest in the Ministerial notes with which I have been supplied that the current agreement has been in operation for about 20 years and that it has been revised by mutual consent. I noted also that the royalty has been increased from 5s. 3d. to 16s. 6d. per cunit. The official notes state further that it has been clear that, with major amendments becoming necessary in regard to such things as royalty rates which cannot be covered by mutual arrangements, the preparation of a new agreement is the only satisfactory solution. I only hope, in the light of Mr. Todd's remarks as to the company having to lay off its staff due to

the competition of dumped pulpwood, that this may not prove a barrier and cause a further laying off of employees.

The matter of safety has already been mentioned, and I want especially to commend Australian Paper Manufacturers Limited. It has a system embracing all departments of its operations by which it awards a shield to the department having the lowest number of accidents. It stands to the credit of the company, as Mr. Todd rightly stated, that the percentage of accidents is very low indeed.

I wish to refer now to the co-operation existing between Australian Paper Manufacturers Limited, the Forests Commission, the State Electricity Commission and the Country Fire Authority. The company has expended the sum of £77,800 in the cause of fire prevention; it has constructed more than 40 dams on forest land to aid in the suppression of fire outbreaks; it employs a light aircraft; it has some 40 vehicles that are all connected by radio network; and it not only has its own fire towers in strategic parts of Gippsland but it also mans Forests Commission towers. Throughout every fire season it has a roster of men who are on duty all the time and who man various lookout points. It will be realized that a company such as this plays a very great part not only in the preservation of its own interests but those of the forests of the State as well.

In this matter there is and has been at all times complete co-operation. Indeed, the company has gone even further. It has a total of 70 men engaged in fire protection work. It has donated two Austin fire tankers complete for the Gippsland brigades of the Country Fire Authority, and a further Austin tanker has been donated to the Flynn's Creek brigade. Last season the company's crews attended 28 fires, six of which were on company property, eighteen on private property and four on Crown land. All this indicates that under the terms of the original agreement, as I have already remarked, it has not been a matter of one-way traffic, but that the company has played a very great part. It has established a forests research station at Traralgon, dealing with a wide range of forestry research. Australian Paper Manufacturers Limited has endowed a Research Fellowship in Forestry at the University of Melbourne. Altogether, it will be seen that the company is playing a very commendable part. My party is well pleased to know that Australian Paper Manufacturers Limited, under its original agreement, undertook the provision of an annual take-off from State forests of some 40,000 cunits of pulpwood per annum and was obliged to spend £300,000 on the establishment of a mill.

It is specially worthy of note that the company has been so progressive that the value of its assets in that part of the State in which it carries on its activities is now approaching the £20,000,000 mark. It found that in the process of expansion it was impossible to obtain all its requirements from the area covered in the original agreement, particularly in view of the devastation suffered in the 1939 fires; so, in addition, the company set out to help itself and bought up much land in the Strezlecki ranges. It established its own nursery, and under the proposed new agreement it intends to lease from the Forests Commission areas of forest land which lies between its freehold lands, thus completing the block.

Early settlers who went in to that Gippsland country to open it up for agricultural purposes were compelled ultimately to leave because there were no access roads. By a process of difficulty and hardship they were gradually eliminated, and much of that country was deserted and became abandoned land—all because the pioneer settlers could not gain access to their holdings. It is very heartening, however, to be able to say that a concern such as Australian Paper Manufacturers Limited is taking up that same country. Much of it is of such a character that even rabbits would have to have breechings on in order to go downhill. The company's foresters

are doing a wonderful job. Not only are they planting some areas mechanically, but they are also doing a lot of what is known as pit planting. Seedlings are prepared in little tubes and subsequently planted in the forest by hand. We saw areas where bulldozers, because of the nature of the terrain, had broken away and moved approximately 2,000 feet down a hillside.

The Country party is gratified to know that as a result of the agreement land held by the Forests Commission, which that body had little or no prospect of reafforesting, will be brought into useful production, and it commends the Government for its action. Australian Paper Manufacturers Limited has planted vast areas—thousands of acres—with both the mountain ash and Monterey pine, which have been found most useful in the pulp industry. It is of great value to the State for a company of this magnitude to be planting trees in a well designed programme. Such a large undertaking requires a balanced production of timber and continuity of supplies in order to function successfully.

When travelling over the company's plantations we were happy to find that the company was making timber available to sawmills. Sawmills as far afield as Dargo have installed chipping machinery to process mill waste. Thus a large proportion of the overhead costs of the mills is being met by the use of material which previously went to waste. Because of the far-reaching good effects of the Bill, the Country party commends it, and will support its passage.

The Hon. BUCKLEY MACHIN (Melbourne West Province).—As a member of the State Development Committee, I have traversed various parts of the State, and should like to support the remarks of my colleague and other speakers on the Bill. Although there are other great industries in the Latrobe Valley, Australian Paper Manufacturers Limited can be regarded as one of the area's corner-stones. The company has earned the approbation of all who have come in contact with it, although I suppose if the psalmist were alive to-day he would write of the Australian Paper Manufacturers, "It has spread a canopy over the valley and its fragrance reaches to the hills."

One or two points relating to the achievements of the company have not been mentioned. The company produces some 90,000 tons of cardboard pulp a year, which entails the use of about 120,000,000 super feet of pulpwood. The undertaking requires vast amounts of timber and water. Therefore, it is essential that it should have sound management and carry out proper silvicultural and forest harvesting practices, so that the sources of raw material are not depleted. It is pleasing to note that Australian Paper Manufacturers Limited will share still more of the responsibility of keeping this particular area of the State under development. Under the new agreement, the company will lease an additional 9,000 acres of permanent forest over which it will have a 60-year lease.

The company will have full control of all the timbers within the forest during that period, even to the extent of having permission to plant softwoods in some sections of the forest from which timber has been taken. The bulk of the eucalypt comes from the State forest, and it is essential that there should be agreement to ensure that continuity of supplies is maintained. The company does not use the pick of the forest's production. It makes use of thinnings and inferior types of timber for pulp. In fact, I consider that Australian Paper Manufacturers Limited is in a similar position in its field to the firm of Angliss in the meat industry, which uses everything from the pig but the squeal. Australian Paper Manufacturers Limited uses everything from the trees but the bark!

Access roads and fire protection measures have been mentioned. My colleague, Mr. Mansell, and I have travelled on some of these good forest roads, and have seen the dams mentioned by Mr. May and the extensive fire protection work that has been carried out in close co-operation with the Forests Commission. The harmony and good

relations that exist between the company and Commission officers and employees were manifest on every occasion that we visited the watersheds in that part of the State.

Mr. May mentioned the Government's brilliant stroke in increasing royalties. I think that is indicative of how the value of money has deteriorated during the régime of the present Government. Royalties have advanced from 5s. 3d. to 8s. and 16s. 6d. Mr. May also mentioned that 40,000 cunits will be produced. I point out that that quantity is a minimum and that the figure will increase to 75,000 and ultimately 110,000 cunits. A cunit being 100 cubic feet, it will be seen that that is a large amount of timber. Mr. Todd touched on some of the unfair things that have happened, and I endorse his remarks. A friend of mine, who has money to invest in Australian Paper Manufacturers Limited, showed me a brochure in which it was stated that cardboard, on which duty is charged, is imported into the State. If the cardboard is used in the export of any article abroad, the import duty paid on it is refunded. This works to the disadvantage of our local industries, and is a matter that should be examined, although it is outside the State Government's jurisdiction.

We saw some excellent methods of snigging, where great care was taken to ensure that unnecessary erosion did not take place. Even the condition of the water was checked by samples being taken at various points to ensure that the quality was satisfactory. Australian Paper Manufacturers Limited has done everything in its power to properly harvest timber and obtain supplies of good water from the forest.

The Hon. G. L. CHANDLER.—What about the Melbourne and Metropolitan Board of Works?

The Hon. BUCKLEY MACHIN.—That is a different matter entirely. I still disagree with the method of clear felling in an area with such steep terrain. That cannot have a good effect. Everything that we saw on our tour of the Gippsland forest was good. Unfortunately, people do not enjoy the canopy over the valley and fragrance that I mentioned of which sometimes we were aware. I commend the Government for renewing and extending Australian Paper Manufacturers Limited's lease. The forestry officers with whom Australian Paper Manufacturers Limited works so closely have nothing but the highest of praise for the way the company's foresters work with them. I hope the Government will introduce into our way of life other operations in which co-operation is given to the State similar to that which has been forthcoming from Australian Paper Manufacturers Limited.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Interpretation).

The Hon. L. H. S. THOMPSON (Minister of Forests).—I thank the three honorable members who made such valuable contributions to this debate. Mr. Todd, who spoke from a lifetime of experience in the timber industry, gave the House a good deal of interesting information about Australian Paper Manufacturers Limited. I congratulate Mr. Todd for the part he has played in bringing stability and industrial peace to the timber industry. Mr. May spoke as an ardent advocate of the Latrobe Valley, and I know that he takes a keen interest in the activities of this organization. Mr. Machin spoke as an ardent advocate of clean air, expressing keen admiration of the sweet fragrance that hovers over the Gippsland hills.

Three points have impressed me concerning the operations of Australian Paper Manufacturers Limited: First, the work it is doing in the silvicultural field by way of forestry regeneration; secondly, its interest in the field of industrial safety, which it has made a regular feature of its activities and which perhaps could stand as an example to industries in other fields; and, thirdly, its excellent record in the field of industrial peace. We regard the

organization as the pioneer in the field of paper production in Victoria. It is a highly valued decentralized industry, and we wish it the same degree of progress during the 25 years of the life of the agreement to which this Bill relates as it has enjoyed during the past 25 years.

The clause was agreed to, as were the remaining clauses and the schedule.

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

SHEEP OWNERS PROTECTION BILL.

The House went into Committee for the further consideration of this Bill.

Discussion was resumed of clause 5, providing, *inter alia*—

(1) A person shall not carry or cause to be carried any sheep by motor car along any road unless he has first obtained a permit to carry such sheep along that road.

. . . . . .

(4) (*a*) The driver of the motor car by which sheep are to be carried by road or the consignor of the sheep shall after the sheep have been loaded on the motor car and before the journey commences endorse on the back of the permit issued in respect of the sheep—

(i) a statement of the number of sheep loaded on the motor car;

(ii) a sufficient description of the sheep loaded on the motor car;

(iii) the registered number of the motor car;

(iv) the time of day when and the date on which he makes the endorsement—

and the driver of the motor car and the consignor of the sheep shall each legibly sign the endorsement so made and add his address.

The Hon. G. L. CHANDLER (Minister of Agriculture).—I move—

That, in paragraph (*a*) of sub-clause (4), the words "consignor of the sheep", where first occurring, be omitted with the view of inserting the words "owner of the sheep or a person acting with the authority of the owner".

If this amendment is accepted, the owner of sheep, or a person acting with the authority of the owner, shall be empowered, after the sheep have been loaded on a motor vehicle and before the journey commences, to make the appropriate endorsements on the back of the permit issued in respect of the sheep. This will overcome the problem which would exist if the driver or owner of the sheep were the only persons who could insert the necessary entries on the back of the permit.

The Hon. I. A. SWINBURNE (North-Eastern Province).—I thank the Minister of Agriculture for the action he has taken concerning this measure. When the Bill was previously before the Committee, I protested against some of its provisions, and the Minister kindly agreed to report progress until a conference could be held concerning the proposals. I thank both the Minister and the officers of his Department for the approach they adopted, which will help to make this a more practical measure. When the Bill was first circulated I realized that the use of the expression "the consignor of the sheep" in this clause, would limit the effect of the legislation. The amendment, if adopted, will make the legislation more workable and it will also provide security and protection which the Police Department requires as the starting point. I believe that from that point onwards, the permit system will operate satisfactorily. The Country party is happy to support the amendment.

The Hon. ARTHUR SMITH (Bendigo Province).—The Labour party offers no opposition to the amendment. Having examined the proposal, I believe it will tidy up the clause and make the legislation foolproof. Although it may be somewhat irrelevant to the clause and the amendment now under consideration, I should like to refer to the thefts of stock from three properties in my district only last week. Fifty-two lambs were stolen from Mr. Price's property at Tallarook, 30 lambs were taken from Mr. O'Sullivan's property at Seymour, and seven Hereford calves were stolen in the Yea district. It is understood that the sheep and calves in question were drafted from their mothers by means of a van. While I agree that that could have happened in respect of the sheep, I do not believe calves could be stolen in that manner. Any person

who has tried to separate a calf from its mother would realize how difficult it is to do so. Obviously, something more deadly than a van was used for this purpose. Possibly the calves were shot and loaded into the van before being removed. I appeal to the Minister to consider the suggestion which I made during the second-reading debate, namely, that the operation of this legislation should be extended to cover cattle as well as sheep.

The amendment was agreed to.

The Hon. G. L. CHANDLER (Minister of Agriculture).—I move—

That, in paragraph (*a*) of sub-section (4), the words "consignor of the sheep," where second occurring, be omitted with the view of inserting the words "owner of the sheep or person acting with the authority of the owner."

When a permit is completed with the relevant details, it has to be endorsed by the driver and by the owner or an agent of the owner. Accordingly, two people sign the permit form certifying to the contents of the truck in question. I understand that this dual control over each load represents one of the features of the Bill and is a state of affairs which those who administer the legislation are keen to have on the statute-book.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 6.

Clause 7, providing, *inter alia*—

(2) Except where sub-section (5) of section five of this Act applies a person shall not take delivery of sheep carried by motor car by road unless he has—

(*a*) received from the driver of the motor car a permit which is in force; and

(*b*) ascertained by comparing them that the sheep and the description of sheep in the permit correspond:

Provided that where the sheep are to be delivered at any place for sale by auction and the driver of the motor car informs the auctioneer that a permit to carry the sheep to the place of sale was issued or delivered to him and is in force but has been lost the auctioneer may take delivery of the sheep—

if the person stated by the driver of the motor car to be the owner of the sheep is known by the auctioneer to be a reputable person; and

if a substitute permit (issued by a person other than the auctioneer) is obtained and delivered to him forthwith—

and any such substitute permit shall for the purposes of this Act be deemed to be a permit.

The Hon. G. L. CHANDLER (Minister of Agriculture).—I move—

That, in the proviso to sub-clause (2), the word "person", where second occurring, be omitted with the view of inserting the words "permit officer."

This amendment relates to a situation that can arise when sheep have been delivered and the permit has been lost, and the person stated by the driver of the vehicle concerned to be the owner of the sheep is known by the auctioneer to be a reputable person. In such circumstances, under this amendment, a substitute permit can be obtained from a permit officer. It is felt that the proposed amendment will tighten up the clause.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 8.

Clause 9, providing, *inter alia*—

(1) Where in accordance with the law of any State or Territory of the Commonwealth other than Victoria prescribed by the Governor in Council as provided in sub-section (2) of this section a travelling sheep permit has been issued and is in force which authorizes the carriage by road of sheep described therein from a place in that State or Territory to a place in Victoria, a driver of a motor car who holds such permit and carries it with him may carry such sheep by road to such place in Victoria without obtaining a permit under this Act subject always to the provisions of section six section seven (other than the proviso to sub-section (2) thereof) and section eight of this Act which shall apply in the same way as if the permit held by such driver were a permit issued under this Act.

The Hon. G. L. CHANDLER (Minister of Agriculture).—I move—

That, in sub-clause (1), after the word "Victoria," where second occurring, the words "or by a route through Victoria to a place beyond Victoria," be inserted.

This amendment will overcome one of the difficulties that could arise in respect of sheep passing through Victoria to another State—say, New South Wales. This proposal has apparently met with

the approval of all concerned who have examined it, and I think it will have the effect of making clause 9 a little wider in its effect than was originally intended.

The amendment was agreed to, as was a consequential amendment, and the clause, as amended, was adopted.

Clause 10, providing, *inter alia*—

(3) The holder of an employee's licence shall not buy raw sheep skins except on behalf of the licensed skin buyer by whom he is employed—

(*a*) at licensed premises of his employer;
(*b*) at a market or sale by auction; or
(*c*) at the premises of the vendor of the raw sheep skins.

The Hon. G. L. CHANDLER (Minister of Agriculture).—I move—

That, in sub-clause (3), after the word "employed" the words "and shall not buy raw sheep skins on behalf of that licensed skin buyer except" be inserted.

This amendment will clarify a point raised by Mr. Feltham.

The amendment was agreed to, as was a verbal amendment, and the clause, as amended, was adopted, as was clause 11.

Clause 12, providing, *inter alia*—

(5) If the Chief Commissioner upon consideration of an application for a skin buyer's licence is satisfied—

(*a*) that the applicant is a fit and proper person to hold a licence; and
(*b*) that the premises referred to in the application are suitable for the carrying on of the business of a licensed skin buyer—

the Chief Commissioner shall upon payment of a fee of One pound grant to the applicant a licence to carry on business as a skin buyer at such premises which shall be specified in the licence.

The Hon. G. L. CHANDLER (Minister of Agriculture).—I move—

That, in paragraph (*b*) of sub-clause (5), the word "licensed" be omitted.

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 the amendments were adopted.

On the motion of the Hon. G. L. CHANDLER (Minister of Agriculture), the Bill was recommitted for the further consideration of clause 4.

The Hon. G. L. CHANDLER (Minister of Agriculture).—Clause 4 provides, *inter alia*—

(2) Subject to this section, the Minister or any person authorized in writing in that behalf by the Minister may if he thinks fit issue to any person being a breeder of stud sheep who makes an application in the prescribed form therefor a travelling sheep permit entitling him to carry stud sheep by road by motor car—

(*a*) to or from any railway station specified in the permit;
(*b*) to or from any agricultural show; and
(*c*) to or from any property (not being a market).

. . . . .

(6) A permit shall not be issued to any applicant unless the person to whom the application is made is satisfied—

(*a*) that the applicant is the owner of the sheep in respect of which the application is made; or
(*b*) that the applicant has the consent or authority of the owner of such sheep to carry them by motor car from the place from which and to the place to which it is proposed that they be carried.

I move—

That, in paragraph (*c*) of sub-clause (2), the expression "(not being a market)" be omitted with the view of inserting the words "or stud sale."

This amendment is self-explanatory.

The amendment was agreed to.

The Hon. G. L. CHANDLER (Minister of Agriculture).—I move—

That, in paragraph (*b*) of sub-clause (6), the following words be omitted:—

"from the place from which and to the place to which it is proposed that they be carried."

The effect of this amendment will be that the person concerned will not have to indicate the exact route to be taken. In submitting this amendment, I desire to express to Mr. Swinburne, Mr. Feltham and Mr. Smith my appreciation of their co-operation in the passing of this measure. I am sure that if the Bill had been discussed clause by clause, many difficulties would have been encountered. However, at the conclusion of the second-reading debate, a conference took place with the Parliamentary Draftsman and the necessary amendments were prepared, which facilitated

the passing of the measure smoothly in this House and, no doubt, will do so in the other place.

The amendment was agreed to, and the clause, as amended, was adopted.

The Bill was reported to the House with further amendments, and passed through its remaining stages.

THE ZINC CORPORATION, LIMITED BILL.

The Order of the Day for the first reading of this Bill was read.

Sir ARTHUR WARNER (Minister of Transport).—In accordance with a resolution which has been carried by the House in connexion with this Bill, it is necessary for me to produce a receipt, which I do herewith, showing that a sum of £20 has been paid into the Treasury for the public uses of the State to meet the expenses of the Bill.

On the motion of Sir ARTHUR WARNER (Minister of Transport), the Bill was read a first time.

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

That this Bill be now read a second time.

This is an unusual measure, and perhaps it is one of some significance, in that a company which operates in Australia but has its head office in London desires to transfer its place of incorporation to Victoria. The Zinc Corporation, Limited is a subsidiary of an Australian company and its main operations are carried out in this country. In order to transfer to Australia, it would be necessary, unless this Bill were passed, for the company to go through a very complicated procedure.

The notes relating to the measure which have been circulated do not make it clear what the company would have to do, but I assume that it would have to go into liquidation in England and transfer its assets here in some form. Then the liquidator in England would have to issue shares in an Australian company to be formed, or go through some such procedure. That would be very complicated.

The British Government and the Victorian Government have agreed that the place of registration of the Zinc Corporation, Limited shall be transferred from London to Victoria and that this shall be accomplished by the passing of two Bills, one by the United Kingdom Parliament and one by the Victorian Parliament. The necessary fees will be paid, and they have been fixed at £100.

The Zinc Corporation, Limited is the main operating unit of Consolidated Zinc Proprietary Limited. Some months ago, the composition of the Board of Directors in England was altered and they now comprise six directors, four of whom are resident in Australia and two in England. The transfer of a company from England to Australia represents a somewhat significant change from the usual circumstances in which English companies buy controlling interests in Australian companies.

The Zinc Corporation, Limited is a famous company, as members are aware. It is one of the largest companies operating mines on the famous lead-zinc-silver mining field at Broken Hill. It has mined and treated sulphide ores for more than 50 years. The company has also been associated in the growth of other important Australian companies, such as the Commonwealth Aircraft Corporation and the Broken Hill Associated Smelters. I commend the Bill to the House.

The Hon. W. O. FULTON.—Is this the first occasion on which this action has been taken?

Sir ARTHUR WARNER.—Yes.

On the motion of the Hon. D. G. ELLIOT (Melbourne Province), the debate was adjourned until next day.

CONSOLIDATED REVENUE BILL (NO. 3)

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

That this Bill be now read a second time.

On the 18th April I moved the second reading of another Bill relating to Supplementary Estimates for 1960-61,

and this Bill deals with the Final Supplementary Estimates for the year. There was a special reason why the earlier measure was brought in — the Government had run out of money in the imprest account, as I like to refer to it. The amount to be appropriated in this Bill is £4,416,595. Much of the money is to be transferred to trust accounts, and special provisions are being made, all of which are of a strengthening nature to the State's finances; I am sure they will meet with the approval of honorable members.

The Hon. I. A. SWINBURNE.—The Government is tucking money away.

Sir ARTHUR WARNER.—I did not wish to commend the good management of the Government, but I thank Mr. Swinburne for his comment. Three items under Division No. 41, involving a total amount of £1,625,000, relate to transfers to trust accounts. Provision has been made for a special contribution to the Decentralization Fund, and, as members know, the Government is steadily trying to accomplish more and more in the direction of decentralization.

A contribution of £250,000 is made to the Government Buildings Fire Insurance Fund. The Government does not generally insure its buildings, but carries its own risk, and a fund has to be built up to take care of that risk. Most members will agree that it is proper for the Government to carry its own insurance, and if it does that it is necessary to create an appropriate reserve to meet any losses. The legislation requires an annual contribution of £2,000 a year to be made from the Consolidated Revenue to the Government Buildings Fire Insurance Fund, but the Government considered that a special amount should be contributed at this juncture. This is not a new type of transaction, as similar action has been taken by other Governments.

Provision has been made also for the transfer of a substantial sum, amounting to £1,300,000, to the Interest and Sinking Fund Reserve Account. There are two basic reasons for the establishment of this account. One is that there is some variation in the interest rates annually due to the fact that some loans which fall due are not refinanced for a time, and in other cases some loans are refinanced before that is actually required. The second reason is that over the past few years there has been a substantial increase in capital investment in non-earning buildings, such as hospitals and schools. As all members are aware, Victoria probably has spent more money per head of population than any other State in Australia in the provision of schools. Although we may not have spent as much as we should have liked to spend in this regard, we have made an enormous contribution in that direction. Money put into schools has to be repaid.

The Hon. BUCKLEY MACHIN.—Is it correct to say that Victoria has spent more than other States in this way?

Sir ARTHUR WARNER.—Yes. Victoria's expenditure per head of population is the highest of all the States. It has been argued that the Federal Government should take over the responsibility of education, and if it did so and a flat amount were levied on the taxpayers throughout Australia for this purpose, the educational standards in Victoria would have to go down; they could not go up.

The Hon. D. G. ELLIOT.—Recent figures indicated that Victoria was second last to Queensland in expenditure on education.

Sir ARTHUR WARNER.—Not in State education, as my colleague, the Minister of Housing, informs me. The Government must provide interest on what is a dead, non-earning asset, and that is a heavy burden on the State. I do not need to remind members, although perhaps I should like to remind the Labour party, of the effect of the uniform taxation system.

The Hon. J. M. TRIPOVICH.—The operation of it—the cutting up of the cake.

Sir ARTHUR WARNER.—It would be our own cake if Victoria had its own taxing rights.

The Hon. J. M. TRIPOVICH.—If we had a different cook, we would have a better cake.

Sir ARTHUR WARNER.—Certain cooks want to have one big cake in Canberra. However, I do not wish to get into an argument on that subject. One important factor is that because of the present inadequate arrangements, Victoria is forced to take some of its own money back from the Commonwealth in the form of loans and pay interest on it.

The Hon. ARCHIBALD TODD.—Recently, you praised the Prime Minister for his handling of the country's finances.

Sir ARTHUR WARNER.—I do not remember doing any such thing. I am not prepared to accept Mr. Todd's statement.

The Hon. ARCHIBALD TODD.—You defended his credit squeeze.

Sir ARTHUR WARNER.—I do not intend to get down to that. The interest bill on schools is a very large burden on revenue income, and the Government has taken the opportunity this year to transfer the sum of £1,300,000 to the Interest and Sinking Fund Reserve Account out of which must be appropriated the interest on these very substantial amounts. Perhaps I can illustrate that by saying that the State's revenue income in the past ten years has increased by 120 per cent., but the burden of debt charges—interest and redemption payments—has risen by 200 per cent. This means that a significant burden is thrown on the State in paying for capital assets of the type I referred to as dead money investment, although it is a very worthy and necessary investment.

A further significant item under Division No. 41 of the Treasury Department provides for the payment to the State Superannuation Board of an advance of £60,000 towards financing refunds of superannuation contributions to railway employees. Honorable members will recall that earlier the Government made a deal with the railway unions under which railway employees were to give up certain superannuation rights in order to qualify for the payment of service grants. A number of employees took advantage of that arrangement, and, of course, they are entitled to cash payments. The Government could have arranged that the Superannuation Board should sell certain of its assets, but that was deemed to be inadvisable. It was felt that it would be far better to make an advance to the Board to obviate the selling of assets, the advance to be liquidated over a long period. That arrangement should meet with the approval of all honorable members.

The Hon. ARTHUR SMITH.—Is any interest being paid on that advance?

Sir ARTHUR WARNER.—Yes, the advance will carry interest at the long-term Commonwealth bond rate. Substantial supplementary provision of £1,541,000 under Division No. 70 is worthy of some general comment. Of that sum, £621,622 represents in the main the net cost of additional revenue earned by the railways last financial year over and above the Budget estimate. Under our curious budgetary system, if more money is earned the cost of earning it must also be shown. In a normal business it would merely be said that a greater profit had been earned. The principal cost was repairs to rolling-stock to cope with the increased wheat harvest. Very substantial repairs were required to bring some old trucks into operation. They might not have been used again except for the emergency created by the large wheat harvest, and total repairs involved expenditure of approximately £400,000. The remaining sum of £221,000 is accounted for by the additional train mileage involved in carrying the wheat harvest.

The balance of the supplementary provision under Division No. 70, amounting to £920,000, appropriates the excess railway income over railway operating expenses, without regard to debt charges, for the last financial year to the credit of the Railway Equalization Account. This fund has been created so that fluctuations in railway work and income as a result of fluctuations in wheat harvests and so forth will not impose a sudden strain on State finances.

The Hon. I. A. SWINBURNE.—Apparently the railways do make some money out of hauling wheat.

Sir ARTHUR WARNER.—Let us say that the railways made some money out of additional haulage. Honorable members were informed that the Government intended to create a Railways Equalization Account, and this appropriation is evidence that it is carrying out its undertaking.

The sum of £100,000 has been made available to Monash University over and above the Budget allocation. I do not think anybody will quarrel with that action. Other than the major items to which I have referred, the appropriations are for comparatively small sums. I shall be pleased in the Committee stage to answer any questions in relation to any item in these Final Supplementary Estimates for 1960-61.

On the motion of the Hon. SAMUEL MERRIFIELD (Doutta Galla Province), the debate was adjourned until Tuesday, November 28.

THE CONSTITUTION ACT AMENDMENT BILL.

The Hon. L. H. S. THOMPSON (Minister of Housing).—I move—

That this Bill be now read a second time.

The changes in the legislation sought by this Bill can be broadly put into two divisions. The first deals with rights of naturalized Australians to stand as candidates for election to State Parliament, and the second tightens loopholes in the law covering activities of unscrupulous candidates or voters.

Clause 2 covers the first division and deals with qualifications of candidates for the Legislative Council or the Legislative Assembly. The clause seeks to amend sections 73 and 99 of the principal Act. Section 73 deals with the qualifications of candidates for election to the Legislative Council, and section 99 deals with qualifications of candidates for election to the Legislative Assembly. The change will give naturalized citizens the right to stand for either House without first waiting for a period of five years after naturalization and being resident in Victoria for two years. In other words, full electoral rights will be given to naturalized citizens immediately upon their naturalization. I think it has been the practice of most members of Parliament to attend naturalization ceremonies and point out that the new citizens, after naturalization, enjoy the same rights and privileges as the older residents of this country. I do not think it was generally appreciated that quite an important restriction was placed on naturalized citizens who wished to stand as candidates for political honours. I consider that the proposed change will have the support of all parties.

The Hon. J. M. WALTON.—Will this amendment apply to local government?

The Hon. L. H. S. THOMPSON.—The proposal in the Bill covers only persons wishing to become candidates for election to the Legislative Assembly or the Legislative Council. However, I do not think any similar bar exists so far as municipal office is concerned. There is no such positive restriction in the Local Government Act.

The Hon. J. M. WALTON.—I am particularly interested in the changes proposed under clause 3 of the Bill being applied to the Local Government Act.

The Hon. L. H. S. THOMPSON.—That is an entirely different matter. The proposals contained in clause 3 have been taken almost verbatim from the Federal Electoral Act, and, of course, specifically apply to only Legislative Council and Legislative Assembly elections. The main aim is to restrict the activities of perhaps less than 1 per cent. of electors and candidates who indulge in improper practices at election time. Paragraphs (*a*) and (*b*) of sub-section (1) of proposed new section 261A relate to the printing of election literature. These improper practices are already covered in the Printers and Newspapers Act, but the penalties provided are not very great, so it was thought desirable, for several reasons, to cover the position in The Constitution Act Amendment Act The first was from the point of

view of codifying the law relating to elections, and the second was to impose penalties appropriate to the offences. Another consideration was to make our provisions follow as closely as possible the Federal legislation. Paragraphs (*c*) and (*d*) of sub-section (1) bear some resemblance to existing section 262 which is not being changed.

The Hon. P. V. FELTHAM.—Does section 262 contain the word "mislead?"

The Hon. L. H. S. THOMPSON.—Sub-section (1) of section 262 provides, *inter alia*—

> or any false statement of fact intended or likely to mislead or improperly interfere with any elector.

That deals with a false statement concerning a candidate.

The Hon. P. V. FELTHAM.—Yes, but the protection, as I see it, is that there has to be a false statement. In paragraph (*c*) of sub-section (1) of proposed new section 261A there is no question about falseness at all. The simple test is, "Is this likely to mislead?"

The Hon. L. H. S. THOMPSON.—That is so; there is a change. Consideration was given in the drafting whether section 262 should be altered in any way, but it was felt that it should not be changed. Despite the fact that it might overlap to some degree, it was decided to incorporate the provisions of the Commonwealth Electoral Act as set out in proposed new section 261A.

The Hon. P. V. FELTHAM.—Suppose I put on my how-to-vote card that I am a better candidate than the Liberal party's candidate; is it possible to construe that action as misleading the elector?

The Hon. L. H. S. THOMPSON.—If any court action were taken it might be regarded as frivolous litigation. It would be up to the court to make a final decision. This provision has worked quite well up to date in the Federal sphere and has not caused any difficulties of that type. If problems do arise, the provision can be examined further. Over the past few years the Government has consistently endeavoured to make the Victorian Electoral Act correspond as closely as possible to the Federal Act.

A further change is introduced in sub-section (2) of proposed new section 261A which makes it an offence to post electoral advertisements on any property of the Crown or of any public statutory authority. Paragraph (*b*) of sub-section (2) makes it an offence to post electoral material on private property without first obtaining the owner's permission. There exists already in paragraph (*j*) of section 5 of the Police Offences Act a prohibition against such postings, but it was thought desirable to incorporate this provision in The Constitution Act Amendment Act so that the code relating to elections will be contained in one section of the law, and also so that the penalties for offences will bear some sort of similarity to one another.

The Hon. J. M. TRIPOVICH.—If a political party puts up a notice on vacant land, and cannot reasonably ascertain who owns the land, does it commit an offence?

The Hon. L. H. S. THOMPSON.—The Act makes it clear that the Chief Electoral Officer is responsible for the execution of the Act.

The Hon. SAMUEL MERRIFIELD.—The Bill refers to buildings and structures, but not to land.

The Hon. L. H. S. THOMPSON.—That point may need to be examined.

The Hon. D. G. ELLIOT. — A vacant allotment should be covered.

The Hon. L. H. S. THOMPSON. — I shall refer to that matter again in the Committee stage because obviously the intention of the legislation is to include land as well as buildings. By clause 4 provision is made for the obtaining of an interim or permanent injunction from the Supreme Court—usually a Judge of the Supreme Court sitting alone—to restrain persons from indulging in any of the practices listed in section 261A. Finally, by the provisions contained in clause 5 the penalty for

illegal practices is altered from a fine of £50 to imprisonment for a term not exceeding six months or a fine of not more than £200.

The Hon. G. J. O'CONNELL.—That is a stiff increase.

The Hon. L. H. S. THOMPSON.—That is so, but I think Mr. O'Connell will agree that it is desirable to stamp out corrupt practices which may occur at election time. The vast majority of honorable members, if not all, prefer an election to be fought on a clean basis. This Bill makes a positive contribution to that end.

The Hon. I. A. SWINBURNE.—Will this Bill cover the case of the Liberal party using the Country party's name and misleading the electors?

The Hon. L. H. S. THOMPSON.—Mr. Swinburne referred to that matter recently, and mentioned a person who wrongly claimed he represented the Country party. I strongly condemn that practice, as I would any other practice of a similar nature.

The Hon. J. M. TRIPOVICH.—About twelve months ago I raised an issue in relation to postal voting, and the Government promised to consider the matter when a suitable amending Bill was introduced. The point I raised was in relation to a person going to a returning officer, asking for his postal vote and then having to take it outside, put a stamp on it and post it back to the person from whom it had been obtained. Has that matter been considered?

The Hon. L. H. S. THOMPSON.—I could not be sure whether that point was considered, but I shall make inquiries before the Bill reaches the Committee stage.

On the motion of the Hon. SAMUEL MERRIFIELD (Doutta Galla Province), the debate was adjourned until Tuesday, November 28.

The sitting was suspended at 6.37 *p.m. until* 7.55 *p.m.*

STATE ACCIDENT INSURANCE OFFICE BILL.

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

CROWN LEASES BILL.

This Bill was received from the Assembly and, on the motion of the Hon. L. H. S. THOMPSON (Minister of Forests), was read a first time.

STATE FORESTS LOAN APPLICATION BILL.

The Hon. L. H. S. THOMPSON (Minister of Forests).—I move—

That this Bill be now read a second time.

This is the usual State Forests Loan Application Bill with which the House is accustomed to deal at this period of the year. The total amount of loan moneys authorized for expenditure under this measure is £1,300,000. Of course, this is not an accurate reflection of the amount that will be expended in this financial year. The sum that has been approved for expenditure in this financial year is £950,000, but according to custom an additional amount is provided for in order that continuity of action may be maintained in the various fields of activity of the Forests Commission. Last financial year the expenditure authorized from loan moneys amounted to £1,000,000 and the approved expenditure totalled £710,000.

The amount set aside for fire protection this year shows an increase of £100,000 compared with last year's figures. This sum will be used in a variety of fields—the preservation of natural vegetation, the provision of access roads, the addition of a further twenty mobile fire fighting units, which will bring the total for the Commission to approximately 115, and the provision of three additional base radio stations, bringing the total connected with the Forests Commission headquarters to 38. One of these will be at Omeo, another

at Myrtleford and the third in the lower Glenelg district near the South Australian border.

The other main change will be in the field of plantations of softwoods and hardwoods, for which item No. 4 makes provision for the expenditure of £370,000 as against an actual provided expenditure of £200,000 in the State Forests Loan Application Act 1960. The general picture in regard to plantations is that in the calendar year 1960 approximately 904 acres were replanted. That figure includes both hardwoods and softwoods. In 1961 it is expected that 1,400 acres will be planted. By 1962 this figure will have increased to 3,000 acres, and the Government hopes to achieve a replanting programme of 5,000 acres yearly within a five-year period and then to maintain it at that rate. This, of course, is not a sensational programme but it does represent a steady improvement in meeting the timber needs of this State. It is of interest to note that a plantation of 1,000 acres provides employment for 30 men, so forest activities promote the development of a decentralized industry, as has been witnessed in the Heyfield area in recent years.

Another item worthy of note is No. 6, which provides £50,000 for the purchase of land. A sum of £30,000 has been set aside for the acquisition of land in the Shire of Lillydale under a plan put forward by that shire.

The Hon. W. O. FULTON.—What area of land will that money buy?

The Hon. L. H. S. THOMPSON.—I do not know the exact acreage off hand, but I shall furnish the information during the Committee stage. Provision is made also for the Morwell River Reafforestation Camp, which represents an experiment of a type never before tried in Victoria. To expand camp facilities, a sum of £19,000 is required and approximately 80 prisoners will be catered for. I expect that if this experiment is as successful as we hope it will be, this type of penal reafforestation camp will be extended to other areas. I stress that by far the most important part of this Bill lies in the field of providing funds for additional plantings which are sadly overdue. I would not like honorable members to think that this improvement has been brought about as a result of my efforts as Minister of Forests; it has been achieved by the efforts of my predecessors and other honorable members who have constantly pressed for a reafforestation programme. I commend the Bill to the House.

On the motion of the Hon. ARCHIBALD TODD (Melbourne West Province), the debate was adjourned until next day.

WATER SUPPLY LOAN APPLICATION BILL.

The Hon. R. W. MACK (Minister of Health).—I move—

That this Bill be now read a second time.

It is the usual loan application Bill that comes before the House each year to apply the loan moneys required by the State Rivers and Water Supply Commission for drainage, sewerage, flood protection, river improvement and other work. The amount that the Bill proposes to allocate from the Loan Fund is £11,300,000, and as honorable members are aware that does not necessarily mean that that amount will be spent this year. The provision includes the amount that will be spent this year and a further provision which will be spent next year prior to the passage of another Bill of this type.

The Hon. P. T. BYRNES.—How much money will be spent this year?

The Hon. R. W. MACK.—An allocation of £8,165,000 has been set aside for actual expenditure on works during the current financial year. I have been informed that work is progressing satisfactorily on the enlargement of Eppalock reservoir. Honorable members may recall that this project was commenced in March, 1960. Construction work completed to date comprises the outlet tower 160 feet high, the large concrete-lined outlet tunnel 550 feet long, and the foundations of the main embankment of the dam itself. Work is now

proceeding on the construction of the embankment which will be 2,000 feet long, 160 feet high and contain over 1,000,000 cubic yards of material. During construction, it is expected that material will be placed in this embankment at the rate of 16,000 tons daily. Considerable progress has also been made on the main spillway.

The Hon. W. O. FULTON.—Is that rate of placement good or bad?

The Hon. R. W. MACK.—I gather that the Minister of Water Supply is pleased with it, otherwise he would not have supplied me with this information. Completion of the embankment is planned for the autumn of 1962 with a view to commencement of storage of water later that year. A start will then be made on the 15½ mile long large supply main through which water will be pumped to Bendigo with turbine driven pumps for which tenders have already been let.

Expenditure on the enlargement of Eppalock reservoir to the 30th June, 1961, totalled £1,035,000, and an amount of £1,440,000 has been allocated for the current financial year. Parliamentary authorization is sought for £1,600,000 to meet necessary expenditure during the currency of this Bill, including payments for land resumption.

A provision of £200,000 is included in the Bill to meet the cost of minor works, and improvements on other storages, headworks and main channels and for land resumption payments, and for the development of camping, picnic and recreational facilities and conveniences at storages. The Commission's reservoirs, such as Eildon, Goulburn, Rocklands and Tullaroop, are rapidly becoming great tourist attractions in the the country areas of the State, and the Commission is continuing to provide high-standard facilities for the public at these sites.

The continual expansion of irrigation works is indicated by the provision in the Bill of an amount of £2,500,000 for irrigation districts. Since the inception of the State Rivers and Water Supply Commission in 1906, a total of £75,000,000 has been spent on irrigation works. During 1960-61, nearly 1,400,000 acre-feet of water was delivered to an area in excess of 1,000,000 acres. It is of interest to note that, although irrigated lands represent only about 3 per cent. of all occupied land in Victoria, nearly 20 per cent. of the value of agricultural production emanates from these improved lands. These figures illustrate clearly the extent to which the economy of the State now depends on irrigation water.

An amount of £1,800,000 is included in this item for the continuation of the construction programme of channel enlargement and drainage within the Goulburn-Murray Irrigation District. During the last financial year, nearly £1,300,000 was expended on works in this district, providing direct employment for 400 to 500 persons throughout the year. The substantial enlargement and remodelling of main channels and other distributary works, including many bridges and structures, is required to enable full use to be made of the water from the enlarged Eildon reservoir. Further work will be carried out in the Central and East Goulburn areas, embracing both irrigation and drainage, the latter being recognized as a complement of the former.

In conjunction with the Soldier Settlement Commission's plans for making available additional irrigated and drained farms, the State Rivers and Water Supply Commission is proceeding with further drainage works in the Dunbulbalane soldier settlement area. The programme of drainage works within the Murray Valley soldier settlement area is also continuing.

The remaining part of the provision for irrigation districts, amounting to £700,000, is for works in other irrigation districts. Within these districts, much work remains to be done to increase the efficiency of water distribution and drainage systems.

The Hon. W. O. FULTON.—What districts are they?

The Hon. R. W. MACK.—I do not see that they are referred to in the schedule to the Bill so I will undertake to obtain

that information. Constant expansion and remodelling of channels and structures, installation of measuring and control devices, and the carrying out of numerous small tasks are all aimed at increased efficiency of operation. Included in this provision is further work on drainage problems in central Gippsland. The installation of drainage bores and pumps is already achieving results in lowering water tables to reclaim waterlogged or salt-affected land, but much remains to be done—this must necessarily be a long-term project. Similar work on ground water problems is being extended to the Murray Valley, Shepparton and other areas.

The Hon. W. O. FULTON.—Has there been any land acquired in the salt-affected area in central Gippsland. I refer to the Nambrok–Denison area.

The Hon. R. W. MACK.—I am not able to answer without inquiry but will undertake to provide the information. Following completion of the Castlemaine reservoir and pipe-line, the Commission is proceeding with the enlargement and extension of reticulated water services and with concrete lining of channels in the Coliban system. An amount of £200,000 is included in the Bill to meet these costs.

The attention of honorable members is drawn to the fact that a further £1,000,000 is provided for spending on works within the Mornington Peninsula system. The demand for reticulated water is still increasing for both domestic and industrial purposes. In the current financial year, the Bittern-Dromana pipe-line is to be duplicated in 36-in. concrete-lined steel pipe from Bittern reservoir to Dromana service basin—a total distance of 6 miles. Other essential work to be carried out consists of the enlargement of the Bunyip main race, improvements to service basins and storages, including construction of a new outlet tower at Bittern reservoir, and reticulation works to cost over £200,000.

I am informed that the Ocean Grove service basin is now completed; this will relieve the water supply position in this area. The Indented Head–St. Leonard's scheme has been commenced and every endeavour will be made to complete this work within the next three months to enable the demand for water during this summer to be met. The provision of £200,000 will meet the cost of works on the Bellarine Peninsula. The amount of £200,000 provided for the Otway system will be used to meet urgent demands for water. Works to be undertaken include duplication of main pipe-lines, upstream from Mt. Ewen storage and from that storage to Terang, the construction of a booster pumping station at Carpendeit and other minor works.

Provision of £250,000 is made for the construction of additional town water supply storages and improvements to urban and rural water supply works within the Wimmera-Mallee system. Additional urban storages have been completed recently at Hopetoun, Ouyen and Sea Lake, and work on a new storage at Beulah will commence shortly. Further extensions of reticulated services in various towns within the Wimmera-Mallee system, together with main channel enlargements and structure replacements, are also involved in this provision.

Included in the provision of £200,000 for flood protection and drainage districts is the completion of the Yallock outfall scheme. It is proposed to connect Bunyip river main drain to the Yallock outfall by means of a spillway at Cora Lynn at a cost of £75,000, the work to be completed within the currency of the 1961 Act. In the Carrum drainage district the new outfall from Kananook creek to Port Phillip Bay at Seaford has been completed. Work has commenced on improving the condition of Kananook creek. Subject to the availability of funds, it is hoped to make a start on the enlargement of the Eel Race drain early in 1962-63. This project is an important part of the drainage works required in this district. The allocation of £330,000 for surveys, investigations and designs will enable the Commission to continue the extensive programme of

research and investigations into water supply resources throughout the country areas of the State.

Honorable members are no doubt aware that the State Rivers and Water Supply Commission has moved into its new administrative building at Armadale and already the benefits of having the previously scattered units grouped into one are evident. With the completion within the next few months of the new laboratory building adjoining these offices the Commission will, for the first time, have all its central staff at the one location. The Commission is also continuing its programme of improving administrative buildings in country centres, where no less than two thirds of its total staff are employed, to enable a high degree of efficiency to be achieved in these areas.

The availability of adequate and assured water supplies in country towns continues to be a major concern of the Government to provide for their continued expansion. The provision in the Bill for the third to sixth parts of the schedule has been increased by £255,000 over the £2,000,000 provided in the previous Bill. I am informed that good progress is being made in making available new town water supplies. During the 1960-61 financial year six additional towns were provided with reticulated services, namely, Beeac, Tyers, Glengarry, Nilma, Warrion and Dumbalk. Two new waterworks trusts were constituted at Paynesville and Cohuna, and an urban district, to be administered by the existing trust, was constituted at Katandra West.

Work will proceed during the present financial year on new town water supplies at Cressy, Katandra West, Lakes Entrance, Learmonth, Paynesville, Springhurst and the four Westernport towns of Bass, San Remo, Newhaven and Cowes. New schemes have also been authorized to proceed at Goornong, Melton, Moyhu, Timboon, Plenty and Yarrambat. In addition, major improvements and extensions will be continued under the provisions of this Bill at Colac, Geelong, Hamilton, Lismore, Mildura, Moe, Portland, Shepparton, Sunbury, Swan Hill and Warragul. A new water purification plant is now in operation at Moe, and similar plants are under construction at Drouin, Leongatha, Mildura, Nathalia and Swan Hill.

Honorable members may note that the Government is certainly pushing ahead vigorously with improved water supplies for country towns. The total number of towns receiving reticulated water supplies or for which reticulated supplies have been approved during the term of office of the present Government amounts to no fewer than 65.

This Bill provides a further £500,000 in the seventh part of the schedule to enable Government moneys to be advanced to sewerage authorities for the continuation or commencement of sewerage works. The seventh part indicates the amount provided for each authority. These authorities will also be authorized to borrow from non-Government sources. New sewerage schemes are at present proceeding at Bacchus Marsh, Camperdown, Casterton, Corryong, Euroa, Kaniva, Korumburra, Lorne, Sale, St. Arnaud, Terang, Wodonga and Yarram, while the authority to proceed with new schemes during the coming year has been given to the towns of Charlton and Werribee.

Authority is sought in the eighth part of the schedule for an amount of £300,000 for advances to river improvement and drainage trusts. Twenty of these trusts are now in operation, and this provision will enable trusts to continue or commence works for river improvement and land drainage.

The Hon. I. A. SWINBURNE.—Is the amount of £300,000 more or less than that of last year? And will the full amount be available for this financial year?

The Hon. R. W. MACK.—I am unable to say without inquiry, but I doubt whether it will be because, as I indicated earlier, the sum made available under the Bill is £11,300,000. This total is allocated to various items and includes a carry-over into the next financial year. I think it is fair to assume that the amount of £300,000 will not be actually spent in

this current year. The probabilities are that about £240,000 of the £300,000 will be expended. However, I shall endeavour to obtain the specific information. I should like to add that in addition to the Government loan moneys made available to waterworks trusts, local governing bodies, sewerage authorities and river improvement trusts, the Government has also given approval to a private borrowings programme for these authorities during the 1961-62 financial year of £2,350,000.

Twenty-one country towns have received sewerage services or have had their proposals approved during the term of office of the present Government. The ninth part of the schedule to the Bill provides loan funds for developmental works being carried out by the Latrobe Valley Water and Sewerage Board, and the amount of £1,000,000 should prove sufficient to enable a continuation of these works on a satisfactory basis. Good progress has been made on the new Moondarra reservoir, and the reservoir and pipe-line are expected to be completed during the currency of the 1961 Act. The reservoir is now almost completed and work will commence shortly on the pipe-line. This project should ensure an ample water supply for the State Electricity Commission's proposed new power station at Hazelwood and for the paper mill at Maryvale as well as for domestic purposes and other private industries.

Continuation of works for the treatment and disposal of trade and domestic waste and sewage will be authorized by the provision of £160,000. It is anticipated that an extension of the main outfall pipe-line, for which a special grant of £90,000 has been made by the Government, will be completed during the current financial year.

The Hon. W. O. FULTON.—Can the Minister say what distance that covers?

The Hon. R. W. MACK.—I shall obtain the information and make it known in Committee.

The Hon. W. O. FULTON.—I should like to know, too, in what part of the system the pipe-line is being constructed.

The Hon. R. W. MACK.—The State of Victoria, under the River Murray Agreement, is obliged to contribute equally with the Commonwealth, New South Wales and South Australia towards the cost of works being constructed by the River Murray Commission. A provision of £175,000 is included under the tenth part of the schedule to meet these obligations. I am informed that work to provide for enlarging the capacity of the Hume reservoir to 2,500,000 acre-feet has now been completed. Other amounts in the schedule are to meet commitments, continue works in hand and meet proposed expenditure on minor works.

The clauses in the Bill are for the most part machinery provisions authorizing the expenditure set out in the schedule. Approval of these proposals will allow the State Rivers and Water Supply Commission and other authorities operating under the Water Acts to continue, to the extent that funds can be made available, essential works planned for the most efficient use of water resources in the country areas of the State. I will take from the *Hansard* report of this explanation of the Bill a note of the questions that have been asked me and will undertake to supply the information sought at a later stage. I commend the Bill to the House.

On the motion of the Hon. ARTHUR SMITH (Bendigo Province), the debate was adjourned until next day.

CO-OPERATION (AMENDMENT) BILL.

The Hon. L. H. S. THOMPSON (Minister of Housing).—I move—

That this Bill be now read a second time.

This comparatively simple Bill makes two amendments to the Co-operation Act. As was mentioned during my second-reading speech on the Co-operative Housing Societies (Amendment) Bill last week, the Government is endeavouring to make it possible for co-operative housing societies which are having difficulty in acquiring permanent ownership of their offices to form themselves into co-operation societies under the Co-operation Act. It is necessary

to amend two Acts to achieve that purpose. The previous Bill amended the co-operative housing societies legislation, and this Bill makes the other necessary amendments.

The Hon. I. A. SWINBURNE.—How many societies would be involved?

The Hon. L. H. S. THOMPSON.—I should say three or four at the outset. I emphasize that it will not be possible for societies to embark on such a venture without having obtained the approval of the Registrar, which would not be granted without good cause. That is an additional safeguard, as I mentioned last week.

The Hon. I. A. SWINBURNE.—The funds are not large and they would not be able to do very much.

The Hon. L. H. S. THOMPSON.—The availability of funds would be a problem, but there is a tendency for groups of societies to grow up in an area. The total number of societies in the last six years has grown from 216 to 662, and it may be useful for some of them to share office space. A co-operative housing society could use a building for 30 years but, because of technical legal difficulties, not be able to acquire ownership of the property. That will be possible under the Bill, with the approval of the Registrar.

The Hon. J. M. TRIPOVICH.—This would not have any real effect in country areas like Stawell and places near Ballarat where there is only one co-operative society, would it?

The Hon. L. H. S. THOMPSON.—I should not think so. I do not think societies would want to take such a step in such cases. I shall endeavour to ascertain which societies would be prepared to make immediate use of the new provision if they were granted permission to do so. The second amendment in the Bill affects section 61 of the principal Act, which requires a society to furnish a full list of its members, together with other particulars to the Registrar, once in every three years. Under the amendment societies will not be required to do this. This requirement has entailed a tremendous amount of clerical work and has served no good purpose. The necessity for similar returns was also dispensed with in the case of co-operative housing soceties. The Bill will insert a new provision in the principal Act to the effect that when so required by the Registrar, by notice in writing, societies will furnish such details of membership. I believe the Bill will eliminate unnecessary red tape and facilitate the work of co-operative societies, and I commend it to the House.

On the motion of the Hon. ARCHIBALD TODD (Melbourne West Province), the debate was ajourned until next day.

DANDENONG LANDS BILL.

The debate (adjourned from November 14) on the motion of the Hon. G. L. Chandler (Minister of Agriculture) for the second reading of this Bill was resumed.

The Hon. J. M. TRIPOVICH (Doutta Galla Province).—This is one of those necessary pieces of legislation which come before the House from time to time to unravel situations regarding land which is tied up in municipal administration by deeds of gift and other methods, and which it is desired to use for some purpose other than that for which the land was originally acquired. As I understand the background of this matter, in 1892, the then Shire of Dandenong was empowered by legislation to sell two former market reserves, and it was provided that one-half of the proceeds from one of the sales would be paid to the local agricultural society, now known as the Dandenong and District Agricultural and Pastoral Society. Such societies exist throughout Victoria and do a magnificent job. The balance of the proceeds from the sale of one reserve and all the proceeds from the sale of the other reserve were to go into municipal funds to reimburse the council for the purchase of a new site for a market in Clow-street, Dandenong.

The new land acquired by the council contained roughly 13¼ acres. In 1907, a further Act was passed by which the Dandenong and District Agricultural and Pastoral Society was relieved of the

responsibility of buying land and received 1 acre out of the 13¼ acres from the council, together with the right to lease a further 6 acres for the conduct of agricultural shows and exhibitions. Later the Dandenong council decided to develop part of the area for recreation purposes, and in 1928 the Dandenong Lands Act was enacted. It amended the directions to the council on the use of the land. Unfortunately, problems such as this arise on many occasions. It was found that the provisions of the 1907 legislation were never formally carried out by the legal transfer of the land concerned to the pastoral society, nor was a lease drawn up for the 6 acres of land in accordance with the original intention.

Of course, Dandenong has grown considerably in recent years and the 13¼ acres in Clow-street would now be about the most valuable land in Dandenong. I was amazed to find that in the three years from 1958 to 1961 the capital value of rateable property in Dandenong has risen from £16,600,000 to £28,794,000. That is a measure of tremendous development — probably not rivalled in any other district in the State. Under the Bill, the Dandenong council will be permitted to develop the Clow-street site for general civic purposes — for bus terminals, health centres and so on. The Government is, wisely, I think, allowing the council to administer the property in what it considers to be the best interests for the future development of Dandenong. The council had bought a further 30 acres at West Dandenong and inherited or obtained from the Greaves estate a further 24 acres, making a total of 54 acres, which will revert to the Crown in exchange for the other area of 13¼ acres. The council will administer this land as a committee of management.

The council will not transfer the produce market because a good farmer never sells his best milker, but I think the House can have every confidence in the ability of the council to administer and develop the area to the best advantage of Dandenong. There are questions of comfort stations, a terminal for buses, and the future siting of the produce market to be considered. Provision is made in the Bill for continuity of conduct of the Dandenong and District Agricultural and Pastoral Society for the use of land when it transfers to the new area. An area of 1 acre will be reserved for it.

The question of lot 17 in McCrae-street will be settled by the provision in the Bill for it to be surrendered to the Crown for permanent reservation for public purposes under the control of the council as a committee of management. The council will build a comfort station there which will be of great benefit to Dandenong. My party supports the Bill and commends the Government for handling this matter wisely. We believe we would have done the same thing in co-operating with the Dandenong council in this way. We wish the council every success in the undertaking.

The Hon. W. O. FULTON (Gippsland Province).—The Bill relates to certain lands in the township and parish of Dandenong, and results from representations made on behalf of that city concerning the setting aside of land for the needs of the growing district. As the measure deals exclusively with what is desired by the council and its ratepayers, and does not take away any reservations, the Country party supports is. Like Mr. Tripovich, we wish the council every success in its venture. The Bill will enable it to develop the site concerned to the best advantage of Dandenong.

The motion was agreed to.

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

HOUSING (COMMONWEALTH AND STATE AGREEMENT) BILL.

The Hon. L. H. S. THOMPSON (Minister of Housing).—I move—

That this Bill be now read a second time.

This Bill has been introduced for the purpose of ratifying a supplementary agreement on housing made between the State of Victoria and the Commonwealth of Australia in October of this year. During the last year of the

second world war, the principle was adopted by the Federal Government of making grants to the States for the purpose of overcoming the post-war housing shortage. The first agreement lasted for a period of a little more than ten years. It was extended with certain modifications in 1956 for a further period of five years and, of course, it was due for further consideration during this year.

The Hon. J. M. TRIPOVICH.—Was the original agreement for the purpose of building homes for rental because no other authority was doing so?

The Hon. L. H. S. THOMPSON.—That was partly the reason. It was obvious, because of the lack of activity in the building field during the war years when we were concentrating on other work, that there would be a marked shortage of houses in the post-war period.

The Hon. J. M. TRIPOVICH.—It was not profitable to build homes for rental purposes.

The Hon. L. H. S. THOMPSON.—That is so; as a result of the operations of the landlord and tenant legislation, investors were driven out of the housing investment fields into other spheres of investment.

The Hon. J. M. TRIPOVICH.—The investors desired to obtain bigger profits.

The Hon. L. H. S. THOMPSON.—That could be so. However, at this stage, I do not propose to deal with the reasons, otherwise the debate might develop into a discussion on uniform taxation. It was obvious that without Federal financial assistance the States would not have sufficient funds with which to embark upon large housing schemes. It is interesting that, from 1945 to 1961 under successive agreements, Commonwealth financial advances to Victoria totalled £136,680,000, when approximately 43,000 homes were erected, 24,000 being in the metropolitan area, and 19,000 in country areas. Of the 43,000 homes erected, more than 13,000 have been sold to home purchasers.

While extending the original agreement, the new agreement makes a number of changes, some of which are important. In the first place, certain changes relating to the provision of homes for service personnel are contained in sub-clause (3) of clause 2 of the agreement, which is set out in the schedule to the Bill. Under the old agreement, it was necessary for the State to set aside 5 per cent. of the Commonwealth advances coming to it each year for the purpose of providing homes for service personnel. The proportion of 5 per cent. was a maximum to be matched by a similar amount from the Commonwealth. Under the new agreement, it will be possible to extend the percentage set aside for this purpose to, for example, 7½ per cent. The Commonwealth Government will automatically match the first 5 per cent. on a £1 for £1 basis, and it may contribute even more generously for the additional 2½ per cent. of the funds thus expended.

The Hon. G. J. O'CONNELL.—Did you say that the Federal Government may make such a contribution?

The Hon. L. H. S. THOMPSON.—It will be left to the Commonwealth Minister of Housing and the State Minister of Housing to reach agreement on that matter. For example, Victoria must set aside 5 per cent. of the Commonwealth funds coming to it this year for the erection of homes for service personnel, and that amount will be matched by the Commonwealth. The Commonwealth Government may say that it is short of homes and would like an additional 3 per cent. of the funds set aside to provide further homes to meet its requirements. Victoria could say that its waiting list for homes was so big that it could not afford to set aside a greater allocation than that of 5 per cent. of the Federal Government's allocation for the provision of homes for serving members of the forces. On the other hand, the Victorian Government could say that it would build the extra homes provided that the Federal Government advanced 75 per cent. or even 90

per cent. of the money involved. It is left open for an agreement to be reached between the respective housing Ministers. The proportion of 5 per cent. will remain as it did in the past. The change in the new agreement centres around what happens if the percentage is lifted above the 5 per cent. figure.

The Hon. J. M. TRIPOVICH.—Does the Victorian Government agree that that is a just provision? Do you think the Federal Government should build its own homes?

The Hon. L. H. S. THOMPSON.—There is some merit in that argument, but Victoria is interested in the defence of Australia. Some of the Commonwealth personnel who would be requiring homes would be Victorian residents who would be seeking Housing Commission homes in any case.

The Hon. J. M. TRIPOVICH.—Do you not think the Commonwealth Government should build the homes that are required for defence personnel?

