my box in the Labour party room a letter, on the envelope of which was printed, "If not claimed in 7 days please return to Australian Public Relations Services Pty. Ltd., 117 Collins-street, Melbourne, C.1., Vic." The envelope contained a statement giving this information—

£276,666 for new houses in country.

The Minister of Housing, Mr. Lindsay Thompson, announced to-day that the Housing Commission had accepted tenders for 85 homes in four country towns at a cost of £276,666.

Thirty-seven of the new homes will be at the new Werribee estate, making a total of 137 units for which tenders have been accepted by the Commission in that area.

East Geelong, Thompson Estate: 27 brick veneer houses, £95,244; J. J. Marr and Sons, Glenroy.

Werribee, 'A' Estate: 37 brick veneer houses, £118,858; Orbit (S.A.) Limited, Kilburn, S.A.

Stawell: 4 timber houses, £13,589; Stawell Timber Co., Stawell.

Shepparton: 15 timber houses, £48,975; W. & J. Rhodes, Shepparton.

I should like to know why this information is conveyed to members of Parliament per medium of the Australian Public Relations Services Proprietary Limited. Should not information such as this be conveyed to us by the Minister of Housing, the Housing Commission, or somebody working in their interests? I ask the Chief Secretary to make inquiries, if he does not know the answer now, and to inform the House later of the result.

Mr. RYLAH (Chief Secretary).—I shall make inquiries into the matter raised by the honorable member for Grant. It does not necessarily follow that the information supplied through Australian Public Relations Services Proprietary Limited came from the Housing Commission, but I shall check with the Minister of Housing.

Mr. PETTY (Minister of Public Works).—If the honorable member for Mornington supplies me with details of the matter to which he referred, I shall have inquiries made immediately.

The motion was agreed to.

The House adjourned at 5.9 *p.m. until Tuesday, December* 5.

LEGISLATIVE COUNCIL.

Tuesday, December 5, 1961.

The PRESIDENT **(Sir Gordon McArthur)** took the chair at 4.57 p.m., and read the prayer.

UNIVERSITY OF MELBOURNE.

ALLEGED COMMUNIST ACTIVITIES: REPORT OF SUB-COMMITTEE OF INQUIRY.

The Hon. G. J. NICOL (Monash Province) asked the Minister of Transport—

Has the sub-committee appointed by the Melbourne University Council to inquire into alleged Communist activities at the university yet presented its report; if so, will the Minister make a copy of the report available to this House?

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

The Social Studies Advisory Committee reported to the University Council on 6th November. The chairman of the committee, Mr. Justice Adam, has issued the following statement:—

"The University Council some months ago appointed an Advisory Committee to inquire into statements in *The Bulletin* concerning the Department of Social Studies.

These comments were to the effect that a section of the staff was engaged in Communist activities and carrying into effect a Communist plot in this Department.

The committee was under the chairmanship of Mr. Justice Adam of the Supreme Court of Victoria, who is also a member of the University Council.

After a close investigation and interviews with members of the staff of the Department and others, the committee has reported that there is no evidence whatever of any Communist plot. Although one member of the Department may be somewhat on the left, the committee has found that none of those who sided with him in disputes within the Department was actuated by political or ideological motives.

The trouble has arisen from circumstances in no way related to any Communist activities, and as a domestic affair of the university will be dealt with by appropriate procedures."

Some detailed matters are still under investigation and a further report is to be made to council. Presumably this will be released when council has considered it.

In view of the foregoing statement, and as Parliament is adequately represented on the council of the university, it is not proposed to request that the report be made available, as suggested.

STATE RIVERS AND WATER SUPPLY COMMISSION.

ASSESSMENTS FOR WATER CHARGES IN IRRIGATION DISTRICTS.

The Hon. A. R. MANSELL (North-Western Province) asked the Minister of Transport—

(*a*) Have the assessments been made for water charges in the irrigation districts of Merbein, Red Cliffs, Robinvale, and Nyah?

(*b*) Will the Minister state the proposed charges for these districts for the financial year 1961-62?

(*c*) When will the assessments be posted to the irrigators?

Sir ARTHUR WARNER (Minister of Transport).—The answers are—

(*a*) Yes.

(*b*)

District.	Irrigation Charge.	Drainage Rate.
Merbein ..	70s.	5d.
Nyah ..	60s.	7d.
Red Cliffs ..	70s.	5d.
Robinvale ..	80s.	5d.

(*c*) The assessments were posted to irrigators on 1st December, 1961.

RURAL FINANCE CORPORATION.

FINANCIAL RESULTS: COST OF ADMINISTRATION: STAFF: ADVANCES TO PRIMARY AND SECONDARY INDUSTRIES.

The Hon. R. W. MAY (Gippsland Province) asked the Minister of Transport—

(*a*) Does the Rural Finance Corporation operate at a profit or loss, and what was the result for the financial year 1960-61?

(*b*) What is the annual cost of administration of the Corporation and what staff is employed?

(*c*) What was the amount of advances made by the Corporation during the last financial year to—(i) primary industry; and (ii) secondary industry?

Sir ARTHUR WARNER (Minister of Transport).—The answers are—

(*a*) At a profit. Net profit for the year 1960-61 was £76,853.

(*b*) £57,718 for the year 1960-61, and staff employed numbered 26.

(*c*) (i) Primary industry—£1,301,024.

(ii) Secondary industry—£392,506.

BUSINESS OF THE HOUSE.

SUSPENSION OF SESSIONAL ORDERS: HOURS OF MEETING.

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

That so much of the sessional orders as provides that the hour of meeting of Wednesdays shall be Four o'clock be suspended for the remainder of this year, and that during the remainder of this year the hour of meeting on Wednesdays shall be Two o'clock.

The motion was agreed to.

RACING (OFF-COURSE DOUBLES TOTALIZATORS) 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.

ENTERTAINMENTS TAX (AMENDMENT) BILL.

The debate (adjourned from November 30) 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 amendment of the entertainments tax legislation barely scratches the surface so far as the entertainment industry is concerned. It contains so many anomalies and injustices that the only way the Government can extricate itself from the mess, the unfairness, and the hardship it has woven round the entertainment industry is to abolish the tax completely. I know the cry will once again echo throughout the State: "We can't afford it; where will the money come from to offset tax concessions such as these?" It is the usual cry of Liberal Governments throughout the Commonwealth; it is another example of their grudging giving of concessions over the years. But surely when a Government can see with its own eyes the slow but sure disintegration of many sections of the industry it is time that, instead of the submission of this purely piecemeal measure, something practical was done.

Just by way of comparison I may refer briefly to the dancing section of the entertainment industry. We find

that this section is being treated in a grossly unfair manner. Surely there is nothing that is more alive than the dancing industry. Every aspect of it is alive—the participation of those who enjoy dancing, of those who provide the music, and of those who provide the entertainment for dancers whether at ballrooms, or in halls, or elsewhere.

I should like to quote from a submission made by a group of dance entrepreneurs whose statement contains, I feel, a lot of logic that should be heeded by the Government. The statement begins—

> In common with other sections of the entertainment industry the proprietors of public ballrooms have been hit by the opposition of television.

But I do not think we should blame television for all those sections of the industry which have been hit so badly during the last few years. After all, the forms of entertainments have changed over a period of time. In the early 1900's there were the variety shows; then came musical comedy. Later, there were the silent movies, and after that the "talkies." Later again there came the radio and the next bite at the entertainments cherry came by way of television. But progress cannot be stopped and the blame cannot be put on television. It is up to the Government to help the entertainment industry in a fair and practical way to enable it to function on a fair and practical footing. I do not intend at this juncture to analyse generally the situation under which we may be receiving a large section of canned entertainments from overseas. Television must heed the fact that the local people have provided as much of the talent as possible and in so doing have done a very fair job. We have witnessed improvement every month, but the fact is that real help should be given by the Government to those sections of the entertainment industry that are in dire need.

I continue the quotation from the statement of the group of entrepreneurs:—

> In 1956-57, attendances to dancing and skating establishments totalled about 2,109,000. By 1960-61, this figure was down to 1,717,000—or about 1,829,000 if "adjusted" to the same tax range as that existing in 1956-57. This represents a drop in attendances of about 13 per cent.
>
> This may not seem a large drop when compared with the decline in picture theatre attendances. On the other hand, it is a very substantial drop when compared with "live artist" theatres whose figures for the two years in question are almost identical. Yet "live artist" theatres are now to be completely relieved of tax. It is also a very large drop when one takes into account the small profit margin on which public ballrooms, &c., have always operated, and the fact that the industry has not been able to increase their admission charges in recent years to an extent which would fully recompense them for substantial increases in operating costs (largely in respect of musicians' wages).

Sir ARTHUR WARNER.—Are there any restrictions on the importation of overseas programmes?

The Hon. D. G. ELLIOT.—Only to the extent of the capabilities of the purchasing power of the stations or combines of stations concerned. There is no restriction on the importation of programmes, but there is a restriction now on advertising content. No imported material can be used except as part of an advertisement, and that is a step in the right direction which means that all our advertising programmes are produced in this country. That is a good thing but it does not go far enough. However, that is not the aspect of the industry that I intended to criticize, because I feel that it is standing on its own feet successfully, and it is up to the Government to assist every section of the industry.

The Hon. I. A. SWINBURNE.—The Minister only wants to learn something.

The Hon. D. G. ELLIOT.—He has been out of the entertainment industry for a while. It is only natural that the Minister might have forgotten some things, and it is probable that he chooses to ignore them too. The submission of those entrepreneurs which I have been quoting continues:—

> The drop in attendances has had a very marked effect on the number of public ballrooms in operation in the Melbourne metropolitan area and the number of nights per week on which the remaining ballrooms are now in operation.

At the risk of boring honorable members, I feel that that should be recorded, because it is rather astounding in showing the parlous state of the industry. The statement proceeds:—

The following lists are of interest:—

(*a*) No longer conducting public dances—

Royale Ballroom; Merri Palais; Parish Hall, Yarraville; South Melbourne Town Hall; Footscray Youth Centre; Cathedral Hall; Carnegie Hall; Mentone Hall; Earls Court; R.S.L. Hall, Brunswick; Albion Hall, Brunswick; Maison de Luxe, Elwood; Northcote Town Hall; Williamstown Hall; Brunswick Town Hall; Preston Town Hall; Martini, Moonee Ponds; Progress Hall, West Brunswick.

The Martini, Moonee Ponds, is no longer used as a dance hall. There are also a number of places that are operating for a reduced number of nights per week. Just think of the names of the places included in the report—places where many honorable members have, no doubt, on some occasion "tripped the light fantastic."

(*b*) Reduced number of nights per week—

Leggett's Palladium was open six nights; now two.
Palais de Danse was open three nights; now one.
Ziegfield Palais was open four nights; now two.
Orama Ballroom was open five nights; now three.
St. Kilda Town Hall was open two nights; now one.
Masonic Hall, City was open four nights; now two.

There is a strong case for the complete abolition of entertainments tax on dancing and skating, and in support of this, I urge members to consider the following points that are made by the group whose statement I have been quoting:—

1. Dancing and skating are "audience participation" entertainments, in which the audience itself takes part as an essential ingredient of the entertainment. This fact has long been recognized in the United Kingdom, and no tax was accordingly levied on these forms of entertainment.

2. It seems to us quite anomalous that these "audience participation" entertainments should carry entertainments tax at full rates, while spectators at football matches, &c., only pay tax on reduced rates. In addition, we now have the extraordinary situation where indoor bowling establishments pay no tax at all.

3. One of the reasons given for the reduction last January, and now the abolition of entertainments tax on "live artist" theatre admissions, was that these places gave employment to actors, actresses, musicians, &c. Public ballrooms in Victoria employ far more musicians than all other forms of entertainment combined, and also considerable numbers of singers and other entertainers. One Victorian ballroom organization alone employs 82 musicians, 12 vocalists and other acts—and sometimes a ballet. Dancing is providing more entertainment than "live artist" theatres and should receive equal treatment with such theatres with respect of entertainments tax.

As a result of an inquiry I made, I ascertained from the musicians' union that the number of musicians and entertainers employed in the dancing industry in Victoria is approximately three times that of the whole of the theatres and television stations. Surely, therefore, there would be some merit in classifying dancing as live artist entertainment. The report proceeds—

Public ballrooms are of course largely dependent for their patronage on the "pulling power" of the musicians and artists they employ.

4. Other places employing musicians and paying no entertainments tax are hotels and restaurants conducting dancing. Ballrooms, in many cases, provide the same entertainment (with the exception of the provision of intoxicating liquor) but admissions are taxed while theirs are not.

5. Another anomaly exists in the case where dance bands play in (say) the Melbourne Town Hall at a "jazz festival." Admission to this carries tax at the "live artist" rate because the audience goes there only to listen, shout, stamp, whistle, &c. But if the same dance bands are playing the same music for dancing, full entertainments tax rates are payable. Again, if a dancing championship competition is held in a ballroom and only the competitors dance, no tax is payable—but if the spectators are allowed to join in and dance, tax is levied.

These people are mainly young people who are enjoying a participation pastime which provides major employment in the industry. I quote further—

6. Public ballroom operation is a highly competitive business. This being so, is it fair that the commercial ballroom proprietor should have to collect tax on his patrons' admissions, while his opposition, in a number of cases, operates tax free, thus either undercutting the commercial ballroom proprietor or taking the same admission money without tax deduction.

This situation certainly obtains at the present time and, if there were no taxation an additional two or three musicians could be employed in each instance or extra acts could be presented and this would give an impetus to patronage.

7. The public ballroom and the ice skating palais cater primarily for those who have less to spend on entertainment than those who can pay 20s. to 30s. for theatre seats. It caters mainly for people from sixteen to 30 years old, and performs a social service in providing the means by which they can enjoy a healthy pastime and exercise.

Perhaps I should say this affords an excellent opportunity to promote the boy-meet-girl affair, which is one of the guiding forces in our every-day lives. The report proceeds—

They are thus kept off the streets and juvenile delinquency is reduced. Ballrooms, &c., are properly conducted.

That is so in the vast majority of cases.

The rules governing behaviour are strict (and are strictly enforced)—

they must be, otherwise patronage will fall off—

and no intoxicating liquor is permitted.

As from 1st January, 1962—according to press reports—Victoria will be the only State having a Government pledged to support and encourage private enterprise in which entertainments tax will still be levied on dancing and skating.

One of the inferences to be gathered from this measure is that the Government recognizes, in a very limited fashion, that the addition of entertainments tax to admission charges to live shows was decreasing the patronage of live theatres. The other inference is that "dead" shows, as they are sometimes called in the industry, should be left to "carry the bat." I am referring specifically to picture theatres, horse-racing, boxing, wrestling, and the like. In the case of boxing and wrestling, the State Government has completely ignored the case that has been put to it for even partial relief from the iniquitous and crushing burden of entertainments tax.

Recently, the Lower House amended the legislation pertaining to entertainments tax in Victoria, and we in the Upper House are now considering the relevant measure. It has been proved beyond doubt that the effect of the tax has been to cause patrons of boxing to remain away from all but what might be styled "glamour" matches—in other words, main bout programmes in which boxers of high repute are engaged. We can lay the blame for that partly at the door of television. But there is no doubt —it has been proved by comparisons here and interstate—that entertainments tax has had the effect of loading admission charges and has thus kept people away.

The usual charges for admission to boxing contests in Victoria are 25s., 15s. and 10s., inclusive of tax. Entertainments tax amounts to 2s. 9d. on a 7s. 3d. ticket, which is the lowest price, and 3s. on tickets priced at more than 7s. 6d. That works out at nearly 38 per cent. on a 10s. ticket, 25 per cent. on a 15s. ticket, and 13½ per cent. on a 25s. ticket. I think it will be agreed that this situation is entirely unfair. The inference to be drawn is that the Government has adopted the remarkable concept that the boxing patron who can afford to pay only 10s. to enjoy his favourite sport is expected to pay a percentage nearly three times as high as that which is imposed on patrons who can afford to occupy the dearer seats. That is something we should all think about, because the impact of the tax falls most heavily on the little man.

Some years ago, when the Liberal party was in Opposition, Mr. Bolte was a strong advocate of entertainments tax relief. For proof, I quote the following extract from page 2710 of *Hansard* of 4th December, 1953. In relation to the Entertainments Tax (Amendment) Bill, the honorable gentleman said—

Probably the Treasurer has examined the entertainments tax as it affects racing, but, at this stage, is not prepared to comply with the submissions that were made by some members. The promoters of boxing and wrestling have also contacted the honorable gentleman. I realize that these are professional sports, but it is contended that as they are "live" shows a reduced scale of entertainments tax should apply . . . . I have no desire to delay the passage of this Bill, but again I ask the Premier to re-examine the taxation charges on racing, boxing, wrestling, and other sports which can be claimed to be "live shows."

That was eight years ago. Mr. Bolte, who was then Leader of the Opposition, is now Premier. I may say that in 1953 we did not have the omniscient presence of television. Here in Victoria the predatory hand of entertainments tax presses more heavily on boxing and wrestling than ever before, though in all the other principal States it has been removed. I should like to quote further what Mr. Bolte said on 4th December, 1953, as recorded at page 2710 of *Hansard*—

> I am not advancing a case on behalf of these people, but I am endeavouring to prove to the Treasurer that the gathering of revenue in itself is not everything.

I could not agree more.

> Once concessions are granted to a group, serious problems can arise. Probably it would have been advisable if the Government had adopted the same principle as the Commonwealth Government and abolished completely the entertainments tax.

Dancing and skating should be put on the same level as the live theatre, provided that live musicians are used for the provision of music. That is completely essential, so far as this State is concerned, to revitalize the industry which is definitely in the doldrums. Moreover, thought should be given immediately to the standardization of the Act in keeping with interstate practice. I assure you, Mr. President, that failure to do so will inflict an almost mortal wound on many aspects of the entertainment industry, and that includes motion pictures, which are now meeting intense competition from television. It also includes dancing, skating, and the live theatre—which has already been helped by the Government—and other aspects of entertainment covered by the sporting field which I have already touched upon lightly, such as horse-racing, boxing, and wrestling. What greater justification is there for precipitate action than the following letter which was addressed by Mr. Bolte to Mr. R. Lean, general manager of Stadiums Proprietary Limited, on 1st March, 1954:—

> Dear Mr. Lean,
>
> Your letter of the 23rd February to hand *re* entertainments tax on boxing, and, in reply, I desire to state that my party strenuously opposed the introduction of the entertainments tax on all entertainments. As you are aware, we were defeated on this move and the present Government have seen fit to impose this tax on the Victorian people.
>
> Regarding boxing, I might point out that I understand I was the only member who raised this subject in the House, and I enclose an extract of *Hansard* of the 4th December last for your perusal. (Parliamentary Debates, Victoria, page 2710, 4th December, 1953.)
>
> My party still believes that the complete abolition of the entertainments tax would have been a real contribution to defeat inflation.
>
> Yours sincerely,
>
> (Sgd.) H. E. BOLTE.