The Hon. L. H. S. THOMPSON.—That argument was advanced at the appropriate time, but it was decided to continue the agreement on the old basis, with the one qualification to which I have referred. Admittedly, if the Commonwealth Government took over the full responsibility of providing homes for service personnel it would help to ease Victoria's housing shortage.

The Hon. J. M. TRIPOVICH.—Do you not think the Commonwealth Government, from a very secluded position, drove a very hard bargain with the Victorian Government on this point?

The Hon. L. H. S. THOMPSON.—No; we are merely continuing the old principle of allocating 5 per cent. of the Commonwealth allocation for the erection of dwellings for allotment to serving members of the forces. The State can refuse to allocate more than 5 per cent. of the advances if it so desires.

The Hon. J. M. TRIPOVICH.—Did not the Government drive a hard bargain in the first place when the relevant figure of 5 per cent. was determined?

The Hon. L. H. S. THOMPSON.—With the Commonwealth Government, Victoria is providing homes for service personnel who are living in this State, and a similar situation exists throughout the Commonwealth.

The Hon. G. J. O'CONNELL.—Does the new agreement still provide that 65 per cent. of the total finance must be expended for the Housing Commission, 30 per cent. for co-operative housing societies, and 5 per cent. for service personnel?

The Hon. L. H. S. THOMPSON.—That is correct. Pressure was exerted to increase the figure of 30 per cent. for co-operative housing societies, but the Government felt that it would be undesirable to do so, not because it has no faith in the co-operative housing movement—we have abundant faith in it—but because there has been a tendency in the past when there has been an increased allocation of the Commonwealth–State housing money for co-operative housing, for the amount of the advances from the Commonwealth bank to decrease. Consequently the Government felt it desirable to leave the minimum percentage at the original 30 per cent., which operated during the last three years of the previous agreement. As honorable members will recall, that agreement provided that 20 per cent. of the total money should be allocated to co-operative housing societies for the first two years of the life of the agreement, and that the proportion should be increased to 30 per cent. for the remaining three years. The allocation will change slightly this year because our housing funds will be increased to £11,600,000—it will mean £8,100,000 being expended for Housing Commission purposes and £3,500,000 for co-operative housing societies.

Sub-clause (4) of clause 2 of the new agreement, which relates to interest rates, contains another change. The interest paid on Commonwealth–State housing loans until 1956 remained at 3 per cent.; it increased to 4 per cent. in 1956, and to 4⅜ per cent. early this year. The rate will remain at 4⅜ per cent. until there is a change in

the interest being paid on the long-term bond rate. In the previous agreement, it was provided that, for the first two years, the interest rate should be ¾ per cent. less than the long-term bond rate when the long-term bond rate was less than 4½ per cent., and 1 per cent. less when the long-term bond rate was more than 4½ per cent. For the last two years, it was to be ¾ per cent. less than the long-term bond rate. Under the new agreement, the interest rate will be 1 per cent. less than the long-term bond rate, which means that, at the present time, it stands at 4⅜ per cent., and it will remain at that figure until the long-term bond rate changes.

The Hon. G. J. O'CONNELL.—That will be for 53 years.

The Hon. L. H. S. THOMPSON.—Not necessarily. Should the long-term bond rate change next year, or the year after, money borrowed during the year in question would carry an appropriately higher interest rate.

The Hon. I. A. SWINBURNE.—What percentage increase would that indicate?

The Hon. L. H. S. THOMPSON.—I should like to have the opportunity of working that out. It could represent as much as 10s. a week.

The Hon. J. M. TRIPOVICH.—Did your Government extend the period of amortization to 53 years with the object of cheapening rents?

The Hon. L. H. S. THOMPSON.—That provision remains unchanged.

The Hon. J. M. TRIPOVICH.—Did your Government approach the Federal Administration on the question of amortization?

The Hon. L. H. S. THOMPSON.—I could not say, as I was not present when the agreement was hammered out. I think it was one of the points raised by the Ministers who were present at the discussions. The next change is effected by sub-clause (5) of clause 2 of the agreement, which amends clause 11 of the 1956 agreement. Under the old agreement, no building of more than three stories could be erected unless permission was first obtained from the Federal Minister of Housing, despite the fact that housing is a State responsibility. As a result of representations made by the Victorian Minister and Ministers representing other States, it was decided to change this provision in the agreement so that, within the inner metropolitan area, the State may please itself as to the type of dwelling that is erected. A map has already been prepared delineating the inner metropolis, and I shall display it to honorable members at the Committee stage.

The Hon. I. A. SWINBURNE.—It is a fair walk up three flights of stairs?

The Hon. L. H. S. THOMPSON.—In the case of four-story flats, we have endeavoured to place bedrooms in the top story so that anyone coming in does not have to walk up four flights of stairs straight off.

The Hon. J. M. TRIPOVICH.—This type of housing is, in effect, a social service?

The Hon. L. H. S. THOMPSON.—Yes, largely, because we are embarking upon rehabilitation programmes. Already within the inner metropolitan area about 78 acres have been cleared and approximately 4,500 people have been shifted out of slum areas, whilst some 6,000 people have been returned to reclaimed slum areas. Having reached an agreement as to where the inner metropolis starts and finishes, we can go ahead and build the type of dwelling that we as a State Government desire.

The Hon. I. A. SWINBURNE.—Does the three-story type of building exist outside the inner metropolitan area?

The Hon. L. H. S. THOMPSON.—Yes, the agreement applies only to the inner metropolis. The next amendment adds the word "developing" after the word "kerbing" in paragraph (*b*) of sub-clause (5) of clause 2 of the agreement. This will render it possible to use finance advanced under the agreement for the purpose of planting trees in the nature strips of streets serving housing estates.

The Hon. ARCHIBALD TODD.—Usually the municipal councils are responsible for the planting of trees in nature strips.

The Hon. L. H. S. THOMPSON.—Municipal councils have willingly co-operated in that regard with respect to many housing schemes, and we are looking forward to further co-operation, particularly in the matter of elderly citizens' flats. Sub-clause (6) of clause 2 of the agreement amends clause 16 of the 1956 agreement, and the effect of this amendment is to control the use by the State of money made available in the Home Builders' Account. Any allocation to an institution other than a co-operative housing society is subject to agreement by both the Commonwealth and the State Ministers, and the institution must be approved by the Minister. This amendment was not submitted by Victoria.

The final change in the agreement, which is a very important one, makes it possible for houses built under the old agreement between 1945 and 1956 to be sold on whatever terms the State thinks fit. A change introduced in April, 1955, just before the previous Government went out of office, made provision for the sale of Housing Commission homes under certain agreed conditions between the Commonwealth and the State of Victoria. One of those conditions was that in assessing the deposit payable a charge of 5 per cent. would be imposed on the first £2,000 and 10 per cent. on the balance. This has had the effect of deposits on old agreement houses being £250 and £300 as compared with a minimum charge of £100 on a new agreement house. As a result, the new agreement houses have been more popular. I think that out of the 13,000 new agreement houses built, 6,000 have been sold as compared with 7,000 old agreement houses sold out of 32,000 built.

The Hon. ARCHIBALD TODD.—People have to buy the houses or they do not get into them.

The Hon. L. H. S. THOMPSON.—Many of the people who went into those homes in the early stages do not want to leave. They are on a good wicket as compared with people who are being granted accommodation at the present time.

The Hon. I. A. SWINBURNE.—The rents charged are very low.

The Hon. L. H. S. THOMPSON.—That is so. In some cases a rental of only 31s. 6d. a week is charged for a three-bedroom house as compared with a current rental in the region of £6 10s. a week.

The Hon. ARCHIBALD TODD.—Some of the original houses cost the State only £700 to build.

The Hon. L. H. S. THOMPSON.—That is so. Homes of similar type which are now being constructed in districts far removed from shopping areas are being rented at £6 10s. a week.

The Hon. A. K. BRADBURY.—How do you arrive at the purchase price?

The Hon. L. H. S. THOMPSON.—The homes are sold on different bases. Old agreement homes are sold on the basis of the cost of construction plus the cost of replacement divided by two whereas new agreement homes are sold on a current market value basis. The principal change effected by the agreement is that we shall be able to charge whatever deposit we think fit, and at this stage I forecast that the deposit will be not more than £100, because that has been the minimum deposit required for the new agreement homes. I believe there are many young married couples who have got a good start in life because they have been charged a low deposit for their home.

The Hon. J. M. TRIPOVICH.—Are tenants the only persons who are eligible for Housing Commission homes?

The Hon. L. H. S. THOMPSON.—Certain qualifications are laid down by the Commission, but we have endeavoured as far as possible to encourage home ownership. The other main change, provided for in clause 4 of the agreement, is most important. The agreement effected in 1955 was a modification of the old agreement because there was no satisfactory provision in that agreement for the sale of homes. Late in 1955 a change was effected to provide that money derived from the sale of Housing Commission homes must be returned to the Commonwealth. Under the terms of this agreement, in clause 4,

it will be possible for the State to retain that money and it will be obliged to repay it on a 53-year basis, so it will have the use of the money derived from deposits to form part of a revolving fund for home building.

The Hon. J. M. TRIPOVICH.—Is there any sinking fund operating?

The Hon. L. H. S. THOMPSON.—There is a sinking fund, but some money does go into the home building fund, and under this system a large proportion would go to the provision of modern houses. Adequate provision must be made for repayments, but it is not necessary to put everything into the sinking fund, nor would it be in the best interests of home builders to do so. Judging from last year's returns for the sale of homes, this could mean a return to the Housing Commission of up to £250,000 annually, and a substantial proportion of that amount could go into the revolving fund for home building.

The Hon. I. A. SWINBURNE.—So long as the fund revolves quickly enough.

The Hon. L. H. S. THOMPSON.—We must be careful that sufficient money does go into the sinking fund. Under the new agreement the Government will, for the first time, be able to sell the old agreement homes built between 1945 and 1955 on whatever terms and conditions it thinks fit and, as a result, the terms and conditions of sale will be more liberal than those that were laid down in 1955 under the agreement between the Commonwealth and the States.

The Hon. ARTHUR SMITH.—Is any priority given to a tenant wishing to purchase a home?

The Hon. L. H. S. THOMPSON.—Every potential home-purchaser must qualify. A tenant would have a priority. In nearly every case, a Housing Commission tenant wishes to buy the home in which he lives, but occasionally it is found that a tenant whose family is growing wants to buy a home other than the one in which he resides.

The Hon. ARTHUR SMITH.—I have in mind a person who may offer more money by way of deposit than a tenant is able to afford.

The Hon. L. H. S. THOMPSON.—The tenant must have first option.

The Hon. I. A. SWINBURNE.—In other words, a person must be a tenant before he can purchase a home.

The Hon. L. H. S. THOMPSON.—That is so. Technically, every person must become a tenant before he can apply for the purchase of a home.

The Hon. A. K. BRADBURY.—A tenant gets a rebate if he has occupied a house for five or ten years.

The Hon. L. H. S. THOMPSON.—That is so. There is an allowance in the sale price for amortization. The rebate system for tenants as distinct from purchasers works out at roughly 20 per cent. of the income of the person concerned. There is a formula laid down which governs the size of the rebate.

The Hon. A. K. BRADBURY.—You mentioned the case of a tenant whose family is increasing wanting to purhase a larger home than the one he is living in. Is it a fact that such a tenant would lose his amortization immediately he moved out of the house he was renting?

The Hon. L. H. S. THOMPSON.—Yes. That was the original idea.

The Hon. A. K. BRADBURY.—That is a little unfair, and it is not encouraging large families.

The Hon. L. H. S. THOMPSON.—Odd cases of that nature occur. It becomes difficult from the administrative angle to work out those things and do justice to the tenant. It is necessary to abide fairly strictly by the agreement laying down provisions regarding the fixation of economic rentals, formulas for sales, and so on. Injustices still arise, but the most glaring injustice of all is that those who have been in some of these houses for twenty years pay rentals approximately one quarter of the amount paid by people who have obtained Housing Commission accommodation in recent years, and the former are frequently housed in dwellings which are more advantageously situated than those who pay the high rentals. However, that is not directly affected by the agreement.

The Hon. J. M. TRIPOVICH.—Have you ever taken any point with the Federal Government that a £10,000,000 allocation ten years ago ought to be about £20,000,000 or £25,000,000 now?

The Hon. L. H. S. THOMPSON.—Victoria has earned the reputation of having fought extremely hard at Premiers' conferences for financial justice, and usually it has been in the vanguard of the fight. However, I was not present at the conference at which the housing agreement was negotiated.

The Hon. G. J. O'CONNELL.—What is the average cost per unit now?

The Hon. L. H. S. THOMPSON.—Prices of the last ones I saw ranged from £3,450 to £3,900.

The Hon. G. J. O'CONNELL.—Including the land?

The Hon. L. H. S. THOMPSON.—No. Those prices were for the buildings alone. For the reasons stated, I commend the Bill to the House.

On the motion of the Hon. G. J. O'CONNELL (Melbourne Province), the debate was adjourned until Tuesday, November 28.

LOCAL AUTHORITIES SUPERANNUATION (AMENDMENT) BILL.

The debate (adjourned from November 14) on the motion of the Hon. G. L. Chandler (Minister of Agriculture) for the second reading of this Bill was resumed.

The Hon. BUCKLEY MACHIN (Melbourne West Province).—This is a short Bill containing three straightforward amendments to the Local Authorities Superannuation Act. Last year, the Act was amended to allow the Local Authorities Superannuation Board to conduct its own insurance scheme rather than operate in conjunction with life insurance companies. It might be as well to recall the origin of this movement and see how it has operated. The local authorities scheme is entirely different from the one conducted by the State Superannuation Board. It is a contributory scheme engaged in by the local authorities and their employees. Each contributor pays an amount equivalent to 3½ per cent. of his wage or salary.

In the first instance, there were two schemes. The first was an assurance scheme and the second was a provident fund scheme. Under the first scheme, persons who were under the age of 55 years and who passed the required medical examination were insured. Those over the age of 55 years or females who did not desire to come under the first part of the scheme contributed to the provident fund. This scheme worked well until two or three years ago, when the Local Authorities Superannuation Board thought it could achieve two objects by operating the scheme itself. In the first place, it would have in hand a sum of about £500,000 a year which it could lend to local authorities, and in the second place it would be able to give the employees a much better cover for the same premium than they obtained from the insurance companies. An approach was made to the Government, which, after some delay, allowed this scheme to be implemented.

Amending legislation last year, which became operative on 1st March of this year, authorized the Board either to allow a policy to continue in force or to take the surrender value. The Board decided on three courses of action. First, in the case of a person over the age of 60 years at 1st March, 1961, it was considered that it would not be profitable to surrender the policy and bring him under another scheme. So such persons would continue with the insurance scheme.

There was some difficulty with persons who had not been in the scheme for two years. When the scheme first became operative—I happened to be a municipal officer at that time—it was stated that any contributor who left the service of a local authority within two years would not suffer but would have repaid to him the amount that he had put into the fund, and that plan was put into effect. When the Local Authorities Superannuation Board took

over the scheme, it approached the life assurance offices and asked about the surrender values of policies which had been in force for less than two years. The insurance companies informed the Board that such policies had no surrender value. The Board was faced with the alternative of losing all that had been paid or paying the premiums for two years, by which time policies would have surrender values. It then decided to pay the premiums on those policies so that they might have a surrender value. However, the Board cannot further deal with these policies without an amendment of the principal Act. That is provided in this Bill, which we support.

The Board also decided that policies of permanent employees who had not attained 60 years of age at the 1st March, 1961, which had been in force for a period of five years, were to be progressively surrendered as and when the necessary administrative procedure could be handled through the Board's administration and the life offices; and that policies of permanent employees who had not attained 60 years of age at 1st March, 1961, which had been in force for two years but less than five years, were to be converted to a paid-up value in those cases where the paid-up value was £200 or more. However, where the surrender value was less than £200, the policies were to be surrendered, for the reason that a policy which had a value of less than £200 did not carry any bonus value.

The object of this legislation is to allow the Local Authorities Superannuation Board to have two bites at the cherry, so to speak, and to give the best possible benefits that it can to the contributors. The benefits are far in excess of those that had previously been enjoyed. In some instances, the benefits will be nearly double for the same premium. Under the insurance scheme, a person, having reached the age of 55 years, who received a salary increase of £50 or more a year, was covered by the provident fund. He was not deemed to be insurable at that age, and part of his contribution and that of the local authority was paid into the insurance scheme, while part was paid into the provident fund. Under the scheme now operated by the Board, a person under the insurance scheme will remain in it until he reaches the age of 65 years, when all payments cease and he is paid out.

One of the benefits obtained by the fund is that whereas at one time a person deemed to be of ill health was eliminated by the insurance companies, now contributions will be accepted on the basis of payment of 40 per cent. of the sum assured upon immediate death, 51 per cent. at age 50, 82 per cent. at age 63, and the full amount at age 65. There is no permanent loading as there was with the life offices. I commend the Minister for bringing forward this measure, which will be a big improvement on the original scheme. I trust that consideration will be given to the making of further amendments to the scheme to provide for retiring allowances.

The worst feature is that if a person receives what is to him a large sum—approximately £4,000 or £5,000—he is deprived of a social services pension. It is to be hoped that at some stage a plan will be evolved which will embody the beneficial features of both schemes. There are disadvantages and advantages attaching to each. I look forward to the day when this legislation will be amended so that employees of local authorities may obtain the best possible benefits that can be provided from a superannuation scheme.

The Hon. A. R. MANSELL (North-Western Province).—The Country party supports this Bill. We realize how valuable the local authorities superannuation scheme is for employees, particularly as they become older. Three amendments are incorporated in the Bill and we can see no reason to oppose any of them. The first proposal is to give the Board power to determine again whether certain policies should be surrendered or converted. We agreed to a similar proposal in a previous amending Bill, and we feel that we must again support the principle. We consider that it would not be fair to the persons involved to do otherwise, as a great loss of rights might follow.

So far as the second amendment is concerned, we can see no reason why funds in the contracts account should not be invested or why the Board should not have the power to arrange an overdraft. We feel that the Board would act in a businesslike manner and with discretion in ensuring the welfare of persons contributing to the fund.

Again, it is difficult to see any reason why opposition should be voiced to the proposal to allow the Board to rearrange the closing date of its financial year to suit its own convenience. We believe the amendments are in the interests of the people vitally concerned with the legislation and so we support the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3 (Power to deposit moneys with banks and to raise moneys on overdraft).

The Hon. BUCKLEY MACHIN (Melbourne West Province).—This power already exists in regard to the Provident Fund, and I overlooked referring to the proposal in my second-reading speech. The reason the Board desires this amendment is that local authorities meet loan commitments as from the 1st March, and it is possible that some of them—this does not apply to the one with which I am connected—might be a little tardy in making payments and the Board may find it necessary to obtain overdraft accommodation for a short space of time in order to make money available to local authorities. Mr. Fagan is to be congratulated for the way in which he has handled the affairs of the Board. He has shown great care, diligence and skill, and it would be remiss of me if I did not compliment him for his work. I am pleased to support the proposal contained in this clause.

The clause was agreed to, as was clause 4.

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

CRIMES (BREATH TEST EVIDENCE) BILL.

The debate (adjourned from November 21) on the motion of the Hon. L. H. S. Thompson (Minister of Housing) for the second reading of this Bill was resumed.

The Hon. P. T. BYRNES (North-Western Province).—There is little need to say that the background to this Bill is a most serious social phenomenon. It concerns the trouble which arises through the use or misuse of motor cars and the resultant great loss of life and damage to persons and property. This involves great expense to the community, and no Parliament can avoid taking steps in an attempt to reduce the appalling toll of the road. Any measure of this nature must receive the most careful consideration of members. I am aware that some of the proposals in the Bill can be criticized. The fact that it will be passed should not deter honorable members from directing attention to some of its obvious defects. It must be realized that accidents are due to a number of causes. The Minister of Housing in explaining the purpose of the measure stated that the Police Accident Appreciation Squad reported that 42 per cent. of accidents investigated—I think the figures were 287 out of 656—were to some extent due to the fact that the drivers concerned had consumed alcohol. Of course, a great many other factors were present. It should be kept in mind that this Bill can provide only a partial solution to the problem.

The Hon. A. K. BRADBURY.—At least it is an attempt.

The Hon. P. T. BYRNES.—That is so. Nevertheless, it should not be felt that the passage of this Bill will stop the slaughter on the roads. As a returned soldier, I have seen something of death in war time. It is appalling to think that the number of persons killed and injured on the roads in Australia each year is greater than the average number of casualties suffered in some of the battles in the second world war. This Parliament has a duty to attempt to reduce these losses. I hope that this Bill is not brought forward merely as

a sop to the press or the public and that the Government will not regard its passage as an end to its responsibility. A great deal more must be done. We cannot rely merely on the use of some mechanical or chemical test and exclude the great many other factors present in road accidents. Newspaper reports of week-end accidents reveal that many of those involved are young people who possibly drive intoxicated with youth and speed. As a result, they become involved in accidents, often without having taken alcohol. These accidents may be due to carelessness, incapacity to drive, or defects in the vehicle being driven. Deliberate carelessness on the part of some person involved in an accident is probably the greatest factor. Ignoring the ordinary rules of the road which have been promulgated to provide for road safety is another. The best action that can be taken to ensure some measure of safety on roads is to employ more qualified policemen, particularly those trained for traffic duties. I believe this would have a beneficial result, particularly in the more concentrated districts at the week-ends when so many lives are lost on the roads.

Sub-clause (3) of clause 1 of the Bill provides that the Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette.* Therefore, the Government is under no obligation to proclaim the Act until it is ready to do so. If this measure is passed, breathalyzer machines will have to be located at various points throughout the State and a number of police officers trained in their use. In addition, regulations will have to be promulgated. Therefore, it could well be twelve months or two years before the Act is proclaimed.

I should like to be informed whether the Government has definitely made up its mind to proceed with this measure to its logical conclusion as quickly as possible. I have heard much criticism of the breathalyzer, but I have heard very little said in its praise. Country party members intend to support the Bill, although we would prefer the taking of blood tests. Obviously, from the criticisms that have been made the breathalyzer machine has defects when compared with the results obtained by blood testing. Very little criticism has been made of the accuracy of blood tests—in fact, I am not aware of any. However, serious criticisms have been levelled at the breathalyzer. An industrial chemist has contended that a number of substances will give a reading on the breathalyzer machine similar to that of alcohol—even ordinary menthol jubes will produce this effect. I understand that chasers, which can be bought in hotels, produce an effect equal to a breath test obtained from a person who has consumed twelve glasses of beer.

The Hon. L. H. S. THOMPSON.—Dr. McCallum tried them all, but to date none of them has been any good.

The Hon. P. T. BYRNES.—I am not speaking of substances which produce a negative test; I am speaking of those which can be held in the mouth to produce a positive test. I believe that ordinary vegemite, or any substance that ferments, can be used to produce a result on the breathalyzer. If that is so, a shrewd person could produce evidence in court to show that this is a fool of a machine. I mention those facts because the gentleman concerned went to a great deal of trouble to produce this evidence to us and he was prepared to give a demonstration.

The Hon. L. H. S. THOMPSON.—I think he was one who submitted to a test.

The Hon. P. T. BYRNES.—Possibly that is so. I have in my possession a letter from an experienced gentleman who was formerly employed by the Government in making inquiries on this and other matters in connexion with road accidents. It appears to me to be possible that the breathalyzer test will take the place of the ordinary law; this will be the result if the machine is put in the hands of policemen. I believe it might be more difficult to obtain a conviction for drunken driving under this measure. Dr. Bowden stated—

An examination of the legislation overseas where compulsory and implied consent operates shows that the suspect is arrested

and charged with the offence before he is subjected to a compulsory test or before he is asked if he will take a test where implied consent operates. It would be a much better safeguard here if the suspect was arrested and charged with the offence first and then compelled to undergo the test. This is a better safeguard for the citizen as well as for the policeman. This Bill makes no such provision, and an important safeguard has, in my view, thus been omitted. In this respect the Bill places the citizen very much in the hands of the police. I do not know any legislation overseas similar to what is proposed here in this Bill.

If I understand that paragraph correctly, it means that overseas a person must be charged with the offence of drunkenness, and that the breathalyzer is a supplementary test. What will be the position here? Will a policeman say to a driver, "In my opinion you are driving under the influence of liquor and I charge you with the offence," and then subject him to a breathalyzer test?

The Hon. J. W. GALBALLY.—The Bill does not say so.

The Hon. P. T. BYRNES.—Or does the policeman say, "You look as if you have been drinking; I do not think you are sober; so I will take you to the nearest police station and within two hours take a breathalyzer test to see whether you are drunk?" Will the person concerned then be charged with drunken driving if the breathalyzer test indicates that he is drunk?

The Hon. J. W. GALBALLY.—Is he under arrest until that stage is reached?

The Hon. P. T. BYRNES.—That is a matter I shall leave to the legal gentlemen.

The Hon. J. W. GALBALLY.—But it is an important consideration is it not?

The Hon. P. T. BYRNES.—I believe it is.

The Hon. L. H. S. THOMPSON.—What about a man who is ill? Surely it is not fair that he should first be arrested if the breathalyzer subsequently proves that he has not been drinking.

The Hon. P. T. BYRNES.—Even in such a case the person concerned would be quite safe because the breathalyzer test would prove that he was sober, and even if the policeman had arrested and charged him he would be released. Every thinking person desires that the road toll be decreased. Therefore, the Country party is prepared to give this measure a trial and will vote in favour of it.

The Hon. I. A. SWINBURNE.—In the hope that it will be proclaimed.

The Hon. P. T. BYRNES.—In the hope not only that it will be proclaimed within a reasonable time but that it will be made to work. In the meantime, the Government will have ample opportunity to overcome objections which have been and will be made.

The Hon. J. M. TRIPOVICH.—If a stipendiary magistrate refuses to accept what he considers to be an abrogation of a cardinal point of law, how can he be forced to do so?

The Hon. P. T. BYRNES.—I shall leave that question to my legal friends. I do not envy the magistrate his task, because all sorts of difficulties may arise. In the letter which I have mentioned, Dr. Bowden said that in his opinion in no case has a compulsory test been satisfactory and that he would prefer a voluntary test, particularly a voluntary blood test. In his opinion, and in the opinion of a great many people, a voluntary blood test would be preferable to a compulsory breathalyzer test. In the result, it may work out that way.

The Hon. W. R. GARRETT.—A person may still have a blood test if he wishes.

The Hon. P. T. BYRNES.—A voluntary blood test may be better than a compulsory breathalyzer test.

Sir ARTHUR WARNER.—Are you foreshadowing some amendments?

The Hon. P. T. BYRNES.—No; I am merely informing the House that my party intends to vote for the Bill. I do not think the legislation will be proclaimed in a hurry; therefore the Government will have plenty of time to overcome obvious disabilities in the breathalyzer. My party intends to support the measure mainly because, as the Minister pointed out, if only one life is saved something will be achieved. I

trust that the Government will not shelter behind this Bill and refuse to face up to its responsibilities to make the roads safe in every possible way. The only manner by which road safety will be improved is by the employment of more policeman.

Sir ARTHUR WARNER.—I thought you voted against the measure to apply a surcharge on insurance premiums.

The Hon. P. T. BYRNES.—I am not permitted to debate a Bill which has already been passed. Recently I read that an additional 650 policemen could be employed at the cost of £1,000,000. If the Government is prepared to put on an additional 650 policemen, my party would be agreeable to the raising of an extra £1,000,000. That number of extra policemen patrolling the roads would accomplish far more than either the breathalyzer or blood tests. I have driven thousands of miles throughout Victoria, and I recall that when a certain policeman who took photographs at the bridge near Bacchus Marsh was operating, the traffic in that area slowed down noticeably. It is essential that there be more sensible control over road traffic. The Government should make this a No. 1 priority. When the Country party went to the polls, we said that the first task of any Government should be to check the appalling toll on the road. We claim to be a civilized community, but we have no right to that claim if we allow on our roads so much stupidity, bad manners, and ignorance, which bring about the appalling road toll. We cannot afford to lose one young life because we are a young nation and every young person in the community is worth thousands of pounds to the country. We must stop this appalling road toll. I know that it is not possible to make this State completely accident-free.

In a letter to me Dr. Bowden said that in Paris, where the taxi service is supposed to be fast and erratic, there are fewer motor accidents in proportion than there are in Australia.

The Hon. W. O. FULTON.—One could hardly believe that.

The Hon. P. T. BYRNES.—I found it difficult to believe. I have seen taxi drivers in Tokyo also. It is true that in Paris there are compulsory blood tests. I have not the figures to place before the House, but I shall quote a passage from Dr. Bowden's letter to me, which reads—

> There are other courses which can be followed and they are surely worth serious consideration. Anyone who knows the story of the city of "Medicine Hat" in Canada and "Trail" in Canada realizes what can be done about reducing the road toll without compulsory alcohol tests. The same applies in Paris where other measures have been effective. (Although in France in 1956 a compulsory blood test was introduced, this was not one of the factors that contributed to the better Paris results; they were achieved before the introduction of that measure.)

Has the Government made any effort to find out what has happened in Paris and why there should have been such a great improvement in the accident rate?

The Hon. L. H. S. THOMPSON.—In France, the Bill relating to blood tests was introduced in 1954, but the legislation did not come into operation until 1956.

The Hon. P. T. BYRNES.—At any rate, compulsory blood tests are now in operation in Paris. A criticism that I heard of the breathalyzer is that it is an American gadget. That may be an extreme point of view, but many of us look with some suspicion on some gadgets which come from the United States of America. I admit that we owe a great deal to that country for achievements in mechanics, but Americans are inclined to be sentimental and be converted to something that apparently produces a result and looks all right. They would not go so far as to accept blood tests, so they carried on with the breathalyzer. Now we have it here.

The Hon. A. R. MANSELL.—And we are getting six more.

The Hon. P. T. BYRNES.—We will need 600 more. I should like to see what would happen if a policeman came up to a motorist who was caught in a dust storm between Mittyack and Day

Trap in the north of Victoria and decided to take him to the nearest police station for a breath test. I should like to see it on television; it would be worth looking at. A person taking a breath test will be in the hands of a policeman, but if a blood test were taken, that would not be the case. People have to blow into these machines and all sorts of things can happen. When tests were conducted in Parliament House, I was informed that the reading could vary depending on the build of a man. Apparently it depends on the avoirdupois of the person tested. I am not joking about this measure, because the road toll is serious and every honorable member should give it earnest consideration.

We look to the Government to do more than it has in the past. When we went to the hustings we said, as I stated earlier, that this problem should be given No. 1 priority. We said that we would support the Government if it introduced blood tests or anything else to bring about a decrease in the loss of life on the road, and we are now carrying out our promise. As a result of what people have said to me about the breathalyzer, my confidence in it is shaken for various reasons. It appears to me that it is inaccurate and that the system proposed in the Bill, whereby a man is not charged with drunkenness before a test is taken, is wrong. I think the constable should say to the suspect, "I am charging you with being under the influence of alcohol." Then the breathalyzer test should be an added means of determining whether the constable is right. I have a suspicion that the breathalyzer will become a laughing stock and in a year or two will be dropped completely. However, in the meantime, we will support the Government in order that it can be given a trial, but we insist as far as we can and with all the power that we have that it continue to investigate other avenues available to bring about more safety on the roads. The first thing to be done is to engage more police, and the second is to set a higher standard of education for young motorists. They should be educated to drive motor cars in a proper manner and with due regard to the safety of other road users. My party supports the Bill.

The Hon. R. J. HAMER (East Yarra Province).—The problem of dealing with the slaughter and the loss of life on the roads is one of the most acute that this Parliament has faced. In fact, it is common to Parliaments and legislatures all over the world. Therefore, this is an important Bill because it is an attempt by the Government to do something new, and the Government in breaking new ground has been accused of undermining a fundamental principle of law. So, it is up to the Government to examine that accusation and to deal with it. The solution which this Bill adopts —that is of compulsory breath testing— has been a matter of debate for some time. The attitude of the Labour party has been most curious because at no time until after the election this year did it say a single word as to its attitude.

The Hon. J. W. GALBALLY.—We had not seen the Bill.

The Hon. R. J. HAMER.—I am not talking about the Bill.

The Hon. J. W. GALBALLY.—How else could we express our opinion?

The Hon. R. J. HAMER.—I am talking about the principle of compulsory chemical tests. Like Brer Fox, members of the Labour party said nothing. Even when the Bill was announced and the principle was clear, still the silence was deafening from the Labour ranks until two things happened. First, the oracle at the Trades Hall spoke and the word went out that the Bill was to be opposed. Secondly, the Bar Council produced a statement.

The Hon. J. W. GALBALLY.—That statement is untrue, and you know it.

The Hon. R. J. HAMER.—I know nothing of the sort.

The Hon. J. W. GALBALLY.—Explain what you mean by the oracle of the Trades Hall.

The Hon. R. J. HAMER.—I mean that the Australian Labour party executive decided that the Bill was to be opposed.

The Hon. J. W. GALBALLY.—That body has never done so. It has made no decision whatsoever on this matter. You are not doing yourself justice in saying that. You have made the statement, and I challenge you on it and so does every other member of my party. If you are a man, you will withdraw your statement or prove it.

The Hon. R. J. HAMER.—Very well, we will hear from other members of Mr. Galbally's party on the matter.

The Hon. J. W. GALBALLY.—You have had plenty of opportunity. A member should not stand up in a House of Parliament and make a statement that he knows to be untrue. So, withdraw it.

The Hon. R. J. HAMER.—I do not think Mr. Galbally was listening.

The Hon. D. G. ELLIOT.—Road safety was definitely mentioned in Mr. Stoneham's policy speech.

The Hon. R. J. HAMER.—I read the policy speech of the Leader of the Opposition, and I do not remember a single reference to the party's attitude to compulsory blood or chemical tests. Whatever the facts are, I believe I have stated them accurately. The Government has now been accused of subverting a fundamental principle of law. I want to examine that suggestion, because I think it is most important. However, before I do so, I point out that the Labour party seems to be in some disarray about this question. It was represented on the Senate Committee which inquired into road safety, and it will be recalled that the members of that committee included Senator Aylett, Senator Drury from South Australia and Senator Sheehan, whose standing in the Labour party at the moment seems obscure. Those three gentlemen represented the Labour view. At page 24 of its report the committee stated among its recommendations—

> Chemical tests to assist in determining the degree of intoxication of drivers should be introduced on a compulsory basis.

There was no dissent from that report; the whole of the committee, including the three Labour Senators, agreed to that recommendation. I now want to put forward two propositions. The first is that the privilege against self-incrimination, when properly stated, is not infringed or violated by this Bill; and, secondly, even if it were stated in a very wide sense, as Mr. Galbally stated it, it has been departed from by Parliaments on many occasions. There never was an issue which justified such a departure as much as this one.

The fundamental principles with respect to evidence are that the plain truth and the full truth shall be placed before the court. The most solemn moment in a trial is when a witness enters the box and takes the oath to tell the truth, the whole truth and nothing but the truth to the court. Quite rightly, nobody is then allowed to speak or move about, for it is, as I have said, a solemn moment. All the principles of evidence and the privileges given to a witness are based on that fundamental requirement.

The Bar Council produced a statement, as it was perfectly entitled to do. I believe that democracy, working properly, requires a well-informed and eminent group to put forward its views on questions of the day. I have said that it was perfectly entitled to express its views; and the Law Institute also to some extent, although to a lesser degree, said something along the same lines.

The Hon. SAMUEL MERRIFIELD.—You do not agree with the Premier as to the right of the Bar Council to make a statement?

The Hon. R. J. HAMER.—The Premier can look after himself quite adequately.

The Hon. SAMUEL MERRIFIELD.—I am glad that you disown him.

The Hon. R. J. HAMER.—That is not a proper interpretation of my comment. The statement put out by the Bar Council was marred to some extent by slight exaggeration and could be misleading. The exaggeration lies in the reference to the police State. I decline to consider this measure on the basis that we have a Police Force in Victoria that is likely to use the authority given it to oppress citizens.

I asked a question in this House recently respecting the outcome of a Bill which had been passed through Parliament about this time last year and which gave a policeman power, if he thought on reasonable grounds a person was unfit to drive a car, to forbid him to do so, and even to take from him the keys of his car. The answer to my question stated that since the beginning of this year in which the Act had come into operation the police had forbidden drivers to use their cars on 502 occasions and that on the same number of occasions they had demanded and obtained from the drivers the keys to those cars. I have not heard one protest by drivers respecting the misuse of those powers by the police. The fact that keys were obtained on every occasion and that there was no protest on the part of the drivers shows that the police used those powers with reasonable discretion and skill, for the reason that the people with whom they were dealing were not always easy to control. Although every group has its black sheep and some members of the police may misuse their authority, a proper remedy is to deal with the transgressors severely —not to deal with this Bill on the basis that the police are likely to abuse their powers.

In the Bar Council submission, a second statement regarding confessions was made which implied that the rule against accepting confessions obtained by threat or promise was an example of this privilege against self-incrimination. That is not so. I propose to quote a world authority on this subject and so dispose, if I can, of the question of confessions. My reference is to *Wigmore on the Law of Evidence*, Volume 8, in which it is stated—

> The rule excluding untrustworthy confessions and the rule giving a privilege against compulsory testimonial Self-Crimination are sometimes not kept plainly apart.

That is what the Bar Council has done on this occasion. It has not kept plainly apart these two separate principles.

The Hon. P. V. FELTHAM.—Does Wigmore give authority for the rule against compulsory incrimination?

The Hon. R. J. Hamer.

The Hon. R. J. HAMER.—He is an American authority and is dealing largely with statutes such as the Fifth Amendment to the American Constitution; therefore, he cites somewhat different cases. But he does compare the statements and privileges that are in writing in the American Constitution with the common law principles in England and says that they are identical.

The Hon. J. M. TRIPOVICH.—Can you quote one English authority on this principle? Can you rebut the case that Mr. Wilcox put in another place?

The Hon. R. J. HAMER.—I am not sure what it was. I am dealing with the confusion which can arise between confession and self-incrimination. They are quite separate but they are not always kept plainly apart. Wigmore continues—

> . . . . But this confusion is radically erroneous, both in history, principle, and practice.

The rule against confessions is really another illustration of the underlying principle of which I spoke—that it is the truth that is important, that it is the truth that has come out in court, that the real reason for rejecting confessions obtained by threats or promises and so on is that they are likely to be untrue or unreliable.

We have in our own law a provision which is an illustration of that. I refer to section 149 of the Evidence Act, and it is curious in that it allows confessions to be tendered in evidence, although they may have been obtained by promises or threats, provided that the Judge is of opinion that the inducement was not really calculated to cause an untrue confession. Therefore, the reference to confessions can be misleading to the layman because it is not really an illustration of the privilege against self-incrimination.

I come now to consider the real extent of this privilege. Mr. Tripovich asked me to state an English authority. I therefore cite *Phipson on Evidence*, 8th Edition. This is how that authority sets out this privilege—

> No witness, whether party or stranger is, except in the cases hereinafter mentioned, compellable to answer any question

or to produce any document the tendency of which is to expose the witness . . . to any criminal charge, penalty, or forfeiture.

He goes on—

The privilege is based on the policy of encouraging persons to come forward with evidence in Courts of Justice, by protecting them, as far as possible, from injury, or needless annoyance, in consequence of so doing.

Here again this principle has been adopted to protect all witnesses, whether they are parties in the case or not, against any unfortunate consequences of coming forward to give evidence. It stresses the importance of having the whole truth placed before the court.

The true ambit of this privilege is that it relates to witnesses, to proceedings in court, to oral evidence and documents. That is the real scope of this principle and I have said that this Bill does not violate it in any way. In English law it is not stated anywhere by statute but in America it does appear in the famous Fifth Amendment to the American Constitution, and that part of it which is important in this matter states: "No person shall be compelled in any criminal case to be a witness against himself." That is the privilege against self-incrimination which has been adopted from the English common law. American courts have ruled that compulsory breath analysis and tests of the kind are not an invasion of that principle clearly laid down in the Constitution.

The first authority to deal with it was that great lawyer, Oliver Wendell Holmes, Chief Justice of the United States Supreme Court, who said—

The prohibition compelling a man in a criminal court to be a witness against himself is a prohibition of the use of physical or moral compulsion to extort communications from him, not an exclusion of his body as evidence when it may be material.

It is quite clear from many cases that a man can be measured or photographed, or he may be required to make specimens of his handwriting, to speak words for identification of his voice, his garments may be measured, and he may be tested in various other ways, provided that one does not demand that he incriminate himself by his own verbal admissions. A man's body is not inviolate; it is his words that are inviolate. There is a distinction between oral evidence and the evidence of things. In this case, the testing of a man's breath is equivalent to the taking of his fingerprints and a lot of other such things that no one regards as being inimical to that person's freedom.

The Hon. J. M. TRIPOVICH.—I would rather you quoted English authorities than American, with their different interpretations.

The Hon. R. J. HAMER.—I shall turn to an Australian authority. The Senate Committee was an all-party committee. In considering the compulsory chemical tests, it quoted with approval the Supreme Court of the United States which, long before we had to deal with the problem of the roads, had considered compulsory blood and other chemical tests and had clearly ruled that they do not constitute a violation of this fundamental principle.

The Hon. P. V. FELTHAM.—It does not offend against the principle in the Fifth Amendment. That is slightly different from what you said.

The Hon. R. J. HAMER.—Perhaps that is so. I do not think there is any material difference. I propose to quote this point, which appears at page 24 of the Senate Committee's report. It is as follows:—

As against the right of the individual that his person be held inviolable, even against so slight an intrusion as is involved in applying a blood test of the kind to which millions of Americans submit as a matter of course nearly every day, must be set the interests of society in the scientific determination of intoxication, one of the great causes of the mortal hazards of the road. And the more so since the test likewise may establish innocence, thus affording protection against the treachery of judgment based on one or more of the senses. Furthermore, since our criminal law is to no small extent justified by the assumption of deterrence, the individual's right of immunity from such invasion of the body as is involved in a properly safeguarded blood test is far outweighed by the value of the deterrent effect.

With respect to Mr. Feltham, the reasoning in that judgment can be equally well applied whether one takes the written prohibition in the American Constitution or the privilege as set out in the common law of England. Therefore, I return to the point that this Bill does not violate the privilege against self-incrimination in its proper sense, as properly understood.

The second point, as I said at the beginning, is that even if one adopts a very wide meaning of this principle, the Parliaments of Britain and Australia have departed from it on many occasions. The Minister mentioned some of them, and I was astounded when I looked into the matter. I found, for instance, that a bankrupt can be compelled to be a witness against himself. Section 70 of the Federal Bankruptcy Act provides—

> Unless the court otherwise directs a bankrupt shall not be excused from answering any question put to him on any examination by reason only that the answer thereto may expose him to punishment.

That is a direct negation of the privilege against self-incrimination. Under the Federal Customs Act, there is also compulsion to give evidence. Under section 145 of the Police Offences Act, dealing with common gaming houses, not only the defendant but also any persons found on the premises may be required to give evidence. The provision goes on to say—

> And no such person shall be excused on the ground that his evidence will tend to criminate himself.

One can find in the Motor Car Act, the Labour and Industry Act and the Motor Car (Hours of Driving) Act, many other examples of how the legislature has seen fit at times and under certain circumstances, to set aside this principle and force a man to give evidence even though it may incriminate him.

The point I want to make is that if it is important to make sure that a bankrupt does not escape the consequences of his acts, and to detect a man who is guilty of a customs infringement or to convict a man who has been in a common gaming house, surely if one thinks that this sort of legislation will be effective one should not shrink from this further step which may be taken in a broad sense to be an invasion of the privilege of the individual.

In effect, we have a choice. If the privilege is to be jealously guarded and restricted, we still have to face up to the challenge of doing something about this problem. In ten years, there have been 21,000 deaths on Australian roads and 500,000 people have been injured.

The Hon. J. M. TRIPOVICH.—How many were due to intoxicated drivers?

The Hon. R. J. HAMER.—The Traffic Commission estimates the annual cost in Victoria to be about £30,000,000, so it is a very large problem. In answer to Mr. Tripovich, the Senate Committee reported that there were estimates varying between 6 per cent. and 70 per cent. Of course, the reason for the variation is obvious. It is difficult to assign causes for an accident after it has happened, particularly as alcohol is never a direct cause. It is an inducing cause or the cause of a tendency to speed or failure to take proper care. It affects judgment. When one is considering the cause of an accident one may write down excessive speed, but that may well have been due to the fact that the driver had been drinking. I adopt what the Senate Committee reported after a lot of consideration of this matter. This is all the authority that there is in Australia on this subject.

The Hon. J. M. TRIPOVICH.—Did the State Government give evidence before the Senate Committee? I understood that it boycotted it.

The Hon. R. J. HAMER. — The Chief Secretary took the view, with which I would agree, that road safety had very little to do with the Commonwealth Government and that although a Senate Committee could investigate it, such a committee would have very little executive power. The Chief Commissioner of Police, the Government Statist, and Sir Henry Winneke, eventually gave

evidence before the committee. This is how the committee reported on the proportion of accidents due to alcohol—

> The best estimates are those in which scientific chemical tests have been conducted upon accident victims, and if it is conceded that at a certain blood alcohol level a person is under the influence of alcohol to the extent that its presence is a factor in the accident at least 25 per cent. of injury-producing accidents to motor vehicle drivers and 30 per cent. to pedestrians involve alcohol as a causative factor.

I would be quite happy to adopt that figure. To what extent alcohol is a cause is a matter of opinion.

The Hon. ARCHIBALD TODD.—Do the Victorian police records substantiate that?

The Hon. L. H. S. THOMPSON.—The Police Accident Appreciation Squad figures are well above that—42 per cent.

The Hon. R. J. HAMER.—Those figures were available to the Senate Committee, and it reported on them. The point is that if a figure as low as 25 per cent. is taken, it still represents a large number in terms of deaths and injuries spread over a few years. All the statistics show that the various measures taken by Victorian Governments over the years have been having some effect. Between 1950 and 1960, the rate of accidents per year fell from 12.5 to 7.8 per 10,000 vehicles registered, which is quite a good improvement. Therefore, if the Bill can produce a further improvement it will have made a worth-while contribution.

The last matter I want to mention is how the breathalyzer has worked so far. There has been some criticism of the machine, but I believe that in practice it has worked very largely as one would have expected it. Since the 28th March this year, 337 people have been asked to submit to tests, of whom 91 refused and 53 were not charged after the test. In 185 cases convictions were recorded, 35 cases were dismissed and 45 were pending at the date the figures were compiled. I should like to stress that 91 out of 337 refused the test, and that 53 were not charged after having had the test. In other words, about a quarter of the drivers escaped the test, and a large number benefited by the machine.

The Hon. J. M. TRIPOVICH.—If this Bill had been in operation and the 91 persons who refused had had enough money to maintain their attitude, the only difference that the Bill would have made would be to provide extra revenue for the Government. If I went into a court of law and said that I had refused to take a test because I considered it to be an interference with my private freedom, I think I would have a good argument in my favour. If I lost the case it would only cost me £20 anyhow. This is class legislation.

The Hon. R. J. HAMER.—Whether Mr.Tripovich is right remains to be seen. It may be that the fine is not heavy enough, but my view is that it is not really the fine that matters. Evidence can be given of a refusal to take the test. In my opinion, a request to take it plus a refusal will be sufficient, and the fine is not of great importance. If a lot of people are willing to pay the fine rather than take the test, the matter might have to be reconsidered.

The Hon. J. M. TRIPOVICH.—Whether the Bill will work or not depends on the attitude of the bench.

The Hon. R. J. HAMER.—The Bill does not attempt to coerce the court in any way as to what is a substantial reason for not taking the test.

The Hon. C. S. GAWITH.—In view of the figures you have produced showing that 25 per cent. of the people charged have availed themselves of the machine and benefited by it, what percentage do you think would have a chance of getting off without the aid of the machine?

The Hon. R. J. HAMER.—I could not say. I think it would be impossible to say.

The Hon. P. T. BYRNES.—What would you say about Dr. Keith Bowden's comment that the officer should lay the charge and then take the test?

The Hon. R. J. HAMER.—I would be opposed to that because the test can work two ways. It can demonstrate

that the subject should not be charged with drunken driving, and that has happened in 53 cases.

We have on our hands one more way of dealing with this problem, but I believe the most important effect of the legislation will not be more convictions. I do not think we should be aiming at that. The principal effect will be psychological. I agree with Mr. Galbally who has said on many occasions here, that the way to prevent offences is to deter the people who are likely to commit them, that the danger of being convicted is more important than the actual fine or imprisonment that attaches to conviction.

The Hon. J. M. TRIPOVICH.—Do you really believe that when a person is drinking at an hotel the thought will occur to him, "If I have more beer I will be in trouble ?"

The Hon. R. J. HAMER.—I do not know about in an hotel.

The Hon. J. M. TRIPOVICH.—In a club?

The Hon. R. J. HAMER,—Yes, there are signs of that. I believe people are thinking about not having more drinks, and that more people are using taxis to proceed to and from parties. Husbands are driving wives and vice versa. This is perhaps the most important thing of all. What is really wanted is not legislation of this sort but a change of heart and social habits. The "one for the road" has to be recognized as a danger, that one may be committing one's guests to a risk rather than helping them on their way. Until we achieve that kind of change of attitude we cannot expect a large reduction in the road toll.

Finally, I make a suggestion that there should be an appeal to one section of the community which could help to bring this change about. I refer to the women. Generally, they occupy the suicide seat in a motor car and, in many ways, they have the most to lose from accidents which occur—the loss of the breadwinner, and the injuries to their husbands, their children and themselves. I believe they could exercise a great organized effort if they wished to do so. Many years ago a comedy called "The Lysistrata" was written in which the women, in order to prevent war, took certain drastic action against their husbands. I am not suggesting they should act in that manner in this case, but it demonstrates the power of persuasion which the womenfolk have and if the various women's organizations want to do something, they might well take up this matter and see what pressure they can exert to bring about a change of heart which will have some real effect on the road toll.

The Hon. W. R. GARRETT (Southern Province).—This is a Bill to amend the Crimes Act and, when it is passed it will be mandatory for any motorist suspected of driving under the influence of liquor to submit himself to a compulsory test by means of a breathalyzer. The breathalyzer is an instrument which, by chemical means, purports to determine the amount of alcohol that has recently been consumed by the person being tested. To-night and last night, we have heard three very good speeches on this subject, two from lawyers and one from a farmer. We heard a very clear, concise, commonsense speech by Mr. Byrnes and, from the lawyers, we heard the legal side of the argument. I thank my learned friend, Mr. Hamer, for a very clear dissertation on evidence—it was clear enough even for me to understand. However, Mr. Galbally's speech was not clear. I am not a legal man, but a plain business man, and I shall put before the House the outlook of the man in the street—the man with a family who, to-morrow, could have his child killed by a drunken driver.

I doubt whether any Bill has ever come before this House with so much preamble as has this measure. For years, we have seen articles favouring blood tests, articles against blood tests, letters written by the Licensed Victuallers Association, the brewers, the temperance organizations and the churches. In fact, my colleague, Mr. Hunt, has in his possession a file about 1 inch thick of press cuttings on the subject, which go back for several years. We have heard a great deal

about it and, possibly, that could influence our thinking. The first point to consider is the question, "What is the need for this Bill?" First, we have a very active body of people in this country who manufacture alcoholic beverages; secondly, quite a number of motorists drink these beverages and, unfortunately, they drink and drive at the same time. If they did not do that, of course, there would not be a need for the Bill. Similarly, if there were no brewers, there would be no need for the Bill. However, that may not be the point.

Let us examine what the Bill hopes to achieve. Obviously, the first point is that it will in some way reduce the ghastly road toll. In Victoria alone, the toll in the last ten years has risen from 500 to 700 persons a year killed, and from 10,500 to 16,500 persons injured—very dramatic figures. Among those accidents, there is a large number involving pedestrians who were simply "mown down" on the road by motorists, and that is one type of accident where, I think, alcohol may play a larger part than in some other types of accidents.

The number of motor cars is increasing rapidly, which makes it more important to do something about the road toll, and I pay a tribute to the courage of the Premier in bringing in this Bill. A start must be made somewhere, and this Bill represents that start. I do not believe that the road accident problem can be overcome simply by bringing in a Bill, waving a magic wand and by doing something to the drunken drivers—the introduction of blood or breath tests will not do that. There is no "Royal Road" to curing the toll of the road. There are many factors which contribute to it—dangerous roads, some of the bends in the roads are sharp, and some roads were designed in the horse and buggy days—but the Government is doing what it can with the money it has to improve that state of affairs. There is an increasingly large sale of comparatively high powered cars in the low-price bracket which means that many new motorists—including many young ones—have as their first car a very fast, death-dealing weapon. In Europe, the situation is different, because the cheaper cars are nearly all low-powered cars which are much safer.

The poor mechanical condition of cars has some effect on the toll of the road, as also do bald tyres, although only 2½ per cent. to 3 per cent. of accidents are attributable to that cause. Three of the main reasons for the road toll are the low standard displayed by the average driver in the physical handling of his motor car; the lack of knowledge of rules of the road and the non-adherence to them; and the selfishness, the arrogance and the lack of consideration for other road users displayed by many motorists to-day. I am certain that any honorable member in this House who has toured the world and studied the problem will agree that the standard of motorists in Victoria is probably lower than anywhere else in the world—I, being a Victorian, am sorry to admit such a state of affairs. A change of heart in the average motorist is the only thing that will cure the road toll; it cannot be done by means of legislation. This is something for the motorists personally to think about. The Government has done a good deal towards improving the matters I have mentioned, such as improving the roads.

By way of interjection, an honorable member asked what the Government was doing about the road toll. I point out that the Government introduced a Bill to license the instructors in motor driving schools. The standard of driving instruction in some schools is very low and, to a certain extent, it has contributed to the toll of the roads. There are probably many other contributing causes to the road toll that I have not mentioned, but the problem this House is considering to-night is the effect of alcoholic beverages when consumed by drivers in excessive quantities. All sorts of figures have been quoted concerning this aspect—in fact, earlier to-night, Mr. Hamer quoted certain statistics. During the past few years wild statements have been made of the number of accidents caused by the effects of alcohol. There is no accuracy in those figures because we have not had an accurate,

scientific machine or instrument capable of determining the degree of drunkenness from which a driver was suffering. The situation from now on will be better. In many cases, it has not been possible to tell whether a driver was drunk or not and, unless he was dead drunk, he frequently escaped conviction.

The Traffic Commission's analysis of 10,000 accidents in 1958-59 provides some rather interesting information. Out of the 10,000 accidents considered, 61 per cent. of drivers had definitely not been drinking; 21 per cent. had been drinking; and in respect of 18 per cent. it was not known whether they had been drinking or not. In other words, there was some doubt about 40 per cent. of the drivers involved. If the breathalyzer had been available at the time, there would have been a good deal less doubt about the 40 per cent. of drivers, and some of them might have been brought to book. In the past, the percentage of accidents definitely proven to have been caused by drunken driving was small, due to the reasons I have stated.

The Police Accident Appreciation Squad said that out of 626 accidents investigated, alcohol was a factor in some way or another in 268 cases—that is 42 per cent. of the total number of accidents. I am now repeating the figures quoted by Mr. Byrnes, but they are well worth repeating. Owing to the lack of a scientific method, we have been missing out on the information that we should have had. Had we known a good deal more about the condition of the 42 per cent. of drivers which I previously mentioned, it is possible that an example could have been made of them as a deterrent to other drivers.

Tests are interesting. There have been tests for drunkenness going on for perhaps 100 years. The Police Department has applied certain tests, such as making the person concerned walk along a line, look up a telephone number, and such like, but these were rather obvious tests and a person would have to be pretty drunk before being convicted on such evidence. During the war, I had command of fairly large air force units and frequently had to sit in judgment on airmen who were alleged to have been drunk while on duty. In the early stages of the war the Air Board considered that certain tests similar to the civil tests were satisfactory, but, later, it was decided to consider whether the person concerned was able to carry out his duties or not. That did not prove to be very satisfactory because a man who was only emptying rubbish tins could have half a dozen beers and still carry out his duties and, according to the law at that time, he was stone sober. Another man, whose duty it was to set the gap of a spark plug to 21 thousandths of an inch, might have had only one small beer but, because he could not carry out his task, he was drunk. We did not take a great deal of notice of these tests, and we still continued to use our commonsense.

Blood tests have been mentioned by previous speakers, and my great objection to them is that they are difficult to administer. It is necessary to obtain the services of a doctor to administer them. The breathalyzer gives a fairly close approximation of the results obtained by blood testing and it is easy to handle. A good deal has been said concerning the breathalyzer instrument itself. It has been called a gadget from Indiana, and it has been said that breathalyzers are sold at Tim the Toyman's, but such remarks are stupid. The instrument is of perfectly sound scientific construction, and any honorable member who has studied physics over the years would have used each individual part of the instrument many times. There is a chamber into which the air containing alcohol is blown. It is then discharged through a vessel which contains a solution of potassium dichromate, which is normally a yellowish orange colour, but which is discoloured by the percentage of alcohol passing through it. The colour does not greatly matter; it only makes it easier for the light to pass through it and energize a photo-electric cell. The current generated by the cell in proportion to the amount of light falling

on it is then passed to a millivolt meter which can be calibrated in percentage of alcohol present.

It is a simple straightforward scientific instrument that is very well made but has some shortcomings. I shall refer to two of them, the first of which is that it inherently underestimates the amount of alcohol that a person has drunk. I do not think even members of the Labour party could find fault with that.

The Hon. SAMUEL MERRIFIELD.—In all cases?

The Hon. W. R. GARRETT.—In a large majority of the cases. The only other major fault of the machine is that the method of recording the percentage of blood alcohol is unsatisfactory. The principle of putting a card on two pins and recording the reading manually is crude, but it is easy to overcome that difficulty. The reading could be photographed and a permanent record produced. Although the present machine is not perfect, it is the best that is available in any part of the world. It at least represents a start and, we should get on with it.

The Hon. J. M. TRIPOVICH.—When will a better machine be produced.

The Hon. W. R. GARRETT.—The machine will be steadily improved. Absolute accuracy is impossible, because every person is not affected in the same way as the result of consuming a certain amount of alcohol. But absolute accuracy is not essential, because we are not laying down a certain percentage of blood alcohol. The important point about the instrument is that it will prove whether a person has drunk a small amount, a moderate amount or a great deal of alcohol, and what is still more important is the fact that it will prove whether a person has had no alcohol whatever. Honorable members have heard much from Mr. Galbally, whom I respect for his legal knowledge, on the matter of self-incrimination, British justice and all the rest of it. No-one is keener on British justice than I am, but could not the breathalyzer test act just as easily as a means of self-vindication as a means of self-incrimination? If I was involved in an accident and a police constable suggested that I should submit myself to a breathalyzer test I would willingly embrace the opportunity. I would be happy if there were a breathalyzer good and close.

The Hon. P. V. FELTHAM.—You would have to pick your occasion.

The Hon. W. R. GARRETT.—I would not have to do so because I would not be consuming alcohol. We are now living in a new era. Motor cars are now faster than they were formerly and there are many more of them on the roads than there used to be. Conditions nowadays are vastly different from what they were in the days of the horse and buggy, and it is probably time we changed our ideas somewhat. There are in the community many persons who are in favour of this Bill, but there are some who are opposed to it.

The Hon. J. M. TRIPOVICH.—You were not in favour of it until the proposal was announced during the last State election campaign.

The Hon. W. R. GARRETT.—If Mr. Tripovich does not want to hear my contribution to the debate he is at liberty to leave the Chamber. I submit that those who are most in favour of the Bill are the people who have been victimized —those who have had children killed by drunken drivers. There are plenty of such instances. Government members are in favour of the measure.

HONORABLE MEMBERS.—Not all of them.

The Hon. W. R. GARRETT.—Obviously a few are not in favour of the Bill. I cannot understand the reasoning of members of the Opposition party. In that respect, honorable members have heard only a few legal excuses that have been advanced by Mr. Galbally. However, they have to answer to their own consciences, and if perhaps to-morrow morning a parent comes to the house of, say, Mr. Merrifield and says, "My child has just been killed by a drunken driver; why did you oppose

the breathalyzer Bill?" it will be a question for Mr. Merrifield—not me—to answer.

The Hon. J. W. GALBALLY.—You have heard that the whole of the legal profession is opposed to the measure.

The Hon. W. R. GARRETT.—Members of the legal profession have spoken for themselves in this House. Then we meet objection from the people who still wish to drink and drive. Obviously, they will be opposed to the Bill. Next there are the persons who are engaged in the liquor trade. That trade is divided into two sections, namely, the brewers and the hotelkeepers. The liquor trade is a large industry. In the year 1957, the production of beer amounted to 221,000,000 gallons; in 1958, it was 226,000,000; and, in 1960, it was 237,000,000 gallons. I suggest that the consumption of that amount of beer was responsible for plenty of headaches and many motor accidents. During the past twenty years, the consumption of beer per head of population has almost doubled. In the year 1939 it was 12.5 gallons per person but, by 1958, it had jumped to 23 gallons per person. I suggest that that state of affairs has been brought about by a very efficient advertising campaign carried out by the brewers. The brewing of liquor is a very profitable business. In an article published in the *Age* on 3rd October of this year, the following was stated:—

CASTLEMAINE PERKINS NEW RECORD.

Castlemaine Perkins Limited, Queensland brewer and hotel owner lifted group profit from £508,649 to a record £578,935 in the year to July 31.

Here is the point I would like members of the Labour party to note particularly—

Pre-bonus earning rate is up from 21.2 per cent. to 24.1 per cent.

I suggest that if General Motors-Holden's Proprietary Limited or Electronic Industries Limited earned as much as 24.1 per cent. on capital there would have been in this Chamber an uproar from the Opposition party that would have lifted the roof. Why was there no uproar when such a profit was earned by a brewing establishment? I understand that an English brewing company wishes to commence operations in Australia but will not start without a guaranteed consumption of 8,000,000 gallons annually. That organization bets only on certainties. The consumption of an additional 8,000,000 gallons of beer represents a lot of potential headaches and many potential accidents. The main job of the brewers is to make a large profit and, in order to do so, they must produce huge quantities of beer. Therefore, there will be more road accidents. That is a matter of simple logic.

To my knowledge, the brewers do not seem to have shown much concern about the toll of the road. If they are concerned about that matter, how about their contributing a few million pounds toward research work on the question of preventing road accidents? All that is heard from the liquor industry is what appears from time to time in the *Age* in the form of arrogant letters written by the so-called public relations officer of the liquor trades union. Recently, however, he has remained silent. Whether he has given up the fight or has been told by his bosses in the liquor industry that he is doing to their cause more harm than good I do not know. Recently I read the following passage in an editorial published by the *Vigilante*—the official organ of the Australian Hotels Association (Victorian branch)—on the 16th November of this year:—

The grave question therefore arises, divorced entirely from blood or breath tests, how much personal liberty remains in this country? The answer is not consoling. There is merely a residue.

I suggest that the gentleman who made that statement should take a trip to Russia or to some European country where he will discover that, as regards liberty, living conditions are vastly different from what they are here.

A great deal has been heard about pills and other concoctions that can upset the working of the breathalyzer. In that regard I have before me a letter, dated 22nd November of this

year, which was addressed by Dr. McCallum to the Attorney-General. It is in these terms—

On the question or, more accurately, the frequently raised speculation, that commonly available substances can cancel out, reduce, or "neutralize" readings on the breathalyzer it is worth while considering first the published observation of Professor R. F. Borkenstein, chairman of the Department of Police Administration, Indiana University United States of America and the inventor of the breathalyzer. He states, "Under the conditions of operation of the breathalyzer, the only materials that can be present in the breath that will react on the breathalyzer are ether and alcohol."

The breathalyzer has been widely used, and evidence of the result has been given in court, in the various States of America (in the State of Indiana alone there are at present 600 operators and 150 instruments) and in Canada for several years. This has provided considerable opportunity and time for the instrument to be discredited in these countries. Despite this, no one has yet succeeded in upsetting this original statement of Professor Borkenstein.

The Forensic Science Laboratory here has tested a wide variety of commonly available substances, including confections and medicines, to determine whether they can interfere with the reading on the instrument. The experience here has been the same as overseas in that, under the conditions of operation, no substance other than alcohol and ether has been found which will significantly interfere with the reading of the instrument.

The hotelkeepers can be of assistance. We have some good hotelkeepers. There are in my constituency some who run their businesses in an exemplary manner, and they are helpful people in the local community. But there are others who do not play the game. By law, a publican cannot serve a person who is intoxicated or a person who is under age, but if one stands outside any hotel at ten minutes past six in the evening one will usually see some completely inebriated people coming out.

The Hon. I. A. SWINBURNE.—From any hotel?

The Hon. W. R. GARRETT.—From some hotels. The point I make is that the serving of liquor to juniors is against the law. My mind goes back to the incident, not long ago, of the motor car belonging to my next door neighbour in Doncaster being stolen by two youths who were drunk. They drove to North Balwyn and there ran down an elderly gentleman on a footpath and killed him. Later it was discovered that they were very much under the age of eighteen years and that they had spent most of the afternoon being served with liquor in a local hotel. That is a case of a hotelkeeper not playing the game.

The Hon. ARTHUR SMITH.—Did that occur in your district?

The Hon. W. R. GARRETT.—Yes. Certain people have mentioned that it may be some time before the Bill will be proclaimed. My opinion is that it will not take long to clean up the one or two minor irregularities possessed by the breathalyzer machine and that it will quickly be brought into use. All I fear is that the measure may be sabotaged before it is proclaimed, and I am certain that plenty of attempts will be made in that regard. The breathalyzer is the best instrument of its kind that is available. At all events, it represents a start, and it can be a very good deterrent. There is much to be said in favour of a deterrent. Let us consider the police blitz that was conducted last week-end, during which period there was only one fatal road accident in comparison with six or seven such occurrences during a normal week-end. That state of affairs was brought about because everybody knew that the police were around watching for offenders. That was a very good thing. I recall that less than twelve months ago members of the Opposition party virtually ridiculed a measure that was brought forward authorizing police to seize the keys of car drivers in certain circumstances. Yet, that legislation has worked very well and, under it, 506 car keys have been taken from drivers. I submit that, as a result of such action, quite a few lives have been saved.

In conclusion, I urge honorable members not to ridicule the breathalyzer but let it be given a trial. Let us get it into use and, perhaps, save a few lives on the roads instead of arguing about its shortcomings. The life saved may be that of some honorable member—it

may even be my own, in which case the matter is important to me, personally. If it is the life of any child it is important; if it is the life of any other person, it is important; let us try to save it.

The Hon. P. V. FELTHAM (Northern Province). — The very circumstances under which this Bill has been brought before the House give us some idea of the working of democratic processes. Although a Parliament is not bound to heed everything that is said publicly, because Parliament is expected to be responsible and well informed and is not to heed every idle wind that blows in the community, I believe that this measure was brought in, not so much because the Government felt that here it had some major answer to death on the roads, but because it felt there was a strong public opinion in favour of breath analysis.

The Hon. G. L. CHANDLER.—Do you believe that there is?

The Hon. P. V. FELTHAM.—I do. I believe that the Bill was brought forward because of a feeling that strong public opinion favoured breath analysis. There have been some indications that there is such a public opinion. One of our most responsible newspapers has made virtually a crusade of legislation for breath analysis.

The Hon. C. S. GAWITH.—Would you not say that the desire of the public to give the breathalyzer a chance has been born out of the hope that something will be done to stop the road toll?

The Hon. P. V. FELTHAM.—If Mr. Gawith will allow me to proceed, I shall inform the House what I think about the matter. I believe that the newspaper in question—I am referring to the *Age*—launched its crusade with a full sense of responsibility and believing in its justification. I do not agree that the *Age* was necessarily right, but I believe that it was honest in urging the Government to bring in the Bill. A large number of letters have been published in the press and many public representations have been made by people suggesting that legislation of this kind is necessary. I rather feel that a great many of these representations have been coloured by thoughts and ideas of which we had some examples to-night in Mr. Garrett's speech. I think Mr. Garrett is strongly opposed to drink in all forms.

The Hon. W. R. GARRETT.—No; it is excessive drinking that I oppose.

The Hon. P. V. FELTHAM.—I believe it is characteristic of a number of other members of this Chamber that they do not believe in drink.

The Hon. W. R. GARRETT.—No; excessive drinking.

The Hon. P. V. FELTHAM.—A number of persons who have expressed themselves on the subject are people who will seize any opportunity they can to be vocal against drink and liquor generally. I think it is true to say that possibly the most vocal section of the community consists of people who do not believe in drink and others who do not believe in gambling. I do not condemn them, but they have to be assessed at their true worth, as to whether they are representative of a large section of the community or whether they are merely the most vocal sections of it.

All I say to members of the Government regarding their action in bringing in this measure is, "If you are relying on the Bill, considering it necessary to be sensitive to public opinion and to react to it, are you quite certain in your hearts that responsible, informed public opinion wants this Bill?" I do not know what the answer is. I am uncertain whether responsible public opinion does want the Bill. What is my own party's attitude? It has been stated by my Leader. We will vote in support of the Government on every reading of the measure, because my Leader has declared it to be his policy and the policy of the party that we believe in compulsory blood tests, and in some way this belief has drifted across to compulsory breath analysis. When that view was first taken, I do not think anybody knew quite as much about the breath analysis instrument as we know now. As a member of the

Country party, I am pledged to support the Government on any reading of the Bill. I have something personal I want to say about the Bill, and I intend to say it.

First, I wish to deal briefly with the question of the doctrine against self-incrimination. I congratulate the Minister of Housing, who is handling the Bill, for his explanation of it to the House. Although he is not a lawyer, I consider that he explained his view on this doctrine of non-self-incrimination with extraordinary skill and ability, and I adopt everything that he said on the subject. Other views have been expressed in the House, and they are not quite the same. I go a long way with what Mr. Hamer said, but I part company with him because I think that he rather over-stated the view that in British law there is such a doctrine of non-self-incrimination.

In my opinion, it is an over-statement to say that it is a principle of English law that a person shall not be required to incriminate himself. It is a mistake even to say that there is a clear principle in the English common law to that effect—I am leaving out the statutes. I should say that on any examination of a great number of principles of English common law, one will not see any clear, definite statement that a person shall not incriminate himself. One will see such a number of rules that lean that way that writers on the subject of English law have given to it a colouring of non-self-incrimination. In much the same way as we say that in English law there is a presumption of innocence, so a writer on the subject would say that there is a general colouring of the English law against self-incrimination. But there is no clear statement of principle in the common law of England such as appears in the Fifth Amendment to the Constitution of the United States of America.

I am dealing with, and I have been speaking of, only the common law. Within the last few days, I found authority in our own Parliamentary Library for this statement of the English common law, that apart from statute, if a person was being examined with a view to a charge, there was no authority in the examining justice or the examining policeman to search him or to touch his person. That is as far as the English common law goes.

Up to this stage, I have spoken purely on the common law. Statute law is vastly different. Statutes have been enacted not only in England but also in Victoria which have no relation whatever to this doctrine of non-self-incrimination. The Minister of Housing quoted a number of Acts in which a person is required to incriminate himself and Mr. Hamer added to them. The number of these Acts has by no means been exhausted and I should like to add a few more. I cite the Game Act, the Health Act, the Licensing Act and the Companies Act. The Government has brought in a Companies Bill which has stringent provisions requiring company officers in certain circumstances to produce all their books and incriminate themselves right up to the hilt. There are plenty of examples of this in matters which do not necessarily touch the body, as this Bill does. We may look at the other side of the picture of self-incrimination and say, "It is all very well to produce documents to prove that a person has been fraudulent, or something of that nature, but what about touching the body, the person?"

I invite members to look, for example, at section 124 of the Health Act, which states that a medical officer of health or a doctor may medically examine any person, even against the will of the person, to see if he has or has had an infectious disease. Even if the person concerned does not want to be examined, he can be forcibly examined by the doctor. That section has been on the statute-book for a long time. Section 129 of the Health Act provides that any person may be required, under penalty, to submit to an X-ray examination to determine whether he is suffering from tuberculosis. That section, too, has been in the Act for a long time.

The Venereal Diseases Act contains a provision stating that every person suspected of having venereal disease

must consult a doctor and, if infected, must place himself under the treatment of a doctor. It might be said that venereal disease is a dreadful thing, but I suppose there are some members of the House who think that the toll of the road is just as bad as venereal disease. Section 15 of the Venereal Diseases Act provides that the Chief Health Officer, on a statutory declaration made by any person which gives him reasonable ground for suspecting that some person is suffering from a venereal disease, may order the apprehension and detention of that person. I have not by any means exhausted the provisions in our statute law which authorize public authorities to trespass on the person.

The Hon. C. S. GAWITH.—A similar provision relates to typhoid.

The Hon. P. V. FELTHAM.—As I said, I have not exhausted the list. On a thorough examination of common law and statute law, the doctrine that in the public interest there shall be no trespass to the person is found to have disappeared, and it is being replaced by the principle that if it is in the interest of the public generally that there should be a trespass to the person, statutory authority should from time to time be given for that purpose. To the best of my ability, I have dealt with the doctrine of self-incrimination.

I believe that the Bill providing for compulsory breath analysis is premature. In my view, we have just come to the very earliest stages of voluntary breath analysis, and it has not yet proved itself in this State. It is my firm belief that during the next twelve months of breath analysis, either voluntary or compulsory, this method of proof will receive such a battering in the courts that it will be thoroughly discredited. I consider that the Bill should be laid aside or that the Act resulting from it should not be proclaimed.

The Hon. J. M. TRIPOVICH.—It should be referred to the Statute Law Revision Committee.

The Hon. P. V. FELTHAM.—It is not a matter for that committee. In my opinion, the Government should watch voluntary breathalyzer tests for at least another twelve months to see how they work out. I say that with all the sincerity of which I am capable. I believe that the Government will have a bad time over breath analysis. I am only an average class of lawyer, but I should think that if it were enacted I could have "fun and games" with it for quite a long time.

The Hon. R. W. MACK.—I understand that your party wants the Bill proclaimed.

The Hon. P. V. FELTHAM.—The authority of the Minister of Health for that remark is a statement made or a persistent question raised in another place as to when the Bill was to be proclaimed, and a persistent refusal by the Minister handling the Bill to commit himself in any way on the subject. Let it rest there.

In my opinion, the Bill has a number of flaws. I do not intend to move any amendment, but simply to suggest to the Government what I believe are some of the errors in the measure. Mr. Galbally has pointed out some weaknesses in it. Although there was an inclination on the part of some honorable members to laugh at what he said, I agree with Mr. Galbally that there are weaknesses. My Leader pointed out that in the view of Dr. Bowden a compulsory test would be more carefully administered if a policeman was required to charge a person before he applied the test. The same benefit, if any, would flow from the test. No policeman should be put in the position in which he could lightheartedly, if he felt so inclined, have the breath of persons analyzed if there was no other real evidence of drunkenness. That is the view of Dr. Bowden and my Leader.

I am troubled as to what extent force might be used in the application of the breath analysis test. The Government might laugh that off by saying that the Bill contains its own code. If a person does not submit to breath analysis he is liable to a fine of £20. However, I am far from certain that that is a complete code. The Bill authorizes a police

officer to require a test to be undertaken. Parliament is saying that the officers may require a test. The Bill says in emphatic terms that the person so required shall submit to the test. What happens if a policeman in a burst of enthusiasm forcibly takes a breath test? Suppose there is someone behind the subject clapping him on the back to make certain he breathes and someone shoving the instrument into his mouth, and that the person is offended by this action and charges the constable with assault? When the policeman appears in court, defended by a skilled counsel, there is used the most readily available defence to a charge of this nature, namely, justification. The policeman would say, "I am authorized by Parliament to require this test. The patient is directed by Parliament to submit to it. I used no more force than was necessary, and I am justified in what I did." I submit to the Government that the question should be put beyond all doubt by inserting in the Bill a provision that nothing in it shall justify the application of force in the taking of a test. It would only take a few lines to do that.

Another provision that should be included is one which would clear up a lot of argument as to whether the patient did or did not agree to a test. It would make certain that any person who is required to take a test understands the full implications of the Bill. A number of members of this House are a little uncertain as to the contents of the Bill, and I am sure thousands of members of the public would be in the same position. I think the pattern of the Justices Act could be followed whereby any person who is about to be charged with an offence has a short statement read to him to the effect that he is not bound to give evidence, but that if he does it will be taken down and may be used in evidence against him. I think a provision should be included in the Bill that before any person has a breath-analysis test a warning or caution should be given to him, "You are required by law to submit to a breath test. If you do not submit to it, it cannot be applied to you by force, but you are liable to a penalty of £20, and the fact of your refusal may be used in evidence." That would be a clear warning to anyone about to be tested. A prospective subject would then know his legal rights if there is to be this trespass to the person.

If there is to be an examination of a subject, instead of him being examined in the vicinity of or at a police station, the Bill should expressly state that he can be examined anywhere except at a police station. A lot of objection to the Bill is that people who are conducting what is virtually the equivalent of a medical test—which an independent doctor would be asked to apply—are those who will subsequently be charging the person concerned and giving evidence against him. The Bill is putting into the hands of the police officer a technical instrument which he has the authority to administer. In addition, he has authority to take a person to the police station to conduct the test, away from his friends, solicitor and medical adviser. Let us ensure that the test is made away from the police station. If the test is to be taken that could be done at municipal chambers, an ambulance station, a fire station, or any public or private place, particularly as the person concerned has not been charged with any offence. If the Government wants to get rid of this police State accusation—I think it has been wrongly levelled—my suggestion would assist.

The Hon. MURRAY BYRNE.—Are you prepared to move amendments?

The Hon. P. V. FELTHAM.—I am not, because this is a very delicate Bill and I would hate to be left in a position of having moved amendments which might be forced through the House and then the whole fate of the Bill laid at my door. It is the Government's Bill and I am making suggestions to the Government. I believe the Premier has done what he promised he would do, namely, to bring in a Bill. I think the honorable gentleman has spent a lot of time on the measure and endeavoured to make it as unobjectionable as possible. I suppose the principal feature of the Bill is the £20 fine. If the question was asked what are the great principles

of British justice that are being offended in the Bill, the worst one could say is that someone can be fined up to £20 for refusing to submit to a breath test. I suppose that is the worst thing that could be said about the Bill.

The Hon. C. S. GAWITH.—Do you consider that evidence that the test has been taken should be supported by a witness?

The Hon. P. V. FELTHAM.—Mr. Gawith has raised another suggestion. All this goes to show that the Bill as it now stands—no matter how earnest the Government was—is still full of flaws. The more one thinks about it, the more flaws are found. The Premier has had the opportunity of listening to the debate on this Bill in another place and will be able to read the debate in this House. Throughout those debates a number of opinions have been expressed both by Government supporters and by members of other parties. Is the Premier going to taken any notice of them?

The Hon. J. M. TRIPOVICH.—No.

The Hon. P. V. FELTHAM.—Is he interested? The honorable gentleman has been cautious enough. I believe the Attorney-General acted rightly when he said he would not make any commitment as to when the Bill will be proclaimed, although he is serious about it. I do not know that the Government is very interested in what we are saying in this House, although I hope it is, and I trust that it will take heed of what its own members have said and what other members have said in this House. If numbers are going to put this Bill through, members of my party will vote in favour of the second reading.

The Hon. L. H. S. THOMPSON.—Do you not think a citizen might have some objection to going to a public place, such as a town hall, to undertake a breathalyzer test? I appreciate your point of view in regard to a police station.

The Hon. P. V. FELTHAM.—I do not care where a person is taken so long as it is not to a police station. Honorable members will recall the old story about confessions. Every hardened criminal who has ever been misguided enough to make a confession in a police station has always contended that the police belted him in order to obtain that confession. I do not know how many are contemplated, but hundreds of breathalyzer tests could be taken. Why place the breathalyzer test in the same position as that which applies to confessions made in police stations?

The Hon. C. S. GAWITH.—Do you believe policemen would be naturally biased?

The Hon. P. V. FELTHAM.—I do not think it is necessary for me to answer that difficult question. It is a bad enough practice to have a policeman administering the breathalyzer test; the person concerned should not be taken to a police station in order to undergo the test.

The Hon. L. H. S. THOMPSON.—Do you believe some relatively private place would be desirable?

The Hon. P. V. FELTHAM.—Yes. I realize that the Premier is in a delicate position. If he accedes to my suggestion and has a further look at the Bill—if we are going to have this measure, let us make it a good one—he will immediately be open to the criticism that he was not happy about the Bill, that he has been awaiting an opportunity to drop it, and has seized the opportunity to lay it aside. I do not think the Premier should listen to that sort of nonsense. If he is serious about this Bill, he should have a second look at it. In any event, I believe he should allow the voluntary breath test to run for at least twelve months and see what sort of carpeting it gets in the courts.

The Hon. G. J. NICOL (Monash Province).—I must admit, at the outset, that I am one member on this side of the House who is not at all happy with this legislation; in fact, I find it rather repugnant. I am neither a drunken driver nor a manufacturer of alcoholic liquor. I speak as a layman. I have listened with interest to a good deal of legalistic argument which has been advanced in connexion with this measure, and have been impressed by some of the arguments. However, the arguments put forward in support of the Bill have not found entire agreement, apparently, amongst the legal

profession as a whole, the general public, or as far as I can make out, even in the courts of law. Nobody will deny the seriousness of the problem, with one aspect of which this Bill attempts to deal.

The problem is one that should be viewed as a whole rather than in one small part. I fear that a Bill of this nature dealing with the question of alcohol and its effect on motor car drivers may very well lead to decisions being made from emotional causes rather than by virtue of pure logic and sound consideration of the Bill itself. I doubt the efficacy of this measure. I am not at all sure that it will have any major effect on the road toll or even on those people who both drink and drive. I trust that those doubts may be proven wrong, but I am tempted to think that this problem might have been approached in not quite the correct manner in that we may be attempting to shut the door after the horse has escaped.

I believe the problem should be tackled from the point of view of prevention rather than of convicting a person after an accident has occurred. Already the controversy which has been aroused by this Bill has done a great deal of good inasmuch as the indications are that it has made the general public far more conscious of the necessity for road safety. If it does no more than that, then may be it will have achieved more than would appear to be the intention of the Bill. The Government is seriously perturbed at the problem of the road toll. Up to date, I am not completely happy that the Government, or even Parliament itself, has approached the problem with the view of a comprehensive attack on all aspects of the road toll. I appreciate that figures can be quoted which purport to show all sorts of different things, such as the percentage of drivers who are involved in accidents because of the effects or partial effects of drink, but if one closely examines the figures and the reports referring to them, one must come to the conclusion that there are no reliable statistics and there is little reliable information on which we can base a check of this particular aspect.

On the other hand, there are a number of figures, statistics and possibly facts which, while not in themselves entirely conclusive, must lead to the conclusion that there are many other factors in addition to this particular problem of drink which influence the road toll. As an instance of that, the House might be interested in the results of the traffic "blitz" conducted by the Police Department from 17th to 19th of this month. During that time, 2,428 motorists were detected committing traffic offences. The analysis of those offences is at least interesting if not entirely significant. The number of offences detected of motorists exceeding 30 miles per hour but not 40 miles per hour was 533; for exceeding 40 miles per hour but not 50 miles per hour, 46; for exceeding the 50 miles per hour speed limit, 9; for failure to keep to the left of dividing lines, 41; and for failure to keep to the left of the road 31. The next figures bear some significance to this question—for being unlicensed drivers, 74; for using unroadworthy vehicles, 261; for driving unregistered vehicles, 33; for lighting offences, 167; for dangerous driving or driving in a dangerous manner, 54; for driving under the influence of alcohol and for driving under the influence of drugs, which are bracketed together, 14. These figures should be studied by honorable members of both Houses, and the Police Department should be commended on the apparent efficiency with which it carried out this traffic "blitz."

The figures I have just quoted lead me to wonder whether, instead of trying to deal with this problem piecemeal, as at times I feel we are, we should be dealing with it through some organization which is capable of drawing up a completely comprehensive plan and of putting that plan into execution. I can suggest, as no doubt other honorable members could, more factors about which action should be taken to minimize the road toll. I refer to such factors as road engineering and the need for more police. We are continually hearing demands for the appointment of additional policemen but, in all justice, it must be admitted that the Chief-Secretary is doing his utmost—I believe

it is a very worthy utmost—to increase the number of trained policemen available in the community. Another important factor is the question of the abolition of level crossings, in which connexion we must admit that the Minister of Transport, within the limits of the funds available to him, has performed creditably. There is also the need for adequate street lighting, about which one hears so many complaints, and for standard traffic lights, and a great deal of research is going on in those directions.

The statistics relating to the recent traffic "blitz" emphasize the desirability of some greater control over the mechanical faults of vehicles on the roads. In the traffic "blitz," 261 unroadworthy vehicles were detected, which leads me to wonder whether we should not insist on an examination of vehicles every time reregistration is sought. There must also be considered the habits of pedestrians, particularly the practice of hitch-hiking, which is becoming more and more prevalent today both in the city and in the suburbs, and also in the country areas. Usually, this involves a person walking along the roadside endeavouring to "thumb" a ride. Quite recently, when a hitch-hiker was endeavouring to "thumb" a ride, his outstretched arm was hit and injured by a passing vehicle. It is an offence to walk on a roadway in areas where a footpath is provided, but hitch-hiking is still prevalent in the community. I wonder whether the requirement of a breath test could be also applied to certain pedestrians. A number of accidents are caused, not by motorists who have been affected by drink, but by pedestrians who have consumed too much alcohol. However, the Bill contains no provision for action along those lines.

Finally, the question of human faults must be taken into consideration. It is freely admitted that the human element is the greatest contributing factor to the majority of road accidents. In fact, in to-night's *Herald*, a very experienced person in the City Coroner, Mr. H. W. Pascoe, is reported as having said yesterday at an inquest that there was no such thing as a dangerous intersection; it was the motorist who was dangerous. In referring to the question of alcohol, Mr. Pascoe said that alcohol is no excuse for killing people on Victorian roads. He used an illustration of two people—he called them A and B—of whom A always drives carefully, while B drives with his hand on the horn and his foot on the accelerator. Mr. Pascoe said that if the same amount of alcohol was consumed by each of them they will almost certainly drive in the same manner as they do when they are sober. It is a case of *in vino veritas*—alcohol shows up what a man is. That comment makes me wonder what will be the efficacy of this particular Bill. I believe when one comes to consider the human factor—the National Safety Council estimates that 95 per cent. of road accidents are caused by the human factor—one can arrive only at the conclusion that the only effective means of reducing the road toll—I do not believe we will ever eliminate it—to a material extent is through the reactions of the motorists themselves. We, I believe, could take all the steps I have outlined and many more. We could introduce all sorts of legislation, but I do not consider that we could ever legislate to compel motorists to drive safely.

I believe also the Government must be commended on its latest move in educating motorists. As most honorable members are aware, there is to be a safety campaign conducted on the Mornington Peninsula from 16th December to 14th January. All honorable members should carefully study the plans made for this safety campaign and should study the ultimate results of it when they are published, because I believe it will do something which has not previously been attempted in this State in dealing with the road toll, and that is getting down to the principle of decentralization in the education of the motorist. It is getting down to the local municipalities, local businessmen's organizations and local shopkeepers. Even the local hotelkeepers are co-operating.

I think it is only by a combination of this type of education of motorists that we will really achieve the objective that we are aiming at. All the things that I have suggested should be done to require the expenditure of money. It is always the same story that is told when these suggestions are made; the lack of finance prevents the engagement of more police, the building of better roads and the carrying out of an educational campaign. I was delighted to-night to hear the assurance of the Leader of the Country party that his party will support the Government in the expenditure of more money on a road safety campaign. I am going to make a suggestion which I believe is not only practical but fair. I trust that the Government will heed it and that it will have the promised support of the Country party in carrying it out.

The Hon. D. J. WALTERS.—Surely you are not going to suggest a surcharge on tractors?

The Hon. G. J. NICOL.—We may eliminate tractors in view of the fact that they can hardly be termed road users. The road toll is mostly the fault of the motorists and is caused by the tremendous use of motor vehicles of all sorts on our roads. There are in the vicinity of 900,000 motor vehicles registered in Victoria. I suggest in all seriousness that it would be a fair means of raising funds to fight the road toll if the Government was to impose a levy of £1 per motor vehicle. By this means, approximately £1,000,000 could be raised and it could be paid, not into Consolidated Revenue, but into a special fund to be used wholly and solely to reduce the road toll.

The Hon. A. K. BRADBURY.—That is what the surcharge is supposed to be used for now.

The Hon. G. J. NICOL.—If Mr. Bradbury had listened to me he would have realized that I suggested that this money should be paid, not into Consolidated Revenue, but into a special fund for a specific purpose.

The Hon. A. K. BRADBURY.—Does Mr. Nicol mean an additional £1?

The Hon. G. J. NICOL.—Yes. I am not sure that I would not go further and make it £5.

The Hon. A. K. BRADBURY.—On tractors, too?

The Hon. G. J. NICOL.—If Mr. Bradbury is so insistent about tractors, I might suggest that they be included.

The Hon. D. J. WALTERS.—What about motor scooters?

The Hon. G. J. NICOL.—They would be included because they are road users, but perhaps the levy might be scaled down.

The Hon. A. K. BRADBURY.—Does Mr. Nicol suggest that this is the policy of his party?

The Hon. G. J. NICOL.—No. If Mr. Bradbury had listened more carefully he would have realized that I am making this suggestion to the Government in the hope that it will make it Government policy. Having listened to Mr. Bradbury's Leader to-night, I hope that should it become Government policy it will have Country party support. Many factors in the Bill, it has been pointed out, may mitigate against its effectiveness. I regret, in common with Mr. Feltham, that if this legislation is necessary it is not being made as water-tight as we possibly could make it. As a layman I find myself querying many of the points raised by Mr. Galbally and Mr. Feltham. For instance, there was the question of proof of innocence of a person, but I cannot understand how this is a legitimate argument because any person who believes himself to be innocent could have a voluntary breath test. It seems to me also that although a breath test may be used as a proof of guilt, there certainly is no provision in the Bill that it shall equally be used as a proof of innocence. I am just raising a doubt which has been in my mind whether, if a person is compelled to submit to a breath test and a negative result is obtained, he may not still be proceeded against on some other form of evidence.

The Hon. D. J. WALTERS.—Of course he could be proceeded against.

The Hon. G. J. NICOL.—Then, it seems to me that this is a one-sided Bill.

The Hon. D. J. WALTERS.—He may have caused the accident through bad driving and not through being drunk.

The Hon. G. J. NICOL.—I misunderstood Mr. Walters. I meant that despite the negative result he could still be proceeded against for driving under the influence. My legal friends may be able to disabuse my mind of that possibility.

The Hon. D. J. WALTERS.—I do not think they can have it both ways.

The Hon. A. K. BRADBURY.—The result of the breathalyzer test will be regarded only as supplementary evidence.

The Hon. G. J. NICOL.—As I understand the position, it is not merely supplementary evidence. Again I speak as a layman. Any honorable member who reads the Bill carefully will discover it provides that the result of a breathalyzer test will be accepted as prima facie evidence.

The Hon. A. K. BRADBURY.—There must be other evidence to substantiate it.

The Hon. G. J. NICOL.—That is open to the gravest doubt. Indeed, I think it was pointed out at one stage by the Chief Secretary that no other evidence need be submitted. This measure embraces a principle which I have always found to be repugnant, although I appreciate that it is included in much of our legislation. I refer to the principle that a person shall be deemed to be guilty until he is proved to be innocent. Mr. Hamer has pointed out that the object of the court is to determine the truth of the matter. Again I suggest, in common with Mr. Feltham, that we should carefully review this measure and the breathalyzer machine. I do not believe that the breathalyzer will present to the court the actual and absolute truth. I have examined the machine and have asked many questions concerning it. At its present stage of development, it can be manipulated manually to produce a higher reading than would be given if it were properly zeroed. There is nothing to guarantee that the machine, in its present form will be properly zeroed. I was informed by Dr. McCallum that it is possible for the machine, even when zeroed properly, to produce a reading higher than the actual blood count. I am prepared to accept the argument that that may be an exceptional case, but I fear that, if that is so, an exceptional case may arise in a very serious charge of manslaughter, and, because of the evidence produced by the breathalyzer machine, a man could be unjustly convicted and sentenced to a long term of imprisonment.

I must again condemn one other principle—I think Mr. Feltham adequately emphasized this—namely, the introduction of legislation which is dependent upon some future contingency which may, in fact, never occur. I think that is a bad principle in legislation. I have already stated that I find the legislation generally repugnant, and I do not like it, but I hope it will prove effective. Although the measure is repugnant to me I believe the reason for its introduction, namely, the ever growing road toll to be even more repugnant. Consequently I find myself in a minority. I am prepared to admit that, as a minority, I may be wrong, and I do not know that I can shoulder the responsibility of refusing to support the measure.

The Hon. W. O. FULTON.—That could be serious.

The Hon. G. J. NICOL.—It could. However, I am prepared to support the Bill in the hope that my opinions are wrong and that the legislation may, in fact, produce some beneficial results.

On the motion of the Hon. J. M. TRIPOVICH (Doutta Galla Province), the debate was adjourned until next day.

PUBLIC WORKS 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.

LOCAL GOVERNMENT (STREETS AND ABATTOIRS) BILL.

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

The House adjourned at 12.18 *a.m.* (*Thursday*).

LEGISLATIVE ASSEMBLY.

Wednesday, November 22, 1961.

The DEPUTY SPEAKER **(Mr. Rafferty)** took the chair at 4.6 p.m., and read the prayer.

RADIO MASTS.

COLLAPSE OF MAST IN NORTHCOTE: STRUCTURAL STABILITY: PUBLIC SAFETY.

Mr. WILKES (Northcote) asked the Minister of Labour and Industry—

1. Whether he is aware of the recent collapse of the radio mast on the Standard Telephones and Cables Proprietary Limited building in St. George's-road, Northcote; if so, whether the cause of the collapse has been determined and what was the extent of damage to adjoining properties?

2. What legislation fixes the responsibility for the structural stability of these masts and authorizes regulations to secure public safety?

3. Which authority is responsible for administering this legislation?

4. What Government Department is responsible for ensuring the proper manufacture of these structures?

5. Whether the construction of these masts is governed by any S.A.A. code?

Mr. PORTER (Minister for Local Government).—The control of radio masts is not vested in the Department of Labour and Industry, but there is some responsibility for erections of this nature under the Local Government Act. Therefore, I propose to supply such information as I have available to me. The reply I have prepared is—

I was not aware of the collapse of this radio mast and therefore have no knowledge of the cause of the collapse nor of the extent of damage.

Clause 3135 of the Uniform Building Regulations made under the Local Government Act, under the heading of "Wireless and Television Masts and Towers", provides as follows:—

> The erection of wireless and television masts and towers exceeding 25 ft. in height shall be subject to the council's approval of the location, height, design and materials of construction.

These regulations in respect of the City of Northcote are administered by the Northcote City Council, and I am not aware that any other body exercises any authority over the erection of such masts.

ROAD TRAFFIC.

TRAFFIC BLITZ: DRIVERS BOOKED FOR OFFENCES: USE OF BREATHALYZER.

Mr. WILKES (Northcote) asked the Chief Secretary—

1. How many motorists were booked for traffic offences during the "traffic blitz" conducted last week-end, 17th to 19th November?

2. How many of these drivers were booked for—(*a*) exceeding 30 miles per hour but not 40 miles per hour; (*b*) exceeding 40 miles per hour but not 50 miles per hour; (*c*) exceeding the 50 miles per hour speed limit; (*d*) failure to keep to the left of dividing lines; (*e*) failure to keep to the left of the road; (*f*) being unlicensed drivers; (*g*) using unroadworthy vehicles; (*h*) driving unregistered vehicles; (*i*) lighting offences; (*j*) dangerous driving or driving in a dangerous manner; (*k*) driving under the influence of alcohol; and (*l*) driving under the influence of drugs?

3. In how many cases the breathalyzer was used when the driver was suspected of being under the influence of alcohol?

Mr. RYLAH (Chief Secretary).—The answers to this series of interrogatories are—

1. During the traffic blitz conducted by the Police Department from the 17th to the 19th November last, 2,428 motorists were detected committing traffic offences.

2. The number of offences detected in each of the categories referred to is as follows:—

(*a*) Exceeding 30 miles per hour but not 40 miles per hour—533.
(*b*) Exceeding 40 miles per hour but not 50 miles per hour—46.
(*c*) Exceeding the 50 miles per hour speed limit—9.
(*d*) Failure to keep to the left of dividing lines—

The number of motorists booked for failure to keep to the left of double lines was 41.

The number of motorists booked for failure to keep to the left of single lines is not readily available as figures for this offence are included in the classification of miscellaneous offences.

(*e*) Failure to keep to the left of the road—31.
(*f*) Being unlicensed drivers—74.
(*g*) Using unroadworthy vehicles—261.
(*h*) Driving unregistered vehicles—33.
(*i*) Lighting offences—167.
(*j*) Dangerous driving or driving in a dangerous manner—54.
(*k*) and (*l*) Driving under the influence of alcohol, or drugs—14.

3. The breathalyzer was used on four occasions when the driver was suspected of being under the influence of alcohol.

The incidence of unlicensed drivers is a feature of present-day contraventions of the road traffic laws which is very difficult to cope with. Without blitzes, unlicensed drivers are extremely difficult to detect.

Mr. CRICK.—Do you know the number of young persons involved?

Mr. RYLAH.—No. I thought we had done well to supply quickly the information that I have furnished, but if the honorable member desires that information I shall be happy to obtain it.

COUNTRY ROADS BOARD.

ALLOCATION OF FUNDS TO COUNTRY MUNICIPALITIES.

Mr. FLOYD (Williamstown) asked the Minister of Public Works—

1. How much money has been made available by the Country Roads Board to country municipalities for domestic roads?

2. Whether country municipalities contribute towards the cost of construction of such road works on the same basis as metropolitan municipalities contribute towards the construction of metropolitan roads?

3. How much money will be provided during the current financial year for domestic roadways in country municipalities?

Mr. PETTY (Minister of Public Works).—The answers are—

1. Roads are classified for Country Roads Board purposes as State highways, main roads and unclassified roads.

2. The Country Roads Board is required by the Country Roads Act to apportion to the municipalities concerned one-half of the amount expended each year on construction of main roads paid for from loan funds, and up to one-third of the amount expended on maintenance of main roads. This is paid for from the Country Roads Board Fund. These provisions apply to both country and city municipalities.

3. In regard to the term "domestic roads," I presume the honorable member is referring to roads in areas zoned for housing purposes within country townships. The cost of construction of these roads would generally be financed as private streets at the cost of the owners of properties fronting such streets. This applies in country as well as city municipalities. Grants made to country municipalities by the Country Roads Board are restricted to State highways, main roads, and other roads that have been dedicated to the public. The Board cannot grant money for construction of private streets.

HOUSING COMMISSION.

PURCHASE OF LAND AT PAKENHAM.

Mr. COCHRANE (Gippsland West) asked the Minister of Public Works, for the Minister of Housing—

Whether the Housing Commission is negotiating for the purchase of land at Pakenham; if so, when it is anticipated the negotiations will be finalized?

Mr. PETTY (Minister of Public Works).—The Minister of Housing has supplied the following answer:—

Various areas have been offered and are being investigated, but no indication can be given as to when negotiations will be finalized.

1960–61 REPORT: BUILDING PROGRAMME: TENANCY APPLICATIONS: AVAILABILITY OF HOMES IN TOWNS.

Mr. STONEHAM (Leader of the Opposition) asked the Minister of Public Works, for the Minister of Housing—

1. When it is anticipated that the Housing Commission's Report for 1960–61 will be presented to Parliament?

2. How many houses it is anticipated will be built by the Housing Commission during the current financial year in the metropolitan area and country areas, respectively?

3. Where these houses will be built and how many will be constructed at each location?

4. How many unsatisfied applications are in hand for Commission houses in the metropolitan area and country areas, respectively?

5. What country towns and/or municipalities have unsatisfied applications for Housing Commission homes and how many such applications are in hand in each of these areas?

6. Whether home units are available for immediate tenancy in any country towns; if so, where?

7. Whether any forward planning for home building has been carried out for next financial year; if so, how many houses it is anticipated will be built in the metropolitan area and country areas, respectively?

Mr. PETTY (Minister of Public Works).—The answers furnished by the Minister of Housing are—

1. Before the end of this session of Parliament.

2. Metropolitan area, 1,226; country areas, 1,174.

3. See attached schedule No. 1.

4. Metropolitan area, 11,682 as at 30th September, 1961; country area, 2,988 as at 30th September, 1961.

5. See attached schedule No. 2.

6. Yes. Maryborough.

7. Programme for the ensuing financial year will be determined during February, 1962.

I seek leave of the House for the schedules referred to in the third and fifth answers to be incorporated in *Hansard* without being read.

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

SCHEDULE No. 1.

1961–62 BUILDING PROGRAMME.

Metropolitan Area .. 1,226 Units.

Country Area.

Bairnsdale	10	Mooroopna	1
Benalla	20	Mornington	20
Bendigo	17	Morwell	65
Camperdown	4	Myrtleford	8
Cohuna	5	Orbost	4
Colac	6	Portland	7
Corryong	18	Robinvale	10
Dandenong (Doveton)	131	Sale	15
Eaglehawk	4	Sebastopol	5
Echuca	10	Seymour	11
Frankston	138	Shepparton	40
Geelong	130	Stawell	4
Hamilton	5	Swan Hill	22
Horsham	15	Traralgon	80
Koo-Wee-Rup	3	Wangaratta	15
Kyabram	4	Warracknabeal	5
Leongatha	4	Warragul	6
Maffra	4	Warrnambool	20
Merbein	4	Werribee	200
Mildura	20	Wodonga	25
Mirboo North	3	Wycheproof	4
Moe	48	Yarram	4

SCHEDULE No. 2.

Country Towns.

Applications for Tenancy Held by Commission at 30.9.61.

Ararat	18	Cobden	3
Avoca	—	Cobram	10
Bacchus Marsh	46	Cohuna	22
Bairnsdale	37	Colac	27
Ballan	—	Coleraine	1
Ballarat	34	Corryong	28
Beaufort	4	Cranbourne	3
Beechworth	5	Creswick	1
Benalla	35	Dandenong (Doveton and Springvale)	365
Bendigo	69	Daylesford	1
Birchip	5	Dimboola	6
Bridgewater	—	Donald	—
Broadford	7	Drouin	6
Camperdown	12	Dunolly	2
Casterton	4	Echuca	71
Castlemaine	2		
Charlton	3		

Country Towns—continued.

Edenhope	3	Nyah West	4
Euroa	7	Orbost	7
Fern Tree Gully	—	Ouyen	—
Foster	4	Pakenham	4
Frankston	194	Port Fairy	2
Geelong	350	Portland	24
Girgarre	—	Redcliffs	9
Gisborne	3	Robinvale	21
Hamilton	42	Rochester	10
Heywood	1	Rutherglen	1
Horsham	70	St. Arnaud	10
Inglewood	1	Sale	39
Irymple	6	Seymour	30
Kerang	12	Shepparton	133
Koo-Wee-Rup	4	Stawell	16
Korumburra	4	Stratford	2
Kyabram	12	Strathmerton	2
Kyneton	1	Swan Hill	41
Lang Lang	—	Tallangatta	4
Laverton	147	Tangambalanga	3
Leitchville	6	Tatura	12
Leongatha	14	Terang	9
Lismore	—	Tongala	4
Longwarry	1	Toora	—
Maffra	19	Trafalgar	5
Mansfield	13	Traralgon	49
Maryborough	—	Wangaratta	41
Meeniyan	6	Warracknabeal	15
Merbein	23	Warragul	21
Merrigum	—	Warrnambool	61
Mildura	61	Wedderburn	—
Mirboo North	8	Werribee	62
Moe	132	Winchelsea	—
Mooroopna	29	Wodonga	67
Mornington	38	Wonthaggi	2
Mortlake	4	Woodend	2
Morwell	147	Woorinen	2
Murtoa	3	Wycheproof	6
Myrtleford	29	Yarram	16
Nathalia	6	Yarrawonga	14
Natimuk	—		
Nhill	2	TOTAL	2,988
Numurkah	9		

MUNICIPALITIES.

RATES IN METROPOLIS: VALUATIONS.

Sir HERBERT HYLAND (Gippsland South) asked the Minister for Local Government—

What municipal rate is levied by each metropolitan municipality and when the last valuation was made in each case?

Mr. PORTER (Minister for Local Government).—In order to obtain the information desired by the honorable member, it is necessary to communicate with every metropolitan municipal council. Messages have been forwarded to those councils asking them to supply the information, and, as soon as it has been obtained, it will be supplied to the honorable member.

EDUCATION DEPARTMENT.

FUNDS PROVIDED BY SCHOOL COMMITTEES AND COUNCILS: GOVERNMENT SUBSIDIES: FINANCE AVAILABLE FOR WORKS AND BUILDINGS.

Mr. WILKES (Northcote) asked the Minister of Education—

1. What amounts of money were provided during the last financial year by State school committees, high school advisory councils and technical school councils, respectively, for the purpose of—(*a*) improvements to school grounds; (*b*) establishment and maintenance of school gardens; (*c*) establishment and maintenance of agricultural plots; (*d*) decoration of school rooms; (*e*) formation of school libraries; (*f*) provision of sewerage facilities; and (*g*) any other works within the power of such bodies to undertake?

2. What Government subsidies were added to each of those amounts?

3. What rate of Government subsidy is usually provided for each of these purposes?

4. What total amount of money was made available to school works and buildings accounts during the last financial year?

Mr. BLOOMFIELD (Minister of Education).—The answers are—

1. State school committees and school councils carry out works associated with their schools sometimes with the aid of subsidies and sometimes entirely at their own expense. As each school committee or school council controls its own locally raised funds, the information required is not available to the Department without consulting each organization.

2. £205,674. The subsidies granted were as follows:—

(*a*) Buildings, grounds and furniture—£112,460, at the rate of £2 subsidy for each £1 provided locally.

(*b*) Equipment—£30,221, at the rate of £1 subsidy for each £1 provided locally.

(*c*) Library books—£57,885, at the rate of £1 subsidy for each £1 provided locally.

(*d*) Gardening (for employment of part-time groundsmen)—£5,108, at the rate of £1 subsidy for each £1 provided locally.

The rates I have mentioned are normal rates applying in the majority of cases, but these are subject to variation in special circumstances.

3. I refer to the answer to question 2.

4. £129,993.

In addition to the foregoing information relating to normal subsidies and works and buildings accounts, a total sum of £60,000 was made available in special grants for major projects such as sewerage installations, assembly halls, library buildings, cafeterias, craft rooms, &c., on a £1 for £1 basis.

POLICE DEPARTMENT.

NEW POLICE STATION AT EAST BENTLEIGH: TENDERS.

Mr. SUGGETT (Moorabbin) asked the Chief Secretary—

When it is anticipated that tenders will be invited for the erection of a new police station at East Bentleigh?

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

Plans and estimates for the erection of a police station at East Bentleigh are being prepared by the Public Works Department at the present time.

It is not known when tenders will be called, but it is not anticipated that it will be within the next six months.

PETROL SALES.

BREACHES OF LEGISLATION: PROSECUTIONS: FINES.

Mr. SCOTT (Ballaarat South) asked the Minister of Labour and Industry—

1. How many prosecutions were launched during the year 1960 for offences in connexion with the sale of petrol outside permitted hours and what total amount of fines was imposed?

2. How many prosecutions have been launched this year for these offences and what total amount of fines has been imposed?

3. How many such prosecutions have been authorized and await hearing by the courts?

Mr. G. O. REID (Minister of Labour and Industry).—The answers are—

1. Two hundred and eighty-four prosecutions were launched during 1960, and the total amount of fines imposed was £2,397.

2. Three hundred and ninety-four prosecutions have been launched this year, and the total amount of fines imposed is £3,930.

3. Two hundred and sixty-three prosecutions have been authorized and await hearing by the courts. In addition, approximately 130 reports by inspectors for alleged breaches are at present under consideration.

RAILWAY DEPARTMENT.

MELBOURNE–ALBURY EXPRESS: BUFFET CAR SERVICE.

Mr. TREWIN (Benalla) asked the Minister of State Development, for the Minister of Transport—

Whether the Railways Commissioners propose to restore the buffet car service to the Albury to Melbourne express train?

Mr. FRASER (Minister of State Development).—The answer supplied by the Minister of Transport is—

In view of the increasing heavy losses incurred in operating the buffet car prior to its withdrawal from the Albury express in October, 1960, the Commissioners would not be justified in restoring the service.

SUBORDINATE LEGISLATION COMMITTEE.

DOG RACING CONTROL BOARD (FEES AND TRAVELLING EXPENSES) REGULATIONS.

Mr. BROSE (Rodney) presented the report of the Subordinate Legislation Committee on the Dog Racing Control Board (Fees and Travelling Expenses) Regulations 1961.

It was ordered that the report be laid on the table.

ADDRESS-IN-REPLY.

PRESENTATION TO HIS EXCELLENCY THE GOVERNOR.

The DEPUTY SPEAKER (Mr. Rafferty).—I desire to inform honorable members that the presentation of the Address-in-Reply to His Excellency the Governor will take place at Government House on Wednesday next, the 29th instant, at 11 o'clock in the morning. Those honorable members who wish to accompany Mr. Speaker on that occasion are asked to inform the Serjeant-at-Arms, so that adequate transport arrangements may be made.

STATE ACCIDENT INSURANCE OFFICE BILL.

The debate (adjourned from November 15) on the motion of Mr. Meagher (Minister without Portfolio) for the second reading of this Bill was resumed.

Mr. CLAREY (Melbourne).—This is a very simple measure, whose basic purpose is to empower the State Accident Insurance Office to sell its existing premises at 412 Collins-street and either to purchase another building in their stead or to purchase land and erect on it a new office building to meet the accommodation requirements of the insurance office. Incidentally, the Bill will also permit the State Accident Insurance Office to purchase properties outside of Melbourne for the use of its local representatives as offices or to provide residences, if necessary, for the staff of the various branches. When moving the motion for the second reading of this Bill, the Minister without Portfolio elaborated to a certain degree on the activities of the State Accident Insurance Office and of the State Motor Car Insurance Office to explain the difficulties with which those offices are confronted. I trust, therefore, that I shall be allowed a little latitude if, perhaps, I stray from the exact terms of the Bill before the House.

In giving the authority that I have mentioned to the State Accident Insurance Office, it is necessary to amend certain sections of the Workers Compensation Act. Section 66 of that Act provides that all premiums and moneys received by the Insurance Commissioner shall be paid into an account to be kept in the Treasury entitled the "State Accident Insurance Fund," out of which all payments made by the Insurance Commissioner are to be made. Section 68 deals with the appropriation of any surplus, and provides, *inter alia*—

(2) Such portion as the Insurance Commissioner and the Auditor-General may deem advisable shall be carried to a reserve fund which shall be invested in securities of the Government of Victoria.

(3) The investment in such securities shall in every case be made through the Treasurer at par and the redemption of the securities whether at maturity of the loan or before that date shall be at par.

(4) Any balance of the said profit may be dealt with as the Governor in Council may direct.

The intention is that the reserve fund of the State Accident Insurance Office which is invested in Victorian Government securities shall be available for the purchase of new property and/or the erection of a new building, and that the

receipts from the sale of the existing premises shall be credited to that particular fund.

If honorable members refer to the latest report of the Auditor-General, they will find on pages 96 and 97 an epitome of the transactions of the State Accident Insurance Fund during the preceding twelve months, attached to which there is a statement of assets and liabilities. At the date of the report the general reserve was £1,160,000, so there is ample money available in that fund for the purposes for which the Bill is being passed. I might add that the Insurance Commissioner informed me today that he was awaiting approval from the Auditor-General, which he anticipated receiving, to increase that reserve fund by another £340,000, which would bring it up to £1,500,000.

The existing property at 412 Collins-street is shown in the balance sheet at a book figure, which I presume was the original cost price, of £116,053. I think we can safely assume that, if the building were put on the market and disposed of, more than twice that amount would be obtained. The Minister without Portfolio explained the difficulties under which the State Accident Insurance Office and its associated body, the State Motor Car Insurance Office, were operating by reason of the cramped and overcrowded conditions that exist at present.

In addition to the building at 412 Collins-street, it has been found necessary to rent other accommodation in Collins-street with a floor space of approximately 2,500 square feet, where the compulsory third-party insurance department is accommodated. As the Minister pointed out, the activities of these two insurance offices are expanding greatly and their business is increasing at a rate which is gratifying, not only to the Insurance Commissioner and his staff, but also to members of the Opposition who like to see a Government-owned body functioning well and able to stand up to any competition that outsiders may offer. I am not criticizing the Government for not introducing this measure earlier, but I am prompted to refer to the report of the Committee of Public Accounts on the State Insurance Offices, which was presented to the House on the 4th December, 1957. That is almost four years ago. I was a member of the committee at the time which, in referring to the increase in business stated, and I quote from clause 40 of the report—

> This gratifying expansion has been achieved despite in recent years a total inadequacy of accommodation which has forced the Insurance Commissioner to issue instructions that further expansion of the business was not to be encouraged. Your Committee inspected the office accommodation and was shocked at the conditions under which the staff were forced to work.

All honorable members will agree that a measure of this kind is obviously necessary, but it is also considerably overdue. The criticism which the Opposition offers is that while the Government is making this amendment to the Act, thereby taking a step in the direction of the recommendations of the Committee of Public Acts, it has over a period of four years, consistently ignored other far more important recommendations submitted by that committee. The Government has chosen to disregard those recommendations, despite the fact that the Insurance Commissioner, in his annual reports to Parliament, has stressed the desirability of adopting at least one of them.

In his second-reading speech, the Minister referred to the growth of the premium income which, for the two offices, is now well over £5,500,000. We may also take this opportunity of pointing out the increases in the funds of those two offices at the present time. In its report in December, 1947, the Committee of Public Accounts used these words—

> The Insurance Commissioner has drawn attention to what he considers to be a major limitation upon his ability to conduct the State Insurance offices profitably, namely, the position in which they are placed with respect to the investment of surplus cash funds. Cash reserves of the offices are held in the Treasury in the State Accident Insurance Fund and the State Motor Car Insurance Fund, and at 30th June, 1957, amounted to approximately £4,000,000.

At this stage, I interpolate to point out that since 30th June, 1957, the cash reserves of the two offices have more

than doubled. If honorable members refer to the Auditor-General's report they will see that at the 30th June, 1961, the Treasury held on behalf of State Accident Insurance Fund cash amounting to no less than £5,819,982. The Auditor-General does not furnish a balance-sheet for the State Motor Car Insurance Fund, but if honorable members refer to the Budget Papers, they will see that at the 30th June, the Treasury held on behalf of the State Motor Car Insurance Office the sum of £4,419,800. In other words, the combined total in the two funds was £10,239,782. The report of the Committee of Public Accounts proceeds—

The moneys in these funds form part of the cash reserves of the Treasury and at present are not invested, although the State offices are credited by the Treasury with interest at the nominal figure of 1¾ per cent. on the average monthly balance.

Since then, the rate has been increased from 1¼ per cent. to 1⅞ per cent—

It is apparent to your committee that the State offices are at a distinct disadvantage as compared not only with private insurers who as a matter of course have complete control of the investment of their surplus funds; but also as compared with most other government insurance offices, for instance, those of Western Australia, New South Wales, Tasmania, Queensland, and New Zealand, which are permitted a much greater degree of freedom of investment than is at present the privilege of the Victorian offices. Your committee accepts the evidence of the Insurance Commissioner to the effect that a continuing balance of £200,000 in each fund would suffice to meet the day-to-day needs of the offices, and therefore, that there is in normal circumstances a continuing excess of approximately £3,500,000 in respect of which profitable investment policies could be devised.

The amount of £3,500,000 to which the report refers has now reached the colossal sum of almost £10,000,000. The report continues—

It must be further pointed out that this situation represents a double disadvantage to the State offices. There is the obvious disadvantage that inability to invest surplus funds deprives them of the interest earnings which might be obtained. For instance, if the surplus were invested at say 5 per cent. the income of the offices would be increases by more than £100,000 a year and the financial results would present a much more favourable picture than they do at present. Interest on investments represents a most important source of income for all insurers and it is not apparent to your committee why the State offices should be handicapped in this way.

I emphasize that this committee was an all-party committee, consisting of members of the Country party, the Government party, and the Labour party. I quote further—

The lack of powers of investment is a further handicap in a less obvious way however. Much additional business could be written by both offices, particularly that of municipalities and semi-government bodies in need of loan moneys, through the judicious management of investment policy. The State offices are denied this opportunity to expand their business.

The committee made a recommendation that this most undesirable state of affairs should be rectified, but the Government has taken no action along those lines, no doubt to enable it to "hang on" to the amount of £10,000,000 to which I referred. Actually, that money belongs to the State insurance offices, but the Government gives to those offices only the miserly interest rate of 1⅞ per cent. In its report, the committee emphasized that the State offices could increase their income by more than £100,000 a year if their surplus money could be invested at 5 per cent.—an increase of about 3 per cent. on top of the 1⅞ per cent. allowed by the Government. Of course, the money could be invested to bring in a far greater return than that of 5 per cent. If the money now available was invested, even at 4⅞ per cent., it would bring in an extra £307,193.

The Insurance Commissioner is an officer of the Government, and it is his task to make his offices pay and to conduct them in a business-like and efficient manner. Apparently he was under the impression that the Government would take some notice of the unanimous report submitted by the Committee of Public Accounts, but he was unduly optimistic. In his report on 30th June, 1959, the Insurance Commissioner made reference to the funds held by the Treasury. He said—

As pointed out in the 1958 report the investment of these funds in a similar manner to other Government and private insurers would not only augment the earnings of the two offices of an appreciative extent, but would place the Victorian Government

Insurance Offices in a competitive position with private insurers. It is anticipated that following the report of the Committee of Public Accounts steps to attain this end will be taken this year.

What a super optimist the Insurance Commissioner must be if he expects the Government to do anything to enable the State insurance offices to compete on equal terms with private insurers! However, the insurance commissioner apparently was still optimistic when he made his report for the year ended 30th June, 1960. I understand that the report for the year ended 30th June, 1961, is in course of preparation. I do not know what comment the new commissioner, Mr. Inkster, who succeeded Mr. Dawson, will make in this regard. In the report for the year ended 30th June, 1960, reference is again made by the Insurance Commissioner to this question. He stated—

As most of these funds are not needed to be held in cash it is hoped that following the report of the Committee of Public Accounts, authority will be given to invest that portion not required for day-to-day operations in the same manner as is done by other Government and private insurers. The present return from the Treasury is only 1⅞ per cent. whereas at the readily obtainable 5½ per cent. on gilt-edged securities the difference in income would be very appreciable. Legislative authority is confidently anticipated in this regard.

Again, I regret to say that apparently the Insurance Commissioner is a super-optimist. In its report, under the heading of "Widening Franchise," the Committee of Public Accounts stated—

It was further suggested by the Insurance Commissioner that most of the problems of the offices under his direction would be resolved if they were empowered to write insurance business in the whole range of types of business open to the ordinary insurer, such as fire, marine, accident insurance of all types (including personal accident), public risk, burglary, plate glass, and so on. Apart from the accepted fact that these lines are highly profitable, particularly in comparison with motor car insurance, there are other advantages, such as, for instance, the ability to cater for clients who want to insure all their risks with the one insurer. The State offices often lose business in this way.

That was the firm conviction and realistic approach by the Insurance Commissioner. The Committee of Public Accounts did not make any recommendation in that regard because it was a body composed of representatives of the three different parties and this question would be a matter of Government policy. The Opposition backs to the hilt the recommendation of the Insurance Commissioner. If it is good enough for the insurance offices in most of the other States in the Commonwealth—in non-Labour controlled States as well as in Labour controlled States—to have a wider franchise and the ability to undertake a wide range of business, the Victorian Offices should be in the same position. At the present time, the State Insurance Offices are restricted. The State Accident Insurance Office is limited to workers compensation, which, as most honorable members appreciate, is not the most lucrative of the insurance fields. The State Motor Car Office must take third-party insurance from anybody and, as the Committee of Public Accounts pointed out, the Government Office is compelled to accept all of the undesirable third-party insurance business which the other companies refuse. The Government office must undertake greater risks than many of the other insurance companies, a large percentage of which have completely vacated the field of motor car third-party insurance.

Mr. MEAGHER. — The Government could hardly permit the State office to refuse the third-party insurance business because it is compulsory.

Mr. CLAREY.—I agree with the Minister in that regard, but if the State office is compelled to take certain types of business, why should it not be permitted to take every class of business? Probably, I have wandered a little from the main purpose of the Bill, but, as I stated earlier, the Minister spoke with some gratification of the expansion of these two offices in the limited fields in which they are permitted to operate. If the Government desires them to expand still further, it should remove any restrictions on the class of business that they would be prepared to undertake.

In passing, I offer another suggestion, namely, that the Government might give consideration to the question of amending the Act governing these two

insurance offices to permit of their amalgamation. At the present time, they are two distinct offices, even though the Insurance Commissioner is the head both of the State Accident Insurance Office and the State Motor Car Insurance Office. The Committee of Public Accounts referred to the fact that the existing Act specifically stipulates that there should be this division between the two offices. Probably, it was the intention of Parliament when passing the legislation that the two offices should have had their separate identities. Consequently, the committee did not feel it was within its ambit to make any recommendation in that regard. The majority of honorable members would agree that, in the interests of economy, efficiency and simplicity, it is desirable that the two offices should be amalgamated, and that was the expressed desire of the Insurance Commissioner. The Opposition congratulates the Government upon having taken at least one step in the right direction by bringing this Bill forward, and we hope that next session the Government will go somewhat further.