How is that for a switch?

The Hon. R. W. MAY.—He has not changed his mind, has he?

The Hon. D. G. ELLIOT.—He certainly has changed it. The Government's attitude is now one of solidarity, and when any suggestion is made for concessions in entertainments tax, the Government wants to know where it will discover alternative means of raising revenue. I once again direct attention to these words which Mr. Bolte uttered in 1953:—

> I am not advancing a case on behalf of these people, but I am endeavouring to prove to the Treasurer that the gathering of revenue in itself is not everything.

If young people are to survive and be given proper entertainment and enjoyment so that they will not, by dint of looking at the "fascinating box" become a race of "vidiots," it is up to the Government to make some positive move in this matter. I hope, in all sincerity, that that will be done.

I commend the Bill to the House in the hope that next session the Government will do something practical for the entertainment industry, which is in a parlous state. The fault can be laid primarily at the door of television, but that is not a logical approach, because television has come into the field and has been successful in providing entertainment for the people in a way that is second to none in the world. But we must give to other sections of the entertainment field a chance to hit back and provide not only payable but profitable entertainment for the young and

not so young people in the community. We support the measure because "little fish are sweet," but we appeal to the Government to do something practical along the lines I have suggested during the next sessional period.

The Hon. A. K. BRADBURY (North-Eastern Province).—This is a Bill to amend the Entertainments Tax Act 1958. As this is a Budget measure, my party must support it, but we wish to state that at some future date we will oppose the imposition of this tax. In our view it is an unjust tax upon a section of the community which gives entertainment for the benefit of the public. When the Commonwealth Government abandoned this field of taxation in 1953, the State decided to enter it. The Government now proposes to give some meagre concessions to certain classes of entertainment but, nevertheless, it intends to continue this unjust tax. It has been stated that the relief to be afforded will cost the State £160,000 for the balance of the current financial year.

Probably picture theatres are the major sufferers from entertainments tax, particularly since they have been confronted with competition from television. The unjustness of the tax is particularly noticeable at border towns, such as Wodonga, Yarrawonga, Cobram, Echuca, Swan Hill and Mildura. No entertainments tax is levied at picture theatres on the New South Wales side of the Murray. The tax places a heavy handicap on Victorian theatres. As Victoria is the last State to remain in this field of taxation, we consider that this legislation should be repealed as early as practicable. Mr. Elliot mentioned dance halls, but in the view of my party if one form of entertainment is exempt, all forms of entertainment should be exempt.

Whilst I subscribe wholeheatedly to the exemption of amateur sport from this tax, I point out that many worthy organizations throughout the State provide wonderful entertainment for the people at athletic carnivals. Professional runners and cyclists may perform at these meetings, but, in the main, the organizations concerned are not running the carnivals for personal profit. They provide entertainment for the public, particularly on holidays, in the viewing of good, clean sport. It is grossly unfair that entertainments tax should be levied on these meetings.

The Bill gives little relief. Under clause 5, entertainments tax on live artist entertainments will be abolished. That should apply also to live participants in sport. I do not see any reason why one section of the community should be given an exemption while another is not. In his second-reading speech, the Minister of Transport said that he was not sure whether the Government should not quit the field of entertainments tax. I am wondering whether that is an indication of the Government's policy or merely the personal view of the Minister. I am sure the House would be interested to know whether this Bill is the last "grab," so to speak, of entertainments tax. My party supports the Bill, but looks forward to the Government vacating this field of taxation next year.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3 (Rates of tax).

The Hon. D. G. ELLIOT (Melbourne Province).—I should like to remind the Minister of Transport that with the advent of provincial television next year, picture theatres in the country will suffer even greater competition than at present. Therefore, it is important that the Government should closely examine the incidence of this tax.

The clause was agreed to.

Clause 4 (Exemption of amateur sport, &c.).

The Hon. A. K. BRADBURY (North-Eastern Province).—Perhaps the Minister of Transport will indicate whether the Government proposes to vacate the field of entertainments tax next year.

Sir ARTHUR WARNER. — As far as clause 4 is concerned?

The Hon. A. K. BRADBURY. — The whole field of entertainments tax.

Sir ARTHUR WARNER (Minister of Transport).—I do not think I said anything in my second-reading speech which would indicate that the Government intended to abolish entertainments tax. I think the general feeling of the Government is that, while the tax should be made as light as possible, the general machinery of taxing entertainment should be maintained. I presume that in broad principle the Government considers that a tax on entertainment is better than taxes which affect productivity or the living standards of the people.

The clause was agreed to, as were the remaining clauses.

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

MOTOR BOATING BILL.

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

That this Bill be now read a second time.

Honorable members are well aware that in recent years pleasure boating, and in particular speed boating, has become a very popular sport. This tendency for people to go to the water for sporting purposes is a feature which is now world wide. Problems have arisen relating to the interference of motor boating with fishing and swimming. In some cases motor boats have proved a danger to people, particularly bathers, and a number of requests have been made to the Government to regulate motor boats and their activities. The object of the Bill is to provide for the registration and control of these boats. Part I. contains definitions of "boat," "motor boat," and other terms. It is intended to control motor boats and speed boats and to exempt where possible yachts, dinghies and boats which are not powered in a dangerous manner. A yacht under sail or any displacement boat cannot exceed a speed calculated by taking the square root of its waterline length multiplied by 1.4. For such a boat to exceed a speed worked out by that formula, it would have to come out of the water. The object of the definitions is to enable the legislation to be framed in such a way as to exempt some boats. It is proposed also to exempt yachts which are normally engaged in Saturday racing. These races will not be regarded as regattas. If they were, it would be necessary to obtain a permit for every child's yacht race and dinghy race that is held.

The Hon. BUCKLEY MACHIN.—I presume that every yacht club has its own standard of safety. It ensures that every yacht leaving its slipway is of high standard.

Sir ARTHUR WARNER.—Yes, and, if anything, the yacht clubs are overcareful. Members of dinghy clubs around the Bay are not permitted to go past the end of a pier unless accompanied by a motor boat. Every person in the crew must be able to swim and must wear a lifebelt.

The Hon. BUCKLEY MACHIN.—They would also be required to have a certain amount of sea know-how?

Sir ARTHUR WARNER.—There are classes conducted to train these boys. So far as yachts engaged in races are concerned, no boat which is considered unsafe is permitted to enter the race. There are other definitions contained in the Bill which relate to the registration of motor boats and so forth. The fees to be paid for registration are set out, and it is provided that the money so obtained shall be paid into the Tourist Fund.

The Hon. BUCKLEY MACHIN.—I think that is wrong.

Sir ARTHUR WARNER.—Mr. Machin will be permitted to explain his point of view in due course. This money will be used to provide slipways and other amenities for motor boat owners. The boats will have to carry a clearly-defined registration number. Where the boats belong to a club which insists on some form of markings, those markings will be recognized. Registration will be carried out by the Transport Regulation Board.

Other clauses in the Bill deal with the types of lifebelts and fire extinguishers to be carried and set out under what circumstances they are necessary. The question of ski-ing also is dealt with and the conditions under which it may take place. It is provided that ski-ing shall not be engaged in between one hour after sunset and one hour before sunrise, that skiers shall not interfere with swimmers, and so on. Penalties are provided for careless and reckless driving of motor boats, and I think they are justified because some of these boats can travel very fast and could cut off the head of a man who was swimming in the water. Provision is made for the imposition of fines, and for the amounts obtained therefrom to be paid into the Tourist Fund.

During the Committee stage I shall move one or two amendments to the Bill. The definition of "boat" is so wide that it would include every rowing boat, which would mean that rowing boats and such craft would have to carry lifebelts and other items and there would barely be room in the boat for the crew. I shall move an amendment to cover that aspect. Another amendment will relate to the definition of horse-power so far as motor boats are concerned.

The Hon. BUCKLEY MACHIN.—Would the horse-power of an engine which could safely be used vary with the type of boat?

Sir ARTHUR WARNER.—Yes. There will be regulations by which certain boats can be exempted. The proposal is to include all boats and then to exempt rowing boats, dinghies, low-powered boats which are used for fishing and so on. They have not been dangerous in the past 100 years and probably will not be dangerous in the future. The objective of the Bill is to take care of dangerous boating, particularly boating which is dangerous to third parties.

The Hon. BUCKLEY MACHIN.—No third-party insurance is provided for.

Sir ARTHUR WARNER.—A recommendation has been placed before the Government that this type of action should be covered by third-party insurance and that it should be compulsory, but there are some problems connected with the definition of third-party insurance. If Mr. Machin cares to examine the Motor Car Act, he will find that it contains 32 sections relating to third-party risks, and if the dangers of boating and drowning are added, many more complications will be met. The Government will examine the position, but it is not appropriate at this late stage in the session to introduce amendments in that regard.

The Hon. BUCKLEY MACHIN. — Does the Minister consider that a person should take out a comprehensive insurance policy before his boat is registered?

Sir ARTHUR WARNER.—In the case of high-powered motor boats, I think some knowledge of the rules of the road of the sea might well be prescribed as a condition as to the issue of a licence.

The Hon. W. O. FULTON.—Are there any records relating to accidents in these boats?

Sir ARTHUR WARNER.—I am inclined to think that the majority of accidents have occurred not with heavy-powered and large motor boats of the displacement type but with planing boats which skip across the water. They have high-powered engines which are out of comparison with their length and weight. They create a disturbance in the water which is dangerous to other craft and the speed at which they travel is dangerous to anybody they may hit. For a boat of the displacement type to travel at 10 knots it would have to be 50 feet in length, and usually these boats are not of the type used to run around the Bay.

The Hon. W. O. FULTON.—My inquiry was as to whether there are records of these accidents.

Sir ARTHUR WARNER. — If there are any, I have not seen them. I commend the Bill to the House.

On the motion of the Hon. BUCKLEY MACHIN (Melbourne West Province), the debate was adjourned until next day.

LIMITATION OF ACTIONS (RECOVERY OF IMPOSTS) BILL.

The Hon. L. H. S. THOMPSON (Minister of Housing).—I move—

That this Bill be now read a second time.

The object of this measure is to protect the finances of the State and indirectly the whole economy of the State from the consequences of attacks made on the constitutional validity of various State taxes and imposts. It has become something of a common practice in recent years for attacks to be made on the validity of licensing fees and permit fees under the transport Act, road taxes, motor registration fees under the Motor Car Act, and licensing fees under the Licensing Act, and possibly the stamps tax legislation may not be completely free from similar attacks.

It is not quite clear how far-reaching and how serious these attacks could be on the finances of the State in the future. There was, I understand, a belief that moneys paid in the form of State taxes were not recoverable because they were paid voluntarily or because of a mistake in law. However, the judgment of the High Court in the case of *Mason* v. *the State of New South Wales* altered this concept and made it clear that if the tax had to be paid in order for someone to stay in a particular line of business or if penal consequences could result from non-payment, then that was tantamount to paying the tax under protest and the person concerned had a right of recovery. Moreover, it is not absolutely clear how far back someone might succeed in having a refund made. It was generally thought that a six-year limit applied. There is a six-year limit under the law of contract and a three-year limit under the law of tort. Apparently a new concept of unjust enrichment has been developed and this could well be applied to enable a successful litigant to claim repayment for a longer period than six years.

The Hon. SAMUEL MERRIFIELD.—Does the Minister mean that section 92 of the Commonwealth Constitution could overcome the Statute of Limitations?

The Hon. L. H. S. THOMPSON.—Not necessarily section 92 in this case. I do not think this has ever been conclusively tested, but it is a further danger which has caused the Government to consider the wisdom of bringing in this Bill.

The Hon. I. A. SWINBURNE.—The Government got a fright in the other case.

The Hon. L. H. S. THOMPSON.—That is true. In the Dennis Hotels case a sum of £6,400,000 was mentioned in the writ handled by the Solicitor-General. One can imagine the consequences for the Treasury, for Parliament, for the Government, and for the people of Victoria if such an action were completely successful. As to the moral justification of a claim, there are extreme doubts. It is fair to say that money paid in the form of licensing fees was paid in the course of business and was handed on to the consumer, whereas if the litigant named had been successful in winning back the sum mentioned, or if any other litigant had been successful in a similar way, there would be little likelihood of the money being passed back to the consumer. It is considered that there is moral justification for the State moving to protect its finances.

The Hon. SAMUEL MERRIFIELD.—The moral case that you present is a peculiar argument. It could be applied to hundreds of breaches of the law.

The Hon. L. H. S. THOMPSON.—It could, but it is more serious where sums of money aggregating millions of pounds are involved. The Government has not taken this action lightly, but has acted only after due consideration of the course of events that could develop. Consider, for example, the possibility of a change in method of interpretation adopted by the High Court of Australia. The High Court does not lightly change from one method of interpretation to another, but it has done so. In the railway servants case and in the Whybrow case, which occurred during the first twenty years of Federation, a policy of mutual non-interference with the powers of either

the State or the Commonwealth was adopted, but the principle was completely reversed in the engineers case in 1920 and the Cowburn case in 1926.

The Hon. SAMUEL MERRIFIELD.—Does that mean that the seriousness of the consequences is justification for evading the decision of a higher court?

The Hon. L. H. S. THOMPSON.—In the light of the best evidence available, the Government is making provision for what may develop in the future. The Bill has been examined by the Statute Law Revision Committee, and the clauses follow closely, if not completely, the recommendations of that body, on which all parties in this House are represented.

There is always the possibility of the Privy Council reversing a decision of the High Court of Australia as virtually happened in the Hughes and Vale case of 1955, which threw the legislatures of Australia into a degree of confusion. With all these possibilities, any Government that sat back and took no action would deserve what was coming to it. Our Government realized that it was breaking into a new field, and it did not do so without weighty consideration of the consequences and without consulting the best legal authorities available.

Clause 2 is a short and simple clause, which proposes the insertion of a new section to follow section 20 of the principal Act. I believe it means what it says, that no action shall be brought against the Crown for the refund of taxes paid after the expiration of twelve months from the date of payment. The clause makes it clear that where an Act contains a statutory procedure for the recovery of taxes, fines, or charges, which might have been unjustly levied, that procedure will not be interfered with.

The Hon. I. A. SWINBURNE.—Will the application of the proposed new section be limited to one or two things?

The Hon. L. H. S. THOMPSON.—The Probate Act, the Land Tax Act and the Stamps Act, to name three which come to mind, contain provisions setting out the procedure to be adopted by persons who challenge the validity or the amount of an assessment made against them.

The question also arises as to what degree, if any, this proposed legislation is to be retrospective. It is clear that there are no retrospective provisions in the Bill itself. It may be asked: If an action is started to-morrow, can it be limited to a claim for taxes paid during the last twelve months? There is some doubt about that point in view of decisions made in two recent cases, namely, *Antill Ranger and Company Proprietary Limited* v. *Commissioner of Motor Transport for New South Wales* and *Barton* v. *Commissioner of Road Transport.*

In both cases it was held that a State Act could not operate to interfere with a man's legal right as preserved by section 92 of the Commonwealth Constitution. It could well be that this Bill could not be used to protect a refund of taxes paid more than twelve months before the claim. In other words, it may operate only for the future, but that will have to be decided in the courts of law. The doubt that rests on this point stems from the fact that the two decisions to which I have referred were largely based on the provisions of section 92 of the Constitution, but if a constitutional case which did not invoke section 92 arose, a different decision might be made.

The provisions of the Bill are clear. The clauses have been approved by the Statute Law Revision Committee and, on behalf of the Government, I thank the committee for bringing down yet another comprehensive, clear, and analytical report. I believe that the passing of the Bill is necessary in order to protect the finances of the State; at the same time, the interests of the citizens are safeguarded.

On the motion of the Hon. ARCHIBALD TODD (Melbourne West Province), the debate was adjourned until next day.

MINES (ALUMINIUM AGREEMENT) BILL.

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

That this Bill be now read a second time.

The purpose of the Bill is to ratify, validate, approve and otherwise give effect to an agreement between the Minister of Mines and Alcoa of Australia Proprietary Limited. The greater part of the measure consists of a schedule, which contains details of the agreement. Issued to honorable members with copies of the Bill is a fairly detailed analysis of the agreement, an explanation of the clauses, and a map of the area concerned.

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.

The company known as Alcoa of Australia Proprietary Limited 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. The new company proposes to establish works in Western Australia and Victoria. In Western Australia, the company will mine bauxite by open-cut methods in the Darling Ranges. The company proposes to expend a capital sum of the order of £11,000,000 on those works in Western Australia and a sum of £33,000,000 in the Geelong district. A smelter will be established at Point Henry and coal will be mined in the Anglesea area.

This month the company expects to begin the building of its treatment works to be established at Point Henry. It is realized that its demands for fuel will be very extensive, and to ensure its requirements in this respect one of the items in the agreement between the Government and the company provides that the company shall have the right to mine brown coal in the Anglesea area, and, subject to the rights of the Forests Commission to take off certain trees and the like. The company, which already has mining leases or options covering approximately 30,000 acres, will, on the ratification of this agreement, surrender that area and take up in lieu thereof two other areas totalling approximately 18,000 acres. Over that area the company will have the sole right to mine brown coal, the deposits of which, it is estimated, amount to 400,000,000 tons. Approximately 1,000,000 tons of brown coal will be extracted each year by the open-cut method. Of that quantity, some 700,000 tons will be used in the 100-megawatt power station to be constructed to generate electricity for the company's works.

The Hon. BUCKLEY MACHIN.—Will the company be able to sell any excess power produced?

The Hon. R. W. MACK.—I speak subject to correction on this, but I understand that it will be able to sell excess power only by arrangement with the State Electricity Commission. It is anticipated that approximately 600 men will be engaged in the aluminium manufacturing section and 100 in open-cut coal mining. The product of the works will be used primarily for the purposes of Australia's requirements, but it is hoped and anticipated that the company will be able to export aluminium in its various forms after it has been treated in the company's works.

The Anglesea coal deposits are somewhat different from those in the Latrobe Valley, as they run in seams. The seams vary in depth from 72 feet to as little as 15 feet. In between these seams there are substantial layers of overburden, so just how deep the company

will mine coal is hard to say at this stage. I imagine that use will be made of the top seams all over the area before extra cost is involved in extending into the lower seams.

The agreement provides for payment of royalties to the Government, and these matters are all clearly set out. I should inform the House that, although the State has given the company exclusive rights to a very large area of brown coal, the deposits in the Anglesea area represent little more than 1 per cent. of the brown coal resources controlled by the State Electricity Commission. Members realize, of course, that the gigantic operations of the Commission must be secured for the future, and they can be assured that the coal that is involved in this Bill and agreement is really nothing compared with the deposits of coal available to the Commission.

The Hon. SAMUEL MERRIFIELD.—From where will the company obtain water for the raising of steam and the cooling of its products?

The Hon. R. W. MACK.—There is reference in the agreement to the use of sea water and for its return to the sea after it has been used.

The Hon. J. M. TRIPOVICH.—You have stated that the Anglesea deposits represent only 1 per cent. of the Victorian total. What percentage of the brown coal available in the western part of Victoria do the Anglesea deposits represent?

The Hon. R. W. MACK.—I am not able to give Mr. Tripovich that information as the information has not been furnished by the Minister of Mines. As the honorable member is well aware, there are brown coal deposits at Bacchus Marsh and at Gelliondale.

There are two types of land tenure provided for under the agreement. The leased area comprises 10,865 acres and the reserve area 7,500 acres. Both of these areas can be used by the company in the course of its development, and are considered to be reasonable and appropriate for such a highly capitalized basic heavy industry.

The Bill itself is a relatively short one. The first three clauses 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 forests within the area in which the company will operate. Such timber as exists on the area has little actual or prospective commercial value, but clause 6 preserves the right of the Crown to any timber which it desires to remove. Clause 5 is intended to bring the present forest area 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.

The Hon. BUCKLEY MACHIN.—Am I to understand that the mineral rights given to the company will cover oil rights?

The Hon R. W. MACK.—I am not aware of how the lease affects oil rights. However, the company has already acquired rights over an area of approximately 38,000 acres. It will surrender those leases and will not continue with any lease application on the coming into effect of this agreement which provides for a firm right over 10,865 acres in the leased area and 7,500 acres in the reserved area, a total of approximately 18,000 acres.

The Hon. W. O. FULTON.—It has complete title to all minerals in that area?

The Hon. R. W. MACK.—I do not want to mislead honorable members on this point. The right to minerals in the area relates to the mining of brown coal and nothing else. Clause 7 gives statutory effect to certain provisions of the agreement which cannot be implemented without legislative authority. The agreement is a fairly lengthy document, and I do not propose to go into details regarding it. It is beyond the power of this House to amend the agreement at this stage. The notes circulated covering the agreement are very complete. I consider that the arrangement provided for will not only be the means of ensuring additional employment but also provide the State with a very

valuable aluminium industry. There will be a large expenditure of capital both for the building of treatment plants and for the open-cut mining of coal, as well as for the establishment of a power house. The State is fortunate to have facilities at its disposal to attract an industry of this nature.

The Hon. I. A. SWINBURNE.—Could you explain the map which accompanies the notes on the agreement?

The Hon. R. W. MACK.—The area outlined in green at the top is the State forest area and there is another similar area at the right-hand side of the map. The small purple coloured piece, I take it, is the 36 acres referred to throughout the agreement. The piece outlined in red covers Jan Juc and Angahook, the 10,865 acres of leased land. The area outlined in blue shows the 7,500 acres of reserve land.

The Hon. W. O. FULTON.—You referred to the fact that the State was fortunate in being able to attract this industry here. Do you not also acknowledge that the company is getting a very good deal from the State?

The Hon. R. W. MACK.—This company has probably been attracted to Victoria because it has been able to enter into a reasonable agreement to ensure supplies of a raw material as important as brown coal. We have been fortunate in that we are able to offer these facilities. I agree that the transaction is not one-sided.

The Hon. W. O. FULTON.—The State is fortunate that the brown coal is available to offer?

The Hon. R. W. MACK.—Exactly.

On the motion of the Hon. BUCKLEY MACHIN (Melbourne West Province), the debate was adjourned until next day.

MARINE (AMENDMENT) BILL.

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

That this Bill be now read a second time.

Various Governments over the past few years have intended to amend this legislation on many occasions, but on each occasion they have become bogged down by a tremendous mass of detail. This is a complicated Bill, and its introduction is largely due to the fact that since the legislation was first enacted a number of variations in the constitutional powers of the State have occurred. The existing Marine Act had its beginning in pre-Federation days when the State Government controlled all shipping visiting Victoria. However, with Federation, powers over overseas and interstate vessels were assumed largely by the Commonwealth. The Government has prepared this Bill with the object of clarifying the Marine Act and of removing from it those matters in which the State has no authority.

The Hon. D. G. ELLIOT.—It is removing the barnacles.

Sir ARTHUR WARNER.—That is a good way of expressing it. In future, when a person reads the Marine Act, he will be examining an Act which has application to Victoria. I recall some years ago examining this Act to ascertain what had to be done by a person to qualify for a second-mate's ticket. I discovered that I had to consult the Commonwealth Act. The purpose of the Bill, therefore, is to eliminate references to powers that the State does not now possess. In repealing those parts of the Act relating to matters over which the State has no jurisdiction, it is necessary to apply other provisions to return to the legislation those matters over which the State does have legislative power.

Over the years the whole set-up of the marine activities of Victoria has changed. For example, the number of interstate vessels trading round the coast has greatly diminished, due partly to disputes on the waterfront between the owners of ships and the workers on the marine side, and partly to the speeding up of trains, and to road transport. The quantity of cargo carried interstate by ship is very small. It is, therefore, proposed to alter the representation of ship owners on the Marine Board and to change the method of appointing the Board. References to the Collector of Customs will be eliminated, because he is no longer a State officer. As the

Portland Harbor Trust Act vests the port of Portland in the commissioners, it is desirable that an exemption from the Marine Act should apply to Portland in the same way as it applies to Melbourne and Geelong.

Part II. of the Act, which deals with port and wharfage regulations, is being amended to provide definite power to make charges for the use of mooring sites and other facilities. Yachts and motor boats are becoming increasingly popular, and it is necessary to strengthen legislation so that the Marine Board may stipulate charges for the use of mooring sites, and so on. It is also proposed to simplify the procedure to be followed in regard to unclaimed goods left on wharves and the removal of wrecks.

Another amendment will increase the maximum limit of the levy which may be charged on goods landed in Victoria from a ceiling of 5s. a ton to 10s. a ton. This proposed charge will be in line with similar charges levied under harbor trust legislation. While there are at present few cases where charges are leviable, expansion of State ports could result in increased importation, and the Bill therefore provides for an increased ceiling. It also stipulates that in cases where the cost of collecting wharfage rates will exceed the amounts collected, the Minister may direct that such collection be not made.

Part III. of the Act deals with the Marine Board. It is intended to alter the membership of the Board by eliminating representatives of Victorian registered shipping, which has declined in volume, and replacing them with representatives of the Australasian Steamship Owners' Federation and a combined representative from the Oversea Shipping Representatives' Association and the tanker interests. In view of the fact that the major function of the Marine Board is the control of pilotage, such action is appropriate to provide representation for the interests which pay the bulk of the pilotage. A minor responsibility of the Board at present is the control of hire vessels, but this is limited to port waters only, and it is proposed to extend the Board's authority to all inland and coastal waters. There have been some arguments as to who controls the ferry between Cowes and Stony Point. This matter has posed quite a few problems, because there is really no authority to handle the matter, although it comes under the jurisdiction of the Transport Regulation Board.

The Hon. W. O. FULTON.—Has there been much trouble up to now?

Sir ARTHUR WARNER.—None that I have not been able to handle. Part IV. of the Act deals with certificates of master, mate and engineer, and it is proposed to amend this Part to provide only for cases in which the State has jurisdiction. Part VI. of the Act dealing with the safety and prevention of accidents, is being amended also to apply to State jurisdiction. Part VII. of the Act is being amended to deal with investigations, inquiries into casualites, incompetency and misconduct and is being brought into line with a similar Part of the Navigation Acts. The major changes are that the Court of Marine Inquiry will consist of magistrates assisted by skilled assessors, instead of the present arrangement under which the skilled members form part of the court. Provision is also made for rights of appeal from court decisions.

The Hon. W. O. FULTON.—This Bill does not challenge the Commonwealth in any way, does it?

Sir ARTHUR WARNER.—Unfortunately it does not. Part VIII. of the Act, which deals with a subject not within the State's jurisdiction, is to be repealed. Part IX. of the Act, dealing with miscellaneous matters, is being amended so that out-of-date sections will be repealed. The Bill also provides for an extension of the control of the Marine Board over hire vessels to all Victorian coastal and inland waters instead of only port waters as at present. In view of the development of inland waters, such as the Eildon weir, it is necessary that the Marine Board should have control over hire vessels. This control is also necessary having regard to the increase in the number of fishing boats and motor

boats. The State is really taking over control of motor boats and giving up the jurisdiction over larger vessels. The second-reading notes which have been circulated provide information as to the details of proposed amendments, which can be more properly dealt with in Committee. Having explained the general purport of the Bill, I commend it to the House.

On the motion of the Hon. ARCHIBALD TODD (Melbourne West Province), the debate was adjourned until next day.

EXHIBITION (BORROWING POWERS) 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. M. WALTON (Melbourne North Province).—This Bill proposes to amend the Exhibition Act in order to allow the trustees of the Exhibition Building to increase their borrowing powers from £50,000 to £350,000. This measure has been made necessary because it is desired to extend, renovate and repair the existing building, particularly that section which until recently was occupied by the Country Roads Board. The Exhibition Building is a very old structure of great historic importance in the City of Melbourne, and therefore it behoves Parliament to maintain it in as good a state of repair as possible. It is proposed that an international fair will be held in the Exhibition Building in 1963, and I understand that this fair will be repeated at intervals of three years. Naturally, the City of Melbourne is desirous that on auspicious occasions the building should be presented in as favourable a light as possible.

The Exhibition Building has a long and colourful history. Many honorable members will recall the most recent historical events which took place there —the reception to Her Majesty the Queen, and later the reception to Princess Alexandra. Until 1927 the State Parliament met in that building, and there is still evidence of the original retaining wall upon which at one time was erected an iron fence. Members of my party raise no opposition to the passage of this measure and take the opportunity of congratulating the trustees who, with the meagre sums available to them, have carried out their duties so admirably in the past.

The Hon. A. R. MANSELL (North-Western Province).—As stated by Mr. Walton, this is a small, but important measure, which relates to a building which is playing a vital part in the life of the community. I do not know how I came into possession of the document, but I have in my hand a report of the trustees of the Exhibition Building which was furnished to the then Premier on 24th April, 1882. The following extracts from the report may be interesting to honorable members:—

> Possession was given to the trustees on 1st October, 1881, by the commissioners and the building and grounds appeared to be in good order, as was also the furniture and movable property of which an inventory was taken by an officer of the Public Works Department, and a valuation made, which amounted to a little over £4,000.
>
> The annexes to the north of the main building having been sold to the Railway Department by the commissioners, and that Department having claimed and removed the drainage pipes which were in the ground under the annexes, it has been necessary for the trustees to make other provision for the drainage of the northern portion of the building.

Even in those days, the Railway Department showed its keenness from the financial point of view by pulling up drain pipes and selling them. The report proceeds—

> In consequence also of a spreading of the principals supporting the roof, a contract has been let for the fixing of iron tie rods to each pair of principals to secure the roof permanently. The building has been let on several occasions for entertainments, and, as will be seen by the financial statement hereto appended, the revenue derived from this source has more than met the working expenses.
>
> The large attendance of visitors at the different entertainments show that the Exhibition Building is highly appreciated by the public as a place of resort.

In the balance-sheet, which is included in the report, the receipts from 1st October, 1881, to 31st March, 1882, were

as follows:—Advances from Treasury, £250; admissions, £60 15s. 6d.; rents for hire of buildings, £360; charges for use of organ, £25; and miscellaneous, £25 7s. 6d., making a total of £721 3s. The expenditure during the same period was —salaries and wages, £342 0s. 6d.; insurance, £90 15s. 4d.; petty cash, £4; charges on fruit models, £6 4s. 2d.; and sundries, £19 4s. 9d., leaving a balance of £258 18s. 3d. Other parts of the report, particularly the section which I shall now quote, will, I am sure, prove interesting to Mr. Walters and other honorable members—

The next portion of the buildings to be dealt with is the cellars. If these were made into bonded stores, and subject to all the regulations and restrictions of bonded stores, I see no objection whatever to their being utilized in precisely the same way for wines, spirits, beer, &c. Objection might be taken that this would establish unfair competition with the bonded warehouses already in existence; but this could be met by the rent to be charged, which would be of such an amount as to equalize matters in this respect, leaving only supervision, accommodation, position, extent, and breadth of choice to determine the vigneron or merchant in his selection. As the cellars are sufficiently spacious to admit of the reception of wines, spirits, beer, &c., in large quantities, and from many exhibitors, provision would of course have to be made for reception, storage, and delivery of the goods. This could be accomplished without any inconvenience at certain stated hours in the morning, leaving the time when the Exhibition is open during the day altogether free in that respect. A further objection might be taken, that the loading and unloading of casks, cases, &c., might be distasteful to the residents in the neighborhood of the cellars. This, however, could be obviated by having everything of this nature done under cover, and at a convenient place close to the cellars, on the western side of the building.

Should, however, these various objections prevail, at least the cellars could be placed on the same footing with the agricultural produce and machinery annexe, and samples only be allowed. Under such regulations, every vigneron and wine, spirit, or beer merchant in the colony would find ample space to exhibit samples, and the visitor could be supplied according to samples from the ordinary place of business whether of the vigneron or the merchant.

The report contains other interesting information from which it would appear that the Exhibition Building was set up for a specific purpose and that, over the years, the trustees have carried out that purpose, not only educating the public by means of the exhibition of produce and merchandise, but also by educating the public from the technical and general points of view.

The Hon. W. O. FULTON.—Bike races and foot running were also conducted at the Exhibition at one time.

The Hon. A. R. MANSELL.—That is so; those events were organized somewhat later than the period to which I am referring. The Exhibition Building has served the purpose for which it was recommended in 1881, and the work that has been done is a credit to the trustees over the years. The Country party has no objection to the proposed increase in the borrowing powers of the Exhibition trustees. If the additional money is required to make extensions, to improve the building, and to provide service for the people, my party supports the Bill.

The motion was agreed to.

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

The sitting was suspended at 6.57 *p.m. until* 9.3 *p.m.*

MILK AND DAIRY SUPERVISION (AMENDMENT) BILL.

This Bill was returned from the Assembly with a message relating to an amendment.

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

That the amendment be agreed to.

The Assembly amended the Bill by inserting the following new clause, to follow clause 4:—

AA. In section eighty-three of the principal Act for the words "butter or cheese" there shall be substituted the words "dairy produce."

Over the years, it has been the practice, under the regulations, for milk and butterfat to be paid for at the butterfat rate, and that was thought to be quite proper. The position has now arisen that milk and butterfat which has been purchased for purposes other than the manufacture of butter or cheese

is being paid for at a lower rate, and, on the recommendation of the Law Department, it has been considered desirable to substitute the term "dairy produce" for the term "butter or cheese." The Government believes this amendment to be a very proper one, which will overcome the difficulty that has arisen.

The Hon. I. A. SWINBURNE.—The object of the amendment is to bring about uniformity?

The Hon. G. L. CHANDLER.—Yes.

The motion was agreed to.

RURAL FINANCE AND SETTLEMENT COMMISSION BILL.

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

That this Bill be now read a second time.

It must be obvious to all honorable members that the work of the Soldier Settlement Commission, in so far as it concerns the placing of soldiers on the land, is coming to a conclusion. It is equally obvious that within the Soldier Settlement Commission there are a number of officers who are experienced in land settlement, irrespective of whether it be the settlement of soldiers or of private individuals. In view of the fact that the only task left to those officers is the making of final arrangements under which former servicemen will take over their land, the Commission could become a dwindling body and the State could lose the services of a number of persons qualified in this type of work. However, there is in existence another organization known as the Rural Finance Corporation, the proposal to establish which I propounded many years ago.

The Hon. P. T. BYRNES.—The Corporation was established by the Hollway Government.

Sir ARTHUR WARNER.—The proposal came out of Cabinet, and at that time I was a member of Cabinet. I was the person who thought up the idea. The functions of the Rural Finance Corporation are associated with land settlement and the advancing of money to settlers and primary industries. Curiously enough, a question was asked in this House earlier to-day concerning the amount of money advanced by the Corporation which had in fact been devoted to the financing of secondary industries in the country as compared with the sum made available to assist primary industry. I believe it was shown in the answer to that question that three-quarters of the money advanced by the Rural Finance Corporation had, in fact, been used to assist primary enterprise.

The Hon. A. K. BRADBURY.—The Rural Finance Corporation has done a mighty job with the funds available to it.

Sir ARTHUR WARNER.—That is so. I think the establishment of the Corporation was a very good idea, despite the fact that the proposal was virtually mine.

The Hon. D. J. WALTERS.—You are the third person to claim authorship of the proposal to establish the Corporation.

Sir ARTHUR WARNER.—Mr. Byrnes was a member of Cabinet at the time when the Corporation was established, and I think he will agree that the proposal was first advanced by me.

The Hon. P. T. BYRNES.—I did all the hard work and you got all the information together. I am used to doing the hard work and getting none of the credit.

Sir ARTHUR WARNER.—As a result of my conception and the hard work done by Mr. Byrnes, the "child" seems to have been highly satisfactory. It is now proposed to amalgamate the Rural Finance Corporation with the Soldier Settlement Commission. The intention is to appoint a "super parent" to take charge of the Soldier Settlement Commission and this child of doubtful parentage. The name of the new body will be the Rural Finance and Settlement Commission. A number of duties of the Soldier Settlement Commission will remain in relation to 6,000 ex-servicemen who have already been settled and another 3,000 who have been granted land under various terms and

conditions, including some 2,000 who have been given tenures which might be described as purchase leases. All of these liabilities must be settled or terminated, and the experience of the Soldier Settlement Commission and the Rural Finance Corporation will be available to the new organization.