The motion was agreed to.

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

LOCAL GOVERNMENT (STREETS AND ABATTOIRS) BILL.

The debate (adjourned from November 16) on the motion of Mr. Rylah (Chief Secretary) for the second reading of this Bill was resumed.

Mr. HOLLAND (Flemington).—Local government Bills are constantly being brought before the House. The Minister, in his second-reading speech, said that the two principal matters covered by this measure have been detached from a fairly long list of other amendments that are contained in a Bill which is still in the course of preparation and which he hopes to submit to the House before the current session ends. On previous occasions I have stated that the necessity for a measure of this type arises because of the very rigid structure of the Local Government Act regarding work that can be done. It appears to me that it would be much better for everybody concerned if that structure were not so rigid, because the necessity for amendments of this character would then become less frequent, and much of importance under the Local Government Act could be done by executive action. That procedure would lend itself particularly to the two amendments that are provided for in this Bill.

Although the proposed amendments are of importance, they are unrelated. The first one deals with the alteration of the definition of "private street" as contained in section 575 of the principal Act. This amendment appears to have been rendered necessary following a submission by the Preston City Council which disclosed the fact that it was unable to make certain streets within its municipality because they had not been proclaimed before 1891, which was the year in which councils were empowered to construct private streets. The only way in which the municipality could make these private streets was to charge the rest of the ratepayers and not charge the adjoining landholders. Common sense indicates that such a state of affairs needs rectification. Therefore, the Opposition has no objection to this particular amendment, which I do not intend to discuss further beyond saying that it has been brought forward as the result of a specific request by the Preston City Council, although it will have general application.

Mr. PORTER.—It is bound to affect municipalities other than Preston.

Mr. HOLLAND.—That is so. Indeed, I wonder, as no doubt the Minister also wonders, how it has taken so long for this position to have been brought to notice. I imagine that although the difficulty has been apparent in the past, no one has raised a complaint about it. Many roads have been built under the system that was thought to be applicable, and possibly there could have been a challenge in relation to that activity. The amendments to section 575 of the principal Act, as contained in clause 2, will do two things. First, they will bring within the ambit of the provision not only private properties but properties of

the Housing Commission. The other two amendments to section 575 of the principal Act provided for in clause 2 will have a retrospective effect and, when the measure becomes law, the Preston City Council and any other council will be enabled to consider problems of this character and resolve them.

The amendment to section 795 of the principal Act proposed in clause 3 of the Bill has been brought forward at the request of the Oakleigh City Council and is aimed at empowering that municipality to operate a by-products plant in association with its abattoirs. As the Minister explained in his second-reading speech, a by-product plant is already established in Oakleigh and it has been leased to private enterprise, but the firm concerned seemingly no longer wishes to continue operations and the council is faced with the task of running the by-products plant. In his second-reading speech, the Minister stated that under the Local Government Act there is no power for the council to act in that manner and, if this amendment is necessary, we heartily subscribe to it. However, to me it appears doubtful whether it is necessary because I am of the opinion that the Melbourne City Council and, I think, certain other councils have been running by-product plants for many years past.

My understanding, which is at third or fourth hand, is that a legal interpretation obtained by the Oakleigh City Council indicates that although municipal councils have the power to erect by-products works in association with abattoirs, they have no authority to sell the by-products obtained from such plants. That may be correct, and I would be loath to offer my comments on a legal interpretation of that description, particularly as several lawyers are members of this House, and on numerous occasions when a particular problem has been under discussion those lawyer members have offered completely different interpretations of the position. I took the trouble to look up the position which has been applicable for many years, and it would seem to me that some alteration of the Local Government Act is necessary to enable councils to carry on the activities in which they are at present engaged with respect to by-products and many other things.

I do not know whether the interpretation obtained by the Oakleigh City Council was primarily based upon the Local Government Act, but I desire to point out to the Minister that section 795 seems to me not to define "abattoirs." The side-note to that section states, "The council may construct pounds and abattoirs."

Mr. PORTER.—I do not think there is any doubt about the power of councils to construct abattoirs.

Mr. HOLLAND.—If that is so, we must turn to a definition of "abattoir" or "slaughter-house" and to the authority that virtually permits a municipal council to run such an undertaking. A definition of "abattoir" or "slaughter-house" is contained in section 3 of the Health Act. Such premises would undoubtedly include by-products plants and any other works associated with abattoirs. Section 307 of the Health Act—in that part of the Act which is devoted to meat supervision—provides—

> Subject to the approval of the Commission any council may provide equip maintain and manage abattoirs within or (with the consent of the the Governor in Council) outside the municipal district and may employ slaughtermen to slaughter and dress animals for and on behalf of persons using the abattoirs and carters to deliver carcasses and meat from the abattoirs to the premises of such persons.

In other words, a council can carry out all the necessary duties associated with abattoirs, and that includes a destructor or boiling-down works. Section 306 of the Health Act provides—

> If the provisions of any other Act are inconsistent with this part, the provisions of this part shall prevail; and the provisions of the said Act shall to the extent of the inconsistency be of no force or effect.

On reverting to the definition of "abattoir" we discover that it includes a boiling-down works or a by-products plant, it would seem to suggest that if a council desired to manage an abattoir it could do so, subject to the approval of the Commission of Public Health.

I do not know whether the amendment is proposed because of interpretations that have been given to the effect of the Local Government Act. If it is necessary for that Act to be amended, despite what appears in the Health Act, the provision should be applicable to other councils, and that would involve a further amendment to cover the Melbourne City Council. Other municipalities may be covered because they work completely within the structure of the Local Government Act, but much of it does not apply to the Melbourne City Council. In his reply, the Minister for Local Government might indicate whether my thoughts are astray as to the Health Act and whether, if there is a necessity to change the Local Government Act, there is necessity also for a further amendment to include the Melbourne City Council.

Mr. RING (Preston).—I congratulate the Minister for Local Government, with reservations, because of the action taken by the Government for the benefit of Preston. Thirteen streets in that municipality come within the ambit of the Bill, which is designed to alter the interpretation of private streets in section 575 of the Local Government Act. As the Minister has stated, the amendment will apply generally, but it has been proposed with reference to a particular case. The streets involved are in the City of Preston, in the area bounded by Dundas-street, Darebin creek, Plenty-road, and Murray-road. Meetings of adjoining landowners have been held, and on their behalf I have made representations to the Minister asking that action be taken to meet their desires. In the locality there are 321 dwellings, 5 shops, and 52 factories. The owners of the properties concerned have been suffering a disability as regards road construction, but after the Bill is passed it should be possible for help to be given to them.

The engineer of the City of Preston has estimated the cost of construction of the streets at £500,000. The Government has not helped municipal councils in the matter of road construction. Where is the Preston council to obtain the necessary sum for this purpose? The money cannot come out of the loan fund, because the council receives only £100,000 a year for roads. Greater assistance should be given by the Government to municipal councils.

Mr. WHEELER.—What rubbish!

Mr. RING.—It may be rubbish so far as the honorable member for Essendon is concerned, but he is a member of the Liberal party, and he would agree with the action taken by the Government. However, the honorable member is the representative of Essendon only temporarily, and will not hold the seat after the next election.

This matter goes back to 1891, when the power of a local governing authority to construct the roads itself and charge the cost to landowners was first conferred. In order to carry out the necessary road construction, the Morang District Roads Board, of which the present area of the City of Preston was part prior to 1871, purchased the title to the roads by the payment in 1866 of two amounts of ten shillings. The Preston City Council has received specialized legal advice that because of the payment of those two sums of ten shillings, the council has no power to charge the road construction costs to the landowners who would benefit by that construction.

Having carefully considered the whole position, the council is unanimously of opinion that the construction of these streets is urgently necessary, and that their construction would substantially and directly benefit the landowners in the area. I trust that the Government will do all it can to help the council secure adequate loan funds for the purpose of this road construction.

Mr. PORTER (Minister for Local Government).—I find myself in a somewhat unusual situation because, although this Bill has emanated from my Department, I have not yet spoken to the motion for the second reading. I do not propose to delay the House except to answer matters raised by the honorable member for Flemington. The

honorable member suggested there could be some doubt about the necessity for the amendment of section 795 of the Local Government Act proposed in clause 3 because of the definitions and powers expressed in the Health Act.

Like the honorable member for Flemington, I do not like to set my own opinion against that of eminent counsel. Mr. Voumard, Q.C. has attained a high reputation as a legal adviser in local government matters; of course he has a high standing in his own practice, but he has specialized to a large degree in the local government sphere. I realize that his opinion, which has been obtained by the Oakleigh City Council, canvassed all the possibilities of sections 307 and 309 of the Health Act, and he finally came to the conclusion that the council was without the necessary powers. It was because of that opinion that the Government has produced the proposed amendment.

Honorable members may ask, "Why did not the Government amend the Health Act and not the Local Government Act?" But, as the honorable member for Flemington said, local governing bodies are creatures of statutes. Their powers are defined, and on many occasion very narrowly defined. In the main, their powers are obtained through the Local Government Act, and the Crown law authorities advised me that it was preferable for an amendment to be made to the Local Government Act to give municipal councils specific powers. That is why the Bill has been drawn as it is.

The motion was agreed to.

The Bill was read a seond time and committed.

Clauses 1 and 2 were agreed to.

Clause 3 (Power to council to construct and operate offal treatment works, &c.).

Mr. PORTER (Minister for Local Government).—The honorable member for Flemington suggested that the provisions of the Bill might be made applicable to the Cities of Melbourne and Geelong as well as to municipal councils generally. The reason for this should be well known to members. The corporations of the City of Melbourne and the City of Geelong date back to the early New South Wales legislation before Victoria was severed from that colony. It is always difficult at short notice to determine whether any provision of the Local Government Act has effect in those two cities. I am having the matter examined, and I propose that progress be reported.

Progress was reported.

CROWN LEASES BILL.

The debate (adjourned from November 15) 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 Bill, which provides for a very long extension of the period for which leases may be granted by the Forests Commission and the Lands Department outside the metropolitan area, was stated by the Minister in his second-reading speech to be designed primarily for the purpose of granting long-term leases for sites at alpine resorts. In fact, there is no such limitation in the amendment which the Bill proposes to make to the Land Act.

Clause 3 seeks to insert a proviso at the end of section 51 of the Forests Act in these terms—

> Provided that where there is within any reserved forest any area of Crown land declared by the Commission for the purposes of this section to be an alpine resort, a lease may be granted under this section of that land or any part thereof for the purposes of an alpine resort for any term not exceeding fifty years or, where any buildings or improvements are erected or to be erected under the covenants of the lease at a cost of not less than One hundred thousand pounds, for any term not exceeding seventy-five years.

At least as far as the Forests Act is concerned there is a restriction specifying long-term leases to alpine resorts only. Also, there is the qualification of the expenditure of at least £100,000. However, in respect of the amendment to the Land Act, no such restriction applies. That means simply that, if and when the Bill is passed, Crown land throughout the State will be subject to

a provision contained in section 134 of the Land Act, the relevant part of sub-section (4) of which reads—

> Subject to any other provisions of this Act applicable to leases of Crown land situate within the metropolis—

the words "situate within the metropolis" are to be deleted—

> and not inconsistent with the provisions of this sub-section—
>
> (*a*) the following provisions of this sub-section shall apply with respect to leases granted under this section after the commencement of the Land Act, 1932 . . .
>
> (i) Such leases may be granted for a term not exceeding—
> 50 years; or
> (in any particular case where the Board certifies that in its opinion any buildings to be erected under the convenants of the lease are to be of such substantial nature and high value as to justify a lease for a longer term) 75 years.

There is no mention whatever of a specific sum having to be spent as there is in relation to the amendment to the Forests Act. It seems that under the cover of an argument that there is a case for granting long leases in particular areas for the encouragement of investment to create modern facilities in alpine resorts, the Government is amending the law in such a manner as will create a very far-reaching provision which will permit the granting of very long leases for any purpose whatsoever in any part of the State.

The Labour party has some misgivings based on the performance of this Government to date—evidenced most notably in the metropolitan area in connexion with foreshore leases at St. Kilda—regarding the granting of leases for excessive periods. We have very grave misgivings as to the ability of the Government to protect the public interest in connexion with transactions of that type. Although we have not the numbers in this House to do anything about amending the Bill, nevertheless we register our misgivings and state that this is a matter which we will give very close scrutiny.

Undoubtedly, the Government shows a tendency to bend the knee to the big monopolistic groups which are bringing capital into this country and which, in return, are seeking to obtain all sorts of concessions over our natural resources. Consequently, it will be necessary for the Labour party to watch very closely the operation of the law as amended by this Bill.

With those reservations we wish to make it clear that we are wholeheartedly in favour of the development of our alpine resorts, but we insist that while conditions must be provided to make the field favourable for substantial investment of private capital, the Government at all times has a basic obligation to protect the public interest. We will be the watchdogs to see that it does so.

Mr. BROSE (Rodney).—It was intended by the Country party that the honorable member for Benambra should handle this Bill, but in his unavoidable absence I wish to make a few comments. The Country party supports the Bill. The second clause extends provisions relating to leases in the metropolitan area and we can see no objection to the proposal.

Clause 3 amends the Forests Act particularly in relation to alpine reserves, but I can well imagine that the provisions will be applicable to other localities such as Wilson's Promontory where important improvements may be in the mind of the Minister. We know that good work has been done already in some of our alpine areas. As the Leader of the Opposition has mentioned the old provision in the Forest Act, fixing the tenure of leases to twelve years has been extended to 50 years for special leases, and, in extraordinary cases where a sum of more than £100,000 is to be spent, the term can be as long as 75 years. This matter was discussed extensively when legislation relating to national parks was before Parliament. Without going into details, some honorable members were not very happy about the proposal, but I consider that by and large most are now of the opinion that, if we are to expect people to invest large sums of private

money to improve these areas, we must provide long-term leases. The Country party supports the legislation.

The motion was agreed to.

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

PUBLIC WORKS LOAN APPLICATION BILL.

The debate (adjourned from November 21) on the motion of Mr. Petty (Minister of Public Works) for the second reading of this Bill was resumed.

Sir HERBERT HYLAND (Gippsland South).—The purpose of this Bill is to sanction the issue and application of loan moneys for public works and for other purposes. A similar Bill is considered each year, the only difference this time being that the Minister has seen fit to include a rather clear-cut statement on the expenditure from loan funds during the year ended 30th June, 1961, the proposed expenditure during the year ending 30th June, 1962, and the total amount to be issued and applied under the Bill. But one matter has been overlooked and, strange as it may seem, the Government appears to be attempting to dodge it.

I refer to the question of oncost charges by the Public Works Department, which were also referred to by the honorable member for Melbourne. In an interjection in the course of the honorable member's speech, the Minister of Public Works stated that these charges had been reduced from 12½ per cent. to 11 per cent. We heard it rumoured in the country that that had been the case. The point I make is, why should this Department charge the Education Department and other Government bodies 11 per cent., when architects in the city perform similar work for a charge of 6 per cent? As the honorable member for Melbourne pointed out, originally this oncost charge was 7½ per cent., and it has been increased to 12½ per cent. We heard a whisper that it was to be raised further to 17½ per cent., but the bubble burst when everybody got to know about the proposal and the Government thought that it had better keep it in check at 12½ per cent.

It is a sad reflection on officers of the Public Works Department that an oncost charge of 11 per cent. should be made. The Government is not fair to those officers, because I am sure they could do the job at a rate as low as that charged by private enterprise. The Government's action in paying this loan money to the Public Works Department is merely juggling with the finances of the State—to balance the Budget and to discredit the officers of the Public Works Department.

The first item in the schedule relates to schools, hostels, residences, teachers' colleges, and so on. The oncost charge of 11 per cent. on the sum of £13,500,000 provided under this item will be approximately £1,500,000. Many more schools could be built with that money. Questions on notice are asked continually on these matters not only by members of the Country party and of the Opposition but also by members of the Government party. This juggling of the finances of the State should be closely examined, because as I have said previously, the Government now has available to it from revenue an amount of £1,300,000 a week more than it received when it first took office. In addition, it has an additional £200,000 a week available from loan moneys. Therefore, it should be able to carry on without applying oncost charges to practically all works carried out by the Public Works Department.

Members of the House Committee will recall that, when the Public Works Department purchased some furnishings for this House, an oncost charge of 22½ per cent. was imposed. I should like the matter of oncost charges to be examined and put on a reasonable basis. Why should the Education Department have to pay approximately £1,500,000 a year in oncost charges? I do not know whether the amount of £400,000 which is allocated to the University of Melbourne will be subject to such a charge or whether the contribution of £100,000 to the Tourist Fund will have an oncost charge of 11 per cent. applied to it. I realize that the Minister of Public Works has inherited this problem. The oncost charge has been reduced

recently by 1½ per cent. The Minister must be aware that the principle of applying oncost charges is quite wrong. There seems to be something "screwy" about it.

The sum of £6,500,000 which is made available to the Hospitals and Charities Commission will not be subject to the oncost charge for the simple reason that the authority employs its own architects at a charge of 6 per cent. It is a reflection on the officers of the Public Works Department that an oncost charge of 11 per cent. is made because the implication is that, as those men are so slow or cannot do the work sufficiently well such a charge is necessary. I cannot swallow that one, because I believe they can operate on a charge similar to that which is charged by private enterprise.

In regard to the amount allocated for lighthouses, and so on, I was under the impression that the Commonwealth Government owned the lighthouses, three of which are situated in my electorate. The Minister of Public Works may be able to enlighten me in that regard.

I should like more money to be made available for the purposes of youth clubs, provision for which is made under item No. 42. The greatest contribution that a youth club can obtain towards the cost of a building is £500. If the Government made a grant on the basis of £2 for £1, it would amount to only £1,500. One could not build a fowlhouse with that sum, let alone a youth club building. More money should be made available because the training of youth by the Police Force and other bodies is a worthy job which should be assisted in every way.

The sum of £60,000 is provided for piers, wharves, jetties and harbors under item No. 25. This amount is hardly worth including in a loan application Bill. The sum of £700,000 is to be issued and applied under this Bill for subsidies to municipalities. In his explanatory speech, the Minister stated—

> As announced in the Budget, the total amount of Government assistance to municipalities in 1961–62 will be £1,870,000 and, of this amount, £655,000 will come from the loan fund. Provision is made in the Bill for the continuation of subsidies towards the construction of drains, swimming pools, public halls, the installation of pedestrian crossings and other works.

I have spoken to the Premier in this House and privately, and have written to him in relation to halls. For some unknown reason the subsidy on halls has not been increased for many years. It is now £2,250, and many small country towns are struggling to raise the money to construct decent halls which these days cost anything from £12,000 to £16,000 to build.

In the course of the Budget debate I informed the Premier, by way of interjection, that he was not being very generous in this regard. The honorable gentleman said he would examine the matter. I have since attempted to persuade him to increase the subsidy, but have not got anywhere as yet. I again remind him of the necessity for subsidies to be increased, particularly in relation to halls. If decentralization is to mean anything, people in the country must be supplied with reasonable amenities, including halls. I know of one hall in my electorate which is in a state of disrepair. Even if the subsidy were increased to £3,000, the local people would still have to find from £9,000 to £12,000 in order to erect a new hall. It is useless to speak of decentralization unless some practical steps are taken to encourage people to remain in the country districts.

I could speak on a number of other items, but my main concern is in relation to oncost charges applied by the Public Works Department. I repeat that it is a definite insult to that Department to assert that its costs are almost double those of private enterprise.

Mr. STONEHAM (Leader of the Opposition).—The only matter to which I wish to refer concerns the recent dismissals by the Public Works Department of experienced and skilled tradesmen who for many years have been carrying out faithfully and efficiently essential maintenance work. In answer to questions which I directed to the Minister on the 18th October, the honorable gentleman indicated that at

Bendigo, Wedderburn and Swan Hill dismissals of thirteen men had either taken place or were contemplated. To-day I received a letter from Mildura which indicates that a total of 30 men who have been engaged in painting and asphalting work are to be dismissed on the 22nd December. Honorable members will agree that that is a nice Christmas present for the Government to make to the men and their families!

I anticipate that the Minister will be forced to admit that he is embarking upon a major change of policy from day labour, which has proved so economic and successful in the past, to private contracting. Direct labour employment has met with great success in the experience of the State Rivers and Water Supply Commission in relation to its reservoir construction programme—I refer especially to the Tullaroop and Eppalock reservoirs.

In view of the fact that many schools are in arrears with essential maintenance work—practically every school in the Bendigo area where some men have been dismissed is in need of maintenance—it is hard to understand the Minister's reply to my question in which the honorable gentleman stated that the reason for the dismissals is the completion of the projects on which the men have been employed. The answer does not satisfy either the men or the public. The demand for their services is pressing in view of the arrears of maintenance work on public buildings, particularly schools.

If the Minister is embarking on a new policy of scrapping day labour and instituting private contracts, I ask him to take the House into his confidence so that we may give him the benefit of our experience and attempt to persuade him not to commit a grave error, because such a policy can result only in inferior work at higher cost to the State. I sincerely trust that if the Minister is intent upon adopting such a policy, he will review the whole matter.

Mr. WILTSHIRE (Mulgrave).—I should like to direct attention to item 17, which provides for the expenditure of £50,000 on Parliament House. I believe it would be competent for me under this item to mention rooms for honorable members. I have been a member of this institution for seven years, and I believe that there are now fewer rooms available to honorable members than there were when I was first elected. Although many plans and ideas have been submitted to provide more rooms where honorable members may take people who wish to interview them on electoral business, not a great deal has been achieved. What is required is a room where honorable members can quietly discuss with their constituents the problems that arise in their electorates. I suggest that honorable members generally should seriously examine this position. You, Mr. Deputy Speaker, have a magnificent room and I envy you in having it. In addition, there are excellent rooms set aside for the use of committees. However, no such accommodation is available for private members, and I believe it is time that we made progress in this matter. I have frequently heard the Leader of the Country party say that the present Premier has done more to improve conditions in this House than has any previous Premier. I know that the quarters occupied by Mr. Speaker are now more in keeping with that august office, but private members and even some Ministers have not rooms in which they can conduct their business. I have seen Ministers seated in corridors signing important papers of State. That is wrong in principle.

It has been mentioned that it is planned to build another wing on to the building, and I believe that if a certain amount of money were set aside each year we would eventually have a building of which we could be proud. At present, we show our visitors Queen's Hall, the Library and the Chamber, but that is as far as we can go. There is an interview room available at the back of the building but it is not of the standard desired.

In regard to fisheries and wildlife, I should imagine that the amount of £100,000 made available is in addition to the money collected from licence fees from shooters. All of that money will be used for the preservation of wildlife

and for conservation purposes generally throughout Victoria. An important facility that is lacking in this State is a school for shooters. I do not know whether honorable members realize it, but on the first day of the duck season hundreds of young people who do not know how to handle guns go out to shoot duck and they are a menace to the other shooters. In other parts of the world, particularly in Chicago, young men are taught under the guidance of their parents how to handle guns. I am not referring to criminals, but to people who use double-barrelled or 12-gauge shot guns for sport.

Most of us in our youth had plenty of opportunities to practise shooting because there were thousands of rabbits to shoot at. The position is different to-day. Unless a person knows the dangers and hazards of handling a gun, he is a potential menace to the community. Representatives of field and game associations have been trying to find a suitable area of land on which to establish a school. They have in mind at present some Government land, but I do not think I would be permitted to mention the site. I think this House should give every assistance to these people. Practically every day we read in the press of tragedies caused by carelessness and ignorance in the handling of guns. A man who used to live in my electorate was killed in the Mallee when a gun was fired from the back of a utility truck. His widow is now finding it difficult to exist. The Minister of Water Supply and I inspected a near metropolitan site as a possible area for the establishment of a shooters' school, but I agree with the Minister that the area would not be suitable because of its proximity to schools.

The schedule to the Bill contains many references to the purchase of vehicles, equipment and so on for various Departments. After a little reflection I am sure that honorable members generally will realize that the State is the greatest fleet owner in Victoria. Some five years ago I made a rough calculation and I estimated that the Government owned more than 6,300 vehicles of all types. That is a colossal fleet. The point I wish to make is that there is no Minister in charge of this colossal fleet. Apparently the various Departments make up their minds how many cars and how much equipment they want, and then they are permitted to purchase them. One Department might wish to shift a bulldozer, so it buys a big semi-trailer for this purpose. A few weeks later another Department might wish to shift another bulldozer and it buys another semi-trailer. These vehicles are then left lying idle for about 90 per cent. of their time. That is one item on which a considerable amount of money could be saved if there were some co-ordination between Departments.

Mr. WILKES.—What is wrong with the transport committee?

Mr. WILTSHIRE.—It is not a committee of this House and has no control over Government vehicles. I know that when the Minister of Public Works was Minister of Housing he made an investigation into the use of motor vehicles in the Housing Commission, and I commend him for that action. Many public servants use cars merely to drive to and from work. Perhaps they use them also once a week for official purposes. It would be much cheaper if they were to engage a hire-car when they wanted to make an official trip. The people have to foot the bill for this type of expenditure. I believe a great deal of money could be saved by co-ordination in this matter. A former member for Richmond, Mr. Scully, made a report on this aspect when the Labour party was in office. Apparently it intended to take some action, but nothing has been done. Probably the number of vehicles now owned by the State is far in excess of the 6,300 that I estimated five years ago.

I point out that money is needed urgently for all State works; we are skimping on maintenance work and so forth in order to make the money available go as far as possible. However, a great deal of money is wasted in other directions. At Syndal the Country Roads Board has built large workshops. I know these establishments are necessary, but I do not think so many of them are required. I understand that

the workshops of the State Electricity Commission are not working to full capacity and a similar establishment owned by the State Rivers and Water Supply Commission at Bendigo is not working full time. In addition, the Forests Commission has a workshop at Braybrook. I am sure that with some co-ordination all of this repair work could be carried out by one central authority and a great deal of the maintenance work on heavy machinery could be sent back to the agents for repair because they have the specialized knowledge and the special equipment to do this type of work. The big contractors, such as those working on the Snowy Mountains scheme, adopt such a procedure, and I am sure the State could benefit by following a similar course.

I mention this in passing, because I believe there are many ways in which we could save money if we examined all avenues. I was associated with a garage for many years, so I claim to know something about the repair of vehicles. If all repair work is handled at one central workshop, the job will be done more economically because there will be only one lot of overhead. In addition, a considerable amount of money could be saved by not having to keep such a large stock of spare parts. Some years ago I visited the workshops of the State Rivers and Water Supply Commission at Bendigo and I was amazed at the many thousands of pounds worth of spare parts which were in stock, and many of which, I am sure, eventually would be wasted. I believe a great deal of money could be saved by adopting the procedure that I have mentioned.

The sitting was suspended at 6.2 *p.m. until* 7.33 *p.m.*

Mr. LOVEGROVE (Fitzroy).—The first item in the schedule to the Bill relates to schools and associated institutions. I wish to mention the Princes Hill High School, which is situated in my electorate. For the information of the new Minister of Public Works, who has inherited problems relating to the provision of new high schools, I would mention that this matter is under consideration by his Department, and I understand that certain approvals have been given. The Minister of Education has done what he can to expedite the provision of accommodation at this high school, but I urge the Minister of Public Works to consider whether something can be done in this matter within the next few months.

The high school was opened in 1959, presumably on the advice of the Education Department, and to meet the needs of children residing not only in my electorate but also in surrounding electorates. The high school is housed in the Arnold-street State School in Princes Hill, the main building of which is one of the oldest in the State and least suitable for use as a high school. It was built in 1890. Of the present school population of 651, as at the 19th September this year, 173 students are in leased premises half a mile from the main school, and another 50 students are situated a quarter of a mile away from the main school. Numerous applications for relief and a number of reports have been made to both the Education Department and the Public Works Department, but not to the present Minister of Public Works. I quote the following from a report by the high school advisory council, of which I am a member:—

> Crowded class-rooms, cramped playing space, absence of shelter, scattered buildings, and lack of amenities complicate organization and administration.

There is also a lack of proper office space for members of the teaching staff effectively to discharge their functions. I now quote an extract from a report by the Board of Secondary Inspectors made on the 15th November, 1960:—

> The Department's letter concerning the proposed new building and stating that "because of more urgent commitments, it is not possible at present to give any indication when tenders will be invited", can only be regarded as most disappointing. The widely dispersed class-rooms and the totally inadequate office accommodation made the work of inspection exceedingly difficult, and this served to make very evident the trying conditions under which the head master, the staff and students have had to work all this year. One can only ask that the whole question of accommodation be reopened in order to prevent an even worse situation by 1962.

From applications already received and estimates, it is anticipated that the present school population of 651 will be augmented by another 100 at the beginning of the next school year. At present there is no possibility of the additional pupils being accommodated in the existing main building or the other two buildings that I mentioned. I make it clear that this is not the responsibility of the new Minister of Public Works—at least, it has not been up till now. On behalf of the advisory council, I ask the Minister to expedite the work, if possible. There are further problems that concern the other pupils in the school, but they are properly within the province of the honorable member for Brunswick East. The school is divided by our electoral boundaries. Although I realize that the Government will say that it has not enough money to do these things, which is the usual plea, it seems to me that there must be some end in the foreseeable future to recurring problems of this description.

Item 32 in the schedule to the Bill reads—

Advances to the Melbourne and Metropolitan Board of Works, and other Sewerage and Waterworks Authorities towards the provision of sewerage or water services for schools and associated buildings, £30,000.

I have no doubt that the Minister has a complete answer to the question that I shall now pose, but I remind the House that just prior to the last election, after a considerable volume of criticism had been levelled against the Government by school committees, teachers, the Opposition and supporters of the Government, the Premier made a public announcement that the Government would make available £1,000,000 for the provision of sewerage in schools. It is some time now since the election, and I should like to know what is the precise significance of the amount of £30,000 mentioned in the item that I cited. In his second-reading speech, the Minister of Public Works said—

Items 31 and 32 are included in the Bill to authorize the making of advances to the Melbourne and Metropolitan Board of Works and to country sewerage authorities —(and to water trusts in the case of schools)—for special works associated with the provision of these services to mental institutions and to State schools. In the case of schools, for example, these advances may be made for special extensions of sewerage mains to the school boundary. Expenditure on sewerage reticulation within the school property and the installation of sewerage facilities in the school buildings is provided for under item 1 of the Bill.

Mr. PETTY.—Item 32 relates to extensions outside school properties. It might be necessary to bring the sewerage pipes a quarter of a mile along the road, and the cost of such work could not be charged against the school.

Mr. LOVEGROVE. — I thank the Minister for his explanation, with which I am completely satisfied. The question remains of the undertaking given by the Premier that the sum of £1,000,000 would be provided for sewerage. Item 1 of the schedule is in these terms—

Schools, hostels, residences and teachers' colleges, including provision of subsidies to State school committees, high school advisory councils and technical school councils for approved purposes, and for the improvement and maintenance of recreation areas used by State school pupils.

Mr. PETTY.—£500,000 has already been allocated and will be spent by the end of this financial year.

Mr. LOVEGROVE. — What has become of the other £500,000?

Mr. PETTY.—My Department could obtain the money if it could let the contracts, but as far as we can see work costing £500,000 is all that can be carried out at present.

Mr. LOVEGROVE.—I appreciate the Minister's reply, which will be recorded in *Hansard*. In his second-reading speech, the Minister stated—

As already announced, provision has been made for the expenditure of at least £500,000 on the first stage of the Government's plan to provide sewerage or septic facilities at all State schools. Good progress is being made with these installations.

Am I to assume that the balance of the £1,000,000 had been spent prior to the introduction of this Bill?

Mr. PETTY.—No.

Mr. LOVEGROVE.—May I assume that it will not be spent until the next Public Works Loan Application Bill is introduced?

Mr. PETTY.—It will be in next year's finances, because it is impossible to get the work done at present.

Mr. LOVEGROVE.—It is strange that at a time when there is so much unemployment in Victoria, and such a great need for public works of this type, it is not possible to expend the sum of £1,000,000 on this work during the one financial year.

Mr. PETTY.—It cannot be done.

Mr. LOVEGROVE.—Does the Minister mean that the building industry has not the resources with which to do the work?

Mr. PETTY.—This item relates to sewerage work. The Government would spend the full amount if it could obtain the contractors to undertake the work, but it cannot do so.

Mr. LOVEGROVE.—The Minister of Public Works has indicated that the reason why only £500,000 is to be spent on school sewerage works during the coming financial year is that contractors cannot be obtained to undertake the work which would be involved if the full amount of £1,000,000 which the Premier mentioned in his policy speech were expended. Does the inability to undertake the work reside in the resources of the Melbourne and Metropolitan Board of Works?

Mr. PETTY.—No; I shall answer the matters you are raising at a later stage during the debate.

Mr. LOVEGROVE.—The Opposition would like to know why it is not possible to expend the full amount to which the Premier referred. Several years ago, there was an astronomical list of schools that were awaiting the installation of sewerage facilities. Of course, some schools have since been sewered, but at the same time a number of new schools which do not enjoy the facility have been constructed. The Opposition hopes that something of a tangible nature can be done to expedite the fulfilment of the promise given by the Premier before the election.

Under item No. 7, £150,000 is sought for the Prisons Division and Training Division. I assume that this grant is part of the money which, during his policy speech, the Premier indicated would be devoted to the new Social Welfare department recently set up by the Government, under which the Prisons Division and Training Division have been incorporated. I direct attention to the serious increase in crime since the Government has been in office. It might only be incidental but, in view of the prolonged public criticism of the Government concerning the inadequacy of the Police Force it seems to be bad financial thinking on the Part of the Government that it is unable to see the need for adopting more logical and humane methods of social welfare in relieving the kinds of family situations to which Opposition members referred during the debate on the Landlord and Tenant (Amendment) Bill in this House yesterday. The Government will not spend sufficient money on preventive measures in an attempt to overcome that situation, nor will it spend sufficient money by way of a second line of preventive action, namely, an increase in the strength of the Police Force.

It has been alleged by the Premier that the Government cannot recruit adequate staff for the Police Force—it cannot obtain the additional 1,700 or 2,000 men required to bring the Force up to full strength. Consequently, these complaints are being made against the Government. According to the annual report of the Penal Department tabled in the Legislative Assembly on the 7th March this year, Victoria's prison population jumped by 10 per cent. during the previous year. The report stated—

> It is very significant that the major rise is in the under twenty group and this emphasizes the task of planning for youth training centres in the new Youth Division. The delay in starting new prison buildings was inconvenient and frustrating. Ten escapes had occurred from minimum and medium security conditions but, having regard to the unstable character of many prisoners, and the nature of the escapes, this was not alarming.

Mr. Shade, the Director of Prisons, who, I presume, has been taken into the new Social Welfare Branch, pointed out that the State's prison population had doubled since 1948, when Victoria had eight prisons and a staff of 250. At

present there are eleven prisons with a total staff of 440 for approximately 2,000 prisoners. Mr. Shade pointed out that there had been an increase of 50 per cent. in the number of prisoners at Pentridge, but there had been no staff increases during the past three years.

Mr. L. S. REID.—There are many more prisoners out on parole now than in the past.

Mr. LOVEGROVE.—That is so, and the Opposition approves of the parole system. A few weeks ago, when I asked a question on notice concerning the net increase in the staff of Government Departments since January of this year, the Premier replied that 603 additional employees had been engaged, under the Chief Secretary's Department, and that the net increase had been 337. The information given by the Minister of Public Works in regard to prisons—probably it is the only information that has been supplied to him on this matter—is very vague. The only explanation given to the House concerning item 7 was that further expenditure is required on extensions and improvements to prisons, including the connexion of Pentridge Gaol to the Melbourne and Metropolitan Board of Works sewerage system. I can understand that the provision of sewerage facilities at Pentridge is a long felt need, and something with which the Opposition agrees, but I should like to know how much of the sum of £150,000 will be spent on providing sewerage for "C" division at Pentridge and what actual moneys will be spent on the provision of bigger and better prisons to house this Government's rapidly mounting criminal population.

Mr. SCANLAN.—Many of them come from your electorate.

Mr. LOVEGROVE.—All of them do not come from my electorate. When one reads the daily press it is apparent that a fair sprinkling of the young group—they were described by Mr. Shade as the under twenty age group—come from the best residential areas of Melbourne. That is a phychological fact which does not flow from the social malaise that affects societies in Carlton, Fitzroy, and other such areas, but it flows directly from the morality of an acquisitive society of the description favoured by this Government, and that is why Victoria requires larger prisons. The Government's attitude in regard to prisons is most disturbing, as it is in connexion with other important matters. When this complaint was made in Mr. Shade's report earlier in the year, the Premier said, and I quote from the *Herald* of 9th March—

> The State Government would act to ease over-crowding in Victoria's prisons if the position was as serious as claimed by the director of prisons, Mr. Shade.

I hope the Premier will act with more rapidity to relieve the overcrowding in prisons than did the Chief Secretary to relieve the overcrowding at Turana during the past three years.

Under Item No. 15, a sum of £1,000,000 is required for public offices and residences. Previous speakers have already referred to this matter, including the honorable member for Melbourne who is in charge of the Bill on behalf of the Opposition. In his second-reading speech, the Minister stated—

> As the Government has already announced, priority will be given in the works programme for the provision of adequate accommodation in public offices throughout the State. Planning is proceeding for the erection of a new public offices block in Treasury place and for the conversion of the old Government Printing Office building into additional office accommodation. In addition, the over-all accommodation position in country areas is being examined . . . . Provision is also made for the purchase or erection of further residences for officers stationed in country districts.

The former Minister of Public Works announced a most ambitious programme for housing the public service in Victoria, and, at the time, there were published glamorous pictures of multi-storied buildings and great palaces of glass, presumably for housing the Public Service Departments in some central position where they would be accessible to the Government, the Parliament and the public. Since then, unfortunately, there has been a decentralization of public offices, which matter was mentioned by the honorable member for Mulgrave prior to the suspension of the sitting. Although the Opposition does not oppose some reasonable acquisition

by public Departments of properties which can perhaps assist them financially and relieve the Government of some of its monetary responsibilities, it does seem that the job of the public is being made more difficult every year by the gradual dispersement throughout the metropolitan area of a multiplicity of offices which obviously will never be brought together into any central block if the present tendency is allowed to continue.

The State Accident Insurance Office, to which reference has been made by the honorable member for Melbourne is the latest office to be so affected. There have recently been similar moves in connexion with the State Rivers and Water Supply Commission and the Country Roads Board. Indeed, I understand that the Government has proposals afoot to transfer the Motor Registration Branch from where it is now located to a slum reclamation area in Carlton—a proposal which has already been opposed by the Melbourne City Council. The Minister of Public Works has inherited a problem in relation to the establishment of the draughting division of his Department at the old University High School in Carlton. Again, if one wishes to visit the Parole Board, he must go down to Swanston-street.

Mr. PETTY.—That has nothing to do with the Public Works Department.

Mr. LOVEGROVE.—I do not blame the Public Works Department for governmental policies, but I do believe it is not the job of public Departments to acquire properties from which they can derive a profit. If there are any profits to be made, it is the job of the Government to make them. In some circumstances, the acquirement of properties by public Departments can be justified, but in other circumstances I do not think they can be, and in my view the general question of integrating public offices into some kind of system where access by the public and efficient administration will be the determining factors is long overdue on the part of the Government. The Minister's reference to that aspect in his second-reading speech was most unsatisfactory.

There is a reference in the honorable gentleman's explanatory speech to the sum of £400,000 which is to be spent on the University of Melbourne, including the Veterinary Research Institute. That is a substantial amount of money, even in the building industry to-day. The Minister's reference to this aspect was very brief. He said—

> ITEM 22 (University of Melbourne—£400,000).—Provision is made in the Bill for building grants to the University of Melbourne up to an amount of £400,000. In accordance with the provisions of the States Grants (Universities) Act 1960 of the Commonwealth Parliament, these grants will be matched on a £1 for £1 basis by the Commonwealth Government. (NOTE: Provision for the building programme at Monash University is contained in the Monash University Act 1958, No. 6184.)

I have the greatest admiration and respect for the intelligentsia in society. To me an intellectual is a person to be revered, because there is a comparative scarcity of such persons in Australia to-day and an apparent scarcity of them on the Government side of the Chamber. I challenge anyone with the most rudimentary knowledge of the building industry and effective public administration to defend on any rational basis the lay-out of buildings in the Melbourne university grounds. My contact with the university has been of only a transitory character, but it is very apparent to anyone familiar with the building industry and with the practices of some of the leading intellectuals on the professorial staff at the University of Melbourne that there is absolutely no integration of planning when it comes to the erection of buildings. All of that is done is under the plea that there must be no interference with the university. All honorable members who have visited the University of Melbourne from time to time must have been impressed by the anarchic layout of the buildings there. I understand from those members of the staff to whom I have spoken that if a professor wants a building erected in a certain location it is done without reference to anyone else.

Mr. WILCOX.—That procedure has grown up over a period of 100 years.

Mr. LOVEGROVE.—I am referring not to the past history of the university, but rather to its observable history over the past five or six years. What is badly needed at the University of Melbourne is an injection of some governmental control by the Public Works Department to see that some planning of the available space is undertaken before new buildings are erected.

Mr. L. S. REID.—Churches own much of the university land upon which colleges are established.

Mr. LOVEGROVE.—The way in which some of the buildings are dealt with is absolutely ruthless. In the case of the Teachers' Training College, which my children attended many years ago and with which I have had a long association, I was asked some time ago to try and protect the playground from cars which were parked there by people who had no connexion whatever with the university. Eventually, the whole of the playground was taken away and a new building erected on the site. That may have been a good thing, but nothing was done to replace the playground. What is badly needed before funds are made available to the university is some control over the rational planning of buildings which are erected on university land.

I desire to make only two other references. The first is to the Crown Law Department. On the very infrequent occasions when I visit that Department, I feel that I am entering the old world. Surely, of all the stodgy, ill-decorated and repulsively treated Departments in our modern world the Crown Law Department must be the worst. Anyone who goes to that Department and looks at its method of storage—this aspect would appeal to you, Mr. Deputy Speaker, as a business man who is interested in efficiency—and sees the stacks of old tomes, decorated with tapes of various descriptions, and observes the apparent ease with which the Crown Law Department has escaped and successfully evaded every modern business innovation used by private enterprise in the city to-day, must wonder that our legal machine functions as well as it does. It is surprising to me that a person who is so efficient in himself as the Attorney-General does not do something to try to turn the Crown Law Department into a modern set of offices.

Mr. PETTY.—He has done that. New offices are being constructed for the Law Department.

Mr. LOVEGROVE.—I submit that the present offices are a reflection on the legal fraternity.

Mr. WILCOX.—Members of the legal profession are not responsible for the Crown Law offices.

Mr. LOVEGROVE.—Members of the legal profession are so dumb that they would put up with anything. That is why they put up with the antiquated building in which the Crown Law Department is at present housed. It reminds me of a scene from *Bleak House* nearly 100 years ago.

My only other reference is to the front of Parliament House. There are two points of view as to how buildings of this kind should be treated. If I may digress a little, I shall say that I am pleased to note that something is being done about the lamp standards outside this institution. Nevertheless, I believe the Government should take practical steps to clean up the front of Parliament House generally.

Mr. J. D. MACDONALD.—The House Committee agrees with you in that respect.

Mr. LOVEGROVE.—I am glad to hear it. It is true to say that a few years ago this kind of job was largely in the experimental stage, but I believe it is now quite a practical proposition for the Government to come to terms with one of the firms specializing in cleaning work.

Mr. J. D. MACDONALD.—It is only a question of money.

Mr. LOVEGROVE.—If the Government arranged for the cleaning of the front of Parliament House, this place would assume an appearance in conformity with its dignity.

Mr. WILTSHIRE.—It would afford a good entrance to the new offices for honorable members.

Mr. LOVEGROVE.—When the new offices are constructed, I hope that the Opposition will not be forgotten.

This is a money Bill, and it is one of the Budget proposals which reflects generally the inability of the Government to obtain sufficient money from the Commonwealth Government. Further, it reflects—I was interested to hear the Minister of Public Works comment upon this aspect—an apparent lack of organization in one of our vital economical activities to do a job within a reasonable period even if we had the money. That is the significance of a statement made by the Minister earlier to-day concerning the provision of sewerage facilities for schools.

Mr. PETTY.—I did not say that at all.

Mr. LOVEGROVE.—The honorable gentleman said that £500,000 was being spent on the sewering of schools, but even if all the requisite money could be obtained the work could not be done.

Mr. PETTY.—I said that we could not get it done outside.

Mr. LOVEGROVE.—That, too, is a reflection—

Mr. PETTY.—On the industry.

Mr. LOVEGROVE.—It signifies failure in one of our fundamental activities in a modern State.

Mr. SCHINTLER (Yarraville).—This is an important Bill, if for no other reason than that a sum of approximately £30,000,000 of public money is to be spent on various public works and services outlined in the schedule. Yesterday, the House was treated by the honorable member for Melbourne to an excellent, critical analysis of the financial measures adopted by the Government. All the points that he made are supported by the Auditor-General in his report.

Mr. PETTY.—Nothing of the sort.

Mr. SCHINTLER.—The Minister of Public Works has not denied the statements made by the honorable member for Melbourne. When the honorable member was critical about some of the items contained in the schedule, nobody on the Government side of the House denied his assertions.

Mr. PETTY.—We have not yet had a chance.

Mr. SCHINTLER.—The Minister of Public Works usually interjects freely, and I considered that, if he had had anything to say on the subject, he would have done so while the honorable member for Melbourne was giving his eloquent and critical analysis. Opposition members realize that loan moneys are necessary for the functioning of the various Government Departments and instrumentalities. This debate provides an opportunity for ordinary members to have something to say about the items referred to in the schedule, and I propose to comment on two of them.

Item No. 46 relates to payments required to be made by the Treasurer under the provisions of the Coal Canal Bridge Act. For the last four years, in each Budget debate, I have urged that money be provided for the construction of the coal canal bridge on the new Footscray-road, and I am delighted to learn that the Government has seen fit to make available the sum of £250,000 for this necessary purpose. What happened on this arterial road was too foolish for words. A high level bridge was constructed over the Maribyrnong river in order to expedite traffic. The Footscray City Council, in co-operation with other authorities, constructed a roundabout in Napier-street and a railway under-pass which carried 22,000 vehicles per day through my electorate. Then the authorities saw fit to construct a spur line to carry railway traffic across this busy highway from the Dynon siding to Appleton dock. Now, apparently, it has been realized that this sort of thing cannot continue indefinitely. In the meantime, many thousands of pounds were spent on the construction of a temporary bridge on the New Footscray-road over the coal canal.

The construction of the new bridge—and I hope a fly-over for the spur line that has been constructed from the Dynon siding to the Appleton dock—will be of great value in accelerating the flow of heavy traffic from the City of Melbourne. The latest traffic figures that I have regarding this thoroughfare indicate that

more than 30,000 vehicles a day use it. I doubt whether there is another road in the metropolitan area that consistently carries heavier traffic day and night. Since the exploitation of the public lands there, which were originally intended to be a second Albert Park, and which have now been handed over to private industry, the bulk of the heavy transport organizations have become stationed along this important road. Traffic flows along it 24 hours a day. As a result, all modern facilities for the rapid movement of transport must be attached to this arterial road.

The other item in the schedule about which I am concerned is Item No. 60, which refers to capital grants for mentally retarded children's centres, for which the sum of £100,000 is to be applied. Unfortunately, a large percentage of the population have no knowledge of what goes on in relation to mentally retarded children. Until the last few years, this section of the community was a forgotten race. I am pleased to see that at last the public is starting to take some practical interest in their welfare.

In 1952, my wife and I realized that there was a section of the community which was completely forgotten, and as a result of representations from their parents we decided to try to establish in our district a school for mentally retarded children. Mentally retarded children are to be found in almost every suburb, but few people know about them because their parents hide them away, and, unless the matter is brought to the notice of some authority, the ordinary people in the street do not realize what is going on behind closed doors. We took a rough census and thought that there would be about 40 such children in our district whose parents were not provided with any sort of relief.

With the aid of a generous public, we were able to raise the sum of £8,000, and, with a four-for-one subsidy from the Government, which was very generous, we established a school for these children at a cost of £25,000. We thought that probably that was the answer to the problem. However, the school has been such a success that it has outgrown itself. We now receive children from Williamstown, Newport, Spotswood, Sunshine and even North Melbourne, and the school is bursting at the doors. Originally built for 40 children, it now houses 90.

The initial movements in this type of relief must be taken by private citizens. Although we appreciate that the Government is subsidizing us on a four-for-one basis, there is this section in the community which is not provided for by the Education Department or the Mental Hygiene Authority. The mental condition of the children debars them from going to the retarded children's section of the Education Department, and, on the other hand, they are not bad enough mentally to be institutionalized. As a result, they become a burden on their parents for 24 hours a day.

In recent years, a number of these schools have been established in inner suburban areas, such as Northcote and Footscray, but I consider that the Government should take determined steps to establish similar schools in suburbs such as Sunshine so that the existing schools can be relieved. At present, our school is faced with an extension of its activities that will cost the committee of management £25,000. To be eligible to get our four-for-one subsidy we must raise £6,000 from sympathetic people. We can do so, and the additions to the school will be carried out within the foreseeable future. In my opinion, many more schools for mentally retarded children could well be set up in the inner suburbs, and I hope the Government will give earnest consideration to the matter.

Mr. SCANLAN (Oakleigh).—I support the Bill. In particular, I support item No. 6 of the schedule, under which £450,000 is to be made available for the Family and Youth Welfare Divisions of the Social Welfare Branch of the Chief Secretary's Department. It was only twelve months ago that the new Social Welfare Act superseded the previous Children's Welfare Acts. Under the new legislation, the various charitable and other organizations which had

taken a part in dealing with the welfare of delinquents were co-ordinated.

It soon became obvious that during the initial working out of the new Act, some anomalies in the system would occur, and some alterations would be needed to the methods being adopted by the authorities in this field. Taking the Catholic Church as an example, it provides adequate facilities for the treatment of mentally retarded children, for deaf mutes, and for juvenile girls who have erred, but it does not make provision for the boy of eleven to fourteen years of age. The Protestants, too, have their deficiencies, mainly regarding the care of girls who are pre-delinquents. It was because of this unbalance that it was necessary for the Government to take action in the sphere of family and youth welfare.

In his second-reading speech, the Minister of Public Works stated that a great deal of attention had been focused by the Government on the construction and alteration of Allambie, which was formerly known as the Kildonan Presbyterian Home, Burwood. He stated also that the Government had undertaken to build reception centres and that other major works were proposed at the Turana Remand Centre and the Malmsbury Youth Training Centre. It may be because of the fact that the general members of the community and charities are more willing to provide facilities for the child who is not delinquent, and the fact that the charities generally are hesitant to provide facilities for the delinquent, that this unbalance has occurred.

It has been necessary in the allocation of £450,000 to provide a further hostel at Hillside Boys' Home to cater for 34 children who otherwise would not receive adequate attention. However, it is at Turana that the major pressures have been felt as a result of the new Social Welfare Act. Turana has a capacity of 265 children, but during the last few years it has been handling on an average each year 350 children. There has been overcrowding, and this has placed terrific burdens upon those responsible for the care of the children, maintenance of the buildings, and the teaching undertaken. Problems arose for the staff because originally children of both sexes were accommodated, girls and boys up to the age of 21 were admitted, there were emotionally disturbed people, mentally retarded and delinquent children, and physically handicapped youths.

The Family Welfare Division, which is to be moved to Allambie, will remove a great deal of pressure from the facilities available at Turana. Girls and boys under the care of this Division who are aged up to fourteen years will be moved into Allambie and those over fourteen years will be retained at Turana. I consider that the pressure on facilities at Turana was really detrimental to the interests of youth welfare in this State. As social welfare develops, new buildings will be required. Accommodation for girls will be provided at Pirra, and two family homes have been erected at Ararat. Also, the Lady Northcote Children's Home will accommodate some of the many wards of the State. However, very many serious problems will remain at Turana, many of which arose through overcrowding. One section of Turana—Quamby—had the capacity to care and maintain only 23 youths, but over the last two years it has been used to house 60 to 80 youths. One of the fundamental requirements in the rehabilitation of these wards of the State who have erred is education and training, and unless the necessary facilities can be provided, rehabilitation work will not be effective. The future situation at Turana, when pressures are eased, will be that teaching and training will be able to take their proper place and the children will benefit.

One of the remarkable things about Turana is that within the last twelve months there has been an amazing decrease in the number of absconders. This may be due partly to the working of the new Social Welfare Act and partly to the relief of some of the pressures affecting the establishment. The present staffing consists of four teachers and one head teacher who have had a terrible battle in the past to maintain standards. That can be realized particularly when honorable members are reminded of the fact that the teachers who have been

appointed to Turana have generally been given short-term postings. The average posting for the teaching staff at Turana was limited to a period of months. There seems to have been no permanency whatever in regard to the staffing of the establishment, and this had a bad effect. I urge the Minister of Education to give this matter thorough thought before the end of the year in order to ensure that this short-term staffing is not continued. Turana should not lose the benefit of the experience which teachers gain over a period of time spent in that establishment.

I notice also that one of the problems referred to in the report from the Children's Welfare Department is that there has been a very big turnover of administrative staff. I am certain that the Chief Secretary will be concerned and disturbed by this. The annual report says that last year's staff losses followed heavy losses in 1959. During these two years retirements caused the loss of a director, a deputy director, and two officers in charge. Promotions and transfers to other Departments resulted in vacancies and new appointments to positions of officers in charge of the boarding-out and adoption sections. In this period the Department also lost the services of a medical superintendent, an assistant superintendent, and a supervisor of family group homes. In all, 50 per cent. of the administrative staff were lost. It is possible that next December there will be another large turnover in the teaching staff. If the delinquent and needy youths of the State are to be rehabilitated, that will be accomplished only through training and education and not by detention itself. Therefore, I suggest to the Minister of Education that before the end of the year he should investigate the staffing situation so far as teachers at Turana are concerned.

This House should take a great deal of pride in the fact that the Government has allocated £450,000 for youth welfare in this State. It is often claimed by the Opposition and thrown at the Government that it has no interest in social welfare work. This is not true. The Government's new Social Welfare Act introduced a new era in the care of the youth of the State. The legislation was enacted only twelve months ago, and, naturally, problems have arisen. That is always the case when a new policy is introduced. However, these problems will be ironed out. At least the Government should be given credit for bringing down the legislation. It was an essential and progressive step.

I believe that there is no more urgent need in the community than for the rehabilitation of youths who have erred. I had occasion to visit Turana earlier this year, and I know that the honorable member for Melbourne also takes an interest in the establishment and visits it annually. I recommend all honorable members to visit Turana as they will learn much from such experiences. They will be brought closer to problems which at the present time are somewhat of a mystery not only to our community but also to all communities throughout the world. Let us be frank and admit that the problem of juvenile delinquency is not faced by this State or Commonwealth alone, but by every other country in the world including Russia, although that nation is in the rather fortunate position of not having to publish statistics.

I suggest again that honorable members should visit Turana and learn a little more about its workings. After my last visit there, I realized something which is of very great interest. When one inspects these Government establishments, whether they be mental hygiene institutions, children's welfare or school buildings, one is struck by a distinctive odour. I recommend to the Minister of Public Works that when the erection of new buildings is under consideration care should be taken regarding the provision of disinfectants and antiseptics. I understand that experiments are being carried out at the present time in the use of disinfectants with different aromas and I suggest that steps should be taken to prevent Government buildings developing this unfortunate characteristic smell which greets our nostrils only too frequently.

I commend the Government for the allocation of £450,000 contained in item 6 of the schedule, and I congratulate the Minister of Public Works for the capable way in which he is administering his Department. I was particularly pleased to be provided with a copy of his second-reading speech, as were all members, on this measure, and I was able to follow this as he delivered the speech. It was a gesture that honorable members appreciated very much.

Mr. FLOYD (Williamstown).—I am somewhat at a loss to understand some of the procedure adopted in this Chamber, and I believe that it is necessary to be a member here for many years to even gain a glimmering of how these things work. Clause 4 of the Bill provides—

> The Board of Land and Works is hereby authorized to purchase maintain alter and deal with the dredges referred to in item 30 of the Schedule to this Act and to enter into contracts for such purposes.

I cannot for the life of me see what this has to do with the Board of Land and Works, but doubtless the correct procedure is being followed. Item 30 covers the purchase of dredges for use by the Ports and Harbors Branch of the Public Works Department. On 21st March last I asked the following question in the House:—

> Whether the Ports and Harbors Branch is to have a new dredge constructed; if so, could this dredge be constructed at the Williamstown Naval Dockyard?

The answer given by the then Minister of Public Works was—

> 1. (*a*) Yes. (*b*) The Williamstown Naval Dockyard is considered to be capable of building the dredge.

I shall refer to the second part of my question later when I refer to dredging and blasting operations under item No. 24. In his reply, the Minister did not state whether the Williamstown Naval Dockyard was going to build the dredge; all he said was that the dockyard was capable of building it. I notice that the sum of £300,000 has been set aside for the purchase of two dredges, but that the dredge to replace the *Matthew Flinders* is estimated to cost £1,000,000. I am at a loss to understand the position.

Mr. PETTY.—It will be paid for over several years.

Mr. FLOYD.—If this dredge is not so important that the purchase can be spread over several years, why could not the Williamstown dockyard be used to build the dredge? The Williamstown Naval Dockyard has built many dredges, barges, destroyers, frigates and so on. I realize that it is under the control of the Commonwealth, but in view of the fact that £40,000,000 is to be spent on the purchase of destroyers from overseas the opportunity should be taken to utilize the dockyard facilities to the full. This is not a parochial matter, although the Williamstown Naval Dockyard happens to be in my electorate; all the persons who work there do not necessarily vote in Williamstown. If the ship-building yard at Williamstown was to go into decline because our destroyers are being purchased overseas, Victoria would lose its only ship-building yard. Technicians cannot be trained overnight; they are men who come from a long line of ship-builders. Ship-building is the only trade in which many migrants are trained. The potential is there to keep those men busy for many years. Senator Gorton has stated that he does not mind the dockyard undertaking work for the Victorian Government, provided that the Commonwealth Government does not lose by it. Even if it is too late now to build the dredges at the Williamstown Naval Dockyard on this occasion, it will be in the best interests of the State to see that the only ship-building yard in Victoria is maintained to its full capacity.

On the 21st March of this year I asked the Minister of Public Works a further question, as follows:—

> Whether the Ports and Harbors Branch is contemplating a large-scale programme of dredging in the Bay and river basin; if so, whether this work will be carried out by the Melbourne Harbor Trust or by means of inviting tenders from private companies?

The Minister replied—

> (*a*) No. (*b*) Dredging works for the Public Works Department will be carried out with the Department's own plant.

Men employed by the Melbourne Harbor Trust are apprehensive as to the future. In the past the Government has contended that it has not had the plant and the men to carry out dredging operations, and it has sub-let dredging jobs to private firms. In 1950 a Dutch dredging company obtained a contract and was granted certain exemptions under the Marine Act.

Mr. PETTY. — Which Government granted those exemptions?

Mr. FLOYD.—That is beside the point. Previous to 1950, an amendment to the Marine Act was necessary before an exemption could be granted for self-propelled barges to proceed around the Bay without a pilot. However, this power now lies with the Governor in Council. If the Government decides that it does not wish the Harbor Trust to carry out certain work, the Governor in Council can grant exemptions from the Marine Act to foreign companies to carry out the work.

Mr. PETTY.—We would not do that. That action was taken by a previous Commonwealth Government in 1948 or 1949.

Mr. FLOYD.—Actually, it was done by the Victorian Government not so long ago. In 1950, when there was a shortage of men, the exemptions I have referred to were granted. On that occasion the Merchant Service Guild agreed that that should be done, but they do not approve of such action being taken in the future. I believe any dredging to be done should be undertaken by the Melbourne Harbor Trust. If there is an excess of work, the companies employed should comply with the same conditions as the Melbourne Harbor Trust and no exemptions should be granted in regard to pilotage because the safety of shipping in the Bay is at stake. How can Government Departments be expected to show a profit when they have to comply with conditions from which their competitors are exempted? I compliment the Government on making money available for dredging purposes, but I ask that the Melbourne Harbor Trust's plant be used to carry out the work.

Mr. PETTY.—We informed you of the position a week or so ago.

Mr. FLOYD.—That was the position in March of this year, when the Minister of Public Works informed me that a dredge could be built at Williamstown Naval Dockyard. The position may have changed in the meantime. I suppose I should ask the same question every three months to ascertain whether the answer is the same, because I have memories of a promise in regard to cost-of-living adjustments, which have not yet been restored.

Under item No. 8 a certain sum is to be made available to the Fisheries and Wildlife Department. Again, I do not wish to be parochial, but I point out to members of the Country party that all the wildlife and fish are not in the country. There is plenty of wildlife, such as pelicans and swans, around the seashore and the beaches close to Melbourne. I have been in touch with the Department to ascertain how these birds can best be cared for. Many people from the other suburbs of Melbourne drive to Williamstown on Sundays to see the pelicans and swans. Therefore, I believe the metropolitan area, as well as country districts, should be considered when the Fisheries and Wildlife Department is considering the expenditure of the money available.