The Hon. P. V. FELTHAM.—Is it intended that the Government will grant additional money to the new Commission?

Sir ARTHUR WARNER.—I believe that as some of our loan money problems are overcome in relation to education and other urgent matters, additional funds will be available for other purposes.

The Hon. I. A. SWINBURNE.—Do you hope that the present Government will still be in office when that time comes?

Sir ARTHUR WARNER.—I hope and expect it will be. I think it is obvious that, as the State progresses, loan funds will be available for other developments. I would include the greater settlement of our land in that category, and perhaps the construction of an underground railway for the City of Melbourne, if the Country party will permit it. I feel that within the organization of the Rural Finance Corporation there should be the kernel of facilities to provide finance needed as a major factor in long-term settlement of men on the land by way of either soldier or civilian settlement. I am sure Mr. Byrnes will agree that we should not lose, by a sort of disintegration, the services of people experienced in soldier settlement, but that their efforts should be diverted to the settlement of civilians. Obviously, since no finance is available for other than soldier settlement under the Commonwealth arrangement, the State must find means of linking further land settlement to the activities of the Rural Finance Corporation. Equally obviously, an organization must be created in order to bridge this gap between soldier settlement and general land settlement. This Bill also deals with certain matters which affect personalities. A number of members of the respective Commissions are reaching retiring age, and ultimately it is intended to appoint an over-all body which will continue land settlement in Victoria.

The Hon. W. O. FULTON.—How many members of each Commission are due to retire?

Sir ARTHUR WARNER.—It appears that within the next year five of the six members of the two Commissions are due to retire. I commend the Bill to the House.

On the motion of the Hon. SAMUEL MERRIFIELD (Doutta Galla Province), the debate was adjourned until next day.

WATER AND SEWERAGE AUTHORITIES (PROCEEDINGS AND FINANCES) BILL.

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

That this Bill be now read a second time.

The purpose of the Bill is to amend a number of waterworks and sewerage Acts, including the Geelong Waterworks and Sewerage Act, the Latrobe Valley Act, the Mildura Irrigation and Water Trust Act, the River Improvement Act, the Sewerage District Act, and the Water Act. Various amendments are required in the majority of these Acts to bring relevant provisions into line with improved procedures which have been provided in the Water Act. It is expected that the result will be a considerable saving in printing, administration costs and, in some instances, the gathering of interest in respect of funds which these various institutions have available. In some cases, it is proposed to remove the requirement that these bodies should advertise certain matters in local newspapers and substitute a provision authorizing them to make abstracts available for inspection and to forward copies to appropriate Ministers and to councils of associated municipalities concerned. It is also proposed to empower each of these organizations to invest funds which have been accumulated by way of money set aside for depreciation and so

forth. They will be authorized to invest these moneys one with another so that funds available will be used to the maximum capacity.

The Hon. A. K. BRADBURY.—Will they be confined to lending money as between one and another?

Sir ARTHUR WARNER. — From what I gather from the terms of the Bill, I do not think that is the case, but the clause might be examined more closely in the Committee stage. I think these authorities will be enabled to invest money in general trustee investments.

The Hon. P. V. FELTHAM.—In most of the legislation affecting these authorities very wide powers are already provided.

Sir ARTHUR WARNER.—However, the power to invest money one with another is not included. I presume, therefore, that this proposal means a further widening of existing power, together with a proposal to extend it so that these authorities may lend one to another. The Bill also includes an amendment concerning the disqualification of members of an authority. I think what is proposed, broadly speaking, is that they shall not be disqualified by reason of their doing things which an ordinary citizen might be expected to do. In other words, the very severe conditions which have been applicable to membership of a number of our State authorities, municipalities and shires are being widened to give a better approach, having regard to modern activities.

Amendments are included in the Bill to clarify certain provisions of the Sewerage Districts Acts, regarding the prescribing of fees, by by-laws, for certain services in relation to planning and inspection of private sewers and drains, and regarding the payment of interest on arrears of rates, so as to make it clear that interest is to be calculated from the date the rate becomes payable. I understand that in certain cases the question arose as to when the bodies concerned were entitled to charge interest. In other cases, where the work was carried out by authorities under private contract for private purposes, it would appear that, although the authority might have to borrow money to do the work, it might subsequently not be entitled to charge the private person with that interest as from the date on which the debt was incurred.

A small but important part of the Bill concerns certain districts administered by the State Rivers and Water Supply Commission. The Commission proposes to recommend to the Governor in Council that the Koo-Wee-Rup and Cardinia Flood Protection Districts be amalgamated as from 1st July, 1962, so as to facilitate physical and financial administration of those districts which adjoin one another and which are served by a comprehensive system of works administered even now from a common district centre at Koo-Wee-Rup. Both districts are rated on the net annual valuation basis, and both have the same rate in the £1 in the various divisions into which they are divided for rating purposes. The Bill provides that the accumulated deficiencies for the two districts as at 1st July, 1962, will be written off, and that the amalgamated district will then start off with a clean sheet.

The Hon. P. V. FELTHAM.—Is the Government quite happy about writing off the accumulated deficits of those bodies?

Sir ARTHUR WARNER.—I think the districts themselves will be more happy than the Government. Another provision will affect tenure of extra water rights in all irrigation districts administered by the Commission. At present under the Water Acts, extra water rights apportioned to any land lapse if the land ceases for more than one year to be used for intense culture. The Bill provides that extra water rights shall not lapse unless the land to which they are apportioned ceases for more than five years to be used for intense culture. This will enable a landowner to rest land used for intense culture for a reasonable period without running the risk of losing the extra water right allotted to it.

The Bill also includes a provision that members of appeal Boards, which deal with appeals from landowners concerning the classification of their lands and allotment of water rights, shall be appointed for specific terms—not exceeding five years—instead of for an indefinite period as at present. A similar provision is made in respect of members of the Board of Examiners of Engineers of Water Supply, which issues certificates of qualification which must be obtained by engineers desiring to engage in water supply work.

Under the Bill, instead of a person retaining membership of a Board until he dies, as from the date of proclamation of the new Act he will hold office for five years. He will be eligible for re-election, but the people concerned will be given the opportunity of expressing their confidence or otherwise in him. An amendment was made to the Bill in another place whereby, in the case of an authority which has been constituted for a period of ten years, 40 per cent. of the ratepayers can demand that a referendum be held to decide whether certain works shall be borrowed for and carried out.

The Hon. W. O. FULTON.—Who will be responsible for any money that has been spent?

Sir ARTHUR WARNER.—If a referendum is held, I take it that the sewerage authority which has been authorized to hold the referendum would be responsible. If the ratepayers concerned desired to modify or vary the scheme already approved, after a referendum had been carried, the authority would be required to carry it out.

The Hon. R. W. MAY.—But suppose the referendum entailed expense?

Sir ARTHUR WARNER.—I imagine the authority would be responsible for meeting the expenses of the referendum.

The Hon. A. K. BRADBURY.—The works of quite a number of sewerage authorities were approved in 1943 and earlier, and after a lot of work had been carried out the project was stopped as a wartime measure. Money has already been spent in such cases. Who would meet the expenses if a referendum was held?

Sir ARTHUR WARNER.—I imagine that in an area in which work had been carried out by a duly authorized sewerage authority the ratepayers concerned would be liable for the expenditure incurred.

The Hon. P. V. FELTHAM.—That is a correct answer.

Sir ARTHUR WARNER.—The effect of the amendment will be to enable a body of ratepayers to say to an authority after a period of ten years, "We, the ratepayers, demand a referendum as to whether you shall continue, whether you shall cease, whether you shall have authority to carry out the work proposed," and in general to say, "We would like the opportunity of reviewing what you have done," but not, I suggest, to repudiate the obligations which the authority has entered into.

The Hon. P. T. BYRNES.—That is a fair statement.

Sir ARTHUR WARNER.—The principle is the important thing to establish, and the particular district to which it will be applied is incidental. The effect of these ratings on decentralized industries, once the power is established, is a matter for the district ratepayers to decide whether what is done is in the interests of that particular district. I imagine that Parliament would be in duty bound to leave that matter to the local authorities and not interfere in any way. I commend the Bill to the House.

On the motion of the Hon. SAMUEL MERRIFIELD (Doutta Galla Province), the debate was adjourned until next day.

STATE FORESTS LOAN APPLICATION BILL.

The debate (adjourned from November 22) 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).—This is the usual type of loan application Bill with which Parliament is called upon to deal annually. This measure applies to the Forests Commission of Victoria and the amount of loan moneys to be applied to the Commission's work. It raises the question of timber and its uses in the community and the part it has played in the development of Victoria. It could be said that, until the Forests Commission was established, no real plans were made for the preservation of the forests as a heritage for the people. It must be conceded that, despite all its limitations in the early days, the Forests Commission settled down to the task of getting the forests into some sort of order and of instituting some form of control. It must also be conceded that over the years it has done very well and has brought the forests to a stage where it might reasonably be said that we are fairly satisfied that the future is being taken care of.

There has been a tremendous demand for native timbers, particularly during the war years and in the immediate post-war period. In successive years record cuts of timber were made, as a result of which there has been a severe depletion of the finer timbers, such as mountain ash, alpine ash and woolly butt. If this depletion had continued, the State would inevitably have been faced with a serious shortage not only of scantling timber but of the better quality timber. The Forests Commission has recognized this problem and has endeavoured to provide that for the next generation a sufficient quantity of timber will be available to meet the demand of that age regardless of what we may now assume it to be. It is anticipated that with the growth of population there will be heavier demands on the timber resources of Victoria. Those who care for the welfare of the State prefer the home-grown article to overseas importations.

The Forests Commission has undertaken the planting of pine timbers as well as native hardwoods. Probably the next generation will see the cropping of the forests which are now being planted by the Commission. It is recognized that some sawmillers are faced with difficulties. Many of them would like increased supplies of logs, but the Forests Commission, in its wisdom, has indicated that it is not in a position to deplete the resources of the State in order to allow the sawmillers to cut on regardless of the future. Our party believes the Commission has adopted a careful attitude which is designed to preserve the State's wealth. It would be unwise to allow the unlimited cutting of timber.

I turn now to the particular works with which the Bill deals and the sums of money which are provided for the purposes of the Commission. In his explanatory speech, the Minister of Forests stated—

> 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.

An additional sum of £350,000 is provided in the Bill so that the Commission will be enabled to carry on until the introduction of a further loan application Bill. My principal complaint is as to the way in which the Forests Commission is being neglected in the allocation of loan moneys.

The demands on the Commission for the care of our forests and for the planting of seedlings of pine and native timbers, the cost of fire protection works, and the cost of providing roads, are increasing daily. Therefore, the Commission's loan allocation should be increased. However, an examination of the loan allocations between 1954 and 1961 reveals that the figure has remained stable. The 1954 State Forests Loan Application Bill, which was brought in by the Honorable D. P. J. Ferguson, then Minister of Forests, provided for expenditure totalling £1,100,000, whereas this Bill envisages expenditure of £1,300,000. Having regard to the increased costs during this period, it is evident that the Commission is not receiving as much today as it received in 1954, notwithstanding the increased demands upon it. Furthermore, the labour force of the Commission has decreased since 1954.

Despite warnings of the element of danger from fires in our forests because of the dry season, we find to-day that the Commission is still under-staffed so far as fire fighting services are concerned. It is important that the Commission should have sufficient manpower available for this purpose, and the cuts in staff that were made should be restored. From the figures that were supplied recently in another place in reply to a question asked on notice, it is obvious that the Commission has lost 50 men between 1959 and 1961. I suggest that, taking into account the work of the Commission and the heavier demands on its field staff, there is a good excuse for a substantial increase in the loan allocations to the Commission. It is high time that the Government took stock of itself in connexion with this public service utility which looks after our forests. When allocating future loan moneys, the Government should ensure that the Commission receives a " fair go." The Commission has been criticized from time to time because timber supplies are not available and, probably, during the next generation, the Commission will be criticized to an even greater extent.

The Hon. G. L. CHANDLER.—From which other Department do you suggest that loan moneys should be diverted so that the Commission's alocation could be increased?

The Hon. ARCHIBALD TODD.—The Opposition is not the Government. I contend that a greater allocation of loan moneys should be made available to the Forests Commission, but it is not my task to say whence the additional finance should be obtained. If the Commission is to be brought to a state of efficiency, it is the Government's responsibility to find the requisite finance. I suggest to the Minister of Agriculture in all sincerity that having regard to the increased costs during the past seven years, the loan funds that are being made available to the Commission to-day have decreased. In fact, more money was made available to the Commission by the Cain Government than is being set aside for the Commission by the present régime. If the Commission is to undertake more work and to construct more miles of forest roads—honorable members should not forget that we are getting farther into the mountain areas in the construction of roads and in connexion with fire precautions—increased money must be made available.

The Hon. L. H. S. THOMPSON.—Having regard to the increase of £300,000 made available last year, the trend is in the right direction.

The Hon. ARCHIBALD TODD.—Taking into consideration the rising costs and the increased demand, the Commission is still receiving less money than was made available to it in 1954. When the next loan allocations are made, serious consideration should be given to the need for increasing the financial allocation to the Commission so that it can proceed with its work.

Sir ARTHUR WARNER.—There would be more finance available for that purpose if the uniform taxation system were abolished.

The Hon. ARCHIBALD TODD.—The Minister of Transport has " harped " on that question for a long while.

The PRESIDENT (Sir Gordon McArthur).—Order! I ask Mr. Todd not to embark on a discussion of the uniform taxation system, which is irrelevant to this Bill.

The Hon. ARCHIBALD TODD.—The Minister of Transport frequently goes out of his way to annoy members of my party by raising the question of uniform taxation.

The PRESIDENT.—Order! Mr. Todd is still out of order, as was also the Minister of Transport, in speaking of uniform taxation during the debate on this Bill.

The Hon. ARCHIBALD TODD.—As a result of my association with a particular organization I have come into close contact with the Forests Commission, and I have a good appreciation of the men at the head of the Commission, of the officers in the field, and of the work that they do. I should like them to be given an opportunity to implement the plans which they prepare from year to year. Accordingly, I hope that in 1962 the Government will be able to " scratch

up" at least an additional £250,000 to add to the Commission's loan allocation. Our party supports the Bill.

The Hon. W. O. FULTON (Gippsland Province).—Each year, a State Forests Loan Application Bill is dealt with by Parliament. Members of the Country party are apprehensive concerning the position that exists in Victoria to-day. Probably within the next ten or fifteen years there will be very little first-class quality millable timber available in Victoria. It is no use looking at what happened in the past and saying that someone did this and someone did not do something else. On examination, it appears that insufficient thought has been given to the serious position that has arisen in regard to our forests and the supplies of millable timber. Principally as a result of fires during the past decade or so, some of the greatest forests in the State have been destroyed for all time. If a fire occurs in the mountain ash areas within the next few years, our mountain ash forests could be lost forever. I believe the Government is mindful of these things. The expenditure of the State on timber is one of the principal means of progress in regard to building and all other construction activity, although there is not the same demand for timber to-day as there was twenty years ago. If the demand had remained constant we would not be able to supply it.

Between the Melbourne and Metropolitan Board of Works area and the east end of the State, there are millions of acres of timbered country. Much of this land, which contains mostly useless timber, could not be classed as forest land. I believe there are too many acres of so-called forest, and that insufficient attention has been given to the real task of afforestation in selected areas where timber can be produced much more quickly than by just leaving the forests as they have been during the past 100 years. Particularly in the past 30 years, there has been a depletion of our forest areas. The 1939 bush fires were responsible for a great deal of the loss of timber in Victoria. The Government of the day took measures to use fire-damaged timber to the best advantage.

The fire did not get into the Tanjil Bren area, but the intense heat in that area was responsible for the destruction of hundreds of millions of super. feet of some of the finest mountain ash timber in Australia. The amount set aside for fire protection is absolutely inadequate in every way for this purpose. The Forests Commission and its officers can do no more than use the tools that are placed at their disposal, and this is a matter of preserving our forests, or what is left of them, and our first-class millable timber from destruction.

One of the greatest problems—there is no mention of it in the Bill—is the destruction of timber by insects. I could show honorable members areas from Orbost to Licola where there are millions of trees which have been destroyed by insects in the past twenty years. A typical example is along the Prince's Highway from Stratford to Bairnsdale, where practically every tree has either died or is dying from attacks by these insects. The Forests Commission said that it was not its concern, that it was the responsibility of the Country Roads Board. Each year during the past five or six years the Country Roads Board has carried out a system of spraying in that area, and, as a result, the regeneration has been great and hundreds of thousands of trees have been saved. Of course, this timber is not fit for milling, but the result of the spraying does show what can be done to prevent good trees from being destroyed by insects.

In the redgum plantations of the Forests Commission at Briagolong, thousands of trees have been killed, and it is time that the Government and the Commission tackled this problem. In other parts of the world large amounts of money have been spent in the destruction of insects that are attacking forests, but very little work in that regard has been done in Victoria. I could show honorable members areas where thousands of trees have died in a few square miles. On behalf of our party, I suggest to the Minister that this is a very real problem and that some action should be taken to combat it.

The sum of £130,000 has been provided for indigenous State forests and, taken as a whole, that is a meagre allocation. The amount provided for extraction roads is £400,000. Over the past ten or twelve years a great deal of money has been spent in the Heyfield area, and the latest road constructed into the Mt. Wellington area cost somewhere in the vicinity of £300,000. Practically all the timber made available to sawmillers in the Heyfield area twelve or thirteen years ago has been milled, and to keep these mills going another road had to be constructed several years before it was considered that it would be necessary. At the time, I thought that the Forests Commission permitted too many mills to operate in the area. The Commission was of the opinion that there would be sufficient timber for the mills for fifteen years, but the quantity proved to be sufficient for only ten years.

In the Moroka Valley and Mt. Wellington area timber has been made available to sawmillers at considerable expense. I congratulate the Government for making this timber available. However, it has done a great deal to provide roads for the extraction of timber from this district to the area east of Orbost. In the Gippsland East area east of Orbost—the Minister can correct me if I am wrong—there are at least twenty sawmills operating, and unless there is rigid supervision by the Forests Commission there will soon be a shortage of timber in the district. It takes at least 120 years for these trees to reach maturity, so one can readily understand the position in which this State could be placed in relation to the production of hardwood timber.