In regard to police stations, I believe it behoves the Government to set an example to the community and ensure that police station yards are presentable. Some of them are surrounded by long grass and bushes. Not only should the public buildings be clean, but also the precincts should be cared for so that when local councils are asking people to clean up their premises they cannot criticize any of the public buildings.

The Government is to be congratulated on the completion of the copper dome of the Latrobe Library. An excellent job has been done. I believe a word of warning is warranted in connexion with the laying of foundation stones. In many cases, the foundation stone of a new building is laid but no further work is undertaken for a long period. The foundation stone of the Latrobe Library had been laid for many years before

any work was commenced. Whichever Government was responsible, I do not believe that is a proper procedure. The laying of foundation stones could be carried to ridiculous lengths; one could be laid for the over-pass and another for the flats at Jolimont which were to be built but have not materialized. The laying of the foundation stone of the Latrobe Library was a classic example of this practice and of no further work being undertaken for many years. I suggest that the Government could form a society for the prevention of the laying of foundation stones where they are not wanted.

Item 12 relates to the Exhibition oval, which it is proposed to hand over to the Exhibition trustees. That oval should be a sporting oval in the true sense of the word; it should not be used for any other purpose. Several honorable members will remember when it was once a most important sporting oval. Some people are kicking up a fuss about the construction of a bowling alley at Albert Park, but they do not seem to worry when other sporting areas are used for other purposes. The Government should "go the whole hog" and restore the Exhibition oval as a sporting arena. Surely there are some schools in Carlton which have insufficient playing grounds and which could use this area for sporting events.

The Government Printing Office is referred to in Item 13. Over the years I have made several suggestions in regard to that organization, but because I am a former employee my remarks relating to improvements that could be effected have not been appreciated. So, I will not repeat them to-night.

My Deputy Leader has already referred to public offices and residences mentioned in Item 15. I believe this Government has so much spare land at its disposal that it does not know what to do with it. In my opinion multi-storied buildings could be built on some of this land by demolishing some of the smaller buildings that are cluttering it up at present. There are State Government offices all over Melbourne. I realize that this land is Crown land, but an Act of Parliament can be passed to dispose of Crown land. Beautiful blocks of offices could be built over railway lines. The Government should concentrate its offices all in the one vicinity. The Railway Department will never be able to use much of the land that it owns. This land was wisely reserved by the Department many years ago, but because Melbourne developed in certain directions the Department no longer requires these areas. It is like the Army in all countries of the world; once it gets its claws into something it will never let go. The Williamstown Rifle Range is a prize example. Flinders-street railway station is a lop-sided building. It extends along Flinders-street and then comes to an abrupt end. What would be wrong with extending the buildings in the same architectural design towards Princes bridge and using it for public offices? What would be wrong with using the Princes bridge railway station site for public offices? Elderly people who come into the city to do business at Government offices do not want to have to walk all over the place.

I was interested in the remarks of the honorable member for Oakleigh in regard to mental hospitals and institutions, which are referred to in item 16. My suggestion in that regard is that if sufficient money is available half-way houses should be built. The Corporation of Bristol conducts a half-way house and it is doing a magnificent job. People in mental institutions who show some signs of improvement and who are likely to again take their place in the outside world are engaged on repetitious work in making cartons in a factory conducted by the Corporation of Bristol. They are paid wages for their work during the day and are taken back to the institution at night. They are gradually getting to know the things that they will have to face up to when they finally come out of the institution. Instead of being abruptly thrown into the outside world in a mixed-up climate that they do not understand or have forgotten, they are gradually brought back into contact with life. They are not put on show, but they are allowed visitors.

The Corporation of Bristol is doing a magnificent job; the scheme is run partly by voluntary helpers and partly by the Corporation of Bristol. The corporations of English cities are miniature State Parliaments; they are not local governing councils. As a matter of fact, the County Council of London handles more money than the State of Victoria. So, this is not a council matter; it is really a semi-governmental matter. No miraculous results are achieved, but whatever success is obtained is brought about by sheer hard work. Of the thousands tried only a few are rehabilitated, but the voluntary workers dedicated to the job think it is worth while. Perhaps the Government might be prepared to consider my suggestion and institute a similar system in the mental hospitals in this State. Anybody who shows signs of recovering should be given the opportunity of again entering the outside world. The way in which to reaccustom them to normal life is to have a half-way house.

On numerous occasions I have mentioned the need for maintenance work on Parliament House, and I have never lost votes over it. I am certain that the people of this State desire that this building should be rehabilitated. They want it to be something of which they can be proud. It is false economy and false caution to think that the people outside will complain if the Government spends a few pounds on the maintenance of Parliament House. This building was erected in 1850 by craftsmen, and I suppose the fact that it has stood for so long with so little attention is a tribute to the workmanship of those days. However, this building will not continue to exist unless it is adequately maintained. Over the years Governments have preferred to send their money on more glamorous projects for which they get more cheers. Since I have been a member of the House Committee of this Parliament the Government has provided a good deal of money for maintenance work and a good job has been done, and I hope that it will continue to provide more money and will not be deterred by snide criticism to the effect that Parliament House should be maintained in good order.

Mr. CHRISTIE.—What about political criticism?

Mr. FLOYD.—There will be no political criticism from the Opposition. The Federal Government has got away with constructing lakes in Canberra. If there is to be a national capital, it should be something of which everyone will be proud and not a sub-standard dump. Other countries in the world have wonderful national capitals. Canberra has now come of age and is regarded as a tourist attraction, but for many years people treated it as a joke and were sarcastic about it.

I do not know how many clocks there are in this building, but if any honorable member can find two that are showing the same time or the right time, I will shout him a dinner. The clocks are operated by a battery system and should be modernized. The electrical wiring in this building was in a bad state until temporary repairs were made recently. It will now cost £70,000 to bring the wiring up to the proper standard. Over the years Governments have let it fall into disrepair. It is absolutely necessary that this money be spent because faulty wiring can be dangerous. Private houses should be re-wired after a certain period because items in the house such as a stainless steel sink can become "live" and persons can be electrocuted. A somewhat similar situation exists in this House, and it is the despair of the electrical engineers who do a good job in trying to keep the system going. I shall now refer to the old lift in the building. If a similar lift were in use in a private factory, it would be condemned immediately. That is the type of thing we have to put up with.

Mr. SCOTT.—How long did it take to install a new lift in another place?

Mr. FLOYD.—I am told that an apprentice started his time on it and finished up a fully-qualified tradesman before it was completed. The flag-poles on the top of Parliament House have been there for years and it is going to cost £700 to replace three of them. If they are not replaced soon, they will fall down. Moreover, there should be an amplification system in this Chamber. The modern trend is not for honorable

members to bellow at one another at the top of their voices. It appears that a larger gallery will be required also because apparently everybody in Melbourne wants to come and see Parliament in session, and some honorable members think that is a good idea. So, that will probably mean that the galleries will have to be extended back and unless an amplification system is installed the visitors will not be able to hear the debates. I do not think any honorable member would care to bring visitors to this House in through the back door. It is not a very imposing sight.

Respecting the reference in the Bill to harbor works, I ask the Minister whether consideration will be given to the matter of the Williamstown piers. The ridiculous situation exists to-day that vehicles cannot be got in to the piers. The track from Nelson Place to the vicinity of the old time ball is now to be taken over by the Navy through its extension of the Navy yard; so there will be no access to the piers by means of vehicles. In 1913 the railways owned the piers and took their lines right on to them. There was no need then to make special provision for vehicular access. When the piers were transferred from the railways to the Melbourne Harbor Trust, it was overlooked that a road should be constructed there.

The oil industry is no matter of "peanuts." While much of the oil is transferred through pipe-lines, it must be remembered that the vicinity is a possible fire hazard and that it might be necessary for fire brigade vehicles to go into the area in the event of an outbreak. I believe that in connexion with harbor works there should be consultation between the railways authorities, the Melbourne Harbor Trust and the Government so that a decent road might be provided in this instance to the piers. The work would come under the heading of "Harbor Works."

The Minister of Public Works has announced that in connexion with foreshore erosion an amount of £100,000 is to be set aside for the building of seawalls, groynes, and other such works. The Department concerned should obtain expert advice before installing groynes and running them out into the sea, because those constructions alter existing currents and have the effect of bringing about a displacement of sand from one area to another somewhere else. When the breakwater was constructed at St. Kilda, it became obvious that that work would interfere with the natural tides and general set-up of the beach and that, equally naturally, some one or some place would suffer by the displacement of the sand. I have before me a letter from the South Melbourne City Council enclosing a copy of a report of the Engineer for Foreshores of the Planning and Highways Committee of the Melbourne and Metropolitan Board of Works. This relates, among other matters, to the St. Kilda breakwater and the littoral drift effects. It states, *inter alia*—

> The main St. Kilda beach has, if anything, gained by accretion, as a natural consequence of the breakwater construction. This beach is firmly held on the north against the baths and the pier approach, and erosion would not be expected, although as mentioned in 2.4 (*a*) some ground has been lost adjoining the Shakespeare-grove drain, at the southern extremity of the section. This trend of gain at the north end at the expense of the south can be expected to continue until remedial measures are taken.

As a result of the erection of this breakwater the South Melbourne beach is being denuded of sand, which is being deposited at St. Kilda. In the construction of all such works as breakwaters and groynes cognizance should be given to the effect of their altering the natural layout of the seaside. We do not want to destroy one beach in the course of building up another.

The last item with which I propose to deal has to do with the Williamstown Cemetery. In this matter I compliment the ex-Minister of Health, Sir Ewen Cameron, who was most helpful in his efforts. The sum of £30,000 has been set aside and representations have been made over the years to obtain an amount that would enable a start on the erection of the Western Suburbs Memorial Park. From the inception of this project all Governments concerned have supported it; but the money put aside for the scheme in the first place, amounting to £246,962, was the original loan provided to establish the cemetery. An

area of 150 acres was purchased on the Geelong-road, at Brooklyn. I may say that my interest in this matter arises from the fact that it is the Williamstown Cemetery trustees who are handling the whole scheme. One feature of all projects such as this is that the people interested often do not see anything for the money provided for quite a long while, and it is a disturbing thought that there might be a Government which would get sick of the project before it was completed or perhaps even started.

Another amount of £30,000 has been made available at this stage and that sum will just about make the place self-supporting. Last year the then Minister of Health opened the memorial park and the budget since then has been pretty good—if I may use that expression in relation to a cemetery. I do not mean that the business has been good from an ordinary point of view. I do not suppose that any such institution wants more business than comes to it in the ordinary way. The cemetery was opened last year and those in charge budgeted for a total of 420 cremations; there were 465 cremations. They budgeted for 45 burials, and there were 55. They budgeted for a loss of £11,000, which is within the framework of the financial set-up, and they lost only £7,000.

As to the amount of £30,000 to be made available to the trustees under the measure before the House, the effect will possibly be to make the institution self-supporting. Stage 1 has been completed. Now comes stage 2, and the grant of £30,000 will be well spent, enabling the amount of £200,000 to be recovered by the Government.

Mr. CHRISTIE (Ivanhoe).—All members of the House must welcome the new form of this Bill. It has been a little difficult previously for a Public Works Loan Application Bill to be regarded as a sort of continuing affair, but it is good to see the Minister of Public Works bringing in a measure in the manner in which he presented it. As was indicated in the course of the Minister's second-reading speech, it seemed to be rather silly for the authorities concerned to be carrying on building works and the like only this year, when money had been passed by Parliament for those works perhaps ten years ago, so that over them this present Parliament would have no control. It is also good that the Minister of Public Works has been present in the Chamber throughout the whole course of this debate. I appreciate that.

This is a loan application works Bill, but I wonder why it should have relation among other things to the destruction of rabbits and ragwort. I would have thought that expenditure upon such matters would be something that the Government would write off. I should like to hear an explanation of that matter.

I note that the sum of £400,000 is being set aside as provision for police stations. I understand that this financial year there is likely to be spent an amount of £366,000. I hope the suggestion reaches the Chief Secretary that there should be a few thousand pounds in that sum that could be devoted to a police station at Fairfield.

With respect to the Latrobe Library, we know that in Victoria there has been got together at the State Public Library and the Latrobe Library a collection of works that is only awaiting housing. We cannot hope, of course, to match the Mitchell Library in Sydney. That would be quite impossible, for New South Wales has gathered together more records and is better planned and was earlier conceived than any other library in the Commonwealth. Every Australian ought to visit the Mitchell Library and learn something of what is in it. But we can with the very interesting early Victorian material that has been collected, provide in the Latrobe Library something that will be of great value to students and scholars of Australiana as well as to the Australian people generally.

I am not quite certain what has happened with respect to the Latrobe Library building, the foundation stone of which was laid years ago. The amount set aside under this Bill will not necessarily be spent, but out of the total of £150,000 perhaps £75,000 may be used this financial year. I have some misgivings, however. Tenders are to be

let shortly and it would seem that in the course of the financial year about £75,000 worth of work will be performed. But I wonder whether the whole building is to be erected. It would probably be far better business to let tenders for the full building rather than have a piecemeal job done. I understand that there is a proposal to leave off the top story and to have that built at some later time. That would not be good enough for Victoria. The Latrobe Library should be built and completed in order that it may house the precious collections of books and other things that we have already.

The completion of the structure would also have the effect of relieving space in the State Library, and we well know that there is a rather pitiful side to that matter. The building work carried out, together with the repair work done during the term of the present Government, has been first class. But as to the State Library, a still greater amount needs to be spent in furnishing it with more of the good books that are being produced throughout the world today. We are not spending enough on books and there is not enough space in the library. So I say again that the completion of the Latrobe Library would give the State Library the advantage of additional space. I trust that the Government will do this job fully and not in bits. Of course, if the job is completed the Government will save many thousands of pounds—possibly as much as £100,000. The addition of a storey to a building at a later stage makes a big difference in the final cost of the structure.

Now I wish to refer to the Royal Botanic Gardens, where an outstanding job has been carried out. Some of my constituents have been concerned about the hot-house, which looked as though it might fall in on its contents. However, due to the director's activities, by shoring up over the years, it has been possible to hold the place up until a new hot-house has been built around it. It is somewhat amusing to think that it should have taken so long to do such a small job. The Heidelberg Horticultural Society is delighted, as am I, that this repair work has been completed. We appreciate the conscientious manner in which the director and staff have looked after the matter, and are thankful to the Government for providing the necessary funds.

Items 33 and 34 relate to national parks and the Tourist Development Authority. I do not wish, at this stage, to go into the matter in detail, but point out that this State should provide much more money for the purpose of creating national parks before it is too late. In this field we are far short of world standards. The present time is a critical one with so many people coming into the State. If national parks are not reserved within the next ten years, it will then be too late to set aside cheaply those very attractive areas which ought to be made national parks. Anyone who knows the outstanding beauty of the mountain country of Gippsland will know what I am talking about. We should carve off large slices of places like the Moroka Valley and the top of the Macalister Valley to make sure that this rare mountain country, which is being opened up by forest roads, is preserved and kept intact for the interest and use of future generations before it becomes decimated and alienated from the Crown into private freehold, which is a pretty strong trend in this State at the present time.

I think we are fortunate to have a live Government tourist set-up in this State. The Tourist Development Authority turns out some very attractive literature, and has a co-operative and willing staff. It gives a strong lead to other States on how a State should run its tourist authority. I am glad that more money is being allocated for tourist facilities. I am sure that the good work carried out by the Authority merits that sort of support.

I support the Bill, and hope that we will spend all the money we can obtain on the worthy objects that it covers. I trust, too, that the money will be wisely spent.

Mr. B. J. EVANS (Gippsland East). —Under item 24 in the schedule to the Bill, an amount of £210,000 is to be

applied to dredging and blasting operations for the improvement of channels for the safe navigation of shipping, and so on. Lakes Entrance is one of the largest fishing ports in the Commonwealth, but it suffers greatly from the handicap of a sand bar across its entrance. This is a constant danger to the fishermen who use the port, and is a source of continuous worry. Boats can be caught by unpredicted rough weather, and other port facilities are not available over a considerable stretch of coastline. The local fishermen would like work to be carried out which would ensure a greater depth of water over the bar. Whereas once this was a narrow peak, it is now several hundred yards across and sometimes there is only 5 feet of water for a considerable distance. When seas are at all rough, boats hit the bottom a good deal.

Mr. SCHINTLER.—The State Development Committee made a recommendation on this matter to the Government.

Mr. B. J. EVANS.—I am aware of that. Recently the Minister of Public Works examined the sand bar at close quarters. Apparently a considerable amount of expense would be involved in improving it. The chief engineer of the Public Works Department considered that the cost would be in the vicinity of £1,000,000 before any real benefit could accrue, and was doubtful whether the desired result would be achieved. However, the fishermen, whose views must be worthy of consideration, feel that there may be a simpler solution to the problem. I express the appreciation of the fishing community of Lakes Entrance for the new slipway which was completed recently. Although there was some doubt as to the suitability of its location, a very fine job has been done and I do not think anyone would say anything against it.

Item 27 of the schedule relates to foreshore protection works, and item 35 relates to expenditure by the Soil Conservation Authority in connexion with soil conservation and erosion control measures, including experiments and demonstrations. A considerable erosion problem exists around the Gippsland lakes, which is not easy of solution. Apparently it has arisen following the creation of a permanent entrance of the lakes into the sea. Before man interfered in this way, a sand bar blocked the entrance from the lakes until the pressure of waters built up within the lakes system and broke through the sand bar. Then the entrance would remain open until the prevailing coastal current again sealed it up. In that way water in the lakes system was kept largely fresh.

Since the permanent entrance was established, the introduction of salt water has been the root cause of the erosion problem around the lakes, which is rapidly advancing. One of its most important effects has been on the Mitchell river silt jetties, which are a unique geographical feature. They are the second longest such features in the world, and I understand they are the most perfect example of them. The jetties run for approximately 6 miles from Eagle Point almost across Lake King, but by the introduction of a saline content into the water the former grass or vegetative protection on the banks has been destroyed. Instead of the banks sloping gently into the water, now in some places there are sheer banks about 2 feet high into which waves crash all the time, and erosion is becoming disastrous in many places. Various amounts of money have been made available for urgent works in particular spots where the silt jetties have been almost cut through.

Unless some action is taken soon these jetties will degenerate into a series of islands. I do not think it is right that we should sit idly by while this sort of thing takes place. However, I was pleased to receive from the Minister this week a letter advising that the Ports and Harbors Branch of the Public Works Department and the Soil Conservation Authority would collaborate in experiments with the object of achieving vegetative control. I do not think there is any doubt that if some form of vegetation could be found which would grow under the extreme conditions prevailing that would be the cheapest method of controlling the erosion. A large amount of money would not be required for the conduct of these experiments, and I trust that some solution will be found in the near future.

Mr. A. T. EVANS (Ballaarat North). —I commend the Minister of Public Works for the great co-operation I have had from him during his short term in his present office, especially in regard to building matters affecting the Education Department. It is pleasing to note that a progressive policy of education works is being continued through the Public Works Department. I did feel some concern at the Minister's answer to a point raised by the Deputy Leader of the Opposition concerning the installation of sewerage and septic tank systems in country schools. Honorable members are aware that the sum of £500,000 was to be made available for the installation of sewerage at all schools with more than 50 pupils. Reports contained in the Budget papers show that the work has been proceeding at a satisfactory rate. I hope there will not be any undue delay before work is commenced at country schools, many of which have a population of less than 50 students.

I was disturbed to hear the Minister say that some difficulty is being experienced in finding contractors to carry out this work. There should be no such difficulty in my electorate. Possibly a bottle-neck is being created by too much work being put on to the local Public Works Department inspectors at the present time. I ask the Minister to examine that aspect. Possibly if the inspectors could be given some assistance on this important programme the work could be speeded up. There is a report in to-day's press about the outbreak of hepatitis at country schools where the sanitary arrangements have been condemned. A similar position obtains in my local school. The local health authorities have condemned the facilities at the school. This is an urgent matter and I ask the Minister of Public Works to examine the situation and consider whether there is any possibility of speeding up this very essential work.

Mr. WILCOX (Camberwell).—Under Item No. 38, an amount of £50,000 is allocated for advances to public officers for the purchase of motor vehicles for official duties. I do not know whether it is customary for an item of this nature to appear in Public Works Loan Application Bills.

Mr. PETTY.—Such an item is always included.

Mr. WILCOX.—Perhaps the Minister could explain how the scheme works. It seems to me to be something that should be watched carefully. Grants of this nature could leave the way wide open for all types of public servants to obtain capital grants for the purchase of motor vehicles. After all there would be very few motorists, including public servants, in the community to-day, who own motor vehicles and who, from time to time, could not say that they need their vehicles in the course of their official duties. I should like the Minister of Public Works to indicate what type of civil servants obtain advances of this type.

From time to time, honorable members receive copies of the various regulations that are published in the *Government Gazette* relating to the rates of reimbursement prescribed for public servants who use their motor vehicles on official duty. There are so many different rates that it is difficult to follow them. It is easy to understand the need for paying a mileage allowance to public servants who use their own vehicles in the course of their duties, but I ask the Minister to explain on what basis advances are made to assist public officers in the purchase of motor vehicles.

Mr. SCOTT (Ballaarat South).—I do not propose to waste the time of the House by dealing with parochial matters. I propose to refer to Item No. 17, under which an amount of £20,000 will be set aside for Parliament House. It is interesting to note that under Item No. 45, the expenditure of £500,000 is contemplated by way of a contribution to the National Art Gallery and Cultural Centre Trust Fund for the purposes of the committee constituted under the National Art Gallery and Cultural Centre Act 1956. No honorable member would raise objection to the

proposed expenditure of £500,000 for that purpose. However, like you, Mr. Deputy Speaker, I have been a member of this House since 1955, during which time I have learned to believe not only that this is the place of Government, but also that the actual building is of such architectural quality that it must be preserved at all costs. Consequently, it is strange that only £50,000 should be set aside for the upkeep and maintenance of Parliament House.

I do not criticize the Premier in any way because those honorable members who have been reading Mr. Hugh McLachlan's articles in the *Age* will realize that, over the years during Mr. McLachlan's term of office as Clerk of the Parliaments, successive Premiers were extremely mean in so far as expenditure on this building was concerned. Fortunately, the present Premier has been very generous in this regard. I know that you, Mr. Deputy Speaker, are very jealous, not only of this building as such, but of this institution, which should be the very cultural centre of Victoria.

Mr. BIRRELL.—It is!

Mr. SCOTT.—If that is so, the proposed expenditure of £500,000 should have been related to this building, not for the convenience of members, but for the convenience of their constituents and of the school children who visit this place each week. If this institution is to survive and have the respect of the people of Victoria, it must be through the lessons and the knowledge of Parliament which is imparted into school children at the proper age which, I should think, would be when they are in the fifth or sixth grades in primary schools.

Under Item No. 9, a sum of £400,000 will be set aside for the Police Department. I presume that this expenditure will relate to capital works. Yesterday, I asked a question on notice relating to the proposed new police station at Ballarat. I cannot be charged with being parochial on this question because the Ballarat police station is situated in the electorate of my colleague—the honorable member for Ballaarat North. Unfortunately, my predecessor allowed the policemen in Ballarat to work in near-slum conditions but, since the Bolte Government assumed office, the police station has been brightened up considerably. In reply to my question, the Chief Secretary intimated that it was the intention of the Public Works Department to invite tenders in January, 1962. I hope that there will be no interference by the Public Works Department to prevent the promise that was made from being implemented. I believe that we can have confidence that any promises that are made will be carried out and honoured by the Minister of Public Works. Consequently, I expect that in January, 1962, tenders will be called for the construction of a new police station in Ballarat.

Last night in this House, I was reminded by the honorable member for Footscray that Ballarat and Bendigo had the greatest percentage of assault crimes in Victoria. Possibly that is because of the efficiency of the local policemen, who have come into our district to work, and who live there. One matter that should be rectified is the fact that certain superintendents, who have been allotted to the City of Ballarat, do not make their homes in the district. I do not refer to the latest appointment because I do not know whether the officer in question is domiciled in Ballarat or elsewhere. Ballarat is an important city, and I believe that any person who is appointed to take charge of a Department in that city should live there. Any Government appointee, or any person who assumes control of a district of such importance as the greatest inland city of Australia, should be domiciled in the locality. Officers should not just come to Ballarat on Monday evening or Tuesday morning and leave again on Friday night. I make an emphatic protest that in some Departments that is occurring. Whenever a superintendent, an inspector, or a man is placed in charge of a Department in a country district, he should be compelled to reside in that district. Frequently, a matter of vital importance could arise on a Friday, Saturday or Sunday night, but the officer in charge would not be present.

Mr. CAMPBELL TURNBULL.—You would not have the necessary police strength to take necessary action.

Mr. SCOTT.—Fortunately, Ballarat enjoys the necessary police protection, because the local policemen are keenly interested in their jobs and dedicated to their work. Under Item No. 20, the sum of £100,000 is required for the purposes of the Mines Department. At present in Ballarat, there is operating a plant which is drilling for clays, which are important to ceramic industries. The drill is capable of boring not only for clay but also for water or gold. No doubt if I asked the honorable member for Brunswick West whether there is more gold left in Ballarat than has been mined he would answer in the affirmative. Indeed, he has promised to take me to a reef in the Ballarat district that no-one else knows about.

On behalf of the Gordon State School I made a request of the Minister of Mines that the drill, which was operating in the area, be assigned to the task of drilling on the school site to ascertain whether water was available for the operation of a sewerage or septic tank system. The Minister of Mines was quite agreeable to the proposal, but he could not give his approval. He said that application would have to be made to the Education Department.

Mr. FENNESSY.—Did you get the approval of the Education Department?

Mr. SCOTT.—No. All I received was a letter from the Minister of Education intimating that the matter was being referred to the Public Works Department. I submit that the drill could be transferred at negligible cost from the place where it is now working to the Gordon State School site, but by the time the requisite authority is received from the Public Works Department the drill will have left the district and will probably be operating near the South Australian border and the cost of bringing it back to the Ballarat district would be colossal. Surely, practical men who know the game and ask that certain action be taken should not have the proposition foisted upon another Department. The authorities concerned should be empowered to say, "This is what is wanted, and we will do it." There should be no bottle-neck between the various Departments. I am not attacking the Minister of Public Works when I make this assertion, because he is new in his present portfolio, but I do express the hope that during his term as Minister of Public Works the present bottle-neck will be abolished. It is stupid to have in Ballarat inspectors of works who are so busy that they cannot perform the work they are expected to do.

I was glad to discover to-day, in an answer furnished to a question I asked upon notice, that this year the number of prosecutions launched by the Department of Labour and Industry in respect of petrol-selling stations far exceeded the number of prosecutions last year.

One matter which concerns me very much is the neglect of publicly owned property. Six or twelve months ago I directed the attention of the responsible Department to the fact that a house in Smith-street, Ballarat, was being allowed to deteriorate. I raised this matter with the Department before the last State elections and you, Mr. Deputy Speaker, know that I would not take such action for political reasons. I shall always do my job as I see it. Although I made a request for action to be taken, nothing was done. Consequently, a little lady is now living in slum conditions in what was once a beautiful house. The Department concerned takes the rent from a person such as that, unless the property is free of rent.

The DEPUTY SPEAKER (Mr. Rafferty).—Order! Which item of the schedule is the honorable member discussing?

Mr. SCOTT.—I am directing my remarks to item No. 1 which relates to schools, hostels, residences and teachers' colleges. The house of which I speak is one in which a lecturer at a teachers' training college was concerned. An inspector of the Public Works Department in Ballarat has been to the place eight times—one visit would have been sufficient—and has reported upon the condition of the property, but no action has been taken. If that is not a waste of public money I am a Dutchman.

I, as a member of Parliament, should be pleased to be empowered to say, rightly or wrongly, that this or that action should be taken. I strongly object to this type of shilly-shallying by Government Departments in respect of matters pertaining to country districts. Any body which does not maintain its property is penny wise and pound foolish.

Under item No. 21 of the schedule, a sum of £75,000 is provided for bush nursing hospitals. It is surprising to see the interest of people in country districts with respect to bush nursing. Each little hamlet and township desires to be served adequately with hospitals and medical services. As recently as this evening I received a telephone call from Ballan, a township on the Western Highway, and I was informed that the residents of that district hope to establish a bush nursing hospital. Moreover, they have the requisite money available. I trust that when their claim comes forward the Government will do everything possible to expedite the matter.

Under item No. 58 there is provision for an advance of £50,000 by way of a loan to the trustees of the Williamstown Cemetery for the establishment of the Western Suburbs Memorial Park Crematorium and Cemetery. I can see little difference between burial and cremation. Whichever way the matter is considered, it means the end of the line. Cemeteries no less than crematoria are essential, irrespective of whether they are small establishments in the country or large establishments such as those at Fawkner, Springvale, Williamstown or Ballarat, in which last mentioned city we have the crematorium for the Western District.

I made representations to the Minister of Health for a grant for the Gordon cemetery, which has been in existence for many years, and which probably has received little Government assistance. I received a letter from the honorable gentleman stating—

> I refer to your personal representations on behalf of the Gordon Cemetery Trust seeking a Government grant. I have to advise you that this cemetery trust has not complied with the provisions of section 34 of the Cemeteries Act, and I am not prepared to approve grants to cemeteries which do not comply with the requirements of this section.

What does section 34 provide? I take strong exception to the action of the Minister in sending me a letter couched in those terms. I shall not send it to the Gordon Cemetery Trust, but I shall ascertain the substance of the section referred to and advise the trust. A member should not have to go to this trouble. The necessary information should be enclosed. To-day I received a communication from the Minister for Local Government on another matter, and he sent the necessary information. It is a Minister's duty to act in that manner. I do not wish to chastise my friend, the Minister of Health, for sending me the letter to which I have referred, but when the sum of £50,000 is allocated for one purpose at Williamstown, I consider that the people at Gordon should be treated similarly.

I should like to discuss the subject of the building trade in Ballarat, and in this connexion I refer to Item No. 1 of the schedule. The honorable member for Fitzroy referred recently to the building trade.

Mr. LOVEGROVE (Fitzroy).—I rise to a point of order, Mr. Deputy Speaker. I should like to know whether I shall have the right to reply to the honorable member.

The DEPUTY SPEAKER (Mr. Rafferty).—The honorable member for Fitzroy may make only a personal explanation.

Mr. SCOTT (Ballaarat South).—I should like the honorable member for Fitzroy to have the right to reply to my statements. For weeks I have been waiting to reply to remarks that he made on the question of a building dispute at Ballarat. I have received from the Master Builders' Association of Ballarat a letter which absolutely refutes all that the honorable member had to say. Since then I met the secretary of the Ballarat Trades and Labour Council in Lydiard-street, Ballarat.

The DEPUTY SPEAKER (Mr. Rafferty).—Order! I am having difficulty in relating the remarks of the honorable member to the schedule.

Mr. SCOTT.—One of the items on the schedule refers to mental hospitals, and a building under construction was held up by a dispute. The secretary of the Ballarat Trades and Labour Council said to me, "The master builders of Ballarat are the greatest chisellers of all time."

The DEPUTY SPEAKER.—Order! I have asked the honorable member to relate his remarks to the schedule, but I am still having difficulty in following him.

Mr. SCOTT.—Item No. 57 provides for "Payments to institutions and societies registered under the Hospitals and Charities Act 1958, No. 2674, schools or colleges of nursing towards the purchase and erection of buildings and properties . . . ." I am discussing a dispute which occurred on one of these properties.

The secretary of the Ballarat Trades and Labour Council, who was supposed to be seeking employment for union members, was doing everything he could to antagonize the master builders and the men. He was telling the workers what villainous people their employers were. I believe that the various sections of the community are dependent upon one another. Those who preach this hymn of hate are doing the greatest possible disservice to the State. The honorable member for Fitzroy referred to rogues and vagabonds who were not paid. My colleague, the honorable member for Ballaarat North, and I have received a letter stating—

The executive and members of the Master Builders' Association of Ballarat are desirous of bringing to your notice the following facts in order that either of you may reply in the House, to remarks made by Mr. D. Lovegrove, the honorable member for Fitzroy, as reported in *Hansard* dated 23rd September, 1961, in the course of his Address-in-Reply to the Speech of the Administrator of the Government of the State of Victoria. As you are aware, the remarks concerned, in part, the position of the Master Builders' Association of Ballarat and the industrial agreement entered into by the Master Builders' Association of Victoria and various building trade unions.

I desire first of all to emphasize that Mr. Weir has not been an executive officer of this association for over twenty years, although he has served on a strike committee appointed to deal with the recent industrial dispute in Ballarat. I might add that in any discussion with the Master Builders' Association of Victoria, Mr. Weir represented the firm of S. J. Weir Pty. Ltd., Master Builders of Ballarat, and did not act as a representative of this association.

The DEPUTY SPEAKER (Mr. Rafferty).—Order! Is the honorable member for Ballaarat South informing the House that what he is reading relates to item No. 57 of the schedule?

Mr. SCOTT.—You will have no difficulty in so relating it, Mr. Deputy Speaker.

The DEPUTY SPEAKER.—I asked the honorable member to relate his remarks to the schedule.

Mr. SCOTT.—Perhaps I am giving the honorable member for Fitzroy an advantage.

Mr. LOVEGROVE.—I have only requested the right of reply.

Mr. SCOTT.—I am still dealing with item No. 57. As a result of bogus agreements made with certain persons by American and other big capitalist firms in Melbourne, work is being stopped on the building of hospitals, schools, and other institutions. As there is a Liberal Government in office, such firms can easily go from one job to another. The Ballarat master builders and the men are like a family, except for a few disruptionists who come from Melbourne.

It was strange that when the credit squeeze was at its worst, this was the story of the building trade, whether the erection of mental institutions or schools in Ballarat was involved. People were being bluffed not to work. A stacked meeting was held, and many of those who attended came from Melbourne. I am glad to be able to refute what the honorable member for Fitzroy said. The Association's minute book refers to a meeting held in Melbourne on Thursday, 28th June, 1955, at which members of the Master Builders' Association of Ballarat and Bendigo were in attendance to discuss recommendations in regard to over-award payments.

If I may digress for a moment, I point out that Bendigo master builders did not make these payments. Because there were Labour party members representing Bendigo the issue did not arise there and steps were not taken

to call out employees. Attempts were made in Ballarat, but the honorable member for Ballaarat North, members representing Ballaarat Province in the other Chamber, and I will stand up and fight for Ballarat. Because we were representing Liberal-Country party interests, Ballarat was tackled. These people could easily have gone to Bendigo and attempted to disrupt work there, but they did not.

The DEPUTY SPEAKER (Mr. Rafferty).—Order! The honorable member is again straying from the Bill.

Mr. SCOTT.—The minute book further reports that only for the alliance of the Ballarat and Bendigo associations, with the support of two Melbourne members, the recommendations would have been adopted at that meeting. The matter was referred in a slightly different form to a subsequent meeting held on the 18th July, 1955, at which meeting the proposals were rejected.

The DEPUTY SPEAKER.—Order! The honorable member's time will expire in one minute. I point out that he is again straying from the Bill, and I ask him to cease continuing along the line he has taken.

Mr. SCOTT.—I am sorry to have offended, but I will have to take another opportunity to place the rest of this matter on record. I should claim time off for the interruptions I have suffered. So far as the Bill is concerned, I consider that the allocation of £29,620,000 should meet with the approval of every honorable member. I hope that country members will not have to go on their bended knees in trying to get their just dues. Since 1955 we have had a most remarkable deal in the country. This Government has set a standard that could be achieved only by a Liberal-Country party Cabinet.

The DEPUTY SPEAKER.—Order! The honorable member's time has expired.

Mr. LOVEGROVE (Fitzroy).—In a personal explanation, I wish to state that on the 19th September last the honorable member for Ballaarat South made a statement to which I replied on the 20th September on the basis of information supplied to me. The only explanation I can make is that anything I said was uttered in good faith. When the remarks of the honorable member for Ballaarat South are available in *Hansard,* I shall refer the report to my informants and again either communicate with the honorable member for Ballaarat South direct or bring the matter before the House.

Mr. SCOTT (Ballaarat South).—I wish to make a personal explanation. I waited for an opportunity to bring this matter forward, and I thought that to-night was the appropriate occasion, although I found that the time at my disposal was too limited. Unfortunately, I touched on too many subjects. I should like to read a letter which refutes part of the statement made by the honorable member for Fitzroy.

The DEPUTY SPEAKER.—Order! The honorable member for Ballaarat South has risen to make a personal explanation. I ask him to make it.

Mr. SCOTT.—May I read this letter?

The DEPUTY SPEAKER.—Order! The honorable member has asked leave to make a personal explanation, not to continue his speech.

Mr. SCOTT.—I do not want to continue my speech, but the honorable member for Fitzroy has made a personal explanation and has stated that he will refer the *Hansard* report of my remarks to his informants, I take it in Ballarat. I wish to have the right to place before this House a matter——

The DEPUTY SPEAKER.—Order! I remind the honorable member again that he has sought leave to make a personal explanation, not to continue his speech. I have not yet heard from the honorable member what his personal explanation is.

Mr. SCOTT.—I wish to have this letter incorporated in *Hansard.*

The DEPUTY SPEAKER.—Order! The honorable member for Ballaarat South cannot obtain leave at this stage to have a letter incorporated in *Hansard.* He may make a personal explanation if he wishes.

Mr. SCOTT.—I am somewhat at a loss to understand why an honorable member can make a statement in the House which——

Mr. PETTY (Minister of Public Works).—On a point of order, the matter referred to by the honorable member for Ballaarat South is outside the ambit of the Bill before the House. I suggest that he be no longer heard.

The DEPUTY SPEAKER.—The honorable member for Ballaarat South sought leave to make a personal explanation. So far, I feel that he has not made one. I consider that he should not be further heard.

Mr. SCOTT (Ballaarat South).—On a point of order, Mr. Deputy Speaker, would you explain to me what the personal explanation of the honorable member for Fitzroy was?

The DEPUTY SPEAKER.—I consider that the personal explanation of the honorable member for Fitzroy was quite clear to the House. The question is—

That this Bill be now read a second time.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Issue and application of loan money for public works).

Mr. LOVEGROVE (Fitzroy).—I direct the attention of the Minister of Public Works to an alleged practice which preceded his assumption of office. I have already referred this matter to his secretary but have not had the opportunity to speak to the Minister. From information I have, it appears that a system of contracting operates in the Public Works Department which placed an electrical contractor, who had tendered for a contract at the Heatherton sanatorium, in the position of not being able to complete his contract for three years. A small contract valued at approximately £1,600 was involved. The contractor claimed that he started work on the contract in September, 1958, and because of circumstances outside his control was unable to complete it until June, 1961. During that period there was a sharp increase in costs and wages which made his contract unprofitable. He claims that, because of the absence of any coverage in the contracting system adopted by the Department, he was unfairly penalized. The reason I bring this matter to the attention of the Minister is that if it is a fact that circumstances brought about by the Department's control of the job prevented the contractor from being able to complete his contract within reasonable time, the system should be revised and the contractor concerned should be compensated.

Mr. PETTY (Minister of Public Works).—I wish to refer briefly to matters raised by honorable members in the course of the debate. The Leader of the Country party questioned the on-cost charge imposed by the Public Works Department. I am sure that all members realize that when capital works of any sort are undertaken an additional charge over and above the contract price is levied. As was mentioned by the Leader of the Country party, private architects charge 6 per cent. above building contract prices for their services. What the Leader of the Country party did not point out was that, in addition to that 6 per cent., additional fees to cover costs of engineering consultants, electrical consultants and others must be imposed and frequently they add another 1 or 2 per cent. Any person who has been actively engaged in building works realizes that apart from architects' fees there are many costs to be added to the actual contract price. If one purchases land and plans to erect a building, many months of negotiation must take place. There is work involved in the purchase of the land, instructions to architects, solicitors and so on. This can involve an additional cost of 3, 4 or 5 per cent. The charge of 11 per cent. now levied by the Public Works Department will just about cover all of the expenses involved when a job is carried out under departmental supervision.

Mr. CLAREY.—Is not that an admission that the Department was overcharging when the rate was 12½ per cent?

Mr. PETTY.—The honorable member for Melbourne, as an accountant, knows that these charges are reviewed at the end of a financial year, which is the only time when it can be ascertained whether overcharging or undercharging has taken place. In this particular instance, it was revealed that the 12½ per cent. levied meant a slight overcharge, so the rate was reduced to 11 per cent. It is estimated that the 11 per cent. will cover these charges in future.

The honorable member for Fitzroy referred to the sewering of schools and pointed out that the Premier stated some months ago that at least £500,000 would be made available for this purpose. The Public Works Department was instructed to provide sewerage for every school which had an attendance of 50 children or more. Before I took over the portfolio, the Department had been proceeding as quickly as possible with this work. Since I assumed office, I have been chasing this work along, and only recently further circulars were sent out to all sewerage authorities and municipal councils asking for any assistance which could be given to get the jobs under way. Planning sewerage for schools is not an easy job. The actual work of designing and planning the sewerage system to be installed in a school is a job which must be done individually at each school by measuring up the site and calculating what has to be done. The Department has offered to pay any sewerage authorities which will undertake this work. A sum of approximately £250,000 has already been spent, and this week a further six or eight contracts were let. As fast as the work can be planned by any authorities and by the officers of my Department, the work will be carried out.

Mr. WILKES. — Do the parents contribute to the cost of this work?

Mr. PETTY. — No. Over the years, school committees have been encouraged to put money into this work so that sewerage systems may be installed. When this scheme was announced, the Government stated that the amount which had been found by school committees would be credited to them.

Mr. WILKES.—How far back did it apply?

Mr. PETTY.—I am informed that the period was six years. I trust that this explanation will dispel any suspicion from the mind of the honorable member for Fitzroy that the Government is negligent in providing the necessary finance. If a sum in addition to the £500,000 could be spent this year it would be made available.

Mr. LOVEGROVE.—Then the failure is with the local sewerage authorities?

Mr. PETTY.—The failure is not due to anyone in particular; there is not the capacity to plan and design at a sufficient speed. The Melbourne and Metropolitan Board of Works is behind in its work by thousands of jobs because there are not sufficient civil engineers engaged in designing and planning to keep up with the actual work. It is in the planning section that the failure has occurred. The Public Works Department would employ additional civil engineers if it could obtain their services. Seven or eight vacancies for engineers cannot be filled by the Public Works Department because, as all honorable members are aware, the conditions and wages outside are much higher than those which apply within the Department.

The honorable member for Fitzroy also referred to Government offices. About twelve months ago my predecessor announced a large building scheme for Government offices and also alterations to be made to the old Government Printing Office. Plans have been prepared and an outside architectural firm has been appointed to do the job of converting the old Government Printing Office, which has three floors, into an up-to-date office building with four floors. A good deal of planning has already been carried out. In regard to the main building which will be constructed between the new Treasury building and the old Treasury building, a certain amount of work has been carried out. It will be a ten-story building and will be constructed in three sections. The main building, of about 100,000 square feet, will be constructed first; then the Geological Museum will be demolished

and replaced by a new structure, and the two new buildings joined by a third. The site of the first building of ten floors will be above the proposed site of a station of the underground railway. A delay of two or three weeks has occurred while discussions have taken place between engineers of the Public Works Department and the Railway Department. The all-clear has now been given for boring to be undertaken to test the site for the building.

Mr. HOLLAND.—Is the State Laboratories building to come down also?

Mr. PETTY.—Eventually. In the first two or three months of the new year it is hoped that outside architects will be invited to submit plans for the new building. The Public Works Department has not men with the necessary practical experience to construct a ten-storey building. There are many architects in Victoria, and in Australia, who have had such experience, and it would be foolish for the Department not to take advantage of their services.

The honorable member for Williamstown referred to the matter of dredges. The Department is at present preparing plans for the inviting of tenders. It is hoped that the tenders submitted will enable the selection of a tender at a competitive price and that the dredge will be built in Australia. It is possible that some overseas firm will submit a price, and if possible a condition will be made that the dredge shall be built in Australia. I have discussed the matter with engineers of the Ports and Harbors Branch and it is hoped that sufficient competitive tenders will be obtained from overseas and locally. The big dredge will cost approximately £1,000,000, and a second dredge is to be built. The decision will be subject to price, but the present intention is that the dredge will be built by Australian workmen and preferably in Victoria. Wherever possible work carried out for this Government should be done in Victoria with preference given to the purchase of Victorian materials.

The honorable member for Ivanhoe referred to noxious weeds and asked how an amount of £700,000 came to be included in the schedule. He is not present at the moment, but I refer him to sub-section (1) of section 28 of the Vermin and Noxious Weeds Act, which provides—

> 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 £900,000.

Therefore, the allocation of the amount of £700,000 under this Bill is quite legal and permissible.

Mr. CLAREY.—Is that sum of £900,000 provided each year?

Mr. PETTY.—No, that is the total provision. A few points were raised by the honorable member for Melbourne. I shall not attempt to reply to all of them, but the House listened with interest to his comments when he was referring to his favourite topic of Government finance. His whole speech was in a critical vein, as behoves a member of the Opposition. He has done a good job in directing the attention of the House to various aspects of the accounts as depicted in the Public Works Loan Application Bill. However, it is my duty to warn honorable members that, when listening to or reading the honorable member's remarks, it must not be forgotten that he is speaking as a member of the Opposition and as such it is his duty to be critical and to endeavour as far as possible to cast doubts upon all actions of the Government. In the field of finance he is very adept, and in his suave, unruffled manner, he can build up a good case for the Opposition, provided that no-one questions his reasoning or examines his motives.

First, let us examine his attack on the Government for appropriating some loan funds for what he claims are items which should be charged against revenue. The honorable member is very smart in quoting extracts from the Auditor-General's report in such a way that the uninitiated may well assume that the Auditor-General in his report is condemning as unsound finance the particular items to which the honorable member refers. Honorable members must not be misled by this procedure. It is the Auditor-General's duty to direct the attention of members of this Par-

liament to such items in the financial accounting and reports which in his opinion warrant special mention. It is his statutory duty to explain the accounts. It is not the Auditor-General's duty to either attack or commend the financial policy of the Government of the day, but it is, I repeat, his duty as Auditor-General to direct the attention of members to items which he considers warrant special mention.

Mr. SCHINTLER.—He did that.

Mr. PETTY.—That is so. The Auditor-General in this State does this most ably, and the information given in his report is appreciated by all members of Parliament who realize the value of his work. The fact that special attention is directed to a particular item does not mean that the procedure adopted or the financial policy is wrong. It is for the Government of the day to decide its financial policy, to carry it out and then to submit its financial accounts and supporting documents and reports to the Parliament for its consideration.

Mr. CLAREY.—Who wrote this reply to my comments?

Mr. PETTY.—I wrote it myself. The Auditor-General has done his duty by directing the attention of honorable members to various matters in the financial accounts. It was quite proper for the Opposition to highlight them, but by doing so it does not prove that the Government's method of finance has been unsound or that a Government is not entitled to adopt such a method. The House, by passing various financial Bills, approves of the particular amounts that are submitted to it. On this occasion we have had the good fortune, through the honorable member for Melbourne, of giving them a good airing.

The clause was agreed to, as were the remaining clauses and the schedule.

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

SHEEP OWNERS PROTECTION BILL.

This Bill was received from the Council and, on the motion of Mr. MEAGHER (Minister without Portfolio), was read a first time.

MINES (ALUMINIUM AGREEMENT) BILL.

Mr. MIBUS (Minister of Mines).—I move—

That this Bill be now read a second time.

This is a Bill to ratify an agreement between the State of Victoria and Alcoa of Australia Proprietary Limited, in connexion with the establishment of an aluminium industry in this State. The purpose of the agreement is set out in clauses I. to III. of the recitals at the commencement of the agreement; those clauses read as follows:—

I. The Company is desirous of establishing in the State of Victoria the industries of reducing the ore of aluminium to its basic metal and of manufacturing, alloying and fabricating the metal so produced into articles of commerce.

II. In view of the large capital expenditure involved in the establishment of those industries, the Company desires to ensure that certain rights incidental to the establishment and carrying on of those industries will be assured to it.

III. The State is satisfied that a large capital expenditure is necessary to establish the said industries satisfactorily and that it is desirable in the interests of the State that, subject to the provisions hereof, the Company should be granted the rights hereafter expressed.

As honorable members are no doubt aware, Alcoa of Australia Pty Ltd. is a company formed by the Aluminium Company of America joining with Western Mining Corporation Limited, North Broken Hill Limited and Broken Hill South Limited to establish and operate an integrated aluminium industry in Australia. The Aluminium Company of America, incidentally, is the world's largest and oldest producer of aluminium.

The initial phase of this operation is expected to require a capital expenditure of some £44,000,000, some of which will be spent in Western Australia, but by far the greater amount, approximately £33,000,000, in Victoria.

The operation involves the open cut mining of bauxite in the Darling Ranges of Western Australia, the refining of this material to alumina at Kwinana near Fremantle, and the subsequent reduction of the alumina to aluminium at a smelter to be established at Point Henry, east of Geelong. Fabricating plants will also be established at this site for processing the aluminium into sheet, foil, extruded shapes and tubular products. The company has purchased 200 acres of land at Point Henry for this purpose.

Power for the smelter and fabricating plants—huge quantities of low cost electric power are required for this industry—will be drawn from a 100 megawatt station to be erected by the company based on the Anglesea coal field. In point of fact, the site of the smelter and fabricating plants at Point Henry was determined by the existence and proximity of this rich and virtually unexploited coal deposit. Approximately 1,000,000 tons of coal per year will be mined by the open cut method using modern wheel excavators. About 700,000 tons per annum will be used for power generation and the balance is expected to be sold to local industries in the Geelong area.

This is a project in which two States —Western Australia and Victoria—have combined to provide the raw materials and fuel, and two countries—Australia and the United States—to provide the capital and technical and mining know-how. It is a project which will yield 40,000 tons of aluminium each year initially, some of which will be used to meet our own internal, constantly increasing requirements of aluminium products, and some for export. Establishment of these facilities in Victoria will lead to a significant increase in our permanent labour force. Permanent employment for approximately 600 people will be provided at Point Henry, and when the Anglesea works are completed, additional employment there will be available for another 100 people, making a total of 700 additional jobs available in this State. Work on the site at Point Henry is planned to commence in December of this year, with the first unit of a capacity of 20,000 tons to be brought into production in April, 1963, and the fabricating plant by the end of that same year.

It will be appreciated that it will be impossible to erect the power station on the Anglesea coal deposits in such a relatively short time, and accordingly an agreement is being negotiated between the company and the State Electricity Commission for power to be supplied by the Commission during the interim period.

These Anglesea brown coal deposits situated about 25 miles from Geelong contain approximately 400,000,000 tons of good quality coal to a depth of about 600 feet. There are six seams of coal ranging in thickness from an average of about 72 feet at the top seam to 35, 30, 15 and 20 feet at the lower seams. It is somewhat doubtful whether the lower seams will be workable, due to the problems arising from the sands and clays between the seams and the depths of the lower seams. As a consequence, the mineable reserves will be much less than the proved reserves as stated. The seams, with the exception of the top one, are much thinner than those currently being worked by the State Electricity Commission in the Latrobe Valley, and this will be the first attempt at mining a succession of brown coal seams in Victoria.

It will be of interest to honorable members to know that the proved reserves of the Anglesea brown coal deposit represent little more than 1 per cent. of the brown coal resources controlled by the State Electricity Commission of Victoria. In addition to the Latrobe Valley brown coal deposits, honorable members will be aware that there are also very substantial deposits of brown coal at both Gelliondale and Bacchus Marsh.

The terms and conditions under which the company will hold the leased area of 10,865 acres and the reserve area of 7,500 acres are considered to be reasonable and appropriate to such a highly capitalized basic heavy industry. In

referring to these areas, I want to say that the company had acquired rights in both mineral leases and mineral lease applications over an area of approximately 38,000 acres, but will be required to surrender these rights on the ratification of this agreement.

The Bill is a relatively short one. Clause 1 gives the short title; clause 2 is the interpretation clause; and clause 3 states that the Act shall bind the Crown. These provisions are self-explanatory. Clause 4 expressly ratifies the agreement and contains other provisions directed to that end. Clauses 5 and 6 deal with some 1,300 acres of State Forest within the area upon which the company will carry out its operations. Such timber as exists on the area has little actual or prospective commercial value, but clause 6 preserves the right of the Crown as to any timber which it desires to remove. Clause 5 is intended to bring the present forest areas under the general control of the Department of Crown Lands and Survey — subject always to the provisions of the Mines Act 1958—in common with the remainder of the leased area and reserve area mentioned in the agreement.

Statutory effect is given in clause 7 to certain provisions of the agreement which cannot be implemented without legislative authority. I have prepared some notes on the agreement, copies of which I shall make available to all honorable members.

An agreement of this nature involves a number of Government Departments and instrumentalities, and it is probably unnecessary for me to say that in negotiating the agreement there has been continuous and close liaison and co-operation between all Administrations concerned. I point out that as the agreement has already been executed, it cannot be amended by Parliament which can only ratify or reject it.

It is desired that the agreement be ratified this session so that the company may be enabled to progress with its works programme, and in this connexion I point out that the construction of the smelter and fabricating plants at Point Henry is scheduled to commence next month. I am convinced that the aluminium industry which is to be established here will rapidly develop into one of Victoria's most important enterprises. I commend the Bill to the House.

Mr. STONEHAM (Leader of the Opposition).—I move—

That the debate be now adjourned.

It is not necessary for me to point out that this is one of the most important Bills to be brought before Parliament for a long time. Normally, in the case of a measure of this importance I would seek an adjournment of at least three weeks. However, in view of the position in which we find ourselves, I ask for an adjournment of at least a week on the understanding that if we are not ready to proceed a further extension of time will be granted. The Opposition does not regard its responsibilities in connexion with this Bill very lightly.

The motion was agreed to, and the debate was adjourned until Wednesday, November 29.

LOCAL GOVERNMENT (STREETS AND ABATTOIRS) BILL.

The House went into Committee for the further consideration of this Bill. Discussion was resumed on clause 3 providing—

3. (1) In section seven hundred and ninety-five of the principal Act—

(*a*) Before the words "The Council" there shall be inserted the expression "(1)"; and

(*b*) At the end of the section there shall be inserted the following subsection:—

"(2) The council of any municipality may construct maintain and operate, whether in connexion with an abattoir constructed or erected pursuant to the foregoing provisions of this section or otherwise, buildings and works for the treatment of offal and for the production of any commodities therefrom, and may maintain and operate any such buildings and works whether constructed pursuant to this section or not, and may purchase any offal or other material in relation to the operation of any such buildings and works, and may sell or otherwise

dispose of the product of such operation and any residual material arising therefrom and may do all other acts and things necessary or expedient or ancillary to the exercise of its powers under this sub-section."

(2) In section one of the Principal Act in the part of the Table relating to Part XXXII. of the Principal Act and in the heading preceding section seven hundred and ninety-five of the Principal Act after the words "Sheep Dips" there shall be inserted the expression "&c."

Mr. PORTER (Minister for Local Government).—When the Committee last considered this Bill I asked that progress be reported in order to have an opportunity of ensuring that the position of the City of Melbourne and possibly of the City of Geelong was protected. As I explained at the time, these two cities were incorporated under New South Wales legislation, and it is not always easy to ascertain exactly what powers they possess under particular enactments. In order to be quite certain that the City of Melbourne and the City of Geelong have in fact the power to conduct abattoirs operations and kindred industries and businesses, I propose to move an amendment which will ensure that Part XXXII. of the Local Government Act does in fact apply to the Cities of Melbourne and Geelong. Accordingly, I move—

That the following sub-clause be inserted to follow sub-clause (1)—

"( ) At the end of section seven hundred and ninety-six of the Principal Act there shall be inserted the following section:—

796A. The provisions of this Part shall extend and apply to the Cities of Melbourne and Geelong."

The amendment was agreed to.

The clause, as amended, was adopted.

The Bill was reported to the House with an amendment, and passed through its remaining stages.

ADJOURNMENT.

Mr. PORTER (Minister for Local Government).—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 11.24 *p.m.*

LEGISLATIVE COUNCIL.

Thursday, November 23, 1961.

The PRESIDENT **(Sir Gordon McArthur)** took the chair at 11.19 a.m., and read the prayer.

VERMIN AND NOXIOUS WEEDS DESTRUCTION BOARD.

FINANCIAL ALLOCATIONS: EMPLOYMENT OF SPECIAL GANGS.

The Hon. ARTHUR SMITH (Bendigo Province) asked the Minister of Transport—

(*a*) What amount of money was requested by the Vermin and Noxious Weeds Destruction Board for the destruction of vermin and weeds on roads and Crown lands, and what amount was made available last financial year?

(*b*) Has an amount been requested by the Board this financial year; if so, what amount has been recommended?

(*c*) Have any steps been taken for the creation of special gangs to carry out this very vital work?

Sir ARTHUR WARNER (Minister of Transport).—The answers supplied by the Minister of Lands are as follows:—

(*a*) 1960-61. The total amount requested for the administration of the Vermin and Noxious Weeds Act, including Crown lands, was £861,550. No amount was specifically requested for expenditure on vermin and noxious weeds control on roads.

Amount made available £835,000.

(*b*) 1961-62. The amount requested was £983,125, including £73,000 for the destruction of vermin and noxious weeds on roads.

The total amount advised by the Treasury as being available is £860,000; no provision was allowed in this amount for roads.

(*c*) No steps have been taken for the creation of special gangs to carry out vermin and noxious weeds destruction on roads, as this was dependent on additional funds being provided.

STATUTE LAW REVISION COMMITTEE.

LIMITATION OF ACTIONS (RECOVERY OF IMPOSTS) BILL.

The Hon. ARCHIBALD TODD (Melbourne West Province) presented a report from the Statute Law Revision Committee upon the proposals contained

in the Limitation of Actions (Recovery of Imposts) Bill, together with minutes of evidence and an appendix.

It was ordered that they be laid on the table, and that the report be printed.

UNIVERSITY (OFFICERS) BILL.

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

That this Bill be now read a second time.

This is a short measure which has two simple objectives. It has been the custom for many years to appoint senior members of the academic staff of the university to act as unpaid assistants or deputies to the Vice-Chancellor. This officer is known as Pro-Vice-Chancellor, and it has been usual for the chairman of the Professorial Board and the immediate past chairman of the Board to hold this office. The immediate past chairman of the Board is not necessarily a member of the council of the university, and it is considered that both the Pro-Vice-Chancellors should be members of the council. Therefore, it is proposed to increase the number of members of the council by one in order that this objective may be achieved.

The second objective of the Bill is to give the university power to arrange for the appointments of deans of faculties for periods longer than one year and to determine the method and conditions under which they will be appointed. In the past, the reappointment on an annual basis has often been a formality because arrangements of a contractural nature have been made. I think honorable members will agree that we should facilitate the operations of the university, and because this Bill has no other objective and is of no political consequence, I commend it confidently to the House.

On the motion of the Hon. SAMUEL MERRIFIELD (Doutta Galla Province), the debate was adjourned until Tuesday next.

LANDLORD AND TENANT (AMENDMENT) BILL.

The Hon. L. H. S. THOMPSON (Minister of Housing).—I move—

That this Bill be now read a second time.

The purpose of this measure is to give an increased degree of protection to tenants under periodic tenancies and to make a number of other unrelated amendments which have become necessary to the principal Act. The first six clauses of the Bill relate to the first change and the others relate to a number of other matters which need to be explained separately.

In the days before the war it was not difficult to obtain tenancy of a house or part of a house, but as a result of the restrictive provisions of the Landlord and Tenant Act during the post-war years investment in housing for tenancy purposes was no longer regarded as profitable. The result is that to-day it is far more difficult to obtain a house for rental. As honorable members know, many rented houses are still under a form of control, although it is not as stringent as it was in earlier years. On the other hand, a number of premises which are rented are not subject to control. In other words, the same types of legal provisions which operated before the restrictive provisions of the war-time Landlord and Tenant Act operate in relation to the houses. However, because of the shortage of homes for rental, it is believed that a certain increased degree of protection for tenants is desirable.

In the event of a landlord requiring a tenant to leave, the normal procedure is for a person who is a party to a periodic tenancy to be given seven days' notice if the tenancy is on a weekly basis, and fourteen days' notice if the tenancy is on a fortnightly basis, and so on. The term "periodic tenancy" has not been specifically defined, but the term "dwelling house" has been defined very carefully in so far as it applies to periodic tenancies. A tenancy of this nature must be one of less than one month.

The normal procedure at present, where a landlord requires possession of his property, is for him to give the tenant notice—seven days if it is a weekly tenancy, and so on—then apply to the court for the issue of a summons, which must be returned not less than

seven days after the issue; then, if all the technicalities have been observed, the court must issue an order for a warrant of ejectment. This order may be served within 30 days. The usual practice of the police is to give a warning, and allow a certain period of time to elapse, usually up to 28 days, before serving the order. The net result is that a tenant could find himself out of the premises within six or seven weeks.