We must face up to the problems associated with the production of hardwood. In the past few years great strides have been made in the preservation of timber under a system inaugurated by the Saxton brothers who were the first people in Victoria to produce kiln-dried hardwood timber on a commercial scale. They rendered it possible for our timber to be exported to other parts of the world. They established a plant and used a chemical process to treat the timber. Doubtless this method will be used to enable our softwoods to be employed in construction work for which it has been considered unsuitable in the past.

In Gippsland, Australian Paper Manufacturers Limited has planted thousands of acres of pine trees, but the Saxton brothers were the first to start commercial planting of pine trees in that area. Adjacent to Moe and on the road to Walhalla are plantations which constitute one of the best examples of the development of pine trees in Australia. A survey taken by competent men of a plantation established at Moondarra estimated that in a period of twelve years 52,000 super. feet of pine timber to the acre had been grown. That indicates what can be accomplished.

The Hon. D. G. ELLIOT. — Is any forestry work being done at Erica now?

The Hon. W. O. FULTON. — Very little, and it consists merely of the clearing of land and the destruction of timber of no commercial value. The policies of the Forests Commisssion and the Lands Department should be more closely integrated so that more land can be made available for primary production and the Forests Commission permitted to develop small areas intensively.

Astounding numbers of persons are engaged in forestry work in other countries compared with the number in Victoria. Our forests are not able to regenerate themselves naturally in sufficient time to meet the State's timber requirements. The development of softwoods plantations must proceed on a much greater scale than hitherto. Many areas of land in Gippsland will produce no worth-while timber in the next 100 years. That statement seems startling, but it is true. Scrub, bush tea-tree and everything but good trees are growing on hundreds of thousands of acres of land which are supposed to be State forests. We should not delude ourselves that all is well in this regard.

The Country party supports the Bill but considers that insufficient money is made available for this important work. I do not know why the matter has been

The Hon. W. O. Fulton.

treated in this fashion. In view of the diminished value of money, probably the Forests Commission can do only little more than half it could do with a given sum ten years ago. We hope the Government will consider the necessity of establishing more softwoods plantations and will take steps to have our mountain ash forests preserved. That cannot be done merely by the construction of a road here and there and thinking there will be no more bush fires. The current season can be a very dangerous period for bush fires. It is not only the hand of man that causes fires in forests. Last year in an area close to my home and not far from Briagolong, fourteen fires in State forests were started by lightning. The Government has a great responsibility regarding the preservation of Victoria's forests, particularly the stands of mountain ash and other hardwoods that have meant much in the advancement of this State.

The Hon. BUCKLEY MACHIN (Melbourne West Province).—I would not have spoken to the Bill but for the fact that I was more or less invited by Mr. Fulton to give a little expert advice on the subject. Interesting speeches were delivered by Mr. Todd and Mr. Fulton, who are well versed in afforestation, Mr. Todd having had experience in the timber industry and Mr. Fulton a close association with forests in the district in which he lives. It is disturbing to realize that Victoria spends a total sum of £10,000,000 a year on the importation of timber and that the requirements of the State will grow larger in the near future. Each year this State has a deficiency of some 95,000,000 cubic feet of timber.

I have wondered whether the timber royalties paid into Consolidated Revenue could not be channelled back to the Forests Commission. During visits I have paid to different parts of the State, I have been impressed by the valuable work carried out by officers of the Commission, but they are handicapped by lack of funds.

The Hon. R. W. MAY.—Do you agree that the watershed areas should be logged?

The Hon. BUCKLEY MACHIN.—There are more logs than those contained in the watershed. I am of the opinion that there are supplies of timber in this State that deserve to be husbanded, and unless action is taken in this direction we shall be in severe strife. Trees capable of producing 2,000,000,000 super. feet of timber were destroyed during the devastating bush fires of 1939. That is a thought we should try to carry in our minds when we ask whether sufficient money is provided for the Forests Commission for fire protection purposes. I urge the Government to consider paying funds derived from royalties to the Commission for the specific purposes of fire protection and the preservation of our depleted areas of mountain ash.

The Hon. A. K. BRADBURY.—Do you not consider that we should make the best use of the timber that we have?

The Hon. BUCKLEY MACHIN.—The Forests Commission is already doing so.

The Hon. A. K. BRADBURY.—Do you not agree that the watersheds should be logged?

The Hon. BUCKLEY MACHIN.—I have said that under certain conditions, the watershed areas should be logged, but a bald-headed man would not have all the hairs around the fringe of his head cut off, and the same principle applies to our timber resources.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3 (No loan expenditure for forests except under this Act).

The Hon. L. H. S. THOMPSON (Minister of Forests).—During the second-reading debate, I promised Mr. Fulton that I would provide information about the area set aside under the Lilydale plan for beautification of the Dandenong Ranges. The area concerned, on the western slopes of the Dandenongs, would be in the vicinity of 400 acres.

The clause was agreed to, as was the schedule.

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

MONEY LENDERS (AMENDMENT) BILL.

This Bill was returned from the Assembly with a message relating to an amendment.

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

That the amendment be agreed to.

The amendment made by the Assembly omits from clause 2 certain words in the interpretation of the word "interest." The clause provides that interest does not include—

(*a*) any sum lawfully agreed to be paid on account of rates taxes duties or fees paid under any Act.

The amendment alters that provision by the omission of the words "rates taxes duties or fees paid" and the insertion of the words "duties or fees payable." The effect is to eliminate rates and taxes from those sums that are not included in interest. The major idea of this Bill is to limit the amounts to be considered as interest that would bring the transaction within the ambit of the Money Lenders Act, so that everything that is included in the term "interest" has the effect of increasing the interest charge and of bringing a transaction within the ambit of the Money Lenders Act.

At first glance one would think, looking at the matter from the standpoint of the Labour party, that the lesser in this instance excludes the greater. On the other hand, the legal view is that if we define these exceptions too minutely we may then by suggestion state that that which is not included in the wide defintion is to be excluded. This may mean that if rates, taxes, duties or fees are to be excluded, there may be some odd things like interest, or stamps, that ought to be included.

The Hon. I. A. SWINBURNE.—It became a bit wide!

Sir ARTHUR WARNER.—It became so wide that in defining the width the mere fact of leaving something out might be deemed to have it excluded.

The Hon. ARCHIBALD TODD.—The Government got a lot of fish in the net that it did not want to catch.

Sir ARTHUR WARNER.—The effect might have been to bring in insurance. In the New South Wales hire-purchase legislation the authorities have been very careful to say that services and maintenance shall be included as part of interest, but they have defined insurance as not being within it. I shall not go into the complications of the New South Wales legislation, but we can see little dealers trying, for instance, to charge maintenance on television sets which is allowed while large companies are allowed to include such charges other than as interest. In order that the little fellows may include maintenance as interest the procedure is for them to become an insurance company and so be able to issue a policy, but they would need a company to be registered as an insurance company, which requires a bond of £50,000 to the Commonwealth.

This amendment has the effect of clearing up what might be an anomaly in that, because we have included so many things for the purpose of exclusion, we might by implication suggest that that which is not excluded is therefore to be included. The legal officers and the draftsmen consider that to clarify the position the interpretation of "interest" should be amended as proposed.

The motion was agreed to.

WATER SUPPLY LOAN APPLICATION BILL.

The debate (adjourned from November 22) on the motion of the Hon. R. W. Mack (Minister of Health) for the second reading of this Bill was resumed.

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—This Bill is the annual provision covering water supply works, and is part and parcel of the financial procedure of the State. As such, it gives members, particularly those representing country areas, the opportunity to mention the disabilities suffered in various parts of the State both so far as urban and irrigation water supplies are concerned. The Bill seeks to authorize the expenditure of £11,300,000, and it is obvious that that

sum will not be exhausted in the period covered by the measure. I suppose that is inescapable, as it is difficult to estimate all the jobs that might emerge and those which might run on for a longer period than anticipated. Many of the works provided for are under control of local authorities of varying character and, consequently, the expenditure will be subject to all the whims and difficulties which these authorities encounter. That is another difficulty confronting the Government when attempting to estimate what portion of the funds allocated will be spent.

This Bill provides for a reduced sum to be expended as compared with other similar measures over the past seven or eight years. In 1954-55 the sum provided for was £15,150,000; in 1955-56, £16,230,000; in 1956-57, £16,600,000; in 1957-58, a drop to £12,000,000; in 1958-59, £12,500,000; in 1960-61, £13,000,000; and for 1961-62, £11,300,000. It is interesting to note that in so far as State works are concerned there is a serious drop in anticipated expenditure. In 1954-55 the allocation was £11,150,000; in 1955-56, £12,000,000; in 1956-57, £10,210,000; in 1957-58, £7,775,000; and in 1958-59, £8,600,000. I have not been able to ascertain the expenditure for the next financial year because I did not have the time available. For the year 1960-61 the allocation was £7,450,000, and for the ensuing financial year it is anticipated that £7,000,000 will be available. There may be legitimate reasons for this drop in allocations, but it would seem to be very unfortunate that water conservation in the State should be trimmed in such a fashion. Although we may be facing temporary difficulties in connexion with the marketing of primary products, surely it may be anticipated that local consumption will gradually increase because of expanding population and that the exportable surplus will probably diminish. As members of the Country party have so frequently pointed out, primary production helps to keep Australia solvent, so it should be the endeavour of the Victorian Government to ensure that the productivity of this State does not seriously diminish in any direction.

There seems to be an increase in funds available to waterworks trusts, although the number of jobs on hand is less than was the case in earlier years. On the local government side, the number of works has decreased, but there has not been a significant diminution in the allocation. I offer no particular comment about that because it is not sufficient to be significant. So far as urban trusts are concerned, there is a diminution from earlier years from £134,000 with nine jobs running down to £14,500 with only four jobs. The allocation for sewerage authorities has increased both in the number of jobs and the sum to be made available. It is hard to forecast what will be spent.

The one section in this loan application Bill in which there is a serious reduction in allocations is that covering river improvement trusts. In 1953-54 the allocation was £500,000; in 1954-55, £500,000; in 1955-56, £600,000; in 1956-57, £1,000,000; in 1957-58, £600,000; in 1958-59, £450,000; in 1960-61, £300,000; and for the ensuing year, £300,000. This represents quite a serious reduction in allocations for river improvement trusts. It is possible that in the full flush of early endeavours of these trusts the worst of the various difficulties relating to erosion might well have been overcome. Nevertheless, I have a feeling that more permanent and in some respect larger works are still required to be done, more particularly in the Gippsland area.

I have no doubt that those enthusiasts who constitute the river improvement trusts would be quite willing to accept greater allocations of funds for further works. I am sure that in present circumstances there is unused labour and contractual capacity which could be employed in such works. Other items are being cancelled out by effluxion of time. Provision for the Tallangatta removal scheme is tapering off. Expenditure on the River Murray has been fluctuating, and has been at a low ebb during the past few years, although, according to press reports, one or two large works may be undertaken in the near future.

Expenditure on plant and machinery decreased from £400,000 in the year 1953-54 to £200,000 a year during the next three years, to £150,000 in the year 1957-58, and, in 1958-59, to £225,000. In the past two years provision has been made for the expenditure of £50,000 and £90,000, respectively. I am not sure of the Commission's requirements, but assume that its work is no less to-day than it was in the past. I should have thought that the greater length and scope of the Commission's channel system would require more work to be carried out. The only off-setting factor that I am aware of is the better protective methods to preserve channels from soil erosion and so on. It is clear that either the provision in earlier years was too much or it has been insufficient in the past two years. I could not supply the House with the answer to that question.

Obviously the Bill envisages no great expansion of expenditure on water supply works. Over the past few years expenditure has averaged slightly over £8,000,000, while this year the amount is £8,165,000, out of a total provision of £11,300,000. If there is no greater efficiency so far as the commencement and carrying out of works is concerned, and in the claiming of money by bodies outside the control of the Commission, it is quite likely that the amount of £8,165,000 will not be spent. Therefore, the Government might be anticipating greatly reduced expenditure for the year. If that is so, it is to be deplored because the State should, by reason of its size, density of population, and general desire to be progressive, pursue this type of activity to the utmost. The works commenced years ago by Deakin and others should be pursued as quickly as funds can be found, with the object of developing the State to achieve its maximum production. That would create goodwill, at least as far as trading is concerned, in other countries where the necessities of life are less readily available than here. If we help those countries we shall help ourselves.

The Hon. P. T. BYRNES (North-Eastern Province).—The amount allocated by the Government out of loan funds available for water supply is irrevocable and final. Nothing that might be said to-night would increase the allocation. Therefore, I see no great advantage in discussing the Bill at length. The position in relation to works under the jurisdiction of the State Rivers and Water Supply Commission has been set out clearly. When one examines the economic structure of the State it is clear that two classes of people, namely, the manufacturer and the farmer, should be standing together. Up to this stage, the manufacturer has been in the fortunate position of having to supply only a home market, but henceforth he will be suffering the same disabilities as the farmer in selling his products abroad. In fact, if the Leader of the House could separate himself from some of his unfortunate allies in his party, perhaps we could form a new political party based on the getting together of the manufacturer and the farmer. As an exporter, the manufacturer will have to face the same problems as the farmer has in sending his agricultural produce overseas. The manufacturer uses his creative genius to build something, as does the farmer. Therefore, the two are on common ground. I must admit that, having given a lot of thought to the sermons uttered by the Leader of the House on the exchange rate, I am becoming converted to his point of view. I can assure the honorable gentleman that if he were to attend the conference of the Country party in Mildura in March, we might be able to dissociate ourselves from our "camp followers" and make some progress in the creation of a new party! Recently, when listening to the Federal Minister for Trade, Mr. McEwen, speaking in a television programme, it occurred to me what a great thing it would be if the Minister of Transport joined forces with me and some of my colleagues.

The Hon. G. W. THOM (South-Western Province).—Mr. Merrifield mentioned the amounts of loan moneys which have been made available in the past few years. It should be remembered that in that period the Upper

Yarra dam was under construction, and naturally large sums of money were allocated for that work.

The Hon. A. K. BRADBURY.—That dam had nothing to do with the State Rivers and Water Supply Commission; it was constructed by the Melbourne and Metropolitan Board of Works.

The Hon. G. W. THOM.—I also direct attention to the programme of sewerage works throughout the State, particularly in the province which I represent. A fact which illustrates the impartiality of the Minister is that, despite strong pressures, the Bellarine Peninsula water scheme was postponed. However, I am happy to see provision made in that regard in this Bill. Water supplies will be provided for St. Leonards and Indented Head. Although some criticism has been voiced of the Minister of Water Supply, I believe he has done a particularly good job in endeavouring to ensure impartial treatment to all.

The Hon. D. J. WALTERS (Northern Province).—Recently the House discussed the policy and administration of the State Rivers and Water Supply Commission. This Bill deals with another phase of the Commission's activities, namely, the engineering side, and I believe a compliment should be paid to all the engineers of the Commission. Mr. East and his staff are capable men who do an excellent job in regard to capital works undertaken by the Commission. Unfortunately, as Mr. Merrifield pointed out, the sums of money made available to the Commission have been decreasing over the past few years. The amount allocated for work on the Bellarine Peninsula—it is only a small part of the world—is not large. The Bill now under discussion covers the whole of Victoria and makes provision in relation to sewerage, river improvement trusts, water works trusts, and so on.

The situation of water supplies is serious, leaving aside any question of price rises and administration. There is the possibility of a serious shortage of supplies of water for irrigation purposes. I was surprised to hear one of the Commission's officers state recently that, during the past two months, the flow in the Goulburn river, which is supplied by the Eildon reservoir, was the lowest on record. The flow was 15,000 acre-feet compared with the normal average of 200,000 acre-feet. The Commission is now informing a number of irrigators that they have already used their water rights and that unless rain falls there will be practically no water available in February or March, 1962. The situation will be more serious than most people realize, because many irrigation areas have been highly improved and carry large numbers of stock, in many cases one cow or beast to the acre. If no water is available, what will happen to the stock is anybody's guess. One man, who has been using 275 acre-feet of water, has been informed by the Commission that the quantity available to him will be only 10 per cent. above his actual water right of 75 acre-feet. What is going to happen to that man?

The Hon. P. T. BYRNES.—He will obtain the water right plus 10 per cent.?

The Hon. D. J. WALTERS.—That is so. Mr. Byrnes, as an experienced irrigator, will realize what will happen when a man who has developed his property on the basis of 275 acre-feet of water is told that he will receive only 85 or 90 acre-feet. The fate of the irrigators depends on whether rain falls and on the policy adopted by the Commission with regard to conserving water in the reservoirs. The Commission has a great responsibility to ensure that next year sufficient water will be contained in the reservoirs to supply at least 70 per cent. of the water rights.

The Hon. G. L. CHANDLER.—This year could mark the beginning of a cycle of dry years.

The Hon. D. J. WALTERS.—I agree with the Minister. The past fifteen years have been wonderful, but this may be the beginning of a cycle of low rainfall years. The result could be serious not only to the individual irrigator and farmer but also to the whole State. In addition, a tremendous burden would be thrown on the State Rivers and Water Supply Commission. The Government

obtains a certain sum of money which must be allocated for the purposes of schools, hospitals and so on, but I believe it has been taking a slight gamble with regard to allocations made to the State Rivers and Water Supply Commission. The Government should consider whether it would not be in the national interest to allocate additional sums to the Commission in order that it may conserve every possible drop of water.

I am not attempting to exaggerate the situation. As an irrigator, and from discussions I have had with officers of the Commission, I believe it is evident that unless rain falls or there is an early break in February or March of next year, the outlook for irrigators in the northern part of the State will be rather serious. An early break may, of course, as Mr. Byrnes points out, interfere with the sultanas, although I hope that will not prove to be the case. The Government should seriously consider whether it should endeavour, in some way, to induce the Commonwealth Government to allocate more money, or if possible, to "scrape the barrel" and allocate more money to the State Rivers and Water Supply Commission to enable more water to be conserved in the north of Victoria. Although I attacked the Commission's administration and its policy recently—I still adhere to that attitude because I think the Commission's policy is appalling in many ways—the Commission has done excellent work so far as its engineering and conservation activities, and the work on the main channels are concerned. The State owes a great debt to the engineering staff of the Commission.

The Hon. W. O. FULTON.—How much water do you consider runs to waste in the Goulburn-Murray area?

The Hon. D. J. WALTERS.—I have lived on the River Murray for more than 40 years, and the amount of water that has flowed to waste into the sea up until this year has been very great. We must try to emulate the United States of America where not one drop of water is wasted.

The Hon. W. O. FULTON.—Is there any waste in the Commission's channels? In other words, is there a certain amount of water which is not used, and which flows away?

The Hon. D. J. WALTERS. — Any honorable member who is conversant with this question appreciates, that the irrigators do not always play the game, and, when they shut off the water, it must flow somewhere. To a large degree, that water, which returns to the Murray, helps to swell the flow of that stream. A good deal of the water that is spilled into the Murray and the Goulburn is not wasted.

The Hon. SAMUEL MERRIFIELD. — In order to save all the water it would be necessary to provide dams capable of taking the maximum flows.

The Hon. D. J. WALTERS.—That is so, and I believe it is possible to save all of the water. In fact, this is being done elsewhere in the world, and there is no reason why similar action could not be taken here, but it cannot be done by the Commission's officers, with all their knowledge, unless the Government provides the requisite finance. In view of the importance of water to the north of Victoria, the Government should endeavour, next year at least, to increase the allocation to the State Rivers and Water Supply Commission to enable that authority to conserve more water.

I am pleased to note the amount of money that will under this Bill be made available throughout Victoria for all types of undertakings, including sewerage authorities, river improvement trusts, and such like. River improvement trusts are very important. The amount of money that is collected by the Commission for pumping water out of the rivers goes not to the Commission but to the Rivers and Streams Fund. If the Commission had its way, probably that money would be paid into its own fund, and I could not envisage what would happen then to the Rivers and Streams Fund. I appreciate the opportunity of being able to support this most important Bill, and I trust that, in its allocation of loan funds next year,

the Government will realize the serious position that could confront Victoria should a dry cycle occur and should there be a lack of sufficient water to supply the irrigation areas with even their water rights.

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 money from Loan Fund for purposes specified in schedule).

The Hon. R. W. MACK (Minister of Health).—During my second-reading speech on this Bill, I was asked four questions, three emanating from Mr. Fulton and one from Mr. Swinburne. At the time, I undertook to obtain the answers to the relevant questions and to supply them during the Committee stage, which I shall now do. The first question asked by Mr. Fulton was—

In what districts does much work remain to be done to increase the efficiency of water distribution and drainage systems?

At the time, Mr. Fulton was obviously referring to the amount of £2,500,000 provided in the first part of the schedule. That money referred to irrigation districts, including the enlargement and extension of channels, structures and distributory works, and I point out that the amount of £1,800,000 of that money related to the Goulburn–Murray Irrigation District.

Mr. Fulton desired to know for what purpose the balance of the money would be used. I am informed that it is for expenditure in all other irrigation districts. The provision of £700,000 is required for a great variety of works ranging from channels, drains and structures, to water bailiffs' residences. The second question asked by Mr. Fulton was—

Has there been any land acquired in the salt-affected land in central Gippsland?

Mr. Fulton added that he was referring to the Nambrok–Denison area. I am informed that no land has yet been acquired, but negotiations are proceeding in two cases.

Mr. Fulton's third question was—

What is the distance covered by the extension of the Latrobe Valley main outfall pipe-line, and where is it to be located?

In reply to that question, I am informed that the existing main outfall pipe-line, which is some 25 miles in length, runs from the Gas and Fuel Corporation's gas-making plant at Morwell to a point about 2 miles east of Rosedale where the open section commences. The proposed pipe extension is 10,310 feet in length, and will thus move the point of transition from pipe to channel nearly 2 miles farther east.

Mr. Swinburne asked—

Is the amount of £300,000 for advances to river improvement and drainage trusts more or less than that of last year, and will the full amount be available for this financial year?

In reply, I point out that the amount provided in the Water Supply Loan Application Act last year was £300,000. The allocation last year was £180,000, which was increased later in the financial year to £199,000. The allocation for this year is £185,000.

The Hon. R. W. MAY.—I should like the Minister to inform me whether he has any further information regarding the negotiations that are proceeding in regard to land in Gippsland.

The Hon. R. W. MACK.—I cannot add to the information that I gave to Mr. Fulton. I have not been informed as to what stage the negotiations have reached.

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—I hope that Mr. Thom's eulogy of the Minister of Water Supply is more accurate than his remarks concerning the Melbourne and Metropolitan Board of Works and its place in a Water Supply Loan Application Bill. The Board was the constructing authority for the Upper Yarra dam.

The Hon. G. W. THOM.—When I mentioned the Upper Yarra dam, it was a slip of the tongue.

The Hon. SAMUEL MERRIFIELD.—The only occasion on which the Melbourne and Metropolitan Board of

Works has been mentioned in a loan application Bill was in a Public Works Loan Application Bill.

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.

DOG BILL.

The Hon. L. H. S. THOMPSON (Minister of Housing).—I move—

That this Bill be now read a second time.

This measure, as can be seen from the title, amends the Dog Act 1958 and caters for dogs and dog lovers and provides protection for those people who have been suffering from the effects of juvenile delinquency of the canine variety. The Bill itself can best be debated in Committee, so I will content myself with going through it clause by clause.

Clause 2 contains amendments of definitions contained in section 3 of the principal Act. There is a wider and more specific definition of "Alsatian dog." Apparently there have been occasions when people owning Alsatian dogs have endeavoured to evade the law relating to them by claiming that their particular dog did not correspond with the definition of Alsatian in the Act. They claim it is an Alsatian wolfhound, a German shepherd dog or some other variety. The new definition is all-embracing and overcomes that problem.

"Choker chain" is defined as a free-running noose which is formed by running a chain through a ring attached to one end of the chain and to the other end of which chain a proper chain, cord or leash may be securely attached. On a number of occasions Alsatian dogs have been found wandering around the countryside with leashes attached to their collars and it is obvious that they have overpowered the people who have been guiding them. The choker chain tightens around the neck of a dog and is an effective way of restraining a strong dog like the Alsatian. This type of chain has been recommended by the Animal Welfare League as one suitable for the purpose. "Registration collar" is defined and is given a different definition on this occasion. The items which must be included on the registration collar are set out in new section 11A, as contained in clause 6.

The next change is one which closes a loophole in regard to offences by owners. It relates to sections 9, 15 and 28 of the principal Act which deal with particular types of dogs such as Alsatians and greyhounds. It is provided that a dog shall not be deemed to be on the premises of the owner unless it is within an area which is securely fenced. That is a commonsense change. There have been occasions in the past where the existing provision relating to a dog being on the premises of the owner has, because of gaps in fences, meant very little. Passers-by who have been nipped by dogs racing through gaps have not been impressed by the wording of the section. From now on, for a dog to be regarded as being on the premises of the owner it must be within an area which is securely fenced.

The Hon. SAMUEL MERRIFIELD.—Does that mean that an owner must keep his gate locked?

The Hon. L. H. S. THOMPSON.—That will be for the court to determine. I should say it would be so, otherwise a dog could walk straight through.

The Hon. SAMUEL MERRIFIELD. — In many instances it is not a dog which is to blame but a person.

The Hon. L. H. S. THOMPSON.—That may be so, but if a passer-by were walking along the street and an Alsatian dog rushed out the gate and knocked him over, that person would not be impressed by the wording of the section.

The Hon. SAMUEL MERRIFIELD. — All the penalties are on the poor dogs.

The Hon. L. H. S. THOMPSON.—In this case, it would appear to be so. In a number of cases, a certain amount of suffering has been caused. Recently an Alsatian dog bailed up six persons

in a Mentone café and after they had remained there for a considerable time the dog savaged one person on the throat and neck. There is reason for the Government taking this action.

The Hon. A. J. HUNT.—Is it true to say that if the Bill is passed the law will provide that a dog is not on the premises of the owner when in fact it may be?

The Hon. L. H. S. THOMPSON.—As the law stands at present, the requirement that a dog must be on the premises of the owner may not mean much. It is not of much use a dog being in an enclosure which is not effectively fenced.

The Hon. A. J. HUNT.—Would not the law at present cover the case of a dog if he were at large out in the street?

The Hon. L. H. S. THOMPSON.—I should say it would. On the other hand, a dog may have a long neck and reach out and nip a passer-by; there may be a borderline case of that type. I can see some sense in defining what is meant by a dog being on the premises of the owner.

The Hon. SAMUEL MERRIFIELD. — For each dog which would leave the premises and bite people, there are ten harmless dogs.

The Hon. L. H. S. THOMPSON.—That is true, but that is no consolation to the person who is nipped by the eleventh dog. Most owners of Alsatians look after their dogs carefully.

The Hon. T. H. GRIGG.—Do all the conditions of this clause apply to Alsatians only?

The Hon. L. H. S. THOMPSON.—No. Section 28 applies to greyhounds and section 15 is a different provision applying to other types of dogs, and providing that registration collars must be worn. Sub-section (2) of the proposed new section 15 states that if a registered dog is found wandering at large with a registration collar round its neck it may be seized and detained by any policeman or authorized officer of a municipality. It also excuses a dog from wearing a collar when on the owner's premises.

The Hon. A. J. HUNT.—It seems unreal to say that a dog is not on the premises of the owner when in fact it is. That is the meaning of the proposed additional sub-section. Can the Minister state the real reason for the addition?

The Hon. L. H. S. THOMPSON. — I should have thought it would be useless for a dog to be given any saving grace because it was on the owner's premises if there were no tight enclosure around the premises. There is no virtue in saying that a dog has to be on the owner's premises if it can rush straight out into the street.

The Hon. A. J. HUNT. — This will mean that a dog behind a low brick fence barking at passers-by will render his owner liable to an offence.

The Hon. L. H. S. THOMPSON. — I suppose it will depend on the height of the fence and the length of leg of the dog.

The Hon. A. J. HUNT.—In the case of a low brick fence where an Alsatian is at large within the premises of the owner, the Act will say it is not on the premises and the owner will be guilty of an offence.

The Hon. L. H. S. THOMPSON.—The court will have to decide the matter finally. No attempt has been made to define the height of the fence.

The Hon. SAMUEL MERRIFIELD. — I wonder why people pay to register dogs, because apparently when they are registered they have no rights.

The Hon. L. H. S. THOMPSON.—Perhaps the dogs have not made representations to their local members of Parliament. There is no Act dealing with cats, but there is an Act of 33 sections dealing with dogs. As compared with cats, dogs are at something of a disadvantage.

The Bill does not define whether the fence has to be of concrete, bricks, or posts and wire. It provides that a dog must be kept in an area which is securely fenced, and that may be a matter for determination by a court.

The Hon. A. J. HUNT.—If the dog can get out, I suppose it would not be in an area that was securely fenced.

The Hon. L. H. S. THOMPSON.—I suppose that would be a fair test. I pass to clause 4, which amends section 6 of the principal Act to give municipal councils power to increase the ordinary registration fee. At present the fee may be fixed at not less than 5s. nor more than 10s. and if the measure is passed it will be possible for a fee of not more than £1 to be fixed.

The Hon. T. H. GRIGG.—This will be optional for the municipal councils?

The Hon. L. H. S. THOMPSON.—Yes. The clause also provides that for the word "September" there shall be substituted the word "October." This is consequential upon another amendment which is designed to enable the registration fee to be paid by March rather than February to coincide with the closing of the municipal council's financial year, or the last date for the payment of rates. The substitution of the word "September" for the word "October" is proposed because half fees can be charged where the dog is registered later than September with the final date for registration moving from March to April; the final date for payment of the half fee will be October rather than September.

Clause 5 amends section 9 of the principal Act and deals with special registration fees for Alsatian dogs. The registration fee at present prescribed in the Act is the ordinary fee plus an additional fee of £2 10s., and it is proposed to increase this amount to £5. Another proposed amendment contained in clause 5 provides that when Alsatians are off the owner's premises they must be either muzzled or controlled by a choker chain. The minimum penalty on the owner of an Alsatian not on the owner's premises and not under effective control as prescribed is increased from £3 to £5. Sub-section (4) of section 9 is to be repealed. This dealt with the definition of "Alsatian," which has been moved to section 3 of the Act.

Clause 6 proposes the insertion of two sections in place of the existing section 11. In future when a registration fee is paid the council will be required to supply the dog's owner with a badge of metal, plastic or other material showing the name of the municipality, the dog's registration number, and the year of registration. Any registration officer who fails to comply with this requirement is liable to a penalty not exceeding £5. Hitherto the penalty has been 10s. for each offence. Proposed new section 11A is a new provision which places an obligation on the owner of a dog to cause his name and address to be inscribed upon the dog's registration collar or on a badge attached thereto. Any owner who fails to comply with that provision will be liable to a maximum penalty not exceeding £5.

Clause 7 covers penalties for non-registration. Originally, the minimum penalty was not less than 5s. and the maximum not more than 10s. The penalty has now been increased to not less than 10s. and not more than £2.

The Hon. SAMUEL MERRIFIELD.—What is the average cost to municipalities of collecting dog fees?

The Hon. L. H. S. THOMPSON.—I should not like to estimate such a figure. Some municipalities are much more conscientious than others in this connexion, while some have taken the view that it is not very profitable to employ a person to check up on the collection of fees. The cost would vary considerably from one municipality to another.

The Hon. T. H. GRIGG.—In most of the northern municipalities the cost of collection represents approximately 50 per cent. of the fees collected.

The Hon. L. H. S. THOMPSON.—That information comes from one of our northern councillors.

The Hon. SAMUEL MERRIFIELD.—If a person is charged and convicted for not registering a dog, he is liable to a fine of only 10s. Therefore, he has a two-to-one chance of getting away with it.

The Hon. L. H. S. THOMPSON.—If he is caught a second time, the minimum penalty is £2 and the maximum £5, replacing the former penalties of 10s. and £2.

Clause 8 proposes a change to exempt owners of dogs engaged in working livestock from the obligation of ensuring

that the dogs wear registration collars. The existing legislation now exempts certain types of dogs, and it is proposed to extend the exemption to cover those dogs engaged in working livestock. Notice in writing of any seizure of a dog under the existing law must be given within two days. This period is to be extended to four days. As the law now stands after two days an owner may reclaim a dog on payment of the sum of £3. If a dog is not claimed by an owner within two days it may be sold or destroyed. Again, the period is to be increased to four days, which represents a liberalization of the provision.

The Hon. I. A. SWINBURNE.—Reverting to the provision in regard to dogs engaged in working livestock, how will this apply after a man has completed droving and is returning home from a sale?

The Hon. L. H. S. THOMPSON.—I suppose to be on the safe side he should have collars with him to place on the dogs. As the law stands at the moment collars must be placed on the dogs at all times. I think the decision will be up to the man concerned.

The Hon. I. A. SWINBURNE.—It should not be his concern to interpret whether the dogs are engaged in droving or not. Let us be fair.

The Hon. L. H. S. THOMPSON.—I should not like to venture an opinion on that, I think it is a question that the man owning the dogs would be best able to answer. It is most difficult in an Act of Parliament to define precisely such matters, and it is much preferable to frame the legislation in broad terms. If that is done the interpretation of what applies in particular cases can be safely left to courts.

The Hon. I. A. SWINBURNE.—But why drag a man to court in the first place if he is just engaged in normal trade?

The Hon. L. H. S. THOMPSON.—As the legislation is at present framed there is an obligation on the owners of these dogs to ensure that they are wearing collars at all times. The purpose of the amendment is to enable the collars to be removed from dogs whilst they are engaged in working livestock. I suggest that the proposal should be given a trial, and if it does not work satisfactorily the Government will re-examine it. I am sure that Mr. Swinburne will agree that many cases have occurred of dogs being injured when racing through fences with collars round their necks.

The Hon. I. A. SWINBURNE.—I am quite happy with the proposal to allow dog owners to remove the dogs' collars whilst their dogs are engaged in working live-stock, but my concern is how such owners get their dogs home after the droving is completed.

The Hon. L. H. S. THOMPSON.—I suppose it might be argued that the returning home of the dogs was part of the journey. That could be the interpretation of a court, but if Mr. Swinburne desires a specific provision to be inserted in the legislation I suggest that he should frame a suitable amendment and the Government will examine it.

The Hon. I. A. SWINBURNE.—It is not my duty to frame amendments for the Government.

The Hon. L. H. S. THOMPSON.—It is Mr. Swinburne's suggestion, and I acknowledge that there might be something in it.

The PRESIDENT (Sir Gordon McArthur).—It could be contended that returning home was part of the droving operation.

The Hon. L. H. S. THOMPSON.—I agree that that could be the interpretation of a court. In any case, the Government will re-examine the position in the light of Mr. Swinburne's remarks.

The Hon. SAMUEL MERRIFIELD. — It may be that changes in this Bill conflict and override some provisions relating to guide dogs. Is the Government sure that it has covered guide dogs and that they are provided for in the exemptions contained in this Bill?

The Hon. L. H. S. THOMPSON.—That position will be examined. So far as I know, nothing in this Bill will interfere with the privileges granted to the owners of guide dogs. Nevertheless, we will make doubly sure. Clause 9 covers

dogs found wandering at large without prescribed collars. Again, the relevant period is to be increased to four days and the fine raised from 10s. to £3. This clause restates section 23, which provides penalties for owners of registered dogs found in any public place not wearing registration collars and for unregistered dogs wearing registration collars. There is no significant alteration in the present provision, but care has been taken to divide the paragraphs of the section so that it is more easily readable by a person checking its provisions. Clause 10 extends the areas in which dogs must be kept under effective control. A number of complaints have been made by railway employees and teachers that dogs have been running wild near railway stations and schools. The obligation to keep a dog under proper control is being extended to those areas.

Clause 11 deals with the obligation to keep dogs effectively secured by means of a proper chain or leash or in an enclosure between the hours of sunset and sunrise. There have been many complaints, particularly in inner country areas, about dogs running wild and killing or injuring stock. The effect of the clause will be to require effective control of dogs during the night throughout Victoria and not merely in certain municipalities.

Clause 12 provides penalties for seizing, selling, injuring, or destroying a dog without authority. This is achieved by inserting a new section in the principal Act. Apparently unscrupulous persons have been selling dogs to institutions and other establishments for the purpose of personal profit. In future such a practice will be an offence, for which a penalty of not less than £1 nor more than £20 is provided. In addition, if the dog is destroyed the person concerned will be liable to pay the owner the full value of the dog.

By clause 13, a new section 24 will be inserted in the principal Act in lieu of the existing section. The amendment is not significant, but a new offence of wilfully removing, altering or defacing the badge on a registration collar is introduced. The only change effected by clause 14 is the introduction of the expression "effective" to govern the word "control."

The Hon. T. H. GRIGG.—What will be the position in regard to a sporting dog? It would be difficult to have such a dog on a leash.