The Hon. G. J. O'CONNELL.—In some cases in less time than that.

The Hon. L. H. S. THOMPSON.—That is so. It is not necessary to give an unofficial stay of up to 28 days, but that is usually done by the police before the order is served. In clause 3 certain conditions are laid down for the giving of a notice to quit. Sub-clause (2) provides that after sub-section (3) of section 32 of the principal Act there shall be inserted three new sub-sections. Under proposed new sub-section (4) the length of notice to quit in respect of certain dwelling houses—those relating to periodic tenancies—must be raised from seven to fourteen days. In proposed new sub-section (5) provision is made for notices to quit in respect of certain dwelling houses to contain certain statements.

It is necessary for the landlord to obtain from the tenant the names and addresses of any persons to whom the premises have been sub-let. In the past, there has been a tendency for some sub-tenants to fare rather badly. In some instances, a tenant who has been given a notice to quit has not passed on the information to his sub-tenants for fear that they might leave him straight away. Such a person has frequently given sub-tenants only 24 hours' notice or less in which to vacate the premises.

Clause 4 provides for the insertion of new sections after section 32 of the principal Act. The landlord will be required to serve sub-lessees of premises with notices to quit after finding out their names and addresses. In this way, they are given due notice in the same way as the tenant. Sub-section (2) of proposed new section 32A, as contained in clause 4, gives sub-tenants the right to be heard in such cases. The court would have the right to stay the issue of the warrant for a specified period if it were convinced by a sub-tenant that there was need to do so. A fairly substantial penalty may be imposed on a landlord for failure to include statements in notices to quit or to serve sub-tenants with a copy of the complaint and summons where so required, and a tenant is also liable to a penalty for failure to notify the landlord in writing of the names and addresses of any persons to whom he has sub-let the premises. The whole procedure is fairly carefully covered, and further protection is given not only to the tenant but in this case more particularly to the sub-tenant.

Section 33 of the principal Act is amended by clause 5 to give the court power to stay the issue of a warrant for possession for a period of not less than three months. In respect of controlled premises, there has been power for the court to stay the issue of the warrant, but in respect of uncontrolled premises there has been no such power. So long as the technicalities of the procedure regarding eviction had been observed, there was no power for the court to stay the warrant of ejection.

Clause 5 proposes also that new sub-sections shall be inserted in section 33. Under proposed new sub-section (2), power is given to a court to stay the issue of a warrant for possession for a period not exceeding three months. The net result of all this is that the tenant and the sub-tenant will be given a period of four months in which to find alternative accommodation. Whereas previously a tenant or sub-tenant had to leave virtually within one month, in future he will have an additional three months. That is the net practical result of these proposed changes.

Under proposed new sub-section (3) of section 33 of the principal Act, as contained in clause 5, certain conditions may be attached to the stay of the warrant of ejection order by the court. Conditions may be laid down as to the payment of the rent, and so on, and if these conditions are broken, the stay will no longer have effect. This will ensure that the tenant will have to

"play the game" as well as the landlord, and I consider that it is a wise safeguard.

Clause 6, which proposes a new sub-section (2A), to section 43 of the principal Act, provides that a person continuing in possession under the terms of section 106 shall be deemed to be the lessee for the purposes of rent control.

Clause 7 deals with a different subject. Under section 44 of the Act the Governor in Council has power to declare premises. As a result of a recent court decision in Victoria in the case of *Gilbert* v. *Bond,* the court decided that where a notice to quit had been given before the declaration of the premises, the declaration virtually had no effect, because the lessor was no longer the lessor and the lessee was no longer the lessee in relation to each other. In other words, the rental agreement had already been terminated. This had a somewhat alarming effect because it meant that following inquiries by the rental investigation officer, Mr. Gogel, as a result of complaints, usually made by members of this Parliament, that an excessive rental was being charged, in order to ensure that any declaration order was effective, it had to be made before the landlord had the opportunity of serving notice to quit. Once a notice to quit had been served, the declaration of the premises would have virtually no effect. The provisions of clause 7 overcome this defect and ensure that until a new rental is fixed the old rental shall prevail.

Clause 8 proposes amendments consequential upon the increase in social service pensions. People with limited incomes have certain rights to repossession of their homes, and the limits imposed on incomes in this regard are in accordance with these pensions. As a result of the recent increases, it is necessary to make adjustments in sections 82 and 93. Section 82 deals with the notice to quit, and section 93 is the hardship section which takes into account alternative accommodation.

Clause 9, which amends section 92, proposes a smaller degree of protection for totally and permanently incapacitated ex-servicemen and totally blinded ex-servicemen. Under the Act as it stands, alternative accommodation must be offered, and for that to be satisfactory a lease of five years must be obtainable.

The Hon. G. J. O'CONNELL.—Is five years the minimum period?

The Hon. L. H. S. THOMPSON.—Yes. That stands with the proviso that the income of the lessee must still be less than the total income of the lessor. In clause 10, which amends section 112, a change is made which is slightly in favour of the landlord, and I believe that is fair and equitable. As the law stands, if property is to be sold it must be sold at auction, or, if it is sold other than at auction, the tenant must be given the opportunity to purchase it at the same price as that offered by a prospective buyer. In a number of instances the delay occasioned by the making of an offer to the tenant has had the result that the prospective buyer has disappeared or has found other accommodation. The proposed change will mean that once the property is offered for sale at auction, the buyer can sell to whom he likes at whatever price he likes; in other words, the tenant has been given an opportunity to purchase at auction.

Clause 11 merely extends the provision as to the onus of proof that premises are prescribed premises, and this is done by the substitution of a new section for section 116. As the law stands, it is necessary for the landlord to prove, in certain circumstances, that premises are not prescribed premises. In some cases action is taken, not directly against the landlord but against the landlord's representative — for example, an agent. When this occurs, the onus will be placed on the agent whereas in the past it has been placed on the landlord.

The final provision, clause 12, merely sets out a new form for the Fifth Schedule; this is the form of warrant of possession. Earlier I referred to clause 6, which provides for the insertion in section 43 of the principal Act of a sub-section

(2A). This relates to the circumstances in which a person who has been a tenant of a property has died. Under the existing Act, certain relations of the deceased can continue in possession of the property and enjoy the same rights as the original tenant. Technically, the person continuing in possession is not the lessee, and because of that technicality it has not been possible for the landlord and the tenant to come to an agreement about change of rental or assessment of the rent by the Fair Rents Board. As a result of the proposed change, it will be possible for the person continuing in possession to have the same rights, duties, and obligations as if he were the actual lessee of the premises. It is purely a technicality, and the position will be overcome whereby a person, who is perhaps the son of a deceased man, is not able to come to an agreement with the landlord or apply to the Fair Rents Board for a new assessment of the rent. The Bill is a technical and complicated one, but it will make a real contribution to the working of our landlord and tenant legislation, giving justice to both tenant and landlord.

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

MELBOURNE AND METROPOLITAN BOARD OF WORKS (YARRA RIVER) BILL.

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

That this Bill be now read a second time.

This is a simple measure which is designed to surmount a difficulty concerning the control of the Yarra river between Queen's bridge and the Spencer-street bridge. Previously this area was vested in the Melbourne Harbor Trust Commissioners, but it was taken out of their control and vested in the Crown by the Spencer Street Bridge Act 1927. Since that time the responsibility for governing this section of the river has been somewhat vague and uncertain, and, in fact, has not been properly carried out. As a result, the area has become a place where derelict hulks and boats have been moored more or less out of the control of anyone. The area looks untidy and it is quite wrong that vessels should be allowed to rot there until they sink, and that there should be an untidy mess in the heart of the city.

The object of the Bill is to vest in the Melbourne and Metropolitan Board of Works the bed, soil and banks of the stream except any portion on which wharves, buildings or erections now stand. Funds will be provided to enable the Board to deal with all the junk which is now lying in the area. I am sure honorable members will agree that this is desirable work. I commend the Bill to the House.

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

STATE ACCIDENT INSURANCE OFFICE BILL.

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

That this Bill be now read a second time.

As honorable members are aware, one of the functions of insurance companies —indeed, it is the source of their main profits—is to invest the premium funds which they receive. The State Accident Insurance Office is no exception to this rule. The first purpose of the Bill is to enable a portion of the funds of the State Accident Insurance Office to be invested in a new building for the purposes of that office, and the purchase of properties for the use of local representatives. The second object of the Bill is to permit the existing building at 412 Collins-street, Melbourne, to be sold and the funds from the sale to be credited to the State Accident Insurance Office Reserve Fund. Of course, money from that fund will be available for the purchase of a new building.

In 1938, Parliament enabled the State Accident Insurance Office to invest part of its reserve fund in a building, and the funds were so invested. At a later stage, when the Act was amended, as that money had been spent there was no need to include the provision in the legislation. I do not think I need

go into much detail on the Bill. Some notes on the proposal have been provided for the information of honorable members. It is obvious that from time to time the State Accident Insurance Office has moved, expanded and occupied various buildings.

The Hon. I. A. SWINBURNE.—Where is it going now?

Sir ARTHUR WARNER.—I do not know the location of the building that is to be purchased, and probably it is just as well as negotiations may be proceeding. As the business of the State Accident Insurance Office and its associated body, the State Motor Car Insurance Office, developed, office space became insufficient and a floor in the present building occupied by the Public Trustee was taken over. Other changes and dispositions of departments have taken place and now the insurance office occupies the whole building at 412 Collins-street, and it is renting a further 2,500 square feet in which to accommodate the compulsory third-party insurance department.

The rapid and progressive growth of the State Accident Insurance Office and the State Motor Car Insurance Office is indicated by the fact that their net premium income has risen from £247,354 in 1941 to £5,578,058 at the end of the 1960-61 financial year. It is obvious that at least the third-party insurance business will increase if only for the reason that there is so little profit in it that most other insurance companies do not want the business. The outgoings of the State office in this field have been of the order of 100 per cent. of the premium income. However, the office has made profits on other operations, such as comprehensive motor car insurance and workers compensation. Workers compensation insurance covers a lot of public servants who are not as prone to accidents as are persons working in sawmills, and other establishments.

The State insurance offices are here to stay, and it is only reasonable that they should be housed in a suitable building with adequate provision for their present and future needs. If they acquire a building in which there is more space than they need at present, they will be able to let the surplus accommodation on a short-term basis.

On the motion of the Hon. D. G. ELLIOT (Melbourne Province), the debate was adjourned until next day

CROWN LEASES BILL.

The Hon. L. H. S. THOMPSON (Minister of Housing).—I move—

That this Bill be now read a second time.

The purpose of the Bill is to make provision for the granting of long-term leases for sites at alpine resorts for the construction of ski lodges, chalets, hostels and similar buildings. As things stand, the rights of the different authorities which control alpine areas vary considerably. For example, the State Electricity Commission controls Falls creek and can grant leases for unlimited terms. The Lands Department has control of Mt. Hotham and the committee of management working under the Lands Act has power to grant leases on an annual basis only. Then there are three main areas under the control of the Forests Commission, namely, Mt. Buller, Lake Mountain and the Baw Baw plateau. Under its Act, the Commission may grant leases for a maximum period of twelve years.

It is proposed to amend the Land Act and the Forests Act. Under the change proposed in the Land Act, for areas other than those in the metropolitan area to which this provision used to apply there will be power to grant long-term leases of up to 50 years and, in special cases, where hostel buildings have been erected, for a period up to 75 years. The original provision relating to country areas allows a maximum of 21 years for an area of 3 acres.

The Forests Act is being amended along similar lines except that, in order to qualify for a lease of 75 years, it will be necessary for a building of not less than £100,000 in value to be erected. Certain safeguards are being introduced which will protect the Crown. At the same time, it is considered that the extensions proposed will be instrumental in inducing the construction of better standard chalets, hostels and ski lodges in the State's alpine areas. Once that

is done we shall have resorts which will attract tourists from all over the world. At present those people, institutions and organizations which have ideas of erecting first-class accommodation in our alpine regions are deterred from doing so because only short-term leases are available, and it is not possible to obtain the necessary finance for building as there is no security. When the Bill is enacted, finance will be obtainable and I am sure that, as a result, there will be a general improvement in the accommodation provided in our alpine resorts.

On the motion of the Hon. G. J. O'Connell, for the Hon. ARTHUR SMITH (Bendigo Province), the debate was adjourned until next day.

LOCAL GOVERNMENT (STREETS AND ABATTOIRS) BILL.

The Hon. G. L. CHANDLER (Minister of Agriculture).—I move—

That this Bill be now read a second time.

This Bill comprises two items which, because they are relatively urgent, have been detached from a fairly lengthy measure which is still in the course of preparation. It is hoped to introduce that Bill before the end of the current sessional period so that honorable members will have ample time to consider the various provisions during the recess.

Clause 2 of this Bill alters the interpretation of private streets in section 575 of the Local Government Act. The amendment, which will apply generally, is being introduced with a specific case in mind. An account of that particular case will make the matter plain to honorable members. The streets involved are in the City of Preston, in the area bounded by Dundas-street, Darebin creek, Plenty-road and Murray-road.

The land on which the streets are located was sold by the Crown to private persons in 1839. In 1866, the Morang District Roads Board wished to construct the streets which had by then been set out thereon. The present-day powers of municipalities to construct streets on private property were not then available and, in order to carry out the work, the roads Board was obliged to purchase the streets. This it did for a nominal sum, the total amount paid to the owners concerned being only £1.

The Preston City Council is the successor to the Morang District Roads Board and the streets are therefore set out on land which is the property of a public body. According to legal advice taken by the council, the effect of this is that the streets cannot be constructed under the private street provisions of the Local Government Act, nor is there any other power which would enable the council to construct the streets without having recourse to the general municipal fund. The area in which the streets are located is a substantially-developed industrial area carrying heavy vehicles, and proper construction of the streets is now urgently required. None of the streets has, at any time, been constructed at the cost of adjoining owners, and the cost estimated some time ago at £500,000 would be quite beyond the resources of the council.

The objection to action of this nature is that it is wrong in principle to impose on the landowners concerned a liability which did not exist when they acquired their land. In this instance, however, the council was not aware that it owned the fee of the streets until the preparation of a private street scheme for certain of the streets was commenced in 1945. The city engineer then discovered the relevant conveyances. It is unlikely that many owners know of the council's ownership or are aware of its implications. In any case, the work is beyond the financial resources of the council, and the longer it is delayed the more costly it will become.

The existing legislation provides that the expression "private street" means, *inter alia,* any street, road, lane or passage formed, or set out, on private property, or on property of the Housing Commission. It is now proposed to extend the definition to cover "streets, &c., formed, or set out, on land which, at the time of the formation or setting out of the street, &c., was private property." Clause 2 provides accordingly and makes consequential alterations in subsection (3) of section 575.

Clause 3 will empower municipal councils to conduct and maintain offal treatment works. This will also have general application but is introduced at the present moment to meet a specific case. The Oakleigh City Council conducts its own abattoirs but, on the same property, there is a by-products factory leased to a private firm. The lease expires in February next and the council finds that it will have to assume responsibility for the by-products factory and the disposal of offal. Clause 3, which amends section 795 of the Local Government Act, adds to the present power to conduct abattoirs a power to construct and operate offal treatment works. This may be done in connexion with abattoirs or otherwise. In addition, the whole of Part XXXII. of the Local Government Act, in which the new power will be inserted, is being made applicable to the cities of Melbourne and Geelong. These two items are of considerable importance to the councils immediately affected and may also prove to be of value in other instances in the future. I commend the Bill to the House.

On the motion of the Hon. J. M. WALTON (Melbourne North Province), the debate was adjourned until next day.

PUBLIC WORKS LOAN APPLICATION BILL.

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

That this Bill be now read a second time.

Honorable members will notice that this year the form of the Public Works Loan Application Bill has been changed, and I believe the new form represents an improvement when compared with that of previous measures. Under the majority of loan application Bills, funds are now spent in the year in which they are approved, and any money that is not expended during that year is automatically cancelled. The Government believes that an annual loan application Bill, which cancels all previous appropriations, will give Parliament a clearer picture and a better understanding of how much it is proposed to spend in the year and, at a later stage, to calculate how much has actually been spent. Under the old system it was possible to charge expenditure to an item approved by Parliament ten years earlier. It was never clear to members how much remained unexpended on a particular project and how much was approved for expenditure in the future.

In order to assist honorable members in the consideration of this measure, arrangements have been made to circulate notes on each item of expenditure included in the Bill, and to provide an explanatory statement, which shows in respect of each item, the expenditure from the Loan Fund during the last financial year, the proposed level of expenditure during the current financial year, and the amount to be issued and applied for the respective items under this measure. The Bill includes provision for anticipated expenditure on all items of public works and services from the passing of this measure to approximately November, 1962—that is, a period of twelve months. I shall now deal briefly with some of the major items of expenditure and, during the Committee stage, I shall answer any questions that may be asked and supply any further information that may be required.

Under item No. 1, expenditure totalling £11,300,000 will be required for school buildings and associated works. Honorable members will approve of this expenditure and agree that it should continue until such time as we reach a levelling-off point so far as new school buildings are concerned. I think we shall reach that point in a reasonably short time. Provision has also been made for the expenditure of at least £500,000 on the installation of sewerage or septic tank facilities at all State schools. This scheme was approved by the Government, and we are proceeding with it as rapidly as possible.

During the current financial year, it is proposed to complete the new dormitory and administration block at the Dookie Agricultural College at a total cost of approximately £600,000. These buildings will be ready for occupation at the commencement of the college year in February, 1962. Work will also be commenced on the erection of a new accommodation wing at the Longerenong Agricultural College, which will house

an additional 30 students, at an estimated cost of £215,000. Under item No. 3, expenditure totalling £150,000 is anticipated to enable further works to be undertaken at the various research stations of the Department of Agriculture. A sum of £75,000 is required for the continuation of the programme of rebuilding the Government Cool Stores at Victoria Dock. Provision is also made in the Bill for the completion of the major extension project at the City Court, as well as for the erection and improvement of court-houses in the rapidly growing outer suburban areas and in major country centres.

Under item No. 6, the sum of £450,000 is being set aside for the Family and Youth Welfare Divisions of the Social Welfare Branch. As honorable members appreciate, important legislation governing the activities of these divisions has been enacted in recent years, and obviously the various projects contemplated cannot be undertaken without the requisite finance. For the Prisons Division and the Training Division an amount of £150,000 is sought under item No. 7. A similar amount will be provided under item No. 8 for the Fisheries and Wildlife Department. For the Police Department, the anticipated expenditure is £400,000. As honorable members are aware, increased expenditure is necessary for this Department because of the increased number of police, the increased population, and the demand for more police stations and improved police stations. Possibly some of the revenue derived from the surcharge imposed on motor vehicle registrations might be used for this purpose.

Under item No. 10, an amount of £40,000 will be provided for the State Library and, under item No. 11, the expenditure of £150,000 will be authorized for the Latrobe Library. As honorable members are aware, the Government Printing Office has been moved from its location near Parliament House to North Melbourne, and an amount of £75,000 is required to complete works associated with this transfer and to provide for the acquisition of new machinery and such like. Under item No. 15, an amount of £1,000,000 will be provided for public offices and residences, on which it is proposed to spend £440,000 during the current financial year.

The Hon. SAMUEL MERRIFIELD.—What is the reason for the big difference between the two amounts to which you referred?

Sir ARTHUR WARNER.—One amount relates to the authority to issue and apply money under the Bill, and the other represents the appropriation of the sum of money it is proposed to spend during the current year.

The Hon. SAMUEL MERRIFIELD.—Is it likely that some big contracts will be started late this year and will be running on into next year?

Sir ARTHUR WARNER.—Yes. In other words, one column of the explanatory statement relates to the authorization of expenditure whilst the other relates to the amount proposed to be expended on contracts during the current year. There is another column which sets forth the amount actually spent last year in respect of each item.

I do not think I need discuss item No. 15 in detail. This matter is clearly explained in the notes that have been furnished to honorable members. The Government is taking steps to improve accommodation in the State Offices which were allowed to deteriorate during the war years. Due to the great demand for expenditure, particularly in respect of education, the Government has not in the past had sufficient money to devote to the construction of public offices. This is one of the matters that has now come forward for attention, and provision has been made for the expenditure on that project of £440,000 during the current year.

The Government is continuing to expend money at a substantial rate on mental hygiene, and the sum of £1,200,000 is provided for in that field this year. I believe that action will meet with the approval of Mr. Fulton.

The Hon. W. O. FULTON.—The interest taken in mental hygiene is one of the great things that has happened in Victoria in the past ten years.

Sir ARTHUR WARNER.—I think Mr. Fulton will concede that the Government has appropriated a substantial sum of money under this item and is making a big improvement in this field. There is still a long way to go, but the Government is doing its utmost.

The sum of £28,000 has been provided for expenditure during the current financial period in respect of Parliament House. I am sure honorable members will agree that Parliament House should be properly repaired and preserved. Probably we have in Victoria the best Parliament House in Australia, and we are justly proud of it.

The Government is continuing to spend a substantial sum of money on the University of Melbourne, and I do not think any honorable member would claim that expenditure on the provision and improvement of educational facilities should be reduced.

The Hon. J. M. TRIPOVICH.—Can you explain the position with respect to item No. 23, relating to residential colleges affiliated with the University of Melbourne?

Sir ARTHUR WARNER.—Item No. 23 makes provision for the payment of grants to residential colleges affiliated with the University of Melbourne for buildings and associated works. The States Grants (Universities) Act 1960 of the Commonwealth Parliament provides for Commonwealth grants on a £1 for £1 basis towards college building programmes which have been approved by the Australian Universities Commission, subject to a maximum Commonwealth payment of £223,000 during the three calendar years 1961 to 1963. To assist the colleges in their building programmes, the State Government will make available grants equal to one-half of the amount of Commonwealth assistance.

The Hon. SAMUEL MERRIFIELD.—The university residential colleges are controlled by church authorities?

Sir ARTHUR WARNER.—I think that is the position.

The Hon. J. M. TRIPOVICH.—The money is being provided as a gift, not a loan?

Sir ARTHUR WARNER.—I am not certain whether the land upon which the university residential colleges are built is owned by the Crown or by the university. Any grants made must become the property of the people who own the land.

The Hon. J. M. TRIPOVICH.—In other words, it is a gift of £80,000 to church properties.

Sir ARTHUR WARNER.—It would be extremely difficult for the churches to sell those properties at any time.

The Hon. J. M. TRIPOVICH.—I am not quarrelling concerning the matter. I am merely trying to elucidate the details.

Sir ARTHUR WARNER.—To some extent, it is the obligation of the State to provide accommodation for students in colleges, which institutions assist the State inasmuch as the State would have to undertake the task of teaching if the job were not done by the churches. In those circumstances, I think any assistance given by the State to the churches is reasonable. I cannot see that the churches, as such, could profit, because they could hardly sell colleges within the university grounds for a sum of money.

The Hon. SAMUEL MERRIFIELD.—Does the Commonwealth legislation limit the grant to new capital works, or does it permit maintenance works?

Sir ARTHUR WARNER.—I cannot answer that question with certainty, but, speaking from memory of the discussions which took place, I should say that the grants relate to capital works. As Mr. Merrifield knows, the distinction between what is capital and what is maintenance in respect of a building is sometimes difficult to determine.

The Hon. SAMUEL MERRIFIELD.—But are they new buildings?

Sir ARTHUR WARNER.—I should think they are extensions and improvements to buildings, and I shall endeavour to obtain the information required by Mr. Merrifield.

Under item No. 27, the Government intends to proceed with foreshore protection works. This is a matter of

some interest to honorable members. A fairly substantial percentage increase is being provided for dredges in order to maintain the shipping channels in our harbors. This is an important aspect because it affects the cost of goods and merchandise. The proper dredging of channels renders it practicable for large ships to enter our ports, and this has the effect of reducing freight rates.

Item No. 45 is the next item of any magnitude. Towards the establishment of the National Art Gallery and Cultural Centre, the Government has agreed to pay £750,000 in three approximately equal annual instalments while the centre is under construction. The provision in this item is to cover such payments under the arrangement as may be necessary before the passing of the next Public Works Loan Application Act in November or December, 1962. An advance payment of £36,000 was made available during 1960-61 towards the preliminary expenditure on the centre.

Under item No. 47 there is a substantial increase in the amount provided for advances from the Loan Fund to the agency department of the Rural Finance Corporation. There will be a Bill coming forward to deal with that aspect.

The Hon. SAMUEL MERRIFIELD.—Does that refer to advances to firms for decentralization purposes?

Sir ARTHUR WARNER.—Yes, for decentralization and other works.

The Hon. A. K. BRADBURY.—Do not such grants come from the Department of State Development?

Sir ARTHUR WARNER.—They are to be made by the Rural Finance Corporation, which is under the control of the Premier.

The Hon. SAMUEL MERRIFIELD.—Under the Bill which you have foreshadowed, those grants will be rolled in with soldier settlement?

Sir ARTHUR WARNER.—Yes, they will be amalgamated. Soldier Settlement is tapering off but rural finance is developing. The two matters are related because they are allied to the advancement of country interests, the lending of money, the task of dealing with cases of distress in certain areas, and so forth. If any honorable member desires further details in this regard, and lets me know, I shall endeavour to obtain them.

Presumably honorable members will be happy to see in the explanatory statement that provision is made under item No. 55 for the expenditure during the current year of the sum of £655,000 on municipal subsidies. The amount to be issued and applied under this Loan Application Bill is £700,000. As announced by the Premier in his Budget speech, the total amount of Government assistance to municipalities in 1961-62 will be £1,870,000 and, of this amount, £655,000 will come from the Loan Fund. Provision is made in the Bill for the continuation of subsidies towards the construction of drains, swimming pools, public halls, the installation of pedestrian crossings and public works.

The Hon. W. O. FULTON.—What additional sum will be made available for drainage?

Sir ARTHUR WARNER.—That item is not shown separately, but I shall endeavour to obtain for Mr. Fulton the information he seeks. Provision has also been made to implement the Budget proposals that the present basic grant of £800 for recreation reserves, children's playgrounds, and so on, should be lifted to £1,000 and, where a shire has to provide recreation facilities for a large number of centres, the maximum subsidy will be increased to £1,500. In addition, the maximum subsidy for swimming pools has been increased from £6,000 to £7,500 for any one pool. Item No. 55 provides the authority for continued expenditure on municipal subsidies, including the payment of the higher contribution of £200,000 to the Municipalities Assistance Fund in accordance with legislation recently before the House.

The amount of money required for hospitals and charities continues to rise. Under item No. 57, authority is provided for the continuation of expenditure on the construction of buildings and on other works for hospitals, benevolent homes and other institutions registered

under the Hospitals and Charities Act. Honorable members will observe from the notes supplied to them that in the six years since 1954-55—that is, during the life of the present Government—£27,000,000 has been provided from the Loan Fund for expenditure on new hospitals and institutions and on extensions and improvements to existing buildings. During this period, some 1,500 additional beds have been opened in public hospitals, and it is expected that a further 267 beds will be opened during 1961-62. An allocation of £4,920,000 has been approved for expenditure on capital works at hospitals and charitable institutions during the current financial year.

The Hon. SAMUEL MERRIFIELD.—Why is no provision made until the next Bill for works after 30th June, 1962?

Sir ARTHUR WARNER.—I cannot answer that question with any certainty, but what I imagine happens is that where no firm decision has been made to undertake a project, it is not necessary to have loan approval. However, that does not necessarily mean that there are not a number of projects under consideration, some of which may be approved and undertaken at a later stage.

The Hon. SAMUEL MERRIFIELD.—One difficulty is to get all the works completed in the current financial year.

Sir ARTHUR WARNER.—In some cases, yes, particularly in areas where building facilities are not readily available. I have no doubt that this Bill will provoke the usual number of comments. Possibly there will be the hardy annual from Mr. Merrifield regarding the appropriation of loan funds for revenue purposes. He has referred to this aspect on so many occasions that we would miss such a contribution if he did not mention it again. I commend the Bill to the House.

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

That the debate be adjourned.

I am glad that the Minister of Transport appreciates what will be the tenor of some of my remarks. However, I hope to keep him in suspense until Tuesday next.

The motion was agreed to, and the debate was adjourned until Tuesday, November 28.

R.S.L. WELFARE TRUST FUND BILL.

The debate (adjourned from November 14) on the motion of Sir Arthur Warner (Minister of Transport) for the second reading of this Bill was resumed.

The Hon. D. G. ELLIOT (Melbourne Province).—The Labour party supports this Bill, which is designed to vary the terms of a trust deed held by trustees of the Returned Sailors, Soldiers and Airmen's Imperial League of Australia. In 1919, after the conclusion of the first world war, the Victorian branch of the returned soldiers' league raised a sum of approximately £40,000, which was earmarked for a recreational club for members of the league in Melbourne. This club was not built, and the trust fund has now grown to approximately £306,000, consisting, as the Minister stated, of £304,000 in various securities and approximately £1,500 in band instruments, music, furniture and fittings.

Members of the league properly came to the conclusion that rather than build new premises, which in the intervening years have been found to be unnecessary, the money should be used in aiding those who through war-caused ailments or other reasons are now in need of assistance. There are certainly many problems to be faced in that direction in the metropolitan area and throughout the State. I am sure that all honorable members, particularly those who are members of the league, will endorse this measure. We wish the returned servicemen's league all the success in the world in its endeavours to aid ex-servicemen and women and their dependants.

The motion was agreed to.

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

CHURCH OF ENGLAND (GREENSBOROUGH LAND) 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. G. L. CHANDLER (Minister of Agriculture).—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. G. L. CHANDLER (Minister of Agriculture), the Bill was read a first time.

LEGAL PROFESSION PRACTICE (FURTHER 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.

THE ZINC CORPORATION, LIMITED BILL.

The debate (adjourned from November 22) on the motion of Sir Arthur Warner (Minister of Transport) for the second reading of this Bill was resumed.

The Hon. D. G. ELLIOT (Melbourne Province).—This measure highlights the activities of the Zinc Corporation Limited, which is known internationally as one of the largest mine operators in the silver-lead-zinc field at Broken Hill, where it has mined and treated sulphide ores for more than 50 years. This field has always been in the spotlight, and even more so lately. Despite the fact of its incorporation in the United Kingdom the identity of the Zinc Corporation has always been Australian, and we have considered it to be one of our major industrial establishments. The measure is introduced to enable the corporation to transfer its place of incorporation from the United Kingdom to Australia—in particular, to the State of Victoria. The Zinc Corporation Limited is the main operating unit of Consolidated Zinc Proprietary Limited, a company which is incorporated in Victoria and whose new 24-story headquarters building which will add distinction to the skyline of our city is nearing completion in Collins-street. The latter company, in turn, controls the Australian interests of an international mining, mining exploration and chemical complex of high repute. It is hoped that similar transfers will be made of companies from the United Kingdom to Australia.

Incidentally, Australian capital should have the opportunity to share in such activities so that the interests of Australians will be more pointed than has hitherto been the case. As the Minister of Transport mentioned, this legislation is of a non-political character and will assist in the further consolidation of a very important Australian undertaking which provides employment for a large number of our citizens. No doubt it is gratifying to the Government that the registration of the Zinc Corporation Limited is to be transferred to Victoria. The Labour party supports the measure.

The Hon. R. W. MAY (Gippsland Province).—The Country party supports this Bill. As was indicated by Mr. Elliot, it is a straightforward measure to enable the Zinc Corporation Limited to transfer its place of incorporation to Victoria. Originally, this company was registered in Victoria but transferred its registration to the United Kingdom. The Country party is not insensible of the fact that the corporation is making this move not just because of love for Australia but largely for its own convenience. That is a major consideration in relation to the operation of the company. In view of the fact that its operations, its administrative centre, and the majority of the board of directors are in Australia, it is fitting that the company's incorporation in Victoria should be facilitated so that it may function as a Victorian and an Australian company. Therefore, the Country party supports the passage of this measure.

The motion was agreed to.

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

MINES (EXPLOSIVES) BILL.

The House went into Committee for the further consideration of this Bill.

Clauses 2 and 3 were agreed to.

Clause 4, providing, *inter alia*—

In section three hundred and eighty-four of the principal Act—

(*a*) for sub-section (1) there shall be substituted the following sub-sections:—

" (1) Every mine or quarry shall be under a manager who shall be deemed the mining manager of such mine or quarry under this Division and who shall be responsible for the control management and direction of the mine or quarry and the owner of every such mine or quarry shall notify the Secretary for Mines in writing of his intention to commence work and shall nominate himself or some other person to be the manager of such mine or quarry and shall send to the district inspector of mines written notice of the manager's name and address and the location of the mine or quarry.

The Hon. L. H. S. THOMPSON (Minister of Housing).—When this Bill was last considered in Committee, certain points were raised by Mr. Swinburne and Mr. Hamer in relation to the imposition of unnecessary restrictions or responsibilities upon landholders who took a small quantity of soil from the ground and sold it. Discussions were held with the Parliamentary Draftsman and with representatives of the Mines Department, and it was found that the same over-all result could be achieved with restrictions that were not so severe. In order to overcome the previous objections, I move—

That proposed new sub-section (1) be omitted with the view of inserting the following sub-section:—

" (1) (*a*) Every mine or quarry shall be under a manager who shall be deemed the mining manager of such mine or quarry under this Division and who shall be responsible for the control management and direction of the mine or quarry.

(*b*) The owner of every mine or of any quarry in which the vertical height of the working face exceeds six feet or in which more than three men are employed shall notify the Secretary for Mines in writing of his intention to commence work, the location of the mine or quarry, and the name and address of any person (other than himself) nominated to be the manager of the mine or quarry.

(*c*) Until the owner of any mine or quarry nominates some other person to be the manager thereof for the purposes of this Division such owner shall be deemed to be the manager of such mine or quarry."

If this amendment is agreed to, notification will not be necessary if the working face of a quarry does not exceed 6 feet or if fewer than three men are employed, and, unless the owner nominates some other person as manager of the mine, he will be regarded as the manager.

The Hon. I. A. SWINBURNE (North-Eastern Province). — The proposed amendment will meet my objection in relation to a person who takes a small quantity of material from his property and who, under the clause as originally drafted, would have to appoint a mine manager and also give notice of his intention to work the quarry. The proposed amendment overcomes all the objections which I raised earlier. I thank the Minister for his co-operation in this matter and compliment him on reaching a solution to the problems which were raised.

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.

ADJOURNMENT.

CRIMES (BREATH TEST EVIDENCE) BILL: STATEMENT IN DEBATE.

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

That the House do now adjourn.

The Hon. J. W. GALBALLY (Melbourne North Province).—I seek leave of the House to refer to a matter that arose last evening. When speaking on the Crimes (Breath Test Evidence) Bill, Mr. Hamer said—

First, the oracle of the Trades Hall spoke and the word went out that the Bill was to be opposed.

By way of interjection, I said—

That statement is untrue, and you know it.

I then asked Mr. Hamer to explain what he meant by " the oracle of the Trades Hall," to which he replied—

I mean that the Australian Labour Party Executive decided that the Bill was to be opposed.

I asserted that that statement was untrue and invited Mr. Hamer to withdraw it, but he did not do so. Shortly afterwards Mr. Carey, president of the Australian Labour party in Victoria,

and Mr. Brebner, senior vice-president, saw Mr. Hamer in my presence and informed him that not only had the Australian Labour party executive not issued a directive but it had not even discussed the Bill at any time. Mr. Hamer said that he accepted unreservedly what they said and added that he had no reason to doubt their word. As a member of the Parliamentary Labour party and the Leader of that party in this House, I am in a position to state unequivocally that no direction was given to the Parliamentary Labour party. I invited Mr. Hamer to withdraw his remarks and informed the Leader of the House, Sir Arthur Warner of my discussion with the honorable member. I had hoped that Mr. Hamer would withdraw his remarks before the House adjourned until next week, and I waited until the last moment before raising the matter.

I made it perfectly clear to the Leader of the House and to Mr. Hamer that if any withdrawal was to be made it should be made now, while the matter is fresh. Mr. Hamer has not withdrawn or made any explanation, so I place these facts before the House. In the circumstances, Mr. President, I seek your permission, or the permission of the House, to call to the Bar of the House the officers concerned, namely, the president and the secretary of the Australian Labour party, so that they may explain the matter.

The Hon. P. T. BYRNES.—We cannot debate the matter at this stage.

The Hon. J. W. GALBALLY.—No, we cannot, but I have taken the earliest opportunity to bring it forward. Last night I challenged Mr. Hamer's statement and asked him to withdraw it. He later said that he accepted the assertions made by the two gentlemen representing the Australian Labour party. He had no reason to doubt what they said. But since then he has gone away. I have placed the facts before the House and now seek permission to submit a motion along the lines I have indicated.

The PRESIDENT (Sir Gordon McArthur). — The honorable member will need to give notice, by leave at this stage, of his intention to move a motion seeking an order of the Council to summon witnesses to be examined at the Bar of the Council in accordance with Standing Order 217.

The Hon. J. W. GALBALLY.—I will take that course at the appropriate stage. However, in view of the steps that have been taken by the party officers concerned and the statement by Mr. Hamer that he had no reason to doubt the information they supplied, I thought it would have been unnecessary to give notice, by leave, of the motion I indicated. But I now have no alternative——

The Hon. MURRAY BYRNE.—I have no reason to doubt the facts you have given the House.

The PRESIDENT. — Order! This matter cannot be debated. Mr. Galbally has outlined reasons why his notice of intention to invite the House to order witnesses to come before the House should be accepted. When the motion comes before the House, the House will then consider the fitness or otherwise of summoning witnesses. Mr. Byrne, therefore, cannot discuss the matter at this stage.

The Hon. MURRAY BYRNE.—What is the point of requiring the gentlemen concerned to come before the House?

The PRESIDENT.—When Mr. Galbally finally moves his motion, that will provide the opportunity for honorable members to discuss it, and the House will then decide whether or not to summon the witnesses.

Sir ARTHUR WARNER.—I take it that at this stage there is no motion.

The Hon. J. W. GALBALLY.—Judging from what you, Mr. President, have said, I take it that I shall have to give notice of motion.

The Hon. P. T. BYRNES.—Notice of motion can be given only by leave.

The PRESIDENT.—That is correct; Mr. Galbally would require leave at this stage to give notice of motion.

The Hon. J. W. GALBALLY.—Well, I now seek leave to give notice of my motion.

Sir ARTHUR WARNER (Minister of Transport).—On the question of leave, I do not know what Mr. Hamer proposes to do. I cannot agree to leave being granted. It may be that if Mr. Galbally gives notice on Tuesday I shall not object. At this stage, being uninformed, I have to refuse leave.

The Hon. J. W. GALBALLY (Melbourne North Province).—May I ask, Mr. President, do you agree with the recital of the facts I have given the House—that I invited Mr. Hamer to speak personally and that I said he ought to withdraw?

The PRESIDENT.—I certainly cannot uphold the suggestion that Mr. Hamer should withdraw. If the honorable member was misinformed, I might remind Mr. Galbally that such a thing happens quite often in this House. Then it is open to the member concerned or to any other member to make a speech in rebuttal or explanation, and that should be the end of the matter. However, Mr. Galbally having expressed the wish to pursue the course he has stated, that is another matter.

The motion was agreed to.

The House adjourned at 1.5 *p.m. until Tuesday, November* 28.

LEGISLATIVE ASSEMBLY.

Thursday, November 23, 1961.

The DEPUTY SPEAKER **(Mr. Rafferty)** took the chair at 11.5 a.m., and read the prayer.

STATUTE LAW REVISION COMMITTEE.

LIMITATION OF ACTIONS (RECOVERY OF IMPOSTS) BILL.

Mr. MANSON (Ringwood), chairman, presented a report of the Statute Law Revision Committee upon the proposals contained in the Limitation of Actions (Recovery of Imposts) Bill, together with minutes of evidence and an appendix.

It was ordered that they be laid on the table, and that the report be printed.

CHURCH OF ENGLAND (GREENSBOROUGH LAND) BILL.

The debate (adjourned from November 21) on the motion of Mr. Meagher (Minister without Portfolio) for the second reading of this Bill was resumed.

Mr. STONEHAM (Leader of the Opposition).—Members of the Opposition are pleased to be able to co-operate with the Government in the speedy passage of this Bill, which seeks to rectify a situation which has developed over the years at Greensborough as a result of a gift of land to the Bishop of Melbourne as a site for a school for poor persons. With the advent of the State education system, there was naturally no need to continue the church school and, in due course, the land was used for the construction thereon of the Greensborough All Saints Church of England. The Bill simply seeks to validate the existing position. Opposition members have examined the measure carefully, and we believe that the conditions imposed upon the Church of England Trusts Corporation for the Diocese of Melbourne are in order. Consequently, there is no reason to delay the passage of this Bill.

The motion was agreed to.

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

LEGAL PROFESSION PRACTICE (FURTHER AMENDMENT) BILL.

The debate (adjourned from November 21) on the motion of Mr. Meagher (Minister without Portfolio) for the second reading of this Bill was resumed.

Mr. CAMPBELL TURNBULL (Brunswick West).—This is a short Bill in which, naturally, members of the legal profession are extremely interested, although to some extent they regret that it is necessary. In the past some solicitors and their staffs have from time to time committed defalcations by the improper handling of the moneys that have been committed to their care on behalf of their clients. In 1948, it was considered necessary to establish the Solicitors' Guarantee Fund into

which all members of the legal profession are required to pay annual contributions. Sub-section (1) of section 64 of the Legal Profession Practice Act 1958 provides that the fund shall be held and applied for the purpose of compensating persons suffering pecuniary loss as a result of any defalcation by a solicitor who at any time has been the holder of a practising certificate, or by any of the clerks or servants of any such solicitor.

Mr. BROSE.—Are there many such cases?

Mr. CAMPBELL TURNBULL.—Unfortunately, in the past there have been a few cases in which substantial sums of money have been involved, but I do not know whether there have been any recent instances. As honorable members will appreciate, a fund such as that provided for under the legislation, which is made up of contributions from members of the legal profession, would take some time to build up to a substantial level. Sub-section (2) of section 64 of the principal Act provides that the total amount which may be applied in the compensation of persons who suffer loss through defalcations by a solicitor shall be, in the first year, £5,000; in the next year, £6,000; in the following year, £7,000; in the year after that, £8,000; and so on. The maximum sum mentioned in section 64 of the Act—and probably rightly so—is £10,000.

As I have stated in this House time and again, the Bolte Government has depreciated the value of money considerably, and apparently the sum of £20,000 is now required to do what could previously have been achieved with the sum of £10,000. Some members of the Government party seem to doubt the veracity of my statement. I suggest that the honorable member for Essendon, who is interjecting, should procure a copy of a statement showing the rates payable under the basic wage over the past eight or ten years. The figures contained therein will bear out precisely what I have said.

Mr. WHEELER.—I have paid some solicitors' bills recently, and I have noticed that their fees are pretty high.

Mr. CAMPBELL TURNBULL.—I do not know why the fees of solicitors should not move in accordance with the depreciation in the value of money. This Bill purports to amend sub-section (2) of section 64 of the principal Act which states—

> The total amount that may be applied in the compensation of all persons who suffer loss . . . shall not in any event exceed in respect of that solicitor or that firm of solicitors the appropriate sum following, that is to say:—

The sub-section then mentions the various sums payable which, over the years, have risen to a maximum figure of £10,000. This Bill wisely substitutes for the sum of £10,000 the sum of £20,000. Accordingly, in future if any solicitor has defalcations up to £20,000, that sum will be paid out of the fund. The Opposition commends that particular provision.

The other amendment provided for in the Bill relates to section 66 of the principal Act, which empowers the Council of Legal Education to allow and settle the various amounts which may be claimed by people who suffer loss through the negligence or irregularities of solicitors. A question arises whether there should be an unlimited period of time in which persons may bring actions against the Law Institute in respect of defalcations. Clause 3 of the Bill provides that, after sub-section (2) of section 66 of the principal Act, the following sub-section shall be inserted:—

> (2A) Where the council has disallowed any claim (whether wholly or partly) no proceedings shall be commenced against the institute in relation to the fund after the expiration of three months from the day upon which there is posted to the claimant at the address set forth in his claim or there is delivered to him personally or there is posted or delivered to the claimant's solicitor a notice in writing of such disallowance containing a statement of the effect of the provisions of this sub-section in relation to the commencement of such proceedings.

This Government seems to be "three-months happy." In the circumstances, I consider that a period of three months is insufficient. After all, the person concerned may not have a solicitor, and he may have to seek advice or consult his local member of Parliament. Moreover, solicitors are extremely busy at

the present time and trained staff are difficult to obtain. It seems very hard that a person's rights could be negatived in a period of three months, and I submit that the Government should extend this period to six months. I agree that it is necessary to have some time limit, otherwise the distribution of money to other persons could be held up. In the circumstances, however, I do feel that a period of six months would not be unreasonable, and I suggest that the Minister without Portfolio give consideration to that aspect when the Bill passes to another place.

The measure is a good one because, in the main, it will assist those persons who suffer as a result of the wrong doings and defalcations of solicitors. Although such shortcomings on the part of solicitors are infrequent, they are nevertheless not unknown. I should be interested to learn from the Minister whether in recent years there have been any substantial defalcations so far as the practising solicitors in the State of Victoria are concerned.

Mr. MEAGHER (Minister without Portfolio) (*By leave*).—In answer to the queries raised by the honorable member for Brunswick West, I wish to say that there has recently been a case in which the provisions of this legislation could have effect. I do not think I should discuss the matter in any more detail than that. As to the honorable member's suggestion that the Government might extend the waiting period from three months to six months, I am surprised to hear the honorable member make that submission in view of his remarks concerning the depreciated value of money. It seems rather remarkable that he should expect genuine claimants to wait longer until the value of money depreciates even further before their claims are met. The Government has given a good deal of consideration to the time factor and has decided that a period of three months is reasonable so far as genuine claims are concerned. Accordingly, the Government intends to adhere to the three months' waiting period, despite the possibility that, in its haste to do justice, the Government may incur the displeasure of the honorable member for Brunswick West.

The motion was agreed to.

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

EDUCATION (AMENDMENT) BILL.

The debate (adjourned from November 15) on the motion of Mr. Bloomfield (Minister of Education) for the second reading of this Bill was resumed.

Mr. WILKES (Northcote).—This short measure purports to simplify some of the duties of school councils, school committees, advisory councils and technical school councils, and, for the purpose of simplification, these bodies are described as " school committees." Because of the work they have done the importance of school committees is well known to all honorable members. In my opinion, they have done a tremendous job for education in this State since their inception in 1911, and to attempt to measure the value of that work in terms of money would be a very difficult task indeed. Accordingly, it was distressing to me to read in *Hansard* recently a report of a rather unfair attack that was made by a member of another place on the principal body of school committees in this State. I noticed also that the Minister was reported in the press as having said that he would investigate the allegations that had been made.

I regard it as regrettable that a member of Parliament would suggest that school committees could have any association with politics. I do not suggest that there are not members of school committees who are also members of the Government party or of the Opposition party, but it would be completely wrong to suggest that the school committees themselves are motivated in their actions by any political persuasions. I believe the Minister shares my view in that regard. Moreover, I am sure he appreciates the value of school committees to the Education Department.

It would be well worth while, for the benefit of all honorable members, to consider the powers that have been delegated to school committees in Division 3 of the Education Act. The powers granted to these school committees are for the exercise of general oversight of the buildings and grounds and to report to the Minister on the condition thereof when necessary; to carry out any necessary work referred to the committee in connexion with the maintenance or repair of or additions to buildings, teachers' residences or school grounds; to promote the beautifying of school grounds, the establishment and maintenance of school gardens and agricultural plots, the decoration of schoolrooms and the formation of a school library and museum; to provide for the necessary cleaning and for the sanitary services of the school; to visit the school from time to time and to record the opinion of the committee as to the general condition of the school and its efficient management; to use every endeavour to induce parents to send their children regularly to school; to arrange where necessary for suitable board and lodging at reasonable rates for the accommodation of teachers; to carry out any other prescribed duties; and generally to stimulate interest in the school.

It can be seen that Governments of the past have seen fit to write into the Education Act a number of responsibilities for school committees. Even if they may be somewhat ambiguous, nevertheless they are very important. Consequently, every consideration should be given to people who constitute these committees. Several members of this House are members of school councils or school committees.

These bodies are benefactors of education in Victoria. When the sums they raise for school purposes are considered, they cannot be described in any other way. The Minister of Education, in answer to a question I asked him only yesterday, furnished some enlightening figures concerning the money provided by school committees towards important educational works. These funds are used for the improvement of school grounds, the purchase of library books, equipment, and so on. It was revealed that £205,674 had been granted by the Department in the form of subsidies to various school committees. That indicates that at least an equivalent amount has been raised by school committees throughout Victoria.

The Minister stated that in addition, a sum of £60,000 had been made available in special grants for major projects such as sewerage installations, assembly halls, library buildings, cafeterias, craft-rooms and the like, also on a £1 for £1 basis. Consequently, approximately an amount of £265,000 in one year was raised by school committees in Victoria by running functions and asking parents to contribute. All sorts of means are used to raise money to match the grant the Government provides. This is done to enable teachers and the Department to carry out their functions in a more efficient manner.

The Preston Technical School will probably be the largest of its kind in the State when a fourth section now under construction is completed. It is just over the border of my electorate in that of the honorable member for Preston. Some time ago, as a representative of the Northcote council, I, in company with the Minister of Education, visited this school. The new fourth section under construction is estimated to cost £35,000, and £17,000 of that sum will be provided by parents whose children are attending the school or have done so in the past. That reminds me of another feature of the work of school committees. Membership of a school committee is not always confined to parents who have children attending school. Many active workers whose children have left school some years ago continue their interest and parents see fit to re-elect them for further terms of office. The effort at Preston to raise £17,000 to help provide a gymnasium, an assembly hall, and a cafeteria was a most remarkable one.

The provisions of this Bill will make the duties of school committees a lot easier. It is intended to clear up the legal position of members of school committees. They will act in future as agents of the Crown, and as such will

not be deemed to be personally liable if something goes wrong in relation to contracts for work let by school committees. At the present time, school committees or individual members can be held liable for any breaches of contract proved against them. Unfortunately, the Bill does not clarify what the situation will be in relation to workers compensation, which is a very important factor, particularly in relation to contracts let by school committees. The Statute Law Revision Committee examined this matter thoroughly and presented a report to the Government. It made certain recommendations concerning workers compensation, but I do not see any mention of them in the Bill.

Mr. BLOOMFIELD. — Could you advise the House what the recommendations were?

Mr. WILKES.—In paragraph 11 of its report, the committee stated, *inter alia*—

> The other aspect raised by the Secretary of the Law Department related to possible claims for workers compensation being made against school committees where they employ workers directly.
>
> For some years it has been understood by school committees that persons employed directly by them have been covered by Government Workers Compensation Policy, whereas in actual fact this has never been so.

Mr. BLOOMFIELD.—But will it not be so after the passage of the Bill as the people concerned will be employed by the Crown?

Mr. WILKES.—The Bill does not provide that.

Mr. BLOOMFIELD.—But it is obvious if the contracts are to be made by the Crown.

Mr. WILKES.—I plead ignorance to the obviousness of that situation. If what the Minister states is the correct interpretation of the position, it would have been much clearer if an appropriate provision had been included along those lines in the Bill.

Mr. BLOOMFIELD.—Sub-clause (3) of clause 2 provides, *inter alia*, ". . . it shall be deemed to employ the workman or enter into the contract for and on behalf of the Crown."

Mr. WILKES.—Am I to understand from the Minister that this will relieve school committees of liability for workers' compensation?

Mr. BLOOMFIELD.—Yes.

Mr. WILKES.—The Bill will also authorize committees to supervise work costing up to £100. The obligation to specify who will be responsible for supervising more costly work is left to the discretion of the Minister. The Statute Law Revision Committee suggested, as does the Opposition, that despite this concession a speeding up of work will not be ensured. It is a well-established fact that long delays ensue between the Education Department and the Public Works Department over jobs however small or large. When a school committee decides that some work is necessary it communicates with the Education Department. The Department decides whether or not the job should be done. If a decision is made to proceed with the work, the request is forwarded to the Public Works Department for an estimate of costs and plans. The delay that ensues whilst this is going on is amazing. The Statute Law Revision Committee quoted some examples, and I can give some illustrations of what has taken place in my own area. In fairness to the Minister of Education, I point out that the first had nothing to do with him. Perhaps if I had written to the Minister and worried him about this small matter he might have been able to speed up the work. However, I did not take the liberty of doing that. The school committee of the Thornbury State School regarded this as a bone of contention, although it was only a relatively small matter embraced in a much larger worry.

Some twelve months ago the Public Works Department was forced to cancel a contract after work costing many thousands of pounds had been done, and it resorted to day labour to complete the job. A former Minister of Public Works cancelled the contract. His policy in regard to day labour was entirely different from that of the present Minister, but I suppose a matter of Government policy is involved. The

small matter I refer to was the lopping of branches of a large tree that was growing on Education Department land and dangerously overhanging an adjoining property. Twelve months of negotiation with the Education Department and the Public Works Department elapsed before the tree was lopped. I shall not go through the rigmarole involved, but the work had to be done by the Public Works Department as a very large tree was involved.

Mr. BROSE.—Do you not think this Bill will improve the position so far as jobs of that nature are concerned?

Mr. WILKES.—There is no guarantee that the situation will be improved.

Mr. BLOOMFIELD.—One of the aims of this Bill is to improve that situation.

Mr. WILKES.—If the Minister of Education can show me how it will be improved, I shall be very pleased to hear his explanation. Another example related to the occasion when the Northcote City Council was prepared to subsidize the building of a fence around the Croxton Special School. The council wrote to me, and I in turn wrote to the Department. It was stated that the council was prepared to pay half the cost of the fence, and the Department was asked how long it would take to erect it. The Education Department is always more courteous than the Public Works Department in these matters and replies to correspondence promptly. The Department stated—

> I regret the delay in advising you further regarding your representations requesting that a fence should be erected on the boundary between the Croxton Special School site and the Northcote City Council's playground at the corner of Woolhouse-street and Beavers-road, Croxton. As you know, the Northcote City council has offered to bear half the cost of a fence on this boundary and the Public Works Department has now been asked for an estimate of the cost for erecting chain mesh fencing. When the estimate of cost has been received we will contact the council in this matter.

That letter was dated 30th June, 1960, and the fence was erected three weeks ago. I refer to this matter because I realize that the Minister of Education is concerned about delays.

It must be remembered that 80 per cent. of the work of the Public Works Department relates to maintenance of school buildings and a host of other work relating to education. I wrote to the Education Department in relation to a fence at the Northcote High School. The reply, dated 30th March, 1960, from the Department, in relation to this fence was as follows:—

> The removal of the fencing between the school and Merri Park has already been approved and the case is with the Public Works Department. Inquiries in that Department indicate that a contract for this work had been let but as the condition of the existing fencing had deteriorated the contractor asked to be relieved of the contract. A new specification for the work required is now being prepared and local quotations will be obtained at an early date.

The school council has in the meantime removed the old fence but no new fence has been erected. I am not criticizing the Education Department for this position, because the fault lies with the Public Works Department.

Tenders have been called for the third section of the Northcote High School, which includes a class-room, library, staff room, woodwork room, sheetmetal room and machine room. The headmaster is receiving furniture and fittings although the rooms have not yet been built. Again, this is not the fault of the Education Department, but it can be seen how over-efficient the Public Works Department can be in one respect and yet inefficient in relation to other matters. I believe the delays will be lessened under this Bill by which school committees and councils will be enabled to supervise work which costs not more than £100. On occasions I have been informed by school committees or councils that plans have been prepared for certain work, but on inquiry at the Public Works Department I have discovered that the plans have been missing and further plans have had to be prepared.

One would imagine that the Government provided all the money for such works, whereas in fact some of it is raised by school committees and school councils. I believe this Bill will have a good effect in relation to small jobs, but I do not know how delays on other

work will be overcome. School councils and committees are entitled to some assurance that unnecessary delays will be obviated. The Statute Law Revision Committee made specific suggestions in relation to plans and specifications to be drawn up for certain types of work, for example, cupboards.

Mr. BLOOMFIELD.—You would not expect to find such matters covered in this Bill.

Mr. WILKES.—That is so. I believe the operations of the Public Works Department in relation to jobs costing more than £100 would be streamlined if the suggestion of the Statute Law Revision Committee was implemented.

Mr. BLOOMFIELD.—I am sure that where it is practicable it will be done.

Mr. WILKES.—An officer of the Public Works Department who gave evidence before the Statute Law Revision Committee produced a list setting out the type of work that can be done without supervision or with a minimum of supervision. In some instances, delays are occasioned by insufficient funds being available, and priorities must play some part in determining the works programme. School committees and school councils will no doubt be pleased that under this Bill they will be enabled to call for tenders from local contractors for small jobs which they can supervise. Some members of school committees and councils are qualified persons, and I have no doubt that they will be able to handle effectively the power they will be given under this measure.

Mr. BROSE.—They carry out tasks conscientiously in most cases.

Mr. WILKES.—That is so. The whole inquiry before the Statute Law Revision Committee revolved around the question of delays. In answer to a question asked by the honorable member for Flemington, Mr. Wood, who gave evidence before the committee, said—

> Broadly, in steps, the details are these: First, the local body will decide that it wants to build, say, a tennis court. An application for approval is made to the Department. The Department grants approval and at the same time states whether it will pay a subsidy on the project in the light of the estimated cost and states the amount of the subsidy. We then have to get the approval of the Public Works Department for the price, standard of work, and so on. Perhaps a tennis court is not a good example to cite because such a project comes rather under the heading of "grounds" rather than "buildings." Then the Public Works Department states whether or not it approves of the plans. When it is satisfied, we get the authority to proceed.

Mr. Wood went on to say that he thought the time had come for consideration to be given to the formation of a technical construction branch as distinct from a clerical buildings branch in the Education Department. He said that he was assured that approximately 80 per cent. of the activities of the Public Works Department were associated with the programme of the Education Department. He suggested that there could be a dovetailing of the procedure by setting up a works department within the Education Department itself so that questions would not have to be referred to the Public Works Department.

Although the Bill contains no such provision, it is a step in the right direction and will be accepted by school committees and councils throughout the State as being some recognition of their competence and of the work they are doing. I trust that in the not-too-distant future the Government will introduce legislation or regulations to provide for the speeding up of all works in connexion with the Education Department, so that school committees will be faced with fewer problems in relation to work now carried out by the Public Works Department.

Mr. B. J. EVANS (Gippsland East).—The Country party supports this measure. I believe it will be of considerable assistance to school committees in carrying out minor works and, in particular, the smaller and more isolated country schools will not be under the handicap of having to obtain the approval of Public Works Department inspectors before they can proceed. One school in my electorate has been trying for some time to have a small amount of concrete paths put down. It is over 100 miles from the nearest Public Works Department inspector, which demonstrates that it is not always practicable for such work to be inspected.

One question which arises from this measure and which causes members of the Country party some concern is that of oncost charges which were recently mentioned by my Leader. It has been stated that oncost charges by the Public Works Department are justified for drawing up plans, supervision of work, and so on. If work is to be undertaken by school committees, will they receive the advantage of the oncost charge of 11 per cent., or will they be entitled to charge that 11 per cent. themselves? I should like to be informed as to the position regarding oncost charges. This matter goes even further than works which will cost less than £100. In connexion with works costing over £100, a certain amount of such work which previously was performed by the Public Works Department will in future be carried out by a school council or committee. Therefore, the imposition of an 11 per cent. oncost charge is not justified. In a small school the mothers' club might wish to set up a canteen, costing perhaps about £100. I should like to know what procedure those people would have to adopt in order that their proposed cafeteria could be constructed.

Another small way in which I feel the Bill might have helped school committees and other such bodies is this: Mothers' club committees do a tremendous job in raising funds and it seems a little unfair that they do not then have any real say in the spending of the money. I consider that they should be given some small degree of authority to spend money that they have worked so hard to raise.

Mr. HOLLAND (Flemington).—This Bill, amending the Education Act, considerably extends the powers and responsibilities of school committees. Briefly it empowers a school committee to employ workmen and enables it to enter into contracts. At present a committee can enter into contracts for works approved by the Minister, without any limit as to cost, and it is desired that where a work will cost more than £100 tenders shall be called. Therefore, it will be seen that this amending measure considerably extends the field in which school committees can operate. From that viewpoint the Bill will give great gratification to all members of this House, realizing as we do the amount of work that is carried on by school committees throughout the State.

The necessity for this measure arose in two ways. It was because of the restricted limit to which school committees were previously confined and also because of the frustration that arose from unsuccessful efforts to have works approved and performed which was generally apparent to people such as myself and other members of the House who are members of school committees.