The Hon. L. H. S. THOMPSON.—Section 25 of the principal Act provides—

> The owner or occupier of any field paddock yard or other place enclosed by a fence in which any sheep cattle or poultry are confined or any person acting under the authority of such owner or occupier may without incurring any liability in respect thereof shoot or otherwise destroy any dog found at large therein whether the owner of such dog is or is not known: Provided that it shall not be lawful to shoot or otherwise destroy as aforesaid any dog accompanied by and under the control of its owner or other person.

The only change is the introduction of the word "effective."

The Hon. A. J. HUNT.—Then the dog can still be shot if the owner is present but has no control of the dog by a leash?

The Hon. L. H. S. THOMPSON.—There would be no right to take such action if the owner had the dog under effective control. I shall examine the point raised by Mr. Hunt. Clause 15 includes the word "poultry," which I think was inadvertently omitted when section 26 was last drafted. The word does appear in section 25. Presumably as much or greater damage could be caused to poultry as to larger animals. The main change effected is that which appears in sub-section (4) of proposed new section 26. It provides that where the owner of a dog is convicted of an offence under the section, such as attacking, worrying or chasing a person, in addition to imposing any other penalty, the court will have power to order that the dog be destroyed or that it shall be kept muzzled in a manner sufficient to prevent it from causing injury from biting at all times when it is not on the premises of the owner.

The Hon. I. A. SWINBURNE.—The provision contained in paragraph (*a*) of proposed new sub-section (3) of section 26 seems a bit hard.

The Hon. L. H. S. THOMPSON.—That is so. The provision is already contained in the present Act, but the section is now paragraphed and easier to read. Clause 15 also inserts a new section, 26A in the principal Act. Sub-section (2) of proposed new section 26A provides—

> Where any person is authorized to sell or destroy a dog pursuant to this Act the dog may be given to any person or body approved by the Minister who or which is for the time being willing to accept such dogs.

The Hon. SAMUEL MERRIFIELD.—Sub-section (1) of proposed new section 26A provides that a dog shall be destroyed speedily and without unnecessary suffering. However, in sub-section (2) of that section a person is given an open cheque to do whatever he wishes with the dog.

The Hon. L. H. S. THOMPSON.—Proposed new section 26A was introduced as the result of comments made by His Honour Judge Read who drew attention to the fact that the section did not set out how a dog should be destroyed. This difficulty has been met by providing that a dog must be destroyed speedily and without unnecessary suffering. Sub-section (2) of proposed new section 26A provides that the Minister must approve of a person or body to whom a dog is sold. Much valuable research work has been carried out by using unwanted dogs, and great advances have been made by this means in medical and veterinary science.

The Hon. SAMUEL MERRIFIELD.—Why give persons an open cheque?

The Hon. L. H. S. THOMPSON.—The persons concerned must be approved by the Minister. I suggest that a fairly close degree of supervision will be possible under this section. Possibly some human beings may suffer for a shorter period of time as the result of experimental work carried out on dogs. I agree that there must be close supervision of the manner in which such experimental work is carried out, and I believe that the position will be safeguarded by the provisions contained in this section.

By the provisions contained in clause 16, section 31 of the principal Act is amended so that any person may lay an information for an offence against the Act. It is desirable for it to be stated clearly who can lay such an information. It is further provided that persons laying informations in actions which are successful may be reimbursed costs or expenses. The provisions contained in proposed new section 31A provide that all fees paid in respect of anything done under this Act shall be paid to the council of the municipality concerned and that fines or penalties imposed under the Act shall be paid to the council where the council initiates the prosecution, or where somebody else initiates prosecutions the fines or penalties shall be paid to Consolidated Revenue.

The Hon. A. J. HUNT.—Did the Minister mention that clause 16 introduces common informers into the Dog Act for the first time?

The Hon. L. H. S. THOMPSON.—I said that it is clearly stated who can lay an information. This provision is contained in a number of other Acts and it is not a new principle.

The Hon. SAMUEL MERRIFIELD.—If a private person lays an information with a policeman, the Consolidated Revenue will obtain the benefit, but if the information is laid with a council officer the council will obtain the benefit?

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

The Hon. SAMUEL MERRIFIELD.—So that it will be the municipal officer nominally laying the information and not a third person?

The Hon. L. H. S. THOMPSON.—It will depend on circumstances. In some cases it will be the council officer, and in other cases it will be the private citizen. If an information is laid by a private person, the fine will go into Consolidated Revenue, but if a municipal officer lays the information, the fine will go into municipal funds.

Clause 17 relates to amendments to section 33 of the principal Act. These amendments are designed to allow municipal councils to remit dog fees to people

in necessitous circumstances. For instance, an elderly pensioner, if the council is so minded, will be enabled to register his dog without payment of a fee.

The Hon. R. W. MAY.—Under this provision, will a farmer be allowed to keep one dog free of charge?

The Hon. L. H. S. THOMPSON.—Undoubtedly, a farmer in necessitous circumstances would have his fees remitted. For the manifold reasons outlined, 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.

The House adjourned at 11.48 *p.m.*

LEGISLATIVE ASSEMBLY.

Tuesday, December 5, 1961.

The DEPUTY SPEAKER **(Mr. Rafferty)** took the chair at 3.7 p.m., and read the prayer.

STATE RIVERS AND WATER SUPPLY COMMISSION.

MOSQUITO DEPRESSION: DRAINAGE WORKS.

Mr. BROSE (Rodney) asked the Minister of Water Supply—

1. Whether the drainage works carried out in Mosquito Depression, south of Bay of Biscay were constructed directly by the State Rivers and Water Supply Commission or by contract?

2. Why the work has not been completed?

3. When it is anticipated that this work will be resumed?

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

1. The earthworks are being carried out by contract and the incidental structures, such as drainage inlets, and so on, are being constructed by the Commission's day labour forces.

2. The lowest tenderer for the earthworks commenced work in March, 1961, but on 24th May advised the Commission that he could not carry on with the work and asked that the contract be terminated. This was done and the work was readvertised and a contract given to the lowest tenderer on 15th August, 1961. Two days later he informed the Commission, after he had done very little work, that he could not go on with the contract.

The Commission then negotiated with the next lowest tenderer and he commenced operations on 13th October, 1961.

3. Since the 13th October, 1961, the work has proceeded continuously in a satisfactory manner.

COMMERCIAL GOODS VEHICLES ACT.

TON-MILE ROAD TAX RECEIPTS: PAYMENTS TO COUNTRY ROADS BOARD: COST OF COLLECTION.

Sir HERBERT HYLAND (Gippsland South) asked the Minister of State Development, for the Minister of Transport—

1. What amount has been received from the ton-mile road tax each financial year since its inception?

2. How much of this revenue has been paid to the Country Roads Board in each such year?

3. What was the annual cost of collection of this tax and from what source the cost was met?

Mr. FRASER (Minister of State Development).—The answers furnished by the Minister of Transport are—

		£
1.	1955-56 (two months) ..	216,000
	1956-57	1,316,000
	1957-58	1,570,000
	1958-59	1,836,000
	1959-60	2,118,000
	1960-61	2,255,000

2. All the above collections have been passed intact to the Country Roads Board.

3. Cost of collection is met from the Transport Regulation Fund. The Board estimates that direct costs of collection in the above period (of five years and two months) amounted to £825,000.

TRANSPORT REGULATION BOARD.

RECEIPTS AND EXPENDITURE.

Sir HERBERT HYLAND (Gippsland South) asked the Minister of State Development, for the Minister of Transport—

What were the receipts and expenditure of the Transport Regulation Board in each of the last five financial years?

Mr. FRASER (Minister of State Development).—The answer supplied by the Minister of Transport is—

The receipts (excluding road charges collections) and expenditure of the Transport Regulation Board for the last five financial years were as follows:—

	Receipts.	Expenditure.
	£	£
1956-57 ..	561,842	558,896
1957-58 ..	615,784	543,200
1958-59 ..	623,379	534,562
1959-60 ..	670,520	584,525
1960-61 ..	719,233	638,090

From the balance in the Transport Regulation Fund each year, the Board has certain commitments to meet such as allocations for bush shelters and comfort stations approved but unpaid, and distribution of bus licence fees to metropolitan and urban municipalities.

BUREAU OF ECONOMIC AND STATISTICAL RESEARCH PROPRIETARY LIMITED.

REGISTRATION: SUBSCRIBED CAPITAL: OBJECTIVES: DIRECTORS: LODGMENT OF RETURNS UNDER COMPANIES ACT.

For **Mr. MOSS** (Murray Valley), Mr. Trewin asked the Attorney-General—

1. When the Bureau of Economic and Statistical Research Proprietary Limited was registered as a company?

2. What is the company's subscribed capital?

3. What are the objectives of the company?

4. What are the names and occupations of the directors?

5. Whether the company regularly furnishes returns as required by the Companies Act 1958; if so, when the last return was lodged; if not, what action (if any) has been taken against this company for failure to comply with the provisions of the Act?

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

1. 14th July, 1958.

2. Six shares of £1 each.

3. To carry on at Melbourne and elsewhere the business of economic and statistical research consultants.

4. Dennis Ian Shannon of 6 Towers-road, Toorak, economist. Albert Ferdinand Karoly, of 5 Green-street, Ivanhoe, statistician.

5. No returns had been filed since 15th July, 1958. A demand for outstanding returns was served on the company on 13th October, 1961, and all returns have now been filed.

BUSINESS OF THE HOUSE.

ORDER OF BUSINESS.

Mr. RYLAH (Chief Secretary).—I move—

That the consideration of the Notices of Motion, General Business, be postponed until after the Orders of the Day, Government Business.

Sir HERBERT HYLAND (Gippsland South).—At a meeting of the House Committee this morning, it was decided that I should inquire from the Government what is to be done in relation to item No. 1, General Business, which reads—

STANDING ORDERS COMMITTEE — *Resumption of debate on the question* — That the Report of the Standing Orders Committee on the question of the introduction of groups of children within the precincts of the Legislative Assembly be adopted.

The matter first came before the House Committee, and was later submitted to the Standing Orders Committee. When the motion mentioned in the above item was moved, two honorable members spoke, and the debate was then adjourned. The House Committee —I acted as chairman this morning in the absence of Mr. Speaker and Mr. President—feels that this matter should be finalized one way or the other. We should like the Government to inform the House what it is proposed to do in relation to this question.

Mr. RYLAH (Chief Secretary).—(*By leave*)—I should like to inform the Leader of the Country party that the Government has not given any thought to this matter, which is well down the list of business on the Notice Paper. I shall ask the Premier to intimate his views to the Leader of the Country party.

The motion was agreed to.

RACING (OFF-COURSE DOUBLES TOTALIZATORS) BILL.

The House went into Committee for the further consideration of this Bill.

Clause 2 (Amendment of No. 6353 s. 1).

Mr. CAMPBELL TURNBULL (Brunswick West).—I desire to mention certain unjustified comments which have been made in relation to the Moonee Valley

Racing Club, because many of the workers engaged by that club live within my electorate. I have known Mr. W. S. Cox for many years—long before I became a member of Parliament—and regard him as a personal friend. I therefore do not propose to traverse in detail what was said by the honorable member for Burwood.

I desire to direct the attention of the Committee to what may be said in favour of Mr. Cox and the administration of the Moonee Valley Racing Club. I propose to quote from a booklet entitled *Essendon Centenary Guide* —1861-1961, which states at page 18—

Since 1940 the Club—

That is the Moonee Valley Racing Club—

has distributed £1,818,337 in stakes, raised £390,000 for metropolitan and country hospitals and charities from charity race meetings held at Moonee Valley and donated £115,872 to local and other charities.

It can be seen, therefore, that the club has made some contribution to the districts in its immediate vicinity. A full-time staff of more than 40 men is employed, and on race days an additional 1,200 persons are engaged by the club, including many local residents who are given preference.

As honorable members are no doubt aware Mr. Cox has made the various motor car parks available to the public on days when the club is not holding race meetings. On Cup Day 1960 more than 6,150 cars were parked on club property. I know of my own knowledge that some of the parking areas are made available for free parking to local shoppers on all days other than race days. The grandstands and other course buildings cost approximately £1,000,000, and their construction entailed the employment of many people in the building trade. I believe Mr. Cox has made a great contribution to the racing industry and its management. I have personal knowledge of this matter, because I was associated with him in the early days when bookmakers' taxation was based on 2 per cent. of the turnover. Having regard to the part played in the racing world by Mr. Cox and the Moonee Valley Racing Club, I believe the criticism that was made was quite unjustified.

Mr. Campbell Turnbull.

Sir HERBERT HYLAND (Gippsland South).—In the course of my second-reading speech, I mentioned that the articles of association of the Moonee Valley Racing Club provide that if the club were wound up, say, to-morrow, and it had no intention of racing again, the assets of the club would go to the charities nominated by the committee. I had intended to obtain a copy of the club's articles of association, but because I have been away in the country I have not had an opportunity of doing so. However, I know that is the position, because I read the articles of association when I was Chief Secretary. I am also aware of the job which has been accomplished by the Moonee Valley Racing Club throughout the years. It is unfair to criticize anyone unless the full facts are stated.

An alarming statement has appeared in the press—I do not know whether it is correct or whether I read it correctly —to the effect that the Chief Secretary may withhold the proclamation of this measure if the Victoria Racing Club does not "come to heel" with regard to the publishing of odds after each race. I do not think this statement can be correct, because I cannot imagine the Chief Secretary or the Government introducing a measure such as this and then saying, "I am going to use this legislation to force clubs to publicize the totalizator dividends after each race." However, I ask the Chief Secretary to allow the racing clubs and the Totalizator Agency Board a full twelve months to consider these matters. At the conclusion of that period the parties can then confer with the Chief Secretary and ascertain the position. According to a statement in to-day's press a meeting of country racing associations unanimously opposed the broadcasting of totalizator dividends after each race. They maintain that this practice will militate against the interests of country racing clubs. I realize that this is not the intention of the Chief Secretary, because when introducing the legislation the honorable gentleman stated that it would assist country clubs.

Those who control country racing must have a pretty good idea of what is necessary for their clubs. In view of the fact that Mr. Bourke, of Pakenham, who is chairman of the Country Racing Advisory Committee, has stated that the country associations are opposed to the proposition, I believe it would be a good idea for the Chief Secretary to delay taking any action. This sessional period will probably end on Thursday of this week. The broadcasting of totalizator dividends is a question that is absolutely vital to all the racing authorities in Victoria, not only the four metropolitan clubs but also the country clubs, including those at Cranbourne and Werribee, which are mentioned in this measure. Those members who supported the legislation initially would not wish any action to be taken which would break down the original intention, which was to help all racing clubs, both metropolitan and country. I ask the Chief Secretary not to take any drastic action in relation to the publicizing of totalizator odds after each race. It is not desired that a betting-shop atmosphere should be created. We desire to maintain racing on a clean level as it has been in the past. I ask the Chief Secretary to give my remarks his earnest consideration and to let honorable members know exactly what is proposed.

I should like to refer to Sir Chester Manifold, the chairman of the Victoria Racing Club, who is entitled to the prefix, "The Honorable." He has done wonderful work for racing throughout Victoria and Australia. Honorable members may not agree with Sir Chester politically and in other respects, but they cannot refuse to acknowledge that he has given much of his valuable time to assist racing. He has paid out of his own pocket a good deal of money to assist racing. He is also a breeder of note—I understand the Premier leased horses from Sir Chester Manifold at one time. He has done so much for racing that it is hardly fair that he should be chastised in this place because of certain actions he is taking. Both as chairman of the Victoria Racing Club and of the Totalizator Agency Board, Sir Chester has every right to say, "We do not believe in the totalizator odds being published." Sir Chester Manifold is doing such excellent work for racing that we should listen to him to see what he has in mind and what he proposes.

I understand the Chief Secretary is to meet representatives of the Victoria Racing Club to-morrow, and I hope the honorable gentlemen will give some attention to what I have said. It has always been my idea to make racing in Victoria better than in any other State in Australia so that we can hold up our heads, as it were, so far as the racing industry is concerned. Although members of Parliament can attend race meetings as the guests of the racing clubs, very few members do so. Consequently, no one is under any obligation to the racing clubs because of the courtesy that is extended to them. I think all honorable members have shown that they have been trained in the right school and have realized that it is very difficult to win money from racing, particularly as a punter. My remarks have been made in the kindliest possible way with a view to assisting the racing clubs, the Government, and the country racing organizations.

Mr. STONEHAM (Leader of the Opposition).—The Chief Secretary owes Parliament some assurance in respect of the proclamation of this legislation. I realize that this question should have been dealt with under clause 1, but when that clause was under consideration, the Chief Secretary had not had an opportunity to reply to Press statements. In the *Age* of 29th November, in an article signed by Lindsay Mudge, there appeared these comments—

> It was learned last night that the Government was determined to hold up the reforms until the clubs reversed their recent decision on the transmission of dividends.
>
> A Government official pointed out that when Mr. Rylah introduced the Bill in the Legislative Assembly on 15th November he made it clear that the Government was concerned by the clubs' decision to withhold dividend information.

It is true that the Chief Secretary gave such an intimation, but that is an entirely different issue from the proclamation of the Act. If there is any

truth in Lindsay Mudge's statement, it appears that a misuse of constitutional procedure is intended. The statement to which I have just referred was repeated in the *Sun News-Pictorial* of 1st December, in an article signed by Jack McPherson. The Chief Secretary owes it to Parliament to take honorable members into his confidence and inform them of the date of the proclamation of the Act. The honorable gentleman also owes it to himself to deny such a foul allegation, if it is not true.

The clause was agreed to, as were clauses 3 to 10.

Mr. RYLAH (Chief Secretary).—I propose the following new clause, to follow clause 10:—

(AA.) The principal Act shall be amended as follows:—

(*a*) In sub-section (1) and sub-section (3) of section seven, section nine, section eleven (wherever occurring), sections thirteen and sixteen, sub-section (1) of section seventeen, sub-section (1) of section twenty-one, sub-section (1), sub-section (2), and sub-section (3) of section twenty-two A, sub-section (1) of section twenty-four, sub-section (2) of section twenty-eight, section thirty-one, section thirty-three (wherever occurring), and in section thirty-four for the words "thirty miles" there shall be substituted the words "twenty miles";

(*b*) in section thirteen—

(i) the words "race-meetings held on the Cranbourne racecourse or the Werribee racecourse and of" shall be repealed; and

(ii) the further proviso shall be repealed; and

(*c*) in the Second Schedule the expressions—

"Werribee .. .. 6"
and
"Cranbourne .. .. 6"
shall be repealed.