Because of the legal difficulties that seemingly surrounded the activities of school committees for many years past, the Statute Law Revision Committee went very extensively into the pros and cons of the whole question and examined many witnesses, all of them actively concerned in this field. There was complete unanimity among the members of the committee in regard to the fact that frustrations did arise, and there was almost complete unanimity among the witnesses that delays occurred. It became apparent as the committee heard the evidence that, wittingly or unwittingly, there was some lack of liaison or co-ordination between the Education Department and the Public Works Department. Therefore, the committee felt that if the Public Works Department could be relieved of a large volume of the small jobs with which it was concerned, it would be possible to reduce much of the delay and relieve the frustrations about which everybody was concerned.

So the Statute Law Revision Committee decided to report that in its view school committees should be permitted to carry out works of a cost up to a certain figure. The Government, however, has gone even further than the committee proposed, and has removed the limit. The committee suggested a limit of £1,000, feeling that above that mark those concerned would be involved in rather considerable sums and that more direct supervision by the Public Works Department would be required.

I am not blaming either the Education Department or the Public Works Department. It became apparent, however, that some of the frustrations were due to the fact that there was not enough money available to the Department to do all the jobs necessary and as quickly as everybody concerned would desire. But when one witness from the Public Works Department came before the committee and said that urgency so far as he was concerned had lost its meaning, our views can be imagined. It seemed that he received recommendations from the Education Department creating degrees of urgency, from "urgent" to "very urgent," and perhaps even "super urgent." It became evident that if a member of Parliament wrote to the Minister of Education asking what had happened in regard to a particular problem, the Minister replied that it had been passed on to the Public Works Department as an urgent work.

Mr. BLOOMFIELD.—"Urgent" is better than no classification.

Mr. HOLLAND. — That is true, but when a member receives a letter from the Minister stating that a matter has been passed on to the Public Works Department as an urgent work, he comes to the conclusion that he and those on whose behalf he is moving are on the road to success. In actual fact, when such a letter is forwarded to the Public Works Department, it becomes just another piece of paper from the Education Department.

Mr. BLOOMFIELD.—It is one of a great number of urgent works.

Mr. HOLLAND. — Admittedly, I am not blaming the Education Department but am saying just what has occurred. If I receive a letter intimating that a notification of work has been forwarded to the Public Works Department as being urgent, then I and the members of the school committee for whom I am acting clap hands. We say, "This is an urgent work. It will not be long now before it is done." At present, if a job is one, for example, of painting or fencing, it is apt to be controlled by the fact that in the Public Works Department estimates for the financial year there is only a certain amount available for pending works with the Education Department and so the "super urgent" works get attention first. It might be found that what one school committee regards as urgent will take some two or three years before being handled by the Public Works Department. There ought to be approved categories set up, or a system under which some body would say, "We know that this particular work should be done but it will be impossible to put it in hand for twelve months or two years." In such circumstances all concerned would then say, "Well, there is the answer. We cannot go beyond that." Thus there would be saved a great deal of dissatisfaction, disappointment and frustration.

Another point that was raised concerned supervision by the Public Works Department. It has been said that departmental officers are so overloaded with detail that they cannot properly supervise a job and, consequently, there is delay. The Statute Law Revision Committee decided to recommend that more power be given to school committees to enter into contracts within their districts, while still keeping in mind the necessity for some supervision by the Public Works Department. It was considered that that latter provision was important.

There must, of course, be supervision by some body. If the Minister had said, in the course of his second-reading speech, that a type of contract form would be prepared for the guidance of school committees and the setting out of specifications in order to make the procedure easier, he would have removed a good deal of our doubts. In saying this, I do not think for one moment that the Minister desires to hamper school committees, These bodies have been using Government money in connexion with certain jobs but, with respect to others, they have been making use of subsidized money and have even been drawing upon their own funds and doing what they have thought they

could do. In some instances, they have been informed that when carrying out these works they were acting as though they were agents of the Crown and had placed themselves in a false position, entering into contracts when they had no power to do so and finding, after having done so, that they had no power legally to enforce them.

There has also arisen the aspect of workers compensation in connexion with jobs of this kind. It became apparent to the Statute Law Revision Committee, when it investigated that facet of the matter, that it was a very important and costly problem for school committees which had not been fully considered. It appears to have been only by good fortune that there has not been any trouble so far as school committees are concerned.

After due deliberation the committee decided that there were several ways of proceeding. It called upon the State Accident Insurance Commissioner to give evidence, and it was learned from him that the procedure on the part of school committees could be carried on in many ways. One of these was to make the school committee an agent of the Crown, as is provided in the Bill. In so far as the members of a school committee are so acting the Minister will be able to give an assurance, I think, that the committee will be fully covered in regard to workers compensation as well as any other matters concerning contracts.

There are other aspects of the activities of school committees which I think are not covered. I have in mind a circumstance such as when a committee employs persons in its canteen. That becomes a direct responsibility of the members of the committee. Some of these bodies have taken out compensation insurance, but whether that has been general routine, I am not sure. It should be brought strongly under the notice of school committees that they must take the necessary legal precautions to cover themselves. If these two particular aspects are taken care of, the school committees will be completely covered in regard to workers compensation.

Another point to which the Statute Law Revision Committee gave serious consideration was where school committees are spending large sums of money and are being subsidized by the Government. A school committee may be constructing a swimming pool or an assembly hall costing up to £50,000. Under this Bill it appears to me that the Minister could say to the school committee concerned, "Here is £10,000. Get the other £40,000 and build yourself an assembly hall."

Mr. BLOOMFIELD.—I think we would say, "You have the £40,000, so here is £10,000." That would be the order of events.

Mr. HOLLAND.—I was not trying to get the Minister to admit that he would agree to a £1 in £4 subsidy. I was using a loose set of figures to illustrate a point.

Mr. BLOOMFIELD.—It was the order of procedure that I was concerned about.

Mr. HOLLAND.—The Statute Law Revision Committee took this matter into consideration and was of the opinion that where large sums of money are involved and because the composition of school committees is subject to change from year to year, it would be better for the committees to form themselves into corporate societies.

Mr. SNIDER.—So they could borrow money.

Mr. HOLLAND.—Yes, and to obtain a Government guarantee. In other words, a background would be provided whereby they could assist the Government considerably. The committee considered that if this is to be the system—I am not admitting that I believe it should be the system—there should be some understanding that this is the way in which it will operate and not as it could operate simply by saying, "Here is your subsidy and you have the power to go ahead." If that were done, a school committee could get into debt or borrow sums of money beyond its means. I think it is of interest to all concerned to ensure that where large sums of money are involved a policy decision on the procedure to be adopted should be laid down. If that is done

and this scheme comes into operation, then once the methods of supervision are known most of the difficulties of the past few years will be overcome. If we can forget the events of the past few years, what is proposed in this Bill will be of benefit to the community generally and to the children because it will enable school committees to provide better facilities. If that is the outcome of this Bill, we will all welcome the legislation. I hope, therefore, that the Minister can elaborate on one or two of the matters I have mentioned and which are causing some people grave concern.

The amendments to section 21 of the principal Act, as contained in clause 3, are of great interest to me. It seems to me that the purpose of these provisions is to legalize certain school committees. I am a member of a committee of a girls' secondary school.

Mr. BLOOMFIELD.—If you are speaking about the Flemington school, it is a very good one.

Mr. HOLLAND.—Doubtless that is because of the excellent work of the committee. However, I shall be pleased to have my status on it legalized.

Mr. MANSON (Ringwood).—This is one of those rare and refreshing occasions when the Government will be commended not only in Parliament and by the Opposition but also by the general community outside. It represents another election promise which has been kept promptly and in a wider sense than was promised in the first place. It is not my intention to go through a long, detailed and involved examination of the Bill, but there are three things which could be said with some profit.

The first is that the Bill is important because it accepts the principle of decentralization. If we remember the old tag of asking for an inch and taking a mile we may recognize that although the principle of decentralization has been accepted and school committees will be enabled to spend only up to £100 as of this date, it is my hope, and I am sure the hope of many other people, that this limit will be lifted in subsequent years and an even wider field will be open to local school committees. The second point is that the Bill recognizes again in another tangible form the immeasurable benefit that this State has received from school committees. It is true that in a technical sense the education system could work without parent participation, but it is equally true that the community would be infinitely poorer, our children would be less happy and well-balanced, and that happy spirit which has prevailed between the Government and the community would disappear if we did not do our utmost as a Parliament to assist and recognize school committees. I commend the Government for that.

Finally, the Bill is well-intentioned. Much of its effect will depend on sympathetic and understanding administration. I believe we will get that. I mention that in passing because the whole system could be bogged down if we allow ourselves to be bound up by the red tape and the shuffling of papers backwards and forwards, which has been a feature of the past and which under this Bill will, we hope, disappear in the future. I commend the Bill.

Mr. SNIDER (St. Kilda).—It is quite apparent from the remarks of other honorable members that there is little if any quarrel with this Bill. Perhaps in the spirit that has prompted the remarks of other honorable members I may be permitted to offer one or two constructive suggestions that may assist in the administration of these amendments which I know, in so far as it lies within the power of the Minister, will be administered sympathetically. Like other honorable members, I am a member of a school advisory council, and as the honorable member for Flemington has pointed out, these councils are composed of people with different personalities, all endeavouring to achieve the common end of the satisfactory administration of a school and the betterment of the school in the long run. It must be remembered that members of school committees and councils are not professional committee or council members. They are people who are not engaged professionally in the work of running a school. Often they are without experience in the meeting of technical school needs and they

are appointed because they are parents of pupils of the school, and this is as it should be.

Mr. WHEELER.—That is the usual thing, otherwise they would not be members of the committee or council.

Mr. SNIDER.—I think it is a most desirable qualification. Apparently the honorable member for Essendon is a little disappointed that I beat him to the call.

Mr. BROSE.—Does the honorable member mean that because a member of a school committee is not a school teacher he has no value to the committee?

Mr. SNIDER.—I did not say that.

Mr. WHEELER.—The honorable member implied it.

Mr. SNIDER.—I did not even imply it. If honorable members will permit me to reach the point of my remarks, I think I shall make myself clear. I am pointing out that this does not mean a criticism of people; it merely means that perhaps the problems that they might have to try to solve are greater for them than they would be for people professionally engaged in this work, and that perhaps they need more assistance from time to time. That is the simple point of my remark. When one examines the Bill and the work of the committees, bearing in mind that these people do not have a vast variety of experience and technical knowledge, the suggestion that I am endeavouring to make to the House, assisted in a peculiar way by some of my colleagues, is that these committees might be given more assistance in regard to planning.

As one looks at the various provisions of the Bill one's attention is drawn towards the necessity of making certain contracts. Regardless of the amount of money involved in those contracts, wherever the school may be and whatever type of school it may be, there inevitably is, for example, the need for a school canteen. It is not necessarily so that on a school committee there are persons who are experienced in canteen work or in canteen design. The suggestion that I make to the House, as a way of bringing it before the Minister and his Department, is that perhaps whilst we can approve of this principle of decentralization, at times there could be some assistance by simplification, particularly if one could look to the Department for some assistance in design and planning.

Mr. BLOOMFIELD.—The Public Works Department has recently produced specimen plans for canteens, and they are available to all.

Mr. SNIDER.—It is because I am familiar with one of those designs that have been produced by the Department that I am making this point. In my opinion the particular design that I have seen was prepared by a person who has never had experience in a canteen. I am suggesting that the type of assistance that could be given is in a design which had been looked at not purely from an architectural point of view.

I am not criticizing the Department. This is a fault which is often inherent in plans. I am looking at the matter from the viewpoint of people who have to work in a canteen, for example. To an architect, a defined area and the location of certain appliances may appear to be suitable, but when it comes to the practical use of the premises it may be found that things are not as they should be. In the case of the canteen, regard must be had to the number of parents that may be called upon to assist during a rush period. Thought must be given to the amount of serving space necessary and whether the facilities for containing food are well located. When one looks at these things as a methods engineer, production engineer, or efficiency expert does, one may find that all is not well. A school committee may borrow a design and have a building constructed, only to find that once the canteen or whatever facility it may be is in operation, there are certain basic defects which make it difficult to provide for the children the service required.

I hope that any earlier misunderstanding regarding my views may now be cleared up. I think I have said sufficient to indicate that, in my

opinion, there is scope for an investigation into the subject of design. Members who have had contact with schools in a more intimate sense, such as teachers, know that what I have said can be taken only as a general observation, and my statements are not purposely designed as criticism. When plans are drawn up—people have the same experience concerning the construction of houses—what may appear ideal on paper does not always prove to be ideal in fact. The average householder may be at a disadvantage through not having had previous experience of the construction of houses or even of the examination of plans, and he may be forgiven if he accepts a design which on paper appears to him to be suitable for his requirements.

I applaud the fact that a practical gesture has been made in the matter of designs, and it has proved to be worth while. When one looks at the design of many things to-day, including schools, from the viewpoint of costs they might have been well costed out, and from the point of view of quick building they might have been well drawn. However, head masters in schools of relatively recent design have informed me that if at the time of construction they had had the opportunity of discussing the subject of design, they would have been able from their experience to suggest improvements both for teachers and students. At the Elwood High School——

The DEPUTY SPEAKER (Mr. Rafferty).—Order! The honorable member is a little wide of the Bill.

Mr. SNIDER.—I appreciate that, Mr. Deputy Speaker, and I assure you that I am only desirous of giving an illustration. I happen to be president of the Elwood High School Council, and I know that the head master has a room many times as large as he requires. Designs are not always suitable in terms of practical application.

Dr. JENKINS (Reservoir).—I support my colleagues who have spoken to the Bill. Both have referred to the pleasure we feel regarding the fact that members of school committees and councils are to have protection as regards personal legal liability. It is gratifying also that workmen employed under contracts will, as we have been assured by the Minister of Education, be covered by workers compensation, and so on.

Mr. BLOOMFIELD.—I did not say that; I said that the school committee would not be liable.

Dr. JENKINS.—Very well. The Crown will be responsible, not the committee, for these conditions, and I am happy with that position. One of the matters I wish to raise concerns the protection that members of school councils have when attending regular meetings and carrying out their duties. So far as I can determine, it is difficult to have them protected against injury when engaged in this work. In the report of the Statute Law Revision Committee, which led to the introduction of this Bill, mention was made of the fact that voluntary workers who are employed on projects by school committees must be covered by separate policies, as also must paid workers in canteens and persons engaged in fund-raising activities. It seems to me that consideration should be given to the making of a comprehensive attempt to cover these people, because they make an important contribution to the schools.

In answer to a question asked in the House by the honorable member for Northcote on 22nd November, the Minister of Education revealed that with respect to the subsidies granted for buildings, grounds, furniture, equipment, library books, gardening, sewerage, assembly halls, and so on, school councils must have raised more than £200,000 during the last financial year. This emphasizes the point that members of school committees and councils deserve protection while carrying out their duties.

The two preceding speakers from the Opposition referred to the need for the streamlining of procedures in the Education Department and the Public Works Department where approval is necessary regarding the letting of contracts for structural purposes or for the supply of equipment. I have had recent experience

of the difficulties relating to the obtaining of equipment, and not in cases where lack of finance was a problem but where the money was actually in hand. I speak of equipment such as a radiogram to be used for the purpose of musical appreciation and for amplification at sports meetings and elsewhere at the school. The committee with which I am associated discovered that there was no regular channel of supplies and no source from which advice could be obtained. Our task would have been much easier if a defined procedure had been laid down.

A similar situation exists regarding the purchase of pianos for schools. When schools require pianos, they advertise for them and when the replies are received, Miss Irwin, of the Education Department, tests them; most are quite unsatisfactory for school purposes. I consider that the Education Department could inaugurate a procedure, or at least be able to advise on suitable sources of equipment. The Keon Park Technical School has had in hand £600 for the purchase of a public address system, for which application was made on 8th August, 1960, but so far there is no sign of the order being supplied. Assistance should be given in these matters.

The Bill pays just tribute to the members of school committees and councils who accept the work that they do as an honour. I note that representatives of the State School Committees and Councils Association stated their point of view before the Statute Law Revision Committee. Its representatives were Mr. John Wood and Mr. Jack Dunn, and I know that they received considerable help in preparing their case for the introduction of this proposed legislation from Mr. Harold Carter, also a member of that association. However, in paying tribute to them, I express regret that men serving on these committees and councils are subjected to unwarranted and unfounded attacks. I refer to a letter, copies of which are circulating to numerous school committees and councils. They have been sent by a number of gentlemen who have enclosed an extract from *Hansard* containing the report of an attack made in another place by a member of the Government.

Mr. BLOOMFIELD.—A member of the Government?

Dr. JENKINS. — A member of the Government party. It is no surprise, really, to know that this member and five of the signatories of the letter to which I refer were defeated candidates in the ballot for executive positions on the State School Committees and Councils Association. If accusations are to be made against these men, they will be deterred from engaging in this work. It was stated that Mr. Carter, who is a lawyer, and whom I know quite well personally, was excluded from the executive.

Mr. BLOOMFIELD (Minister of Education).—I rise to a point of order. The matter now being discussed by the honorable member for Reservoir was mentioned in passing by the honorable member for Northcote.

Mr. WILKES. — I did not mention Carter.

Mr. BLOOMFIELD.—My submission is that the constitution, the activities, the political views, or the absence of political views, of the members of the State School Committees and Councils Association, and any observations that may have been made about members of that association in another place, are irrelevant to this debate. What is relevant is whether or not individual school committees should be given some legal recognition in connexion with the handling of contracts. There has been a lot of discussion about the supply of pianos and equipment, which is not dealt with in the Bill, and now a question has been raised concerning what a member of another place has said about some office bearer in an organization, which is clearly not relevant to the Bill.

The DEPUTY SPEAKER (Mr. Rafferty).—I uphold the point of order. I think the honorable member for Reservoir has gone far enough in the matter.

Dr. JENKINS (Reservoir).—I am sorry if I appeared to stray from the subject, but I was rather concerned about a letter that had been circulated to members of school committees, who carry out responsible work. I was not concerned with statements that had been made elsewhere. Often school councils and committees, carry out works which protect the interests of the Education Department and avoid considerable losses. At Merrilands High School in my electorate, several cases of breaking and entering and vandalism have occurred. Over the past two years, the honorable member for Broadmeadows has made representations for some sort of protection to be provided in the form of fencing and so on, but up to date we have received only an assurance that the work will be carried out some time next year.

A vacant house adjoining the school is available for occupation by the caretaker and cleaner of the school, and the provision of electrical fittings, costing probably less than £100, is all that is required to make the house habitable. Unfortunately, the matter has been handed over to the Public Works Department and has "disappeared" within that Department. The school has little security, being unfenced, and is freely accessible to any vagrant or passer-by to break in. Not only the value of things that are stolen should be considered but also the damage done to buildings when persons get inside and sling things around. There has been a failure to streamline proceedings under this system whereby works are handed over to the Public Works Department.

I think the Bill is commendable, and trust that it foreshadows a number of such measures which will more clearly define the responsibilities and functions of school committees and councils.

Mr. BROSE (Rodney).—I commend the Bill, which incorporates ideas relating to school committees that I had in my mind for a long time. I have had some experience in this matter as there are five high schools, five consolidated schools, and between 60 and 80 primary schools in my electorate. I am conversant with the work of school committees, whose members come from all walks of life. They include architects and builders, and other professional men, who do valuable work towards the provision of school requirements. I commend the Government for taking this action in regard to small matters, which can be handled more efficiently by local authorities.

I have listened with interest to honorable members who have discussed the present system. Is that system wrong? We have a most efficient Education Department, but it has to hand over works problems to another Department. The honorable members for Flemington and Reservoir cited various instances of this problem. Not long ago, I said publicly "I will have a 'go' at the Public Works Department for its inefficiency on educacation matters" Who is the "boss" of the Public Works Department? Is it the Secretary, who is the official head of the Department? Is the public works inspector the boss? It does not matter what he is called. There is a public works inspector in each district. Is he the boss there? I see so many inefficient and poor jobs done by the Public Works Department that I should like to know who is in control. Surely an inspector in a particular district, who is doing what is practically repetition work in schools, should be able to do it efficiently —with his eyes shut, so to speak. I have seen two building blocks erected in accordance with the plan which provided for a certain space between the blocks. After they were completed it was found that one of the buildings was 6 feet too short or too long and water pipes that had been laid had to be taken up. Those things should not happen when public money is being spent.

The DEPUTY SPEAKER (Mr. Rafferty).—Order! I take it that the honorable member is relating his remarks to work under the control of school committees.

Mr. BROSE.—I am sure the matter is all-embracing. I realize that I am discussing works which cost more than

£100, but they are still problems for school committees. I wanted to air this question because this is the real problem that we should be tackling. Are the architects in charge of these works, or does someone else say what must be done? Let us consider the example of a comparatively new school. Ten years ago a stucco type of building was erected. Then additions were made to it in timber. Recently space was required for air conditioning or heating equipment, and it was built in brick. The whole thing looks jerry-built.

The DEPUTY SPEAKER.—The honorable member is going a little too far.

Mr. BROSE.—I am only airing the opinion of members of school committees who could have got the work done much cheaper. Recently the erection of a fence around a school had to be handled by the Public Works Department. Tenders were called for and the work was done. The posts were supposed to be 10 feet apart, but one finds 11 feet between one pair of posts and 9 feet between another pair. That sort of thing is silly, as the Minister of Education would agree. The local people say they could have got the work done more efficiently and at less cost.

Mr. LOVEGROVE (Fitzroy).—Mr. Deputy Speaker, I want to question the ruling you gave in the matter raised by the honorable member for Reservoir in the hope that you may be good enough to give it some future consideration.

The DEPUTY SPEAKER (Mr. Rafferty).—It is not competent for the honorable member to raise a point of order on a ruling given from the Chair.

The sitting was suspended at 12.55 *p.m. until* 2.6 *p.m.*

Mr. LOVEGROVE (Fitzroy).—The Opposition supports the statements made on its behalf by the honorable member for Northcote, the honorable member for Flemington, and the honorable member for Reservoir and joins with the Minister of Education in hoping that the additional responsibilities which will be thrust upon school committees and advisory councils will not divest the Government of any further of the responsibilities which have already received so much publicity in recent months. In casting these responsibilities upon the members of school committees, the Bill does not confer on the committees in question any additional rights. Sub-section (5) of section 13 of the Education Act provides that the Governor in Council may, at any time, remove any member of a school committee and fill any vacancy, however occurring, in the office of any member of a school committee. However, so far as I am able to ascertain, and I speak subject to correction by the Minister of Education, the Act contains no provision whereby members of school committees, who feel aggrieved by their removal from office, could adequately defend themselves. A number of onerous responsibilities have already been conferred upon members of school committees under the existing regulations, as honorable members will appreciate by an examination of regulation 30H, which provides that the duties and powers of a school committee shall be—

> To investigate, when so authorized by the director, any complaints that may be made to it as to the conduct of teachers and as to the relations between teachers and parents and, after the investigation, to furnish a full report to the Education Department.

The regulations also confer upon school committees a number of other duties, including the regulation of the relationships between the teachers and parents. Paragraph (*d*) of regulation No. 32 provides that it is the duty of school committees—

> To protect teachers from vexatious and frivolous complaints.

In view of the existing responsibilities which have been imposed upon school committees, including the burden of bringing about harmonious relationships in schools, which, in the final analysis is really the responsibility of the Government, it seems that the Government should consider conferring rights upon members of school committees. It may well be that they have certain rights which are known to the Minister. In that case, I should be glad

to hear of them. The Bill confers additional responsibilities upon school committees and gives them the right, as agents of the Crown, to enter into contracts for amounts up to £100 and to undertake works which are for the benefit of the pupils, the parents, the teachers and, in the political sense, the Government of the day. Therefore, I share the unspoken sentiments of the honorable member for St. Kilda who, without putting the question brutally, did, by a delicate implication, direct the attention of the House to the variety of personalities on school committees. As the honorable member for St. Kilda pointed out, very properly, these diverse personalities are not necessarily experts in, for instance, the planning of a canteen or the matter of education. In some cases they lack even a direct relationship with the school because of the fact that a child of theirs is not attending the school. As the honorable member pointed out so effectively to the Minister, they are all there to do a good job for the parents, the pupils, the teachers, the Education Department and the Minister.

I am sure that the honorable gentleman is grateful for the work done by school committees. Therefore, it was surprising to the Opposition to read a most unwarranted attack on a member of a school committee who cannot defend himself. He was wrongly accused of being a Communist. For ten or eleven years this gentleman has discharged all the responsibilities previously cast upon school committees without any reflection being made up on his character. If necessary, he was prepared to discharge the additional responsibilities cast upon him by this Bill. He has the professional and the personal qualifications so to do. It seems incredible to the Opposition that a Government endeavouring to encourage the voluntary levels of responsibility envisaged in this Bill should not rise to the defence of those who have given this service and who are to be elevated by this Bill to the status of its agents. The Opposition joins with the honorable member for Reservoir in refuting the allegations made by the Honorable G. J. Nicol in another place that Mr. Harold Carter was a Communist or was on one occasion a member of the Communist party.

The DEPUTY SPEAKER (Mr. Rafferty).—Order! I think the honorable member realizes that he is getting wide of the Bill.

Mr. LOVEGROVE.—As always, Mr. Deputy Speaker, I am happy to accept your correction.

Mr. WHEELER (Essendon).—I think I am obliged to make some contribution to this debate because I have been associated with school committees for twenty years. This measure, as introduced, will enable school committees to enter into contracts for work on a realistic basis, and at the same time it will make them aware of the recognition of the fine work they have done over a number of years. It will also make them appreciative of the fact that the Education Department realizes that they comprise a cross-section of the community. I was surprised to hear the honorable member for St. Kilda make some reference, as I understood him, to the mentality of people who comprise school committees. The school committee with which I am associated consists of a bank officer, an estate agent, a public servant, a housewife, an accountant, and I do not know how I would be classed.

The DEPUTY SPEAKER (Mr. Rafferty).—I remind the honorable member that the Bill deals not with the personnel of school committees but with the work they do.

Mr. WHEELER. — I bow to your ruling, Mr. Deputy Speaker, but I submit that the personnel of a committee are the people who will be called upon to implement the provisions of this Bill. So, I think there is a close relationship between them and this Bill. The school committee to which I have referred will be required from time to time to make decisions in respect of work that could be carried out under the principles of the Bill. It may well be, as the honorable member for St. Kilda stated, that the committee will have to decide

whether or not a school canteen is required. The honorable member stated that unless such work is under the direct control or guidance of an architect, it is possible for the design to be so illogical that children will not gain the best from the canteen. My experience of architects leads me to the belief that if they were allowed to run wild with a pencil and paper the proposed canteen would be completely beyond the financial resources of the committee. So, one has to get down to logical decisions of people who represent a good cross-section of the community and who are in a position to say, "This type of building will suit this school." I do not think we should let people run wild with architectural designs and forget the common principle of the reason for the canteen being erected.

One of the most important principles relevant to the Bill is that of maintaining schools in order to prevent them from falling into disrepair. If school building maintenance gets behind, the Public Works Department will find itself involved in colossal expenditure, which could have been avoided. A letter I have received from the Essendon State school reads—

> It is requested that action be taken to supplement the existing water supply to this school before next summer.
>
> During the three summers that I have been associated with the school, a large percentage of the pupils have felt it necessary to bring their own supplies in plastic water bottles. On hot days it is not uncommon to see a queue of twenty at each tap from which a trickle is available—even at the end of the ten-minute recesses.
>
> In 1959 I arranged for the supply to be checked by the Melbourne and Metropolitan Board of Works, but their inspector's visit gained us nothing. The method of testing is to check one tap at a time, with all the others turned off!
>
> Equally serious is the state of affairs in the toilets where it is not uncommon to find, during the day and at the end of the day, that most of the toilets have not been flushed, because of the slow rate at which water refills the cisterns.
>
> This matter was discussed with the medical officer who visited the school to examine pupils in December, 1960. I had hoped for results from the report which I understood was to be submitted at that time.

Mr. Wheeler.

It has been announced that last week a contract for £35 7s. 6d. was let for improvements to the water supply. If the district inspector had looked at the school, he would have seen that only a certain length of piping was necessary, but this horrible condition has existed for three years. In my opinion, the passing of this Bill will overcome problems of that description.

During the past three weeks a contract for the sum of £1,655 was let for repairs to toilets and roofing at the West Coburg State School. Had this work been carried out when it was first noticed and reported by the school committee, the cost would probably have been halved. Spouting and guttering has been in a state of disrepair for the last three years, and the amount of maintenance required has been considerably accentuated because of the delay. A contract for £178 10s. has been let for fencing at the Pascoe Vale South State School. This is work that the school committee could carry out without reference to the Public Works Department. In my opinion, the passing of this Bill will short-circuit matters such as this and reduce delays.

It is incorrect for anybody to say that school committees do not represent a cross-section of the community. The majority of the members of those committees are business people; some regard membership as a political stepping stone, but they are few in number. The work carried out by school committees is recognized in the *Report of the Committee on State Education in Victoria.* Dealing with the subject of maintenance of buildings, it states—

> Whilst appreciating the difficulties inherent in a state of restricted finance, we would direct attention to the fact that the rapid increase in the number of schools is not only making it impossible to complete the final planned sections of nearly all new secondary and technical schools, or to carry out the necessary site works, but in addition is further adding to the back log of repairs and maintenance.

Later, the report states—

> Lack of fences and drainage have prevented the establishment of gardens and lawns.

I do not agree altogether with that statement. Over the years, school committees have had access to a fund called the works and buildings account. Much of this type of work is covered by maintenance grants, and a good deal more of it could have been carried out. Certain unnecessary statements have been made by honorable members. Works to which attention has been directed could have been carried out by school committees because they already possess the necessary power. Some of the criticisms that have been uttered to-day have not been well founded. The report to which I have referred states also—

> Much valuable and costly work has been done by parents' organizations.

I cannot speak too highly of parents' organizations associated with schools. Throughout the year, they go to a great deal of trouble and use all sorts of means, some legal and some not quite legal, to raise funds. The majority of parents' organizations have annual fêtes at the end of the year, and they engage in other fund raising activities. Every penny thus raised is spent for the benefit of the children. It hurts me when I hear honorable members condemn the Government for not doing what it should for education in this State. They say that education is supposed to be free. Up to a point, it is free, but if we can contribute to an improvement of the educational standards in the State it is our duty to do so.

Efforts should be made to ensure that Australian children are as well educated as those of any other country in the world. If Australia is to match other countries in the training of scientists, technicians, engineers, and medical men, our children must be well educated. The Bill recognizes the value of school committees, and I believe that they will be greatly encouraged by the mere fact that the Education Department is ready to recognize them. This is something that has been lacking for many years, and from time to time many members of school committees have expressed dissatisfaction with the prevailing situation. When parents see that certain work at schools requires to be carried out and they find that they can make no progress, they lose heart. Members of school committees give of their time, talents, money, and efforts in an honorary capacity, but hitherto they have not been recognized. School committees will relish the passing of the Bill. They will accept it as an indication that at last their honorary work in the interest of the children has been recognized. I trust that the Bill will have a speedy passage.

Mr. BLOOMFIELD (Minister of Education) (*By leave*).—When I submitted the motion for the second reading of this Bill, I made a brief explanatory speech, and I am glad that I now have the leave of the House to try to explain a little more fully my views on some of the matters that have been raised. Speeches that have been made in this debate show that members have acquainted themselves with the contents of the Bill and, incidentally, they have acquainted me with what is in their minds regarding the various problems that have arisen.

The Bill had its origin in two circumstances. It has recently come to the attention of the Government that, although school committees and councils for many years have employed people and entered into contracts, their legal situation has been extremely unsatisfactory. One case in point occurred in the electorate of the honorable member for Ivanhoe. A fairly expensive contract had been entered into by a school committee for the erection of a substantial and somewhat elaborate building. The contractor fell behind with the work and eventually abandoned the job, although he had received some progress payments. The school committee was very much worse off at the conclusion of this unsatisfactory affair than it had been at the start.

It then transpired that the committee was in no position to sue the contractor. The reason was that it had no interest in the property which was the subject of the contract or the land on which the building was to be erected. It then came to my mind that consideration should be given to a converse case where a committee entered into a contract with a

contractor and when payment was demanded the committee had no money available because of a loophole in bookkeeping or for some other reason. A position might conceivably arise that somebody had absconded with a committee's funds. Consequently, it is felt to be wise, for the protection of both parties, that the contractual position in law of school committees should be made clear. On the recommendation of the Statute Law Revision Committee it has been decided that the neatest and most convenient way of dealing with the matter is that school committees in a number of cases should be made agents of the Crown.

That leads me to comment briefly on an alternative system which has been evolved in relation to some of the special grant projects. Co-operative societies have been formed and legal entity vested in them. They are enabled to enter into contracts. That method of procedure has been adopted in many cases. The view was expressed, I think by the honorable member for Flemington, that that was a suitable and convenient method of tackling the problem. I quite agree. It is certainly not proposed to interfere with that method where school committees wish to adopt it in relation to projects for which they have raised substantial sums, and for which they wish to be assisted in financing their share. We have no intention to hinder the formation of these societies or to discourage their employment in this way. However, many cases will arise wherein the formation of a co-operative society will be an unnecessary and fruitless procedure. I refer to cases where a school committee's share of the money is small, or the entire project is small or is being financed wholly with Government funds. That is why the Government has attempted to clear up legal difficulties and provide a convenient means whereby both a committee and a contractor can be assured of their legal rights and responsibilities and no personal liability is placed on any member of a school committee in relation to a transaction which has been duly carried out.

The other difficulty which it is hoped this measure will resolve is that which arises by reason of the fact that in an epoch when there is a tremendous demand for trained scientific and engineering people, the Public Works Department—as the Minister of Public Works indicated last night—has more work than it can cope with. I was a little distressed to hear the extreme vigour of the attack of the honorable member for Rodney on this Department, but I do not wish to cross swords with him. Bearing in mind the handicaps, the difficulties and the size of the burden with which the Department has to cope, I believe that it does not fall behind any other Department in loyalty or devotion to duty or an earnest desire to do the very best that can be done. I know that when exceptionally heavy burdens are placed on the Department by the Government, with a request that they be very speedily discharged, many draughtsmen, architects and engineers work back night after night for unduly long periods without reward.

Mr. LOVEGROVE.—The Department is under-staffed.

Mr. BLOOMFIELD.—I think that is inevitable, as the Minister pointed out last night.

Mr. LOVEGROVE.—It is under-staffed because the Public Service Board will not pay decent salaries.

Mr. BLOOMFIELD.—In reply to that interjection, I would say that in every branch of endeavour in this State, whether university lecturers, school teachers or industrial personnel are concerned, there is the complaint that there are not sufficient people with what I might call a scientific or semi-scientific training. It may be a natural characteristic of Australians that we are not particularly adapted to that type of calling. But there is a shortage of trained men, and it is felt in the Public Works Department as well as many other organizations. At any rate, we hoped that, in relation to some simple transactions, the Public Works Department could be by-passed and school committees could be empowered to

undertake jobs such as the lopping of the tree which was referred to by the honorable member for Northcote. That type of work should present no difficulties whatever, but it does at the moment.

However, I should like to be just a little cautious and point to two limitations. The first is that this Bill will not make any more money available. There must be a limit to the amount which can be spent on the type of work to which reference is made. The other limitation is that there are some classes of work—exactly what the classes are and where the limits lie will have to be determined by the two Departments—which cannot safely be left to school committees. That is said without any derogation from the very high regard I have and all other honorable members have expressed for school committees. Some works, though simple in themselves and involving the expenditure of only a few pounds, may cut across other works. For example, there could be a smallish proposal relating to water, sewerage, lighting or heating which, if not done according to specifications and under expert supervision, may have very serious effects.

Mr. WILKES.—Or the siting of a shed.

Mr. BLOOMFIELD.—I had intended to refer to that aspect. Works which may involve a knowledge of future plans for development of a school may be considered by committees. A committee may wish to put a shelter shed in a certain spot without knowing that it is planned that the area will be asphalted or drained in the near future, or that the site may be required for extensions of the school buildings.

For these reasons, it will be necessary for the Education Department and the Public Works Department to get together and discuss the problem. Both recognize this. Regulations and policies controlling the detailed operation of the new system must be worked out so that it can be profitably introduced. Already the two Departments have conferred, and the redrafting of this legislation was a result. The fact remains that the matter is not as simple as it seems. We shall have to give a lot of thought to determining exactly what can be left automatically to school committees, and what will require to be investigated more closely because of possible consequences that are not apparent on the surface.

Mr. WILKES.—What about the delays?

Mr. BLOOMFIELD.—We expect that aspect to be largely taken care of in respect of that area of work which I know can be handed over to school committees. There will not be any question of lopping down a tree after fifteen months, and that sort of thing. A number of matters can be handed over, but the change will be not all-embracing as it might appear on the surface. I do not propose to traverse the debates which have taken place on the subjects introduced so ingeniously by the Deputy Leader of the Opposition. I do not think any person would maintain that because he happens to be a member of a school committee he is inviolate from attack on grounds which, as far as I can gather, do not relate at all to his work on the committee.

Mr. LOVEGROVE.—They do, according to the regulations.

Mr. BLOOMFIELD.—I should like to correct the honorable member, who suggests that this Bill will cast responsibilities on to members of school committees.

Mr. LOVEGROVE.—Of course, it will. In the Minister's own words, it will make them agents of the Crown.

Mr. BLOOMFIELD.—No one will ask those persons to do anything which they do not seek permission to do. In that way, we are certainly not casting any responsibilities on to them. In fact, we are protecting them.

Mr. WHEELER.—They will appreciate it.

Mr. BLOOMFIELD.—Of course they will. The Government is not saying to the school committees, "You will undertake these additional responsibilities." It is saying, "If you wish to do certain work, we shall cast over you the shield

of the Crown, and recognize that you are working on our behalf, and we will be responsible for your obligations."

Mr. LOVEGROVE.—"Because we are under-staffed in the Public Works Department."

Mr. BLOOMFIELD.—I think those are the only matters raised which require any further explanation. It is the intention of both Departments that specimen plans for works which are needed frequently will be prepared, and we intend to have them made available, as mentioned by the honorable member for St. Kilda.

Mr. HOLLAND.—And specimen contract forms?

Mr. BLOOMFIELD.—Yes, they, too, will have to be provided.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2, providing, *inter alia*—

After section fourteen of the principal Act there shall be inserted the following section:—

(2) A school committee may, with the approval of the Minister given either generally or in particular cases, enter into contracts with any person for the construction or carrying out by such person of buildings structures or improvements in or to the school grounds or of any other work not involving structural alterations to school buildings which the committee is authorized or required by this Act or the regulations to carry out.

Mr. BLOOMFIELD (Minister of Education).—I move—

That, in sub-section (2) of proposed new section 14A, the following words be omitted:—"not involving structural alterations to school buildings."

The restriction on the powers of committees to enter into contracts was included in the Bill as, obviously, a limit was required on the nature of the work that might be undertaken by the committees without going through the ordinary channels. However, it has been pointed out that some very simple works might in fact involve structural alterations. For example, it might be decided to remove or install a partition between two class-rooms, to change the nature of a doorway, or to do some similar work. As power is provided to make regulations, which will have to be carefully framed, on the type of work that school committees may do, there is no need for the restriction, which it is now proposed to remove.

Mr. WILKES (Northcote).—The Opposition has no objection to the amendment.

Mr. GAINEY (Elsternwick).—I regret that I was not present throughout the second-reading debate due to members of the town planning committee being called into conference with the Minister of Transport. However, I should like to refer now to some comments that I heard made. Some honorable members have lost sight of the manner in which school committees are elected. They are elected by the parents, and members of committees are not always parents. Often they are persons who have no children at the school but have a keen interest in it. One lady, who resides in the electorate of the honorable member for Richmond, and who is not a parent, has for 28 years served a school in which she is interested and loves.

Some members of school committees may lack qualifications, but they possess incentive, initiative and a desire to look after the interests of a school. They are the people we want. I can testify to the sterling integrity of members of school committees. The parents are the best judges of membership of those bodies. I could not allow such criticism to pass without directing the attention of honorable members to these points. I understand that the Minister of Education referred to them in some way.

As a head teacher, for years I have been advocating direct liaison between the Education Department and the Public Works Department. They have been two watertight compartments without a proper connecting link between them. I think recent actions of the Minister will go a long way towards overcoming the lack of liaison, which

we all deplore. A matter has been hanging fire in my electorate for a long time because of this deficiency. I commend those responsible for the introduction of this Bill, which will effect a long-desired improvement in the working of school committees. I am particularly pleased that, under the provisions contained in proposed new section 14A, contractors working for school committees will be covered by workers compensation insurance.

The amendment was agreed to.

Mr. CAMPBELL TURNBULL (Brunswick West).—We are all aware of the difficulty of unincorporated bodies entering into contracts. It is not suggested that a school committee will have a corporate existence. I do not know whether it is intended that all members of a school committee or school council shall sign contracts. I should like the Minister to inform me whether the regulations will provide for special formalities in relation to contracts entered into by school committees or councils. I should imagine that, as a school committee is an unincorporated body, every member of the committee will have to sign the contract, unless some regulation is made to the contrary. It may be possible to provide in a regulation that the president and the secretary, who is usually the head master, will have authority to execute contracts. I suggest that the framing of regulations will require careful consideration.

Mr. BLOOMFIELD (Minister of Education).—This matter has not been considered, but obviously the honorable member for Brunswick West has raised an important point. It will be necessary to ensure that a form of permitted contracting is laid down which will be effective in law. No doubt that will be done and a procedure adopted which will meet the reasonable convenience of school committees. All such matters will be considered.

Mr. WILKES (Northcote).—The Minister pointed out that workers engaged by school committees on authorized jobs would be covered by workers compensation. However, one matter which was raised before the Statute Law Revision Committee has been overlooked. I refer to the protection of children whilst structural work is being carried on within a school. No insurance cover is provided for the children in such circumstances.

Mr. BLOOMFIELD.—There are policies available.

Mr. WILKES.—That is so, but it is a voluntary undertaking and rests with the parents. The necessity for children to be insured is obvious when one sees the scaffolding which is erected at some schools in the metropolitan area whilst alterations and additions are being carried out. It may be said that it is the teachers' responsibility to keep the children at a safe distance, but whilst they do a good job there is a definite risk of children being injured. Even when painters are working from scaffolding in passageways there is a risk that a plank will fall on a child, or some other accident occur. No provision is made so that children who are injured in these circumstances are covered by insurance. I ask the Minister whether the Department has considered this question, because accidents have occurred in the past although not of recent years. When I raised this matter before the Statute Law Revision Committee the witness who was giving evidence was not aware of any such cover being provided. I believe some kind of public risk policy or some other provision in relation to insurance should be implemented so that children will be covered whilst work at schools is being carried on.

Mr. BLOOMFIELD (Minister of Education).—The dangers and risks that the honorable member referred to are common to all forms of contracts whether they are entered into by the Government, a school committee or any one else. Therefore, this matter was not considered in relation to this Bill, which merely seeks to make school committees agents of the Crown. I shall examine the matter raised by the honorable member and discuss it with him at a later stage.

Mr. HOLLAND (Flemington).—Clause 6 gives the Governor in Council power to make regulations in respect of the employment of workmen by school committees. The question has been asked whether this provision relates only to occasions when school committees employ persons on behalf of the Crown. Are school committees covered when they employ workmen on their own account, say, in connexion with canteens? When school committees employ workmen on their own behalf and not as agents of the Crown, will the regulations provide that they must ensure that the workmen are covered by workers compensation? According to my interpretation, the Bill covers all works undertaken by school committees and not only those which are carried out when they are acting as agents of the Crown.

Mr. BLOOMFIELD (Minister of Education).—So far as employment is concerned, it is provided in sub-clause (1) of proposed new section 14A that—

> For the purposes of carrying out any work or providing any service . . . a school committee may employ workmen.

Sub-clause (3) provides—

> Where in employing a workman as aforesaid . . . a school committee observes and complies with the provisions of this Act . . .

then it is deemed to do so for and on behalf of the Crown.

Mr. HOLLAND.—Surely that covers canteen workers if a school committee employs them.

Mr. BLOOMFIELD.—If workers are employed by a school committee with the approval of the Minister and subject to the regulations, the expressions used in the new section are sufficient to cover that sort of work. The committee will then be acting on behalf of the Crown but will have to comply with the requirements of this provision.

The clause, as amended, was adopted, as were the remaining clauses.

The Bill was reported to the House with an amendment, and passed through its remaining stages.

MINES (EXPLOSIVES) BILL.

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

Mr. MEAGHER (Minister without Portfolio).—Another place has amended clause 4 of this Bill and the amendment has the effect of putting the terms of the clause in clearer language. The Government agrees with the amendment, and I commend it as one that is a clarification and does not change the meaning of the Bill. I move—

> That the amendment be agreed to.

Mr. CAMPBELL TURNBULL (Brunswick West).—In the short time that I have had at my disposal to examine the amendment made in another place——

Mr. BOLTE.—Do you know what your Leader in another place said about the amendment?

Mr. CAMPBELL TURNBULL.—What did he say?

Mr. BOLTE.—He agreed with it.

Mr. CAMPBELL TURNBULL.—Then we agree with it.

The motion was agreed to.

RAILWAY LOAN APPLICATION BILL.

The debate (adjourned from October 31) on the motion of Mr. Fraser (Minister of State Development) for the second reading of this Bill was resumed.

Mr. SCHINTLER (Yarraville).—This is one of those normal loan application measures presented to the House from time to time to operate essential services of the State. When I use the word "essential" in reference to this Bill, I mean it in its best form because, in my opinion and that of very many other people, the railways rank among the most important and essential services conducted for the well-being of the people and the general economy of the State. The Railways Service, as it is run to-day, reflects great credit on the State. Our railway system is being modernized very rapidly, and it is now a pleasurable experience for passengers

to travel from Melbourne to Albury in one of the air-conditioned trains, or to travel on any of the other modern trains running throughout the State. Railway passengers may sit back in comfort and safety while the train travels at a speed which is much faster than that at which a motorist can drive his motor car with any degree of safety. It is now possible to join a train in Melbourne at 8 a.m. and to travel to Albury, which is almost 200 miles away, in the remarkably short time of 3 hours and 40 minutes. In my humble opinion, the railway service provided between Melbourne and Albury compares favourably with any other railway service in the world.

It is obvious from the moves that are going on, from the legislation that has been approved, and from the plans that have been laid and are now being implemented, that within the foreseeable future there will be a direct rail link between Melbourne and Sydney as a result of which the service that has been provided for the travelling public in the past will be considerably improved. I believe that when the standard gauge line becomes operative, many of the transport problems which exist to-day will disappear. In other words, when the standard gauge project is completed, the railways will be able to provide a service at a price level competitive with the interstate road hauliers, many of whom will be eliminated from the roads. Certainly, I hope such a situation develops. Being a Socialist, I believe State instrumentalities which can be operated successfully, provided that they render good service to the public, should be assisted as much as possible.

As honorable members appreciate, the Railway Department is one of the State's largest employers, providing constant employment for between 28,000 and 30,000 workers, a high percentage of whom earn very little more than the basic wage. It is natural to assume that a large proportion of the money that is put into the weekly pay envelopes of railway employees becomes fluid capital because it is used for the purchase of food, clothing, housing and all those commodities that are needed under our way of life. In other words, such expenditure represents a constant injection of money into the economy of the State so far as business is concerned.

In some respects, the Bill is unusual. In his second-reading speech, the Minister of State Development stated, *inter alia*—

> The actual expenditure will, of course, be governed by the availability of loan money for railway purposes.

All honorable members know that, from time to time, loan moneys are rather difficult to raise and, when the Federal Government, in its wisdom or otherwise —we believe it showed a lack of wisdom —perpetrated the credit squeeze on the people, naturally the confidence of the people was lowered, particularly from the point of view of investing money in what is normally regarded as gilt-edged securities.

The Bill will authorize the expenditure of moneys from the Loan Fund to the extent of £11,000,000, of which an amount of £7,650,000 will be spent during the current financial year. The remaining finance will enable the affairs of the Railway Department so far as this loan programme is concerned to be carried on until 31st December, 1962. Actually, the amount of £11,000,000 which is authorized by this Bill covers a loan requirement period for the Railway Department of approximately fifteen months.

The schedule to the Bill includes a list of various items for which finance is required. However, I do not propose to deal with each item separately. From an over-all point of view, the Bill provides finance additions and improvements at various country and suburban station yards; additions and improvements to the signalling and safe-working systems; additions and improvements to various lines, including the widening of banks and cuttings; alterations to curves; road diversions; regrading; the provision of heavier rails, sleepers and ballast, and so on, and of sidings for the purpose of obtaining access to sources of ballast; additional and improved dwelling accommodation for employees; improved communication facilities; strengthening bridges; and

generally for such minor additions and improvements as may be found necessary during the currency of the Act.

All of those items are normal contingencies that would be met in the operation of a railway system anywhere in the world. However, owing to the fact that the unification of the railway gauge system between Melbourne and Sydney has been making excellent progress, it has been necessary to provide a number of ancillary services by way of alterations to railway yards, shunting facilities, stations and services of all kinds. People of this generation have been privileged to see what is probably the most active two years in the life of the Victorian Railways. We sincerely hope that all of the plans that have been formulated as a result of years of agitation will, when they reach complete fruition, achieve all those things which a person in the community who is railway minded expects them to achieve.

I propose to deal briefly with several items which have a special significance to the development of the urban or closer outer suburban areas. I particularly mention the near-completion of the work of converting to broad gauge and electrifying the Upper Ferntree Gully–Belgrave line. As our way of life has changed during recent years by the tremendous increase in the price of blocks of land in the inner areas of the metropolis, it has been found necessary for home seekers to seek homes in localities farther and farther away from the metropolitan area. Consequently, when cheaper land is available—for example, at Ferntree Gully—workmen, including artisans, clerks, public servants, and all types of people now find it is more convenient and economic to reside some distance from the centre of the city. One of the features that will help to make their way of life a little easier is the provision of a reasonably good railway service between the area in which they live and the city. The Upper Ferntree Gully–Belgrave link was sought for many years, and all honorable members would agree that its provision will be a step in the right direction.

Sub-item No. 2 of item No. 1 of the schedule relates to the re-arrangement of the station yard and the provision of additional sidings at Bairnsdale in the Gippsland district. Any honorable member who has seen what is going on so far as the development of Gippsland is concerned must realize that the railways will play a more and more important part as the development proceeds. Towns such as Bairnsdale, Sale and Orbost, and other places that are centres of rural activity, must naturally be assured that they will have reasonable railway facilities to transport the products of their districts to the market. From time to time, in this House, members have raised the question of the competition between road and rail transport, which is a real problem. One of the problems of a decentralized industry is that raw materials or the finished products have to be carried one way or another by road or by rail transport. Because the railways are a State instrumentality I believe the management should make every possible endeavour to give the best service it can to those people who are trying to establish industries in country areas. Any concessions which can be granted to them should be given not so much as concessions from the Railway Department but as part of the price that the State must pay for successful decentralization.

During the debate on another Bill yesterday, I referred to the fact that I was pleased that £250,000 had been provided for the construction of what is known as the coal canal bridge. The need for this bridge and fly-over was brought about by the development of the railways and by the great development the Dynon siding area must have on the waterfront, resulting in more overseas ships coming into the Appleton Dock. As a result of that development a spur line was constructed to connect the Appleton Dock with Dynon siding and in the process one of the busiest arterial roads in the metropolitan area was cut. That road carries more than 30,000 vehicles a day. I am hopeful, now that the money has been provided for the bridge and fly-over, that that

problem will be eliminated. Those who live on the western side of the city must be impressed by the vast amount of work being undertaken in the Dynon area. The unification of the railway line between Melbourne and Sydney has brought a complete change in the establishment of storage sheds, shunting yards and every other form of ancillary service that go with the successful operation of the railways. It is most interesting to me to note that the whole of the development of the unification of the line appears to be running smoothly as an integrated plan.

While I am on that subject I would like to make a reference to the fact that I and other members of the Opposition were most gratified when we learned that the installation of all electrical equipment on the unified line had been entrusted to a Victorian firm. I strongly believe that when it comes to letting contracts, either by the railways or by other Government instrumentalities, there should be a reasonable margin of tolerance towards Victorian firms. Despite the controversial things that had taken place when tenders were called, eventually the contract was let to a Victorian company which has carried out that important work in a highly efficient manner.

The schedule to the Bill contains a great number of items on which one could speak at length, but the real purpose of the measure is to grant authority for the provision of loan moneys to enable the Railway Department to carry on its operations. However, sub-item No. 12 of item No. 1 merits some comment. I spoke on this matter during the Budget debate and I formed the opinion that many members on both sides of the House were most perturbed that during the many years that the Victorian Railways have been in operation one of the worst features of the system has been the poor "shop front" at the Spencer-street railway station, which is the major interstate entry into this city. I have suggested from time to time that this site would be ideal for the erection of a multi-storied building in which the various Departments of the Public Service could be housed. It has everything in its favour for use in that way; it is centrally situated, all forms of transport are available not only for employees of the State but also for the people who have business with Government Departments, and it would have been an ideal place in which to establish central offices for the various Government Departments. Land was available, and even to-day, despite all the excellent planning that has been carried out for the erection of a new station, I believe the best possible use is not being made of this area. There is no doubt in my mind that if the public offices could have been constructed there it would have been better for the State as a whole. It would have been far better than building offices at Kew and other suburbs, thereby forcing people to travel farther.

There are two matters to which I should like to direct the attention of the Minister in regard to the new arrangements at Spencer-street station under the unification scheme. I do not know what the policy of the Department will be in regard to the new parking areas that will be used when the new station is completed. However, some move has been made by the Department to enforce the owner-onus provisions in this area. If the Department is to be given that power I strongly advise it to use it with great discretion. Recently, I had occasion to go to Albury on the daylight express at 8 a.m. one Saturday and return on the Spirit of Progress on the Sunday, arriving in Melbourne at 11.30 a.m. I contacted the Railway Department by telephone and asked whether parking facilities would be available for my car during the 28 hours that I would be absent from Melbourne. I was told that I could leave my car in the yard and that it would be all right, but the Department would not accept responsibility for it. I was chary about leaving the vehicle there overnight without supervision, so I parked it in a garage in Collins-street for 28 hours and that cost me £1. The Railway Department should give consideration to the possibility of making special arrangements for people who

may wish to leave motor cars on railway property overnight when undertaking a train journey. This would help to popularize railway services.

I should like also to refer to the possibility of the Department making some provision for the parking of employees' cars. I am not greatly concerned about employees who work regular hours and do not have much difficulty in reaching work, because the great majority of them travel by train at concessional fares, but I am perturbed about those who do shift-work for the Department. Some of them start work at Spencer-street at midnight and finish at 7.30 a.m., and it is very difficult to find parking space. It would be not only a nice gesture on the part of the railways management, but also good business if it gave consideration to the making available of parking facilities for employees engaged on shift work.

Much development has taken place in what is known as the "Ruhr Valley" of this State. I refer to the Morwell-Moe area. Those who originally laid down the plans for the development of this district did so on the basis that the railway lines would be permanent, but the extraction of brown coal has interfered with the operation of train services. From time to time large sums of public money have been spent on the removal of existing railway lines and roads. Large scale tests have been carried out to ascertain the extent of the coalfields, and Victoria is fortunate in having these large deposits. However, when it becomes necessary for a line to be moved, it should be located in a position that will meet the requirements of the district for all time. It may be a little more costly to adopt this procedure, and it may be necessary to take the lines away from the low-lying areas, but in the long run it will possibly be much cheaper to do that than to move the line from time to time as the development of the brown coal deposits proceeds.

Sub-item No. 18 of item No. 1 refers to the provision of a fly-over, including the acquisition of land, in the North Melbourne railway yards area. The construction of a fly-over will meet a long-felt want. One of the most annoying things that happen to a train traveller is to have a fast, safe, and comfortable trip for a couple of hundred miles, and then find that in the last 5 miles of the journey the train, which has been travelling at 70 miles per hour, has to slow down to a crawl from Kensington or North Melbourne to Spencer-street. If I interpret this item correctly, it means that this slowing down as the result of a complicated yard system will be eliminated. A very good train service runs daily between Melbourne and Woodend, and a number of people in the Woodend district use it to travel to and from work. It is most annoying to them, after travelling at a fast rate from Woodend to North Melbourne to have to spend nearly as much time travelling from North Melbourne to Spencer-street as the train took to travel from Gisborne to North Melbourne. Implementation of this part of the plan for the construction of the fly-over at North Melbourne will eliminate an irksome feature of these journeys.

Parts of the railway shops at Spotswood and Newport are within my electorate, and I know something of their operation. I am delighted to learn that the Railway Department has planned to provide modern equipment in these yards. This will make a great difference to operations. It will facilitate working in the yards, and production per man hour will increase. While discussing this item, I direct attention to a small item which appeared in the *Sun News-Pictorial* of 14th November. In effect, it is a great tribute to the work of training artisans and tradesmen. The report states—

> The railways have received 1,104 applications for 203 vacancies for apprentices, fourteen to eighteen, for a five-year term. Applications closed last week.
>
> "This is the largest number of applicants since the end of the war," the Commissioners said yesterday.

Different inferences may be drawn from that statement, but I regard it as a great tribute to the standard of ability of artisans and tradesmen turned out from the Newport and Spotswood workshops after serving their five-year

apprenticeships. One of the problems facing the Railway Department is that after apprentices become first-class tradesmen and are of real value to the Department, and the State as a whole, private firms offer them £2 or £3 a week more remuneration, and the services of these personnel are lost to the Government.

Sub-item No. 28 of item No. 1 of the schedule refers to the provision of grade separation at level crossings and road diversions in connexion therewith, including acquisition of land. Opposition members claim, with a fair amount of justifiable pride, that if this State has made any progress regarding the elimination of level crossings it is due almost entirely to the foresight and keen perception of the late John Cain, who established the fund that will eventually lead to the elimination of all the level crossings that have caused distress and suffering throughout the State. Other Governments have followed the policy that Mr. Cain inaugurated and have made large contributions to the fund.

When one sees that fly-overs are to be constructed on the Hume Highway at Tallarook, Anderson-street, Euroa, Rowan-street, Wangaratta, and on the Hume Highway at Craigieburn for purposes of the uniform gauge line to Albury, one can be happy in the realization that the authorities controlling these projects understand the importance of providing freeways throughout the State. In various suburbs throughout the metropolis—Newport, Footscray, Sunshine and Moorabbin, for example—we have seen the implementation of the very wise policy laid down by the late John Cain when he was Premier of Victoria.

From time to time in this House I have raised the question of the standard of amenities provided at North Melbourne railway workshops, the train lighting depot at Dudley-street, and various other railway workshops and mess rooms throughout Victoria. I am glad to see that funds are to be made available in order to bring the facilities provided somewhere near accepted modern standards. When I made an inspection some two years ago, some of these amenities were in a positively disgusting state. When the money to be provided is expended they should be brought somewhere near a reasonable standard.

One cannot allow a Bill of this nature to pass without making reference to the very important Melbourne underground railway. Whilst it is only in the initial planning stages at the moment, one has seen boring operations going on in recent months to test the route. I sincerely hope that no financial or other difficulties will arise which will unnecessarily hold up the development of this most important work.

To give an illustration of the tremendous sums of money needed to run a great organization like the Victorian railways, I quote from the last paragraph of the further notes supplied in relation to this Bill which states—

> Since 1950, when item 5 first appeared in the Act until 30th June, 1961 the total amount spent on rehabilitation works under this item has been £52,108,249.

We all realize that we must be prepared to pay for efficient service. This Bill provides a normal allocation of loan money for the conduct of the Victorian railways, and it has the support of the Labour party.

On the motion of Sir HERBERT HYLAND (Gippsland South), the debate was adjourned until next day.

COMPANIES BILL.

The House went into Committee for the consideration of this Bill.

Clause 1 was agreed to.

Clause 2 (Commencement).

Mr. RYLAH (Attorney-General).—Honorable members will recall that in my second-reading speech I undertook to consider any amendments which might be under consideration at the officers and Ministers' conference held in Sydney approximately a fortnight ago. A number of amendments were considered, and the usual agreement was

achieved on practically everything. I put up a case for Victoria on a proposed amendment relating to fully guaranteed subsidiary companies, and although I fought as strongly as I could, I lost. The Government feels that in those circumstances in the interests of uniformity we should not press what otherwise would have been a Government amendment. It is interesting to note that a Companies Bill has been passed in Western Australia with an undertaking given by the Minister in charge that he will introduce such amendments as were agreed upon at the conference and introduced in other States. Good progress is being made with similar Bills in both Queensland and New South Wales.

There has been very close consultation between the Attorneys-General of those States and myself. In fact, to-day I received a communication from the Attorney-General of New South Wales relative to a minor point in which the practice in New South Wales is slightly different to that of Victoria. I expressed the view that no harm would come from his State following the New South Wales practice while we continued to follow our own. Basically, both the New South Wales Government and the Queensland Government expect to have the Bill passed. Therefore, I have had these proposed amendments, together with explanations, circulated to all interested honorable members. I have had the explanatory paper on the amendments printed, and both it and the amendments are now available to honorable members. These will enable proper consideration to be given to these matters. I think we can say that uniformity, within very close tolerances, will be achieved.

Mr. CLAREY (Melbourne).—I hope, Mr. Acting Chairman, that you will allow me a little latitude at this stage, as that will obviate considerable delay in discussion on individual clauses and thus save the time of the Committee.

In a carefully prepared statement on another measure—the Public Works Loan Application Bill—read to this House last night, the Minister of Public Works, in attempting to depreciate the criticism which I had made on behalf of the Opposition, stated that the function of the Opposition was to oppose or, at the very least, to be highly critical of anything the Government might bring forward. Up to a point, the honorable gentleman was correct, but criticism is justified only to the extent to which it points out obvious weaknesses, injustices, inconsistencies or a difference of opinion upon basic issues. That position does not, basically, apply in respect of the uniform Companies Bill which is now before the Committee.

The ACTING CHAIRMAN (Mr. L. S. Reid).—Order! I shall allow the honorable member for Melbourne a certain amount of latitude, provided he keeps his remarks reasonably concise, but I should not like him to make a second-reading speech at this stage.

Mr. CLAREY.—As I have pointed out, the few remarks I am making will obviate an extension of the debate. They will also make clear the attitude of the Opposition. The Opposition wishes to co-operate with the Government in having the Bill passed in Committee as quickly as possible. In order to obviate criticism which may come from certain individual members, I wish to make our position clear. I repeat that the position relating to criticism does not, basically, apply in respect of the uniform Companies Bill. Therefore, I trust that the honorable member for Ivanhoe, who recently accused the Opposition of being if not actually impotent at least lacking in strength, will not accuse us of weakness if we do not attempt to find a lot of holes in this measure.

I think the Attorney-General appreciates my approach to the Bill. We do not intend to attempt in Committee to analyse every one of the 384 clauses and ten schedules. If we were to do so, Parliament would remain in session at least until Christmas, and certainly until well after the impending Federal elections. Our position was covered during the second-reading debate. The Attorney-General has said that, since the measure was introduced into this House, a further conference of State

and Commonwealth Attorneys-General took place last Friday week. Further submissions were considered at the conference, which may have been made by a number of bodies. The only ones of which I have copies are those which were made by the two Institutes of which I am a member, namely, the Institute of Chartered Accountants in Australia and the Australian Society of Accountants. Apart from these submissions, I have heard no criticism from either of those bodies in respect of any of the provisions which are in the Bill. Therefore, I feel that as each of the 384 clauses have been at least in substance approved by all responsible institutions of the secretarial, legal and accountancy professions, and as the actual drafting has been approved by the Attorneys-General of the States and the Commonwealth or their officers, it would be completely ludicrous on my part and, indeed, on the part of the committee to make an analysis of any individual clause. In principle, we approve of all of them.

The Attorney-General is circulating a number of amendments. Through the courtesy of the honorable gentleman, the honorable member for Brunswick West and I have had the opportunity to peruse those amendments and their explanations, and we are convinced that the new clauses and the wording thereof will substantially achieve everything that we have in mind. So far as the Opposition is concerned, there is nothing basic, in principle, in any of the 384 clauses to which we object. Some of them may not go as far as we would wish but, having achieved this degree of uniformity among the six States and the Commonwealth on the most highly technical Bill that has been introduced into the House during my six years and a half of membership, I do not think the Opposition would feel justified in picking out individual clauses here and there and asking what they mean. As a chartered accountant, I am satisfied with them, as is my colleague, the honorable member for Brunswick West, who is a barrister and solicitor. Therefore, it is not our intention to criticize individual clauses.

The Attorney-General has already said that if there is any basic weakness in these clauses or their operation and if they do not actually carry out what is intended, the conference of the States and the Commonwealth will take the first opportunity to rectify any omissions, oversights or weaknesses. I am sure the Attorney-General will give me an undertaking that, if the wording of any individual clause is found to contain a weakness or a loophole, he will bring them to the notice of the responsible authorities and take steps to have them corrected in order to conform with the desires of this House on this most important Bill.

Mr. CAMPBELL TURNBULL (Brunswick West).—I do not propose to hinder the progress of this Bill. Apart from two or three points I shall raise, the Attorney-General can be assured that we agree with the proposed amendments. I should like to thank the honorable gentleman and Mr. Finemore, the Assistant Parliamentary Draftsman, for providing the Opposition with copies of the proposed amendments and the explanatory memorandum. In the course of the second-reading debate on this Bill I referred to proprietary companies. When clauses 302 and 303 are reached, I intend to make some further comments. I am desirous of co-operating with the Government so that this legislation may be dealt with in another place without undue delay. This Bill is the result of long and considered conferences between specialists in company law, and it would be idle for me, or perhaps any other member, to go through the Bill clause by clause.

Mr. DUNSTAN.—You should speak only for yourself.

Mr. CAMPBELL TURNBULL.—I am pleased to know that some assistance will be forthcoming from members on the Government side of the House other than the Attorney-General.

The clause was agreed to, as was clause 3.

Clause 4, providing, *inter alia*—

. . . . . .

(6) Paragraph (*c*) of sub-section (1) of section nine shall not apply to any person appointed as auditor of a proprietary company before the commencement of this Act

until the expiration of twelve months after the commencement of this Act or the expiration of the term of his appointment whichever first occurs.

Mr. RYLAH (Attorney-General).—I move—

That sub-clause (6) be omitted with the view of inserting the following sub-clauses:—

"( ) In the application of paragraph (*b*) of sub-section (1) of section nine to a person who became indebted to a corporation before the commencement of this Act, that indebtedness shall until the expiration of five years after the commencement of this Act be disregarded if—

(*a*) the ordinary business of the corporation includes to a substantial degree the lending of money and the indebtedness was incurred in the ordinary course of that business; and

(*b*) the indebtedness would not have disqualified that person from appointment as auditor of the corporation if this Act had not come into force.

( ) Paragraph (*c*) of sub-section (1) of section nine shall not apply to any person in relation to a proprietary company until the expiration of twelve months after the commencement of this Act if he was appointed as auditor of that company before the commencement of this Act."

The effect of this amendment will be to allow a person who is an auditor of a company and who has borrowed money from that company to continue as the auditor for the company for five years after the commencement of the Act if the indebtedness would not have disqualified him before the commencement of the Act. The rule against an auditor being indebted to any company that he is auditing is much more strict in the Bill than in any existing State legislation. Under existing legislation in some States it has been permissible for an auditor to borrow from a company whose ordinary business is the lending of money. The amendment will give an auditor who has borrowed such money a reasonable time to re-arrange his finance which in some cases is quite substantial as it was availed of for the purpose of buying a home.

The amendment was agreed to, and the clause, as amended, was adopted.

Clause 5, providing, *inter alia*—

(1) In this Act unless the contrary intention appears—

. . . . . .

"Contributory" in relation to a company, means a person liable to contribute to the assets of the company in the event of its being wound up, and includes the holder of fully paid shares in the company and, prior to the final determination of the persons who are contributories, includes any person alleged to be a contributory.

. . . . . .

(7) For the purposes of the definition of "Exempt proprietary company" in sub-section (1) of this section, a share in a proprietary company shall be deemed to be owned by a public company if any beneficial interest in the share is held, directly or indirectly, by—

(*a*) a public company; or

(*b*) a proprietary company a beneficial interest in a share in which is held, directly or indirectly, by—

(i) a public company; or

(ii) a proprietary company a beneficial interest in a share in which is held otherwise than by a natural person.

(8) For the purposes of sub-section (7) of this section, but without limiting the generality of that sub-section—

(*a*) a reference in that sub-section to a public company shall be read as including a reference to a foreign company that is not a foreign company referred to in sub-section (5) of section three hundred and forty-eight; and

(*b*) a person (including a corporation) shall be deemed to hold a beneficial interest in a share—

(i) if that person, either alone or together with other persons, is entitled (otherwise than as trustee for, on behalf of or on account of, another person) to receive, directly or indirectly, any dividends in respect of the share or to exercise, or to control the exercise of, any rights attaching to the share; or

(ii) if that person, being a corporation, holds any beneficial interest in a share of another corporation which holds, or a subsidiary of which holds, any beneficial interest in that first-mentioned share.

Mr. RYLAH (Attorney-General).—I move—

That, in sub-clause (1), after the interpretation of "Contributory" the following interpretation be inserted:—

"Co-operative company" means a company to which Division nine of Part III. of the Income Tax and Social Services Contribution Assessment Act 1936-1961 of the Commonwealth or any subsequent corresponding enactment of the Commonwealth applies.

This amendment inserts a definition of "co-operative company." In Victoria there are still companies which are co-operative in the true sense operating under the Companies Act although in the future co-operative type of companies will most likely operate under the Co-operation Act.

The provisions of the Act are not completely suitable for this type of company and the interpretation is inserted so that specific provision can be made in relation to these companies in clauses 17 and 160 of the Bill. This is a domestic matter and was suggested by the Honorable P. V. Feltham, M.L.C., to deal with a problem which exists only in Victoria, and of course it does not in any way affect the uniformity of the Bill.

Mr. LOVEGROVE (Fitzroy).—Does this type of company include permanent building societies?

Mr. RYLAH (Attorney-General).—No, definitely not.

The amendment was agreed to.

Mr. RYLAH (Attorney-General).—I move—

That sub-clause (7) be omitted with the view of inserting the following sub-clause:—

"(7) For the purposes of the definition of "Exempt proprietary company" in sub-section (1) of this section, a share in a proprietary company shall be deemed to be owned by a public company if any beneficial interest in the share is held, directly or indirectly, by—

(*a*) a public company;

(*b*) a proprietary company a beneficial interest in a share in which is held, directly or indirectly, by a public company; or

(*c*) a proprietary company a beneficial interest in a share in which is held, directly or indirectly, by a proprietary company a beneficial interest in a share in which is held, directly or indirectly, by—

(i) a public company; or

(ii) another proprietary company a beneficial interest in a share in which is held, directly or indirectly, otherwise than by a natural person."

This amendment is in accordance with an undertaking I gave when explaining the Bill in my second-reading speech. It is an endeavour to ensure that the genuine family company will be exempt from the disclosure of its accounts. The best way to describe it is to say that it allows an additional tier of proprietary companies to be incorporated in the group without affecting the exempt status of the company. I think it was the wish and intention of all Ministers that the genuine proprietary company should not have to disclose its accounts.

Mr. CLAREY (Melbourne). — The Opposition raises no objection to this amendment. As indicated when the 1958 legislation was debated, the Opposition believes that there should not be any exempt proprietary companies, and that all such companies should be required to at least furnish to the Registrar copies of profit and loss accounts and balance-sheets. However, that proposition was not acceptable to the Government in 1958.

Mr. RYLAH.—Or to the Ministers at the conference.

Mr. CLAREY.—That is so. As this Bill was prepared in the interests of uniformity, I imagine a great deal of compromise took place in the framing of it. Therefore, the Opposition does not intend to oppose this amendment. It at least goes a little further than does the present Act, and it will require any proprietary company in which there is directly or indirectly a shareholding by a public company to furnish with its annual report a copy of its profit and loss statement and balance-sheet.

In conjunction with the honorable member for Brunswick West, I had the opportunity of discussing this amendment with Mr. Finemore. It is couched

in highly technical phraseology, but I am assured that it in no way departs from the original intention that any proprietary company in connexion with which there is a shareholding by a public company must disclose its profit and loss account and balance-sheet and that it will not in any way exempt a company such as General Motors-Holden's Proprietary Limited from the necessity to furnish the Registrar with a copy of its profit and loss account and balance-sheet. I am satisfied with this amendment, although it does not go as far as the Opposition would like.

The amendment was agreed to.

Mr. RYLAH (Attorney-General).—Sub-clause (8) provides, *inter alia*—

For the purposes of sub-section (7) of this section, but without limiting the generality of that sub-section—

(*a*) a reference in that sub-section to a public company shall be read as including a reference to a foreign company that is not a foreign company referred to in sub-section (5) of section three hundred and forty-eight;

I move—

That paragraph (*a*) be omitted with the view of inserting the following paragraphs:—

"( ) a reference in that sub-section to a public company shall be read as including a reference to a foreign company other than a foreign company that (whether or not Division 3 of Part XI. applies to it) is a foreign company of a kind referred to in sub-section (5) of section three hundred and forty-eight;

( ) a reference in that sub-section to a public company or to a proprietary company shall be read as not including a reference to a company in respect of which a licence under section twenty-four, or under any corresponding previous enactment, is in force;

( ) where a corporation holds a beneficial interest in a redeemable preference share in a proprietary company and—

(i) no voting rights attach to the share; or

(ii) any voting rights attaching to the share are exercisable only in special circumstances and do not include the right (except where any dividend in respect of the share is in arrears) to vote at an election of directors of the proprietary company—

the share shall be treated as if the beneficial interest in the share were held by a natural person; and."

This is complementary to the previous amendment. It will ensure that shares in a foreign company similar to a local exempt proprietary company or shares in a company in respect of which a licence under clause 24 of the Bill is in force, or redeemable preference shares in respect of which no voting rights are presently exercisable, will not be taken into account in determining the status of a proprietary company. It is believed that the combined effect of these two amendments will ensure that no family company is required to disclose its accounts.

The amendment was agreed to.

Mr. CAMPBELL TURNBULL (Brunswick West).—Speaking personally in this matter, I have no objection to a bona fide family company not being required to file balance-sheets and other documents. Unfortunately, there is strong evidence in the community that certain proprietary companies have been over-trading and have been accepting liabilities altogether out of proportion to their assets. I am somewhat disappointed that this legislation does not require proprietary companies which are trading and seeking, in the course of their business, extended credit to file balance-sheets. The situation respecting them has been extremely borne out in certain crashes in the building trade by the companies of Winwood and Clements Langford. The crash of those two companies has brought about great distress and financial ruin to many tradesmen who were engaged by those contractors to carry out sub-contracts.

I look forward to the day when there will be some easy method, in respect of many companies that do or did well, for people to go to a Government office and ascertain the financial stability of the particular company with which they enter into contracts. All companies that obtain credit from the public should file

audited balance-sheets. But if the Government feels that that proposition is too broad, I invite the Attorney-General to look at the matter of the building industry and at the major definition of a proprietary company so that it will be amended in such a way that a company will not be inadequately capitalized and live mainly on the credit of other people but that it will, in effect, be required to carry out the ordinary conditions relating to a public company.

I feel that the building industry is so great, and seeing that it records the economic condition of the country from time to time, that it is sufficiently vital to be treated separately. I raise the question whether or not it would be possible in some way to deal with these companies on their own. They deserve to be taken out of the ordinary rule applicable to a proprietary company because, in my opinion, by their behaviour in trading with their suppliers and negotiating with independent contractors, they have let the public of Victoria down. It might be well to say something along these lines—that an exempted proprietary company means a proprietary company, no share in which by virtue of these two sub-sections is deemed to be owned by a public company or one that is not substantially engaged in the construction or the plans for homes, factories and plants or office buildings or in the tendering for and constructing of Government or semi-Government works.

It is not only in private industry that contractors have defaulted. I am not sure whether a big company in Sydney-road engaged in contracts with the Country Roads Board is not in a position in which it may bring substantial losses to people who have given it credit or to persons who have carried out sub-contracts for it. I urge the Attorney-General to give special consideration to the building trade because, after all, it is a benefit or a privilege, if one is trading, not to be required to file audited balance-sheets. I suppose that there would be a terrific sensation—almost a calamity—if, for example, the Broken Hill Proprietary Company Limited were not required to publish its balance-sheets. If a person consulted the Registrar of Companies, I am certain that he would not find a record of anyone having searched the balance-sheets and associated papers of a company such as that.

Sir HERBERT HYLAND.—He would not understand it if he did.

Mr. CAMPBELL TURNBULL.—That is probably so. In the course of my second-reading speech on this Bill I said that the documents should be simplified so that the ordinary man could understand them. But while there may be a huge company whose stability is known and there is no necessity to make a search, there are often proprietary companies engaged in trade in a big way, as to which, if I had any say, I would be prepared to see that they were required to do what the Broken Hill Proprietary Company Limited is required to do.

The primary purpose of the documents is to show shareholders what is being done with their money. Every company transmits to shareholders copies of its balance-sheets but it is especially important that the documents should be made available to those persons who are asked to give credit. Many companies are not doing justice to people whom they call upon to extend credit.

Mr. RYLAH (Attorney-General).—I wish to make it clear that the remarks of the honorable member for Brunswick West and the honorable member for Burwood respecting this matter with which we are now dealing are already the subject of investigation. I may say that I am attracted by the suggestions that have been put forward. The Government cannot include them at this stage, but I assure those honorable members that the matters raised are receiving attention. They embrace a problem as to which we may well seek the help of members of the Opposition as well as members of the Country party. It is easy to look at that problem without doing injury to legitimate trade.

However, I repeat that it is receiving attention and the Government will keep in touch with it.

Mr. LOVEGROVE (Fitzroy).—I do not want to detain the Committee, but as I myself am engaged in the building industry I think I am entitled to make a few observations. These will be, in part, those that I made when legislation on this matter was last before the House. The Minister of Public Works, when he was Minister of Housing, initiated a Building Industry Consultative Council constituted to advise interests in the building industry, including those that supplied materials and those that bought them, to examine their credit structure. The idea was that if it was possible to re-form the structure voluntarily, that was the preferable course.

When the various matters concerned with the subject were brought up by the honorable member for Brunswick West and discussed by the Building Industry Consultative Council, of which I am a member, it was decided to ask the Minister of Public Works to confer with the Parliamentary Draftsman while this Bill was in course of preparation. I asked the honorable gentleman if, before the Bill was submitted to Parliament, he would ascertain whether anything could be done to advance the reform of the credit structure in the building industry. When the Bill was previously under consideration I asked whether the Government had given any consideration to the deliberations of the Building Industry Consultative Council.

Mr. WILCOX.—How is that organization set up?

Mr. LOVEGROVE.—I cannot supply the precise information at this stage, but it is representative, broadly speaking, of the builders, who are the persons under attack in this argument, of the suppliers who, I suppose, would stand for the people who have the most capital investment in industry to-day—the suppliers of iron, glass, steel, timber, hardware and so on of the on-site operators and sub-contracting elements, to which the honorable member for Brunswick West referred, and of the men in the industry through the Trades Hall Council. At the invitation of the chairman of the committee, who is the Minister of Public Works, I was appointed as the nominee to represent the men on that council.

Mr. WILCOX.—I could not think of a better representative.

Mr. LOVEGROVE.—I am grateful for the compliment that has been paid to me. It is not often that such gracious tributes are paid by Government supporters to members of the Opposition. Without delaying the passage of the Bill, I should like to ask the Attorney-General whether the Government has received any representations from the Building Industry Consultative Council, and, if so, whether it has done anything about them, or is the matter still "in the air" and subject to the Government's further consideration.

Mr. RYLAH (Attorney-General).—I thought I made it clear to the honorable member for Brunswick West that these various matters were receiving consideration. However, I cannot see what they have to do with the companies' legislation in the way that they have been raised by the honorable member for Fitzroy. It is a matter for legislation and, being a difficult problem, I was hoping to obtain the assistance of the Opposition in that connexion. If something can be done to improve the situation, it will be worth while.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 6 to 8.

Clause 9, providing, *inter alia*—

(1) A person shall not consent to be appointed, and shall not act, as auditor for any company and shall not prepare, for or on behalf of a company, any report required by this Act to be prepared by a registered company auditor—

(*a*) if he is not a registered company auditor.

. . . . . .

Penalty: One hundred pounds.

(2) For the purposes of sub-section (1) of this section, a person shall be deemed to be an officer of a company if he is an officer of a corporation that is deemed to be related to the company by virtue of sub-section (5) of section six or has, at any

time within the preceding period of twelve months, been an officer or promoter of the company or of such a corporation.

. . . . . .

(4) A firm shall not consent to be appointed, and shall not act, as auditor for any company and shall not prepare, for or on behalf of a company, any report required by this Act to be prepared by a registered company auditor unless—

(*a*) all the partners of the firm resident in Australia are registered company auditors and, where the firm is not registered as a firm under the law of the State, a return showing the full names and addresses of all the partners of the firm has been lodged with the Registrar; and

Mr. RYLAH (Attorney-General).—I move—

That, in sub-clause (1), the words "not consent to be appointed, and shall not act" be omitted with the view of inserting the words "not knowingly consent to be appointed, and shall not knowingly act."

This amendment, together with a later amendment to sub-clause (4) is designed to prevent an auditor unwittingly offending against the provisions of clause 9 of the Bill. It would be quite possible for an auditor to unwittingly employ a person in a relatively unimportant position in his office who was formerly employed in a similar position in the office of a company which he audits.

Mr. LOVEGROVE (Fitzroy).—I support the amendment. It would appear that certain companies, whose credit and reputation in the community rest upon the financial guarantees of this Government, could be in the position which was so wisely visualized by the Attorney-General in presenting this amendment. I ask the honorable gentleman whether the Government has considered examining the financial affairs of some of the building societies which are guaranteed in part by the finances of the Government.

The amendment was agreed to.

Mr. RYLAH (Attorney-General).—I move—

That, in sub-clause (2), after the words "section six or" the words "except where the Board if it thinks fit in the circumstances of the case directs otherwise, he" be inserted.

This amendment will permit the Company Auditors Board to allow a person to act as auditor even if he is employing a person in breach of the rule against employing a person who has been employed by the company to be audited within the preceding twelve months. This is designed to allow some flexibility in the operation of the rule.

The amendment was agreed to.

Mr. RYLAH (Attorney-General).—I move—

That, in sub-clause (4), the words "not consent to be appointed, and shall not act" be omitted with the view of inserting the words "not knowingly consent to be appointed, and shall not knowingly act."

For the same reasons as were expressed in connexion with the amendment to sub-clause (1) of this clause, this amendment is necessary.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 10 to 16.

Clause 17, providing, *inter alia*—

(1) A corporation cannot be a member of a company which is its holding company, and any allotment or transfer of shares in a company to its subsidiary shall be void.

. . . . . .

(6) In relation to a holding company that is either a company limited by guarantee or an unlimited company, the reference in this section to shares, whether or not it has a share capital, shall be construed as including a reference to the interest of its members as such, whatever the form of that interest.

Mr. RYLAH (Attorney-General).—I move—

That, at the end of sub-clause (6) the following sub-clause be inserted:—"( ) Nothing in this section shall apply to a co-operative company."

This amendment will exclude from the operation of this provision co-operative companies. It is necessary for such companies to maintain wholly owned subsidiaries which have shares in the parent company if they are to maintain their privileges under the Commonwealth income tax laws.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 18 and 19.

Clause 20, providing, *inter alia*—

(1) No act of a company (including the entering into of an agreement by the company) and no conveyance or transfer of property, whether real or personal, to

or by a company shall be invalid by reason only of the fact that the company was without capacity or power to do such act or to execute or take such conveyance or transfer.

(2) Any such lack of capacity or power may be asserted only in—

(*a*) proceedings against the company by any member of the company or, where the company has issued debentures secured by a floating charge over all or any of the company's property, by the holder of any of those debentures or the trustees for the holders of those debentures to restrain the doing of any act or acts or the conveyance or transfer of any property to or by the company;

Mr. RYLAH (Attorney-General).—I move—

That, in sub-clause (2), after the word "asserted" the words "or relied upon" be inserted.

This amendment is designed to clarify the wording of the sub-clause. The word "assert" is not commonly used in British law, and it is felt that the addition of the words "or relied upon" will clarify the intent of the sub-section.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 21 to 39.

Clause 40, providing, *inter alia*—

(1) Every advertisement offering or calling attention to an offer or intended offer of shares in or debentures of a corporation or proposed corporation to the public for subscription or purchase shall be deemed to be a prospectus (and all enactments and rules of law as to the contents of prospectuses and as to liability in respect of statements in and omissions from prospectuses or otherwise relating to prospectuses shall apply and have effect accordingly) if it contains any information or matter other than the following—

(*a*) the number and description of the shares or debentures concerned;

. . . . . .

(*f*) particulars of the opening and closing dates of the offer and the time and place at which copies of the full prospectus and forms of application for the shares or debentures may be obtained—

and states that applications for shares or debentures will proceed only on one of the forms of application referred to in and attached to a printed copy of the prospectus.

Mr. RYLAH (Attorney-General).—I move—

That, in sub-clause (1), the word "and" where second last occurring be omitted with the view of inserting the words "unless it".

This is a drafting correction without which the effect of the provision might mean exactly the opposite to what it was intended to mean.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 41 to 43.

Clause 44, providing, *inter alia*—

(1) Where a prospectus states or implies that application has been or will be made for permission for the shares or debentures offered thereby to be listed for quotation on the official list of any Stock Exchange, any allotment made on an application in pursuance of the prospectus shall, subject to sub-section (3) of this section whenever made, be void if—

(*a*) the permission is not applied for in the form for the time being required by the Stock Exchange before the third day on which the Stock Exchange is open after the date of issue of the prospectus; or

. . . . . .

(3) Where—

(*a*) permission is not applied for as specified in paragraph (*a*) of sub-section (1) of this section; or

(*b*) permission is not granted as specified in paragraph (*b*) of that sub-section—

the Minister may by notice published in the *Government Gazette* on the application of the corporation, made before any share or debenture is purported to be allotted, exempt the allotment of the shares or debentures from the operation of this section.

Mr. RYLAH (Attorney-General).—I move—

That, in sub-clause (3), after the word "Where" the words "in relation to any shares or debentures" be inserted.

This is purely a drafting correction. The words proposed to be inserted should have appeared in the Bill as introduced in this House.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 45 to 53.

Clause 54, providing, *inter alia*—

(1) Where a company makes any allotment of its shares or any of its shares are deemed to have been allotted under sub-section (6) of this section the company shall within one month thereafter lodge with the Registrar a return of the allotments stating—

. . . . . .

(*d*) subject to sub-section (2) of this section, the surname and at least one Christian or other name and

other initials and the address of each of the allottees and the number and class of shares allotted to him.

. . . . . .

(4) If a certified copy of a contract is lodged the original contract duly stamped shall be produced at the same time to the Registrar.

Mr. RYLAH (Attorney-General).—I move—

That, in paragraph (*d*) of sub-clause (1), after the words "this section" the words "the full name or" be inserted.

It has been pointed out that the concession given by the Bill in relation to names of allottees has had a peculiar effect in relation to companies and some Orientals who have only one name. It is therefore proposed to allow either the full name or the surname with one Christian name and other initial to be supplied.

The amendment was agreed to.

Mr. RYLAH (Attorney-General).—I move—

That, in sub-clause (4), after the word "shall" the words "if the Registrar so requests" be inserted.

There is no reason in this State for requiring the production of the contract in ordinary circumstances so the obligation in Victoria will be limited to the case where the Registrar requires the contract to be produced. Other States have agreed to the inclusion of this amendment in the Victorian Bill.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 55 to 59.

Clause 60, providing, *inter alia*—

(2) The share premium account may be applied—

. . . . . .

(*c*) in the payment of dividends if such dividends are satisfied by the issue of shares to members of the company.

(3) Nothing in this section shall apply to any reserves derived from the issue of shares at a premium before the commencement of this Act by a company which was immediately before the commencement of this Act registered under the law of the Commonwealth relating to life insurance.

Mr. RYLAH (Attorney-General).—I move—

That, in sub-clause (2), the following new paragraph be inserted to follow paragraph (*c*):—

"( ) in the case of a company which carries on life insurance business in the Commonwealth by appropriation or transfer to any statutory fund established and maintained pursuant to any law of the Commonwealth relating to life insurance."

This and the next amendment will allow life companies to pay amounts standing to the credit of their share premium account into the statutory fund maintained under the Commonwealth Life Insurance Act. A concession along these lines was permitted by the Bill but in some respects it went further than was necessary and in others not as far as was desired. The use of premiums to bolster the statutory fund is a well-established practice in insurance circles and the amendments will facilitate the establishment of new life insurance companies in Australia.

I suggest, Mr. Acting Chairman, that you convey to the Chairman of Committees the suggestion that he might request the Standing Orders Committee to consider whether some of the long-established rules and precedents might be amended to meet current practices. The practice of printing an explanatory paper on amendments has been followed by this Government on a number of occasions, and I can recall the previous Government doing it. It seems to be a waste of time, when every honorable member has a printed memorandum in his hands, that the Minister in charge of the Bill has to solemnly read out what appears in the printed memorandum so that it can be included in *Hansard*.

The amendment was agreed to.

Mr. RYLAH (Attorney-General).—I move—

That sub-clause (3) be omitted.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 61 to 63.

Clause 64, providing, *inter alia*—

(6) On the lodging of an office copy of the order the resolution for reducing share capital as confirmed by the order so lodged shall take effect.

Mr. RYLAH (Attorney-General).—I move—

That, in sub-clause (6), after the word "order" the words "with the Registrar" be inserted.

This is a drafting amendment to make abundantly clear that the order must be lodged with the Registrar.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 65 to 67.

Clause 68, providing, *inter alia*—

(1) An option granted by a public company which enables any person to take up unissued shares of the company after a period of five years has elapsed from the date on which the option was granted shall be void.

Mr. RYLAH (Attorney-General).—I move—

That, in sub-clause (1), after the word "granted" the words "after the commencement of this Act" be inserted.

This is a small drafting amendment to make it perfectly clear that the section has no operation in relation to options granted before the commencement of the Act.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 69 to 73.

Clause 74 relating to trustee for debenture holders.

Mr. RYLAH (Attorney-General).—I move—

The the following sub-clauses be inserted, to follow sub-clause (5).

"( ) Notwithstanding the provisions of sub-section (5) of this section—

(*a*) a banking corporation;

(*b*) a corporation authorized to transact life insurance business in Australia under the law of the Commonwealth relating to life insurance;

(*c*) a corporation authorized by the law of any State or Territory to take in its own name a grant of probate or letters of administration of the estate of a deceased person; or

(*d*) a corporation that is deemed by virtue of sub-section (5) of section six to be related to any such corporation—

may be appointed, hold office and act as a trustee for the holders of debentures of a corporation notwithstanding the fact that—

(*e*) it holds a first mortgage over any land of the corporation to secure the repayment of any debt which is not secured in any other way;

(*f*) it is the holder of any debentures issued by the corporation to the public;

(*g*) it is the holder of any debentures to which it is not beneficially entitled;

(*h*) it is a creditor by virtue only of the fact that it is the trustee for debenture holders under a debenture or trust deed and only in accordance with the terms of that debenture or trust deed;

(*i*) it is a creditor of the corporation if the amount owed by the corporation to it and to any company that is deemed by virtue of sub-section (5) of section six to be related to it excluding any amounts referred to in paragraphs (*e*), (*f*), (*g*) and (*h*) of this sub-section does not exceed one-tenth of the amount that will be owed by the corporation under the debentures proposed to be offered to the public within three months of the appointment of the trustee; or

(*j*) it is a shareholder of the corporation if its holding does not entitle it to control more than ten per centum of the voting power of the corporation;

( ) Nothing in sub-section (5) of this section shall affect the operation of any debentures or trust deed issued or executed before the commencement of this Act or apply to the trustee for the holders of any such debentures unless pursuant to any such trust deed a further offer of debentures is made to the public after the commencement of this Act."

This amendment is necessary to allow trustee companies and wholly owned subsidiaries of life offices and banks to continue to act as trustees for debenture holders. The amendment maintains the position that it is improper for a trustee to put himself in a position where his duty to the debenture holders might conflict with personal interests, but in view of the size of the holdings of such organizations some concession must be made, and the amendment is drawn with a view to allowing such companies to act if they hold interests which in all the circumstances could not be properly regarded as material.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 75 to 122.

Clause 123, providing, *inter alia*—

(3) A director of a company shall not be deemed to be interested or to have been at any time interested in any contract or proposed contract by reason only—

(*a*) in a case where the contract or proposed contract relates to any loan to the company—that he has guaranteed or joined in guaranteeing the repayment of the loan or any part of the loan; or

(*b*) in a case where the contract or proposed contract has been or will be made with or for the benefit of or on behalf of a corporation which by virtue of the provisions of sub-section (5) of section six is deemed to be related to the company that he is director of that corporation—

and this sub-section shall have effect not only for the purposes of this Act but also for the purposes of any other law, but shall not affect the operation of any provision in the articles of association.

Mr. RYLAH (Attorney-General).—I move—

That, in sub-clause (3), the word "association" be omitted with the view of inserting the words "the company".

This is a small drafting correction.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 124 to 128.

Clause 129, providing, *inter alia*—

(5) Any reference in this section to payments to any director of a company by way of compensation for loss of office or as consideration for or in connexion with his retirement from office shall not include—

(*d*) any bona fide payment by way of pension or lump sum payment in respect of past services, including any superannuation or retiring allowance superannuation gratuity or similar payment, where (except in so far as it is attributable to contributions made by the director) does not exceed the total emoluments of the director in the three years immediately preceding his retirement or death; or

Mr. BLOOMFIELD (Minister of Education).—On behalf of the Attorney-General, I move—

That, in paragraph (*d*) of sub-clause (5), after the word "where" the words "the value or amount of the pension or payment" be inserted.

This amendment inserts a line which was dropped from the Bill when it was being printed for introduction into this House.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 130 to 152.

Clause 153, providing, *inter alia*—

(3) Any member or other person may request the company to furnish him with a copy of the register, or of any part thereof, but only so far as it relates to names addresses number of shares held and amounts paid on shares, on payment in advance of two shillings or such less sum as the company requires for every hundred words or fractional part thereof required to be copied and the company shall cause any copy so requested by any person to be sent to that person within a period of twenty-one days commencing on the day next after the day on which the request is received by the company.

Mr. BLOOMFIELD (Minister of Education).—On behalf of the Attorney-General, I move—

That, in sub-clause (3), after the words "twenty-one days" the words "or within such further period as the Registrar considers reasonable in the circumstances" be inserted.

This amendment will allow the Registrar to permit a company to take more than 21 days to supply a copy of its register of members. It is felt that 21 days will be quite adequate in most cases but instances of registers containing 70,000 names have been brought to our notice and it is felt that there may be circumstances in which it is quite impracticable to supply the complete list within 21 days.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 154 and 155.

Clause 156 was verbally amended, and, as amended, was adopted.

Clause 157, providing, *inter alia*—

(8) If by virtue of the law in force in any other Country State or Territory any corporation incorporated under that law keeps in the State a branch register of its members resident in the State, the Governor in Council may by Order published in the *Government Gazette* declare that the provisions of this Act relating to inspection place of keeping and rectification of registers of members shall, subject

to any modifications specified in the Order, apply to and in relation to any such branch register kept in the State as they apply to and in relation to the registers of companies under this Act and thereupon those provisions shall apply accordingly.

Mr. RYLAH (Attorney-General).—I move—

That, in sub-clause (8), the words "resident in the State" be omitted.

This is a correction to a provision which has been in its present form since 1938. Under Australian company law for many years branch registers have been available for the use of anyone and not restricted to persons resident in the State. It is therefore proposed to omit the words "resident in the State".

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 158 and 159.

Clause 160, providing, *inter alia*—

(1) A public company which—

(*a*) has more than five hundred members;

(*b*) keeps its principal share register at a place within three miles of the office of the Registrar; and

. . . . . .

need not comply with such of the provisions of this Division and the Eighth Schedule as relate to the inclusion in the annual return of a list of members if there is included in the annual return a certificate by the secretary that the company is of a kind to which this sub-section applies.

Mr. RYLAH (Attorney-General).—I move—

That, in paragraph (*b*) of sub-clause (1), after the word "registrar" the words "or is a co-operative company" be inserted.

This amendment was suggested by the honorable member for Gippsland West. It is designed to allow a co-operative company the same exemption as is allowed to large companies which maintain their share registers within 3 miles of the Registrar's office. The members of most co-operatives reside close to the head office of the company where the share register is maintained, and this concession will enable those companies to effect a considerable saving in administrative costs without causing any undue inconvenience to the public.

Mr. CLAREY.—They are mostly in country districts?

Mr. RYLAH.—Yes.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 161.

Clause 162 was adopted with a verbal amendment.

Clauses 163 to 166 were agreed to.

Clause 167, providing, *inter alia*—

(1) Every auditor of a company shall report to the members as to the accounting and other records (including registers) examined by him and as to every balance-sheet and profit and loss account laid before the company in general meeting during his tenure of office and shall state in the report whether in his opinion the records registers balance-sheet and profit and loss account are properly drawn up or kept in accordance with the provisions of this Act so as to give a true and fair view of the state of the company's affairs.

Mr. RYLAH (Attorney-General).—I move—

That sub-clause (1) be omitted with the view of inserting the following sub-clause:—

"( ) Every auditor of a company shall report to the members as to every balance-sheet and profit and loss account laid before the company in general meeting during his tenure of office and shall state in the report whether, in his opinion—

(*a*) the balance-sheet and profit and loss account are properly drawn up in accordance with the provisions of this Act and so as to give a true and fair view of the state of the company's affairs; and

(*b*) the accounting and other records (including registers) examined by him are properly kept in accordance with the provisions of this Act."

This amendment redrafts the provisions of the sub-clause. The new draft clarifies the duties of the auditor and will simplify the form of report that will be used in a normal case.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 168 to 201.

Clause 202 was adopted with a verbal amendment.

Clauses 203 to 301 were agreed to.

Clause 302 (Frauds by officers).

Mr. CAMPBELL TURNBULL (Brunswick West).—This clause provides that every person who, while an officer of a company which is subsequently ordered to be wound up by the court or which subsequently passes a resolution for voluntary winding up, with intent to defraud creditors of the company has concealed or removed any part of the property of the company since or within two months before the date of any unsatisfied judgment or order for payment of money obtained against the company shall be guilty of an offence.

Persons who embark upon a campaign of misappropriation and fraud almost invariably start earlier than two months before the date of an unsatisfied judgment. In my opinion, it would be more appropriate if the period specified was two years. Many persons who defraud creditors do so for substantial amounts and over a considerable period, and their actions are premeditated. When the companies legislation is next receiving consideration, I trust that action will be taken to have the period mentioned increased to two years.

The clause was agreed to.

Clause 303 (Liability where proper accounts not kept).

Mr. CAMPBELL TURNBULL (Brunswick West).—This clause should also be reconsidered on some future occasion. The impropriety of an officer in not keeping proper accounting books is usually to cover up fraud and misappropriation of funds. In many instances, especially in relation to building companies, to which I have referred previously, hundreds of thousands of pounds are involved, yet the proposed penalty for an offence under this clause is imprisonment for one year or a fine of £200. I believe that, as a rule, justice should be tempered with mercy, but I do not consider that persons who fraudulently obtain large sums of money are entitled to any mercy. In my opinion, the penalty should be five years' imprisonment without the option of a fine.

The clause was agreed to, as were clauses 304 to 347.

Clause 348, providing, *inter alia*—

(5) This section does not apply to or in relation to a foreign company—

(*a*) which is an exempt private company under the law of the United Kingdom relating to companies;

(*b*) which is included in a class of companies incorporated under the law of another State, Territory or country, being a class of companies which the Governor in Council has declared by Order published in the *Government Gazette* to be a class of companies of a kind the same or substantially the same as exempt proprietary companies under this Act;

(*c*) which is included in a class of companies incorporated under the law of another State, Territory or country, being a class of companies which the Governor in Council has declared by Order published in the *Government Gazette* to be a class of companies of a kind the same or substantially the same as proprietary companies, under this Act where no beneficial interest in any share in the company is held, directly or indirectly, otherwise than by a natural person;

Mr. RYLAH (Attorney-General).—I move—

That the following sub-clauses be inserted, to follow sub-clause (5):—

"( ) A foreign company referred to in paragraphs (*a*), (*b*) or (*c*) of sub-section (5) of this section shall, at least once in every calendar year, lodge with the Registrar a return in the prescribed form made up to the date of its annual general meeting.

( ) The return shall be lodged within a period of one month after the date to which it is made up or within such further period as the Registrar, in special circumstances allows."

These amendments are consequential on the insertion of a new clause to follow clause 348, which I shall explain later.

The amendment was agreed to, and the clause, as amended, was adopted.

Clause 349—

(1) A foreign company referred to in paragraph (*a*), (*b*) or (*c*) of sub-section (5) of section three hundred and forty-eight shall, at least once in every calendar year, lodge with the Registrar a return in the prescribed form made up to the date of its annual general meeting.

(2) The return shall be lodged within a period of one month after the date to which it is made up or within such further period as the Registrar, in special circumstances, allows.

Mr. RYLAH (Attorney-General).—I suggest that the Committee vote against this clause, as it is intended that a new clause be inserted in its place.

The clause was negatived.

Clauses 350 to 373 were agreed to.

Clause 374 was adopted with a verbal amendment.

Clauses 375 to 381 were agreed to.

Clause 382 was adopted with a verbal amendment.

Clauses 383 and 384 were agreed to.

Mr. RYLAH (Attorney-General).—I propose the following new clause, to follow clause 348:—

"349. (1) Where, on the registration of a company as a foreign company or on the lodging by a foreign company of a notice under sub-section (2) of section three hundred and forty-seven, the Registrar certifies in writing that he is satisfied that the company has established in the State a share transfer or share registration office but has not otherwise carried on, is not otherwise carrying on and does not propose otherwise to carry on business in the State, the liability to pay such part, if any, of the fee payable under item 18 or 19 of the Second Schedule in respect of the registration or the lodging of the notice as exceeds Five hundred pounds is, by force of this section, suspended until the company commences otherwise to carry on business in the State or fails to comply with sub-section (2) of this section, whichever first occurs, but thereupon the company is liable to pay to the Registrar that part of that fee.

(2) A company shall, so long as a suspension under sub-section (1) of this section of liability to pay a fee in respect of the company continues, lodge with the Registrar in each year at the time when a copy of its balance-sheet or a return under section three hundred and forty-eight is lodged with the Registrar a notice in the prescribed form containing the prescribed particulars with respect to the business being carried on in the State by the company.

(3) Where a foreign company in respect of which the Registrar has issued a certificate under sub-section (1) of this section commences to carry on business in the State otherwise than by reason of establishing or using a share transfer or share registration office, the company shall, within fourteen days after so commencing, lodge with the Registrar notice thereof in the prescribed form."

This amendment which inserts a new clause 349 provides a basis for allowing a concessional registration fee to companies carrying on business in a State merely by establishing a share registry. The amendment proposes that the maximum fee payable in those circumstances will be £500 but that as soon as the company carries on business in any other way it will become liable to pay the full fee. Attention is drawn to the three amendments to the Second Schedule which are complementary to this amendment and have the effect of fixing the fee for registration of a foreign company at one-half the fee payable on registration of a local company. This concession is designed to encourage companies to extend their activities throughout Australia and to assist residents of smaller States which do not have so many share registries operating within their States.

The new clause was agreed to, as was the First Schedule.

Second Schedule, providing, *inter alia*—

18. For the registration of a foreign company—

(*a*) subject to paragraphs (*b*) and (*c*), the same fees as are prescribed in respect of a company registered or incorporated under Part III. of this Act; and

(*b*) subject to paragraph (*c*), where the fees prescribed in paragraph (*a*) are not applicable £100.

19. On lodging by a foreign company of notice of increase in share capital or in the case of a foreign company not having a share capital on the lodging of notice of increase in number of members beyond its registered number—the same fees as are payable on the increase in share capital or on the increase in the number of members of a company incorporated or registered under Part III.

Mr. RYLAH (Attorney-General).—I move—

That, in paragraph (*a*) of clause 18 the words "the same fees as are" be omitted with the view of inserting the words "one-half of the appropriate fee".

This amendment, as are the next two amendments to this schedule, is required to fix the fee for the registration of a foreign company at half of the fee payable by a local company. This

concession is granted so as to assist the residents of the smaller States which do not have as many share registries operating as is the case in the larger States.

The amendment was agreed to.

Mr. RYLAH (Attorney-General).—I move—

That, in paragraph (*b*) of clause 18, the expression "fees prescribed in paragraph (*a*) are" be omitted with the view of inserting the expression "fee prescribed in paragraph (*a*) is".

The amendment was agreed to.

Mr. RYLAH (Attorney-General).—I move—

That, in clause 19, the words "the same fees as are" be omitted with the view of inserting the words, "one half of the prescribed fee".

The amendment was agreed to, and the schedule, as amended, was adopted.

Third Schedule, providing, *inter alia*—

12. To lend and advance money or give credit to any person or company; to guarantee and give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any person or company; and otherwise to assist any person or company.

Mr. RYLAH (Attorney-General).—I move—

That, in clause 12, after the words "by any person or company" the words "to secure or undertake in any way the repayment of moneys lent or advanced to or the liabilities incurred by any person or company;" be inserted.

This is a small amendment to the implied powers of a company which will enable all companies to enter into "third-party mortgages." These are becoming a much more common form of security required by banks and the addition of the words to the Third Schedule will obviate the necessity for amending the memorandum of many companies.

The amendment was agreed to, and the schedule, as amended, was adopted.

Fourth Schedule, providing, *inter alia*—

TABLE A.

3. Subject to the Act, any preference shares may, with the sanction of an ordinary resolution, be issued on the terms that they are, or at the option of the company are liable, to be redeemed on such terms and in such manner as the company before the issue of the shares may by special resolution determine.

. . . . .

TABLE B.

3. Subject to the Act, any preference shares may, with the sanction of an ordinary resolution, be issued on the terms that they are, or at the option of the company are liable, to be redeemed on such terms and in such manner as the company before the issue of the shares may by special resolution determine.

Mr. RYLAH (Attorney-General).—I move—

That, in clause 3 of Table A, the words "on such terms and in such manner as the company before the issue of the shares may by special resolution determine" be omitted.

This amendment omits words which are inconsistent with the provisions of clause 66 of the Bill. The same remarks apply to the following amendment to Table B.

The amendment was agreed to.

Mr. RYLAH (Attorney-General).—I move—

That, in clause 3 of Table B, the words "on such terms and in such manner as the company before the issue of the shares may by special resolution determine" be omitted.

The amendment was agreed to, and the schedule as amended was adopted, as were the Fifth and Sixth Schedules.

Seventh Schedule, providing, *inter alia*—

34. A statement that certificates shall be issued by the trustee or representative to purchasers of or subscribers for units or sub-units of interests purchased or subscribed for pursuant to this statement not more than six months from the date appearing in the statement pursuant to paragraph 1 hereof.

Mr. RYLAH (Attorney-General).—I move—

That clause 34 be omitted with the view of inserting the following:—

"( ) A declaration—

(*a*) that no units or sub-units of interests purchased or subscribed for pursuant to the statement shall be allotted later than six months after the date appearing in the statement pursuant to clause 1 hereof; and

(*b*) unless the conditions of issue of the units or sub-units expressly provide that certificates be not issued that certificates shall be issued by the trustee or representative to purchasers of or subscribers for units or sub-units of interests purchased or subscribed for pursuant to the statement not more than two months after the allotment of the units or sub-units."

This amendment corrects a drafting error. The amendment will require units to be allotted not later than six months after the date of the statement which in the case of unit trusts is equivalent to a prospectus, and will require unit certificates, if they are to be issued, to be issued within two months of the date of allotment.

The amendment was agreed to, and the schedule, as amended, was adopted, as was the Eighth Schedule.

Ninth Schedule, providing, *inter alia*—

1. There shall be shown in respect of the period of accounting—

. . . . . .

(*e*) the amount of interest on the company's debentures and other fixed loans;

. . . . . .

2. There shall be shown as at the end of the period of accounting—

. . . . . .

(*i*) under separate headings—

(i) amounts owing by subsidiaries of the company;

(ii) trade debts and bills receivable (other than amounts owing by subsidiaries of the company);

(iii) the amount outstanding of any loan made guaranteed or secured by the company, being a loan made to a director of the company or of a company which is deemed by virtue of sub-section (5) of section six to be related to the company, or a loan made to another company in which a director of the company owns a controlling interest;

(iv) other debts owing to the company; and

(v) where amounts owing to the company include income accrued but not due, the aggregate amount of such income shown as a separate deduction from the aggregate amounts owing to the company.

Mr. RYLAH (Attorney-General).—I move—

That, in paragraph (*e*) of clause 1, the words "other fixed" be omitted with the view of inserting the words "fixed term".

This drafting amendment clarifies the existing position.

The amendment was agreed to.

Mr. RYLAH (Attorney-General).—I move—

That paragraph (*i*) of sub-clause (1) of clause 2 be omitted with the view of inserting the following:—

"(*i*) under separate headings—

(i) amounts owing by subsidiaries of the company;

(ii) trade debts and bills receivable (other than amounts owing by subsidiaries of the company);

(iii) the amount outstanding of any loan made guaranteed or secured by the company, being a loan made to a director of the company or of a company which is deemed by virtue of sub-section (5) of section six to be related to the company or a loan made to another company in which a director of the company or of a company which is so deemed to be related to the company owns a controlling interest; and

(iv) other debts owing to the company—

and where any amounts or debts shown under such a heading include any sums which consist of or are in the nature of interest, accommodation charges service charges maintenance charges or insurance premiums those sums shall except to the extent that they have become due and payable and have been demanded be shown as a deduction from the amounts or debts shown under that heading."

This amendment redrafts paragraph (*i*) of sub-clause (1) of clause 2 of the Ninth Schedule and amends the Bill in two respects—

first, in sub-paragraph (iii) by ensuring that a loan made to another company in which a

director of the company or of a related company owns a controlling interest is disclosed, and

secondly, by ensuring that interest and similar amounts will be deducted from the total business written if those amounts have not yet been earned.

Mr. CAMPBELL TURNBULL (Brunswick West).—I cannot find the expression to which I wish to refer, but it deals with the very vexed question of works in progress. Most accountants and lawyers are quite unable to understand or appreciate what it means or intends to mean so far as the building industry is concerned. I advocate an addition to the body of the clause to require a detailed statement to be made by a company that is substantially engaged in building showing in respect of each contract the amount of the contract sum yet to be invoiced and an estimate of the cost of building that section of the work. Further, that in each succeeding year a specific statement should be made as to how those works and progress relate. I hope the Attorney-General will give consideration to some special legislation dealing with the building industry, and when he does that he gives consideration to what I have said about works in progress. If he wants to hear some very strong language I suggest that he might get in touch with the accountants and auditors whose job it is to keep the books of building companies and ask them what they think of the expression "works in progress."

The amendment was agreed to, and the schedule, as amended, was adopted.

Tenth Schedule.

Mr. RYLAH (Attorney-General).—There are no further amendments, but I wish to take this opportunity of thanking members of the Opposition, in particular the honorable member for Melbourne and the honorable member for Brunswick West, who have led the discussions for the Opposition, the Leader and members of the Country party, who have taken such an interest in this Bill, and also members of the Government party, who have been so understanding with the problems we have had to face over this long period. I am delighted that this House will agree to the Bill, which I am sure represents a big step forward in company legislation. I wish to pay a tribute to Mr. John Finemore, the Assistant Parliamentary Draftsman, who has worked day and night on this project for a very long period. The sacrifices he has made at home and in many other ways are worthy of special commendation. I also pay tribute to the understanding and assistance of the Ministers and officers of the other States for the work they have done on this project. I am sure that whatever we have achieved in company law must be of benefit to the Federation of Australia.

The schedule was agreed to.

The Bill was reported to the House with amendments, and passed through its remaining stages.

SHEEP OWNERS PROTECTION BILL.

Mr. MEAGHER (Minister without Portfolio).—I move—

That this Bill be now read a second time.

The Sheep Owners Protection Act was enacted in 1935 because of the prevalence at that time of sheep stealing. The thieves usually loaded the stolen sheep into a truck for delivery at night to a distant sale-yard where it was unlikely that the sheep would be recognized. The Act, therefore, provided that no person could carry sheep in a motor vehicle without first obtaining a permit. Provision was made for the issue of travelling sheep permits, special permits for breeders of stud sheep, and for the licensing of skin buyers.

That legislation has been generally successful, but experience has shown the need for some tightening of the provisions. This Bill will re-enact the existing law and make a number of amendments to improve its effectiveness. First, it is proposed that, in the future, the Act will be directly administered

by the Police Department, instead of by the Department of Agriculture. It is considered that the existing field of permit officers is far too wide and that limitation of this field will enable a closer control to be exercised over the issue of permits.

Under the existing law, a permit officer includes every member of the Police Force, every stock inspector and dairy inspector of the Department of Agriculture, every justice of the peace, every councillor of any city, town, borough or shire, every commissioner for taking declarations and affidavits, every male head teacher, every secretary of any agricultural or pastoral society, and every licensed auctioneer. In addition, any reputable person, on the recommendation of his local municipal council, may be appointed by the Minister as a permit officer. The Bill proposes that all members of the Police Force and any reputable person appointed by the Chief Secretary, on the recommendation of the council of the municipality in which he resides, shall be permit officers.

Permits will be of two types—those which will permit the holder to carry sheep by road on a motor vehicle and will remain in force for seven days—these are referred to as ordinary permits; and those which may be issued to a sheep breeder for the movement of stud sheep by road by motor car to or from any railway station, agricultural show or property, and which will remain in force for twelve months. These are referred to as breeders' permits. Permits will be issued—

(*a*) in the case of an ordinary permit, by a permit officer;

(*b*) in the case of a breeder's permit, by the Minister or a person authorized in that behalf.

Every ordinary permit will contain information relating to the description of and the maximum number of sheep to be carried, the registration number of the vehicle to be used for the purpose, and the place from which and to which the sheep will be carried and the route or routes to be used. A breeder's permit will contain information relating to the description of the sheep in respect of which the permit is issued and such other information as is considered desirable. Before any sheep permit is issued, the person issuing the permit must be satisfied that the applicant is the owner of the sheep or has the consent of the owner to carry the sheep by a motor vehicle from place to place. It will be an offence to make false statements in an application, and for the permit officer to wilfully fail to insert relevant information in the permit.

Where a permit has been issued to a person other than a driver of the vehicle which will carry the sheep, it will be necessary for that person to deliver the permit to the driver before the sheep are placed in the vehicle. When the sheep have been loaded on to a motor vehicle and before the journey commences, the driver of the vehicle and the owner of the sheep or his representative must endorse the permit with details relating to the number of sheep loaded on the vehicle, a description of the sheep, his address, and the date on which the endorsement is made, and sign the statement. Provision is also made for the case where a single permit is issued for sheep moved on more than one consignment. Details of each consignment must be endorsed on the permit.

A member of the Police Force may require the driver of the vehicle to produce his permit for the sheep being carried, and failure or refusal to do this will be an offence. Any person who, when requested to do so, refuses to state his name and address, or gives a false name and address, may be apprehended without warrant and brought before a justice to be dealt with according to law.

Under the existing law any driver of a vehicle carrying sheep is required to be in possession of a permit. The Bill retains this requirement but, in addition, has introduced the further procedures already described in relation to the issue of permits, namely, the responsibility for the permit being delivered to the driver for checking prior to loading the sheep and, secondly, the driver's endorsement

of the permit with details of his consignment and his address. Upon arrival at their destination the sheep must not be delivered to any person until that person has received the permit from the driver, and satisfied himself that the sheep on the vehicle and the description in the permit correspond.

Provision is also made for the acceptance of a substitute permit where the sheep have been delivered for sale by auction and the permit has been lost. After delivery of the sheep, the permit must be endorsed by the person taking delivery that he has received the sheep described therein, and the permit must be forwarded to the nearest police station within seven days of the delivery. Where there is no person who has authority to take delivery, the driver may deliver the sheep into a paddock or other enclosure and endorse the permit that the sheep have been delivered, sign the permit, and forward it to the nearest police station within seven days. It will be an offence to forge any permit, or to alter or fraudulently erase any particulars on a permit, the penalty for which will be not more than £100.

In regard to the delivery of sheep at their destination, no person shall deliver sheep until he has delivered the appropriate permit. Secondly, any person taking delivery of sheep shall check the accuracy of the particulars on the permit. At present, the law requires only auctioneers or their employees to do so. Furthermore, the Bill stipulates not only shall the person taking delivery forward the permit to the nearest police station as he is required to do at present, but also that before so forwarding it, he must endorse on the permit that he has taken delivery of the sheep as described in the permit.

The Bill also contains a provision to allow for reciprocity between Victoria and the States of New South Wales and South Australia in the recognition of sheep permits. Reciprocity will be recognized only where the law on this subject in the other State is comparable with that in force in Victoria.

The second part of the Bill deals with sheep skin buyers' licences. The Bill prohibits any person from buying raw sheep skins unless he is a licensed skin dealer, but there will be nothing to prevent any person from purchasing such skins from a licensed dealer, either at his licensed premises or at a sale by auction. An application for a licence to deal in skins may be made in the prescribed form to the Chief Commissioner of Police, who, after being satisfied that the applicant is a fit and proper person and that the premises are suitable for the purpose, shall issue a licence to the applicant upon payment of a fee of £1. A dealer who operates from more than one place of business shall be required to hold a licence in respect of each place of business. A dealer in Melbourne who also has country agencies will need a licence in respect of each agency. A licence shall remain in force until the 31st December of the year of issue, but may be cancelled by the Chief Commissioner if, in his opinion, the holder of the licence has been guilty of an offence against the Act or he is satisfied that the holder is otherwise in any respect unfit to hold a licence or that the premises have ceased to be suitable for the business of skin dealing. It will be an offence for any person to make a false statement in connexion with the application for a licence.

The fact that a person is a licensed skin buyer shall be displayed both at the entrance to the licensed premises and upon the side of any motor vehicles used in the course of his business. Every skin buyer shall keep a true record at his principal place of business in Victoria of all purchases and sales of all sheep skins; such record and the skins in the possession of the dealer may be inspected by a member of the Police Force. Where skins are bought at any place other than the licensed premises, the buyer shall keep a book in the prescribed form giving a true record of the purchases of skins otherwise than at his licensed premises. He shall have the book with him at any time he buys any raw skins and shall immediately after buying the skins enter particulars in the book. It will be an offence for any person to make a false entry in any book of record or to obstruct the police in the exercise of their powers.

The licence-fee has been increased from 5s. to £1. The 5s. fee was fixed in 1935. Another new provision in the Bill is that relating to "travelling" skin buyers, as distinct from those who buy skins at their licensed premises. Every licensed person is at present required to keep a record of purchases and sales at his principal place of business. The Bill requires the "travelling" buyer to carry with him a book in which he shall record all purchases as they are made and make it available for inspection by the police when so required. The book shall be prescribed under the regulations.

The final portion of the Bill relates to offences, proceedings and regulations. Every person who contravenes or fails to comply with any provision of the Act shall be guilty of an offence and unless a specific penalty is provided for that offence the maximum penalty will be £100. The Governor in Council may make regulations—

(*a*) for prescribing forms;
(*b*) prescribing conditions under which substitute permits may be issued;
(*c*) prescribing the record books to be kept and the entries to be made therein;
(*d*) prescribing penalties not exceeding £100; and
(*e*) the usual type of drag net regulatory power.

I commend the Bill to the House.

On the motion of Mr. STONEHAM (Leader of the Opposition), the debate was adjourned until Tuesday, November, 28.

ADJOURNMENT.

STRATHMORE HIGH SCHOOL: FENCING.

Mr. MEAGHER (Minister without Portfolio).—I move—

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

The motion was agreed to.

Mr. MEAGHER (Minister without Portfolio).—I move—

That the House do now adjourn.

Mr. WHEELER (Essendon).—I wish to refer to a matter which is of vital importance to certain people in my electorate. To-day, I received the following letter from the Strathmore High School Parents' and Citizens' Association:—

At a recent meeting of this association the fencing of the school was discussed.

It was considered that the front fencing being constructed of posts and a rail of galvanized water pipe was neither useful nor ornamental.

I have been instructed to convey to you the dissatisfaction of this committee. It is suggested that cyclone wire mesh would at least render the fence more useful.

I have inspected this fence and discussed the matter on a previous occasion with officers of the Public Works Department. Although I received a sympathetic hearing, little was achieved. A new fence is being constructed around the Strathmore High School grounds. The rear portion of the fence which fronts Moonee Ponds creek is being constructed of posts which, when dry, will be approximately 4 inches in diameter and are of mountain ash or messmate. The front fence is being constructed of 3-in. galvanized piping posts and 2½-in. galvanized piping rails, the posts being at 18-ft. centres. No protection is afforded to the school ground, and the fence is no more than a trapeze bar on which students can act the fool. I ask the Minister of Education to take some action to amend the contract so that the fence may be completed in galvanized wire mesh so that it will be in keeping with the surrounding area. The fence which is being constructed is a disgrace and an insult to the school, which is making every attempt to improve its grounds.

Mr. BLOOMFIELD (Minister of Education).—As honorable members are aware, we have been obliged to restrict both the quality and quantity of fences being supplied to schools. The honorable member for Essendon did mention the matter to me previously, but I did not then understand the situation as clearly as I do now. I shall investigate the matter to-morrow and will bear in mind what he has said.

The motion was agreed to.

The House adjourned at 5.17 *p.m. until Tuesday, November* 28.