Perhaps I should briefly explain this clause, although I have already taken the Leaders of both the Opposition and the Country party into my confidence concerning it. It is proposed to amend the definition of the metropolitan racecourses to those courses which are within twenty miles of the General Post-office by the nearest practicable route—at present, a 30-mile radius is prescribed. The amendment, if adopted, will mean that the Cranbourne and Werribee racecourses will be taken out of the metropolitan area. The inclusion of the two courses in question within the metropolitan area has been a stupid anomaly that has annoyed people for many years. Werribee and Cranbourne have obviously not been metropolitan racecourses, but, because they have been within the prescribed radius, they have been regarded as such and have encountered many difficulties.

Mr. STONEHAM.—Will the amendment adversely affect country racecourses?

Mr. RYLAH. — No; it will probably assist them. It could mean that the Cranbourne Racing Club could organize trotting if it desired to do so, and I believe it will.

Mr. SCHINTLER. — Will the proposal make any difference to the bookmakers' turnover tax?

Mr. RYLAH.—No. This amendment should be a good answer to the points that have been raised about me or the Government having any intention of acting in a manner that will harm country racing. It is part of a scheme which is in the process of being submitted to me for the improvement of country racing. I say categorically that the Government is intensely interested in anything that will develop country racing and decentralized training of horses outside the metropolitan area, and we may well be going through a new era so far as that is concerned. I cannot say much about the discussions I hope to have to-morrow—I have received only an outlined plan at this stage. The Victoria Racing Club is anxious to develop country racing and training, and the Government strongly supports this policy. It will overcome many of the difficult problems associated with horses having to be led around the metropolitan area, the economic problem of the trainers and so on.

I am a little confused and amazed at a report contained in the *Age* this morning, particularly in regard to the reasons given by the country racing associations for not wanting

the broadcasting of odds. When the Government introduced the off-course totalizator scheme over a year ago, the Premier made it clear that he was introducing principles identical with those operating in New Zealand. He asked this Parliament to agree to amend the Police Offences Act so that dividends could be broadcast. He did that for two reasons; the first was so that the small investor could get the same service as he could get from his illegal off-course bookmaker, which people continue to get where starting-price bookmakers are still operating. The second reason was that he realized that it would be a costly business for the Totalizator Agency Board to have to telephone dividends to every one of its branches and agencies throughout the State—perhaps not so costly in the early stages when there were only a few agencies.

I do not know how the country racing clubs could have suddenly come to the conclusion they have and drawn it to the Government's attention. I have been to a number of country racing clubs in the past few weeks and this problem has never been mentioned to me. However, I shall take it into consideration, but I have no intention of buying a fight with anyone over it. As a Government, our only objective is to protect racing, particularly country racing.

Mr. CAMPBELL TURNBULL.—It brings in plenty of money.

Mr. RYLAH.—Yes, it is a good revenue spinner for the Government; it is a spectacle that the public wants; it is a big industry, from the breeding of horses to the shoeing of them, the strapping of them, the riding of them, the training of them and to the 1,200 people to whom the honorable member for Brunswick West referred as being employed by racing interests on a Saturday afternoon. From the Government's point of view, it should be encouraged because it is an industry which is naturally decentralized throughout Victoria. We wish to give it all the assistance we can.

I shall attend to-morrow's conference with an open mind. I think it is our duty as a Government to point out to the racing clubs that the small investor should have this information, and to point out that the illegal starting-price bookmaker supplies it anyway, and that if it is withheld from the legitimate investor it will make the job of cleaning up starting-price bookmakers even harder. Furthermore, the costs of the Totalizator Agency Board would be increased and therefore the amount distributed by the Board would be reduced. At this stage there will be no threats and no promises. I should like an amicable agreement to be the result of to-morrow's discussions. I am assured by an evening newspaper, which shall remain unnamed, that to-morrow's conference will find a solution. That is heartening to me, because I believe this little wrangle should not go on. I think I have explained the amendment sufficiently; it is wanted by both the Cranbourne and the Werribee clubs.

Mr. L. S. REID (Dandenong).—This new clause, as the Chief Secretary explained, will enable the Cranbourne and Werribee clubs to receive a better allocation of race days from the Racecourses Licences Board. That does not mean that they will get additional race days; they will probably get a better allocation of days. Wednesday is a much better day on which to hold races than Thursday, and under this new clause the two clubs to which I have referred will be outside the 20-mile radius and will be considered in a different light when the Racecourses Licences Board allocates race days. The clause will not interfere in any way with the big Melbourne racing clubs because the only race track in the metropolitan area anywhere near the 20-mile radius will be Sandown Park, at which racing will be conducted next year, and that is approximately 16 miles from the city.

I wish now to mention a few pertinent facts regarding the new track at Sandown. It will be the most modern racecourse in the Southern Hemisphere. One of its great features will be that patrons will be able to view an entire race from any position on the course. Another great feature will be the parking facilities, which will permit 10,000

motor vehicles to be parked within the enclosed area of track. That will overcome the problem of congestion in the parking of vehicles which exists at many of the metropolitan tracks to-day.

However, I am mainly interested in the Cranbourne racecourse. I know that the chairman of the club and the members of the committee are greatly interested in racing in the Cranbourne district generally. Cranbourne has done a great deal for country racing, and at the racecourse there are many modern facilities, such as starting stalls, photo-finish apparatus and other amenities in keeping with other country clubs. One of the reasons why the Cranbourne race club has progressed so much, particularly during the past five or six years, is that it has a practical, local and energetic committee which is interested in racing itself. The present chairman of the club, Mr. Lawson Poole, has been a member for 40 years and he has personally done a great deal to bring about improvements to this club. I understand that he has spent his own money generously in bringing about these improvements. He has donated memorial gates which will cost over £1,000, and when erected these will be a big improvement to the racecourse. There are in the racing game some people who are interested only in breeding horses and in the attraction or enjoyment they get out of racing. The chairman of the Cranbourne race club, although he has been actively associated with the club and with racing for 40 years, has never had a bet on a racecourse.

The proposal for the reduced radius contained in the new clause will enable trotting meetings to be conducted at Cranbourne. There is already in existence the Cranbourne Trotting Club, and by this new clause it will be enabled to conduct trotting meetings at Cranbourne. Of course, it will have to be licensed with the Trotting Control Board, and I believe that between the trotting club and the turf club a great deal will be done to improve still further racing facilities at Cranbourne. The racecourse is constructed on Crown land, and after stakes and other expenses have been paid the balance of the money must be ploughed back into improvements to the track. I am particularly pleased that this new provision is to be included in the Bill, because it will enable Cranbourne and Werribee to receive a better allocation of race days, and that can mean a great deal for country racing.

The new clause was agreed to.

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

CIVIL AVIATION (CARRIERS' LIABILITY) BILL.

Mr. RYLAH (Chief Secretary).—I move—

That this Bill be now read a second time.

It is concerned with the liability of airline operators in respect of the death of or injury to passengers and damage to luggage carried by aircraft within Victoria.

By the Civil Aviation (Carriers' Liability) Act 1959, the Commonwealth of Australia has legislated with respect to this matter in relation to the carriage of passengers and luggage by airline operators between different States and Territories of the Commonwealth and between places in Australia and places outside Australia. In other words, the Commonwealth Parliament has already legislated on the subject for the whole field in which it is competent. There remains the field of purely intra-state carriage in which State Parliaments alone are competent and, with a view to achieving uniformity in the law applicable to both interstate and intra-state air carriage, the Commonwealth Government has suggested that the States should pass appropriate legislation. This Bill is designed to carry out that suggestion.

It will be convenient to refer briefly to the clauses. Clause 1 is the usual citation clause and provides for the measure to come into operation on a proclaimed day. Clause 2 deals with interpretation. Clause 3 provides that

the Crown is to be bound by the measure. Clause 4 sets out the carriage to which the Bill is to apply. This may be shortly stated as carriage of passengers in an aircraft being operated by the holder of an airline licence in the course of commercial transport operations under a contract for the carriage between places in Victoria. Clauses 5 and 6 provide that certain provisions of the Commonwealth Civil Aviation (Carriers' Liability) Act 1959 and certain of the regulations for the time being in force under that Act are to apply as if they were incorporated in the Bill. Clause 7 provides for the disallowance by either House of Parliament of any Commonwealth regulations so far as they relate to air carriage to which the Bill relates, and authorizes the Governor in Council to make regulations. It will be seen, therefore, that apart from clauses 3, 4, and 7, the Bill contains no direct provisions of its own, but simply applies certain provisions of the Commonwealth Act and regulations.

I shall now deal very shortly with the main provisions of the Commonwealth Act which the Bill applies to Victoria. First, it is provided that the airline operator is to be absolutely liable for damage sustained by reason of the death of a passenger or for personal injuries suffered by him resulting from an accident on board the aircraft or in the course of embarking or disembarking operations. The liability for such damage in the case of any one passenger is limited to £7,500 or such higher amount as may be specified in the contract of carriage. Liability under the Act is in substitution for any other liability whatever of the airline operator. Proceedings under the Act must be commenced within a period of two years. It is also provided that any provision of an agreement tending to relieve the airline operator of liability in accordance with the Act or to fix a lower limit than the limit of liability provided by the Act is null and void.

There are also a number of other provisions, including provisions as to matters which are not to be taken into account by way of reduction of damages, such as the proceeds of insurance policies, provisions relating to actions for damages in respect of the death of a passenger, and provisions dealing with the liability of airline operators for damage to passengers' baggage. It is obvious, therefore, that these provisions will in general give better protection to passengers or their dependants than they have under the ordinary law. In Victoria at the present time the liability of airline operators in relation to purely intra-state carriage is covered by common law principles. Thus, the amount of damages which may be recovered by a passenger is not limited in any way, but in order to recover any damages at all it is necessary to prove negligence. The passenger's right to sue for damages is therefore of little value in many cases, because in serious aircraft accidents it is usually extremely difficult, if not impossible, to prove negligence. Furthermore, there is nothing to prevent the common law liability from being limited or even completely excluded by the contract of carriage. Under the Commonwealth provisions, as I have mentioned, though the airline operator's liability is limited to £7,500, he cannot escape his liability or reduce it by issuing a ticket subject to conditions.

Over and above these advantages there is the uniformity of law which will result. This is by no means unimportant when it is realized that with the Commonwealth Act in operation and no corresponding State Act it would be quite possible that the rights of passengers travelling in the same aircraft, some to destinations within the State and some to destinations beyond the State, could depend on different laws.

Clause 7 of the Bill is designed to bring Commonwealth regulations which apply by virtue of the Bill under the control of the Victorian Parliament and the Subordinate Legislation Committee, in the same way as if they were regulations made under a Victorian Act. It is expressly provided that if either House disallows any such regulation it shall cease to apply to air carriage to which

the Bill applies. Furthermore, power is given to the Governor in Council to make regulations for the carrying out or giving effect to the Commonwealth Act in Victoria.

The Bill and its provisions have been thoroughly investigated by the Statute Law Revision Committee which has made, I think, two reports on the matter and has recommended that the measure be passed into law. I commend the Bill to the House.

Mr. CAMPBELL TURNBULL (Brunswick West).—I had intended to suggest that the debate on the second-reading motion be adjourned for an hour to enable me to review the measure, but whilst the Attorney-General was delivering his speech it became quite clear what the Bill seeks to achieve. It is aimed at bringing about uniformity of the law concerning the carriage of passengers intra-state and interstate. As the honorable gentleman pointed out, the Commonwealth of Australia can make laws only with respect to the carriage of passengers and luggage by airline operators between States—in other words, in respect of interstate traffic. This leaves the carriage of intra-state passengers in a completely different field. Clause 4 provides—

> This Act shall apply to the carriage of a passenger where the passenger is or is to be carried in an aircraft being operated by the holder of an airline licence in the course of commercial transport operations under a contract for the carriage of the passenger between a place in Victoria and another place in Victoria, not being carriage to which Part IV. of the Commonwealth Act applies or to which the Warsaw Convention, or the Warsaw Convention as affected by the Hague Protocol, applies.

In effect, the Bill incorporates the Commonwealth law into Victorian legislation. Clause 7 deals with regulations which are made under the Commonwealth Act, and it gives this House complete control over those regulations. If it disapproves of them, it can reject them and make its own regulations.

This measure has been approved by the Upper House and by all parties concerned. Moreover, it has been considered by the Statute Law Revision Committee and I think it would be idle, at this stage of the sessional period, to delay its passage. Accordingly, the Opposition commends the Bill to the House.

The motion was agreed to.

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

SHEEP OWNERS PROTECTION BILL.

The debate (adjourned from November 23) on the motion of Mr. Meagher (Minister without Portfolio) for the second reading of this Bill was resumed.

Mr. STONEHAM (Leader of the Opposition).—This Bill seeks to re-enact, with amendments, the Sheep Owners Protection Act 1958. The original legislation was passed in 1935, and that Act provided that sheep could not be moved on public roads by motor vehicle without a permit. I think the operation of that legislation has been reasonably successful, but competent observers have at various times stated that convictions for sheep stealing have not been recorded in many instances when they should have been. Be that as it may, the Government has apparently thought fit to tighten up the regulations. Whilst this Bill is in many respects largely a reprint of the original legislation, some major departures are made. First, the enforcement of the Act is transferred from the Department of Agriculture to the Police Department. Secondly, the system of designating persons competent to issue permits is also fundamentally altered in that in future every member of the Police Force shall be a permit officer under the Act, and any reputable person may, on the recommendation of the council of the municipality in which he resides, be appointed by the Minister to be a permit officer. I think it will be generally agreed that more stringent and effective application of the legislation will now be possible. Clause 5 sets out the purpose of the measure. It provides, *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.

(2) A person shall not drive a motor car carrying sheep along any road unless he has in his possession a permit to carry such sheep along that road endorsed as provided by sub-section (4) of this section.

(3) Where a permit to carry sheep by road has been obtained by a person other than the driver of the motor car in or on which the sheep are to be carried that person shall deliver the permit to the driver of that motor car before the sheep are placed in or on it.

Other clauses set out necessary provisions to enable that central purpose to be achieved. The Bill also covers sheepskin buyers, and provisions are to be enacted to prohibit any person from buying raw sheepskins unless he is a licensed skin dealer.

I consider that the new permit system to operate in relation to the transport of sheep will prove to be effective. Two types of permits will be issued, an ordinary one with a currency of seven days and a special permit with a currency of twelve months for recognized sheep breeders of stud sheep. This permit will be issued by the Minister or a person authorized on his behalf. The Bill represents a sincere effort to tighten up the legislation and to ensure that sheep owners are protected from attempts to steal sheep. Consequently, the Labour party offers no objection to the passage of the measure.

Mr. TREWIN (Benalla).—Naturally members of the Country party are concerned when a Bill of this nature is before the House, because many of them have been personally involved in the operation of the Sheep Owners Protection Act. This Bill appears to be an effort by the Government to close some of the loopholes that have been revealed in the existing legislation.

When the Government's proposals were first presented in the other House, in an endeavour to assist in the framing of appropriate legislation, several amendments were moved by a member of the Country party. An ordinary permit, with a currency of seven days, must be obtained before an owner arranges to load his sheep. This Bill will amend the legislation to provide that the truck driver and the person who supervises the loading of the sheep on to the truck must endorse the permit. I hope that this proposal will not prove to be a hindrance. Many sheep owners own transport vehicles, and at times the need for these endorsements could prove an embarrassment to them. I have referred this matter to the Minister without Portfolio, and he has assured me that if difficulties arise the legislation will be amended at a future date. The Country party is prepared to accept the proposal in its present form with that assurance.

We are very happy to see the proposal that the words "stud sales" shall be added to permits issued to stud breeders. At present, breeders' permits relate only to the carriage of stud sheep to and from any railway station specified in the permit, to and from any agricultural show, or to and from any property. We are sure that the addition of stud sales will be of great assistance to stud breeders.

Mr. L. S. REID.—What duration has a breeders' permit?

Mr. TREWIN.—It has a duration of twelve months.

Mr. L. S. REID.—Do you not think that is too long?

Mr. TREWIN.—No. It is an annual permit, and the breeders are very happy with it.

Mr. L. S. REID.—Would not the character of sheep change over that period?

Mr. TREWIN.—Yes. However, these permits are given to owners of sheep who are stud masters and they are thus enabled to carry stud sheep back to their properties if they purchase them at a sale or at a show.

Mr. L. S. REID.—But does not the permit carry a description of the sheep?

Mr. TREWIN.—No, not the permit relating to stud sheep; the ordinary permit is the one which carries a description of the sheep concerned.

Sub-clause (5) of clause 5 provides, *inter alia*—

Nothing in this section shall operate to prevent—

(*a*) the owner of any sheep or any person with his authority or consent from carrying such sheep by motor car

> from one part to another part of the property of the owner over not more than ten miles of road; or

At the present time, when some property owners move sheep from different parts of their properties the distance involved is more than 10 miles. I have been asked to ascertain whether the distance specified in this provision could be extended to 30 miles or the words " from property to property of the owner " inserted. I urge the Minister without Portfolio to give me an indication of the Government's intention in regard to that suggestion when he replies to points raised in the second-reading debate.

Other than the points to which I have referred, we consider that the Bill is an endeavour to assist in the orderly transport of sheep within the State of Victoria and in adjoining States when similar permits are issued. The Country party supports the Bill.

Mr. L. S. REID (Dandenong).—This Sheep Owners Protection Bill proposes a number of amendments to existing legislation to close loopholes that have been detected. In the future, the legislation will be administered by the Police Department instead of by the Department of Agriculture. As the honorable member for Benalla said, two types of permit are to operate, an ordinary permit with a duration of seven days, and a breeder's permit which lasts for twelve months.

Under the present Act many persons are empowered to issue permits, and this is where the system has fallen down. Any male head teacher, justice of the peace, or commissioner for taking affidavits can issue a permit. It has come to my notice that permits have been issued almost at random—not only odd blank permits but also whole books of permits. The working of the Act has been broken down with the indiscriminate issue of permits. The issue of permits is the crux of the Bill. Before a permit officer issues a permit he should make sure that either the sheep owner or his representative is receiving that permit. Otherwise the system will break down.

I do not know how it would be possible to properly police the Act to prevent sheep stealing without adopting a different method—for example, registered brands, as applies in some other States. It is very difficult, even for the police, to halt a semi-trailer on the highway and check the permit with the sheep in the vehicle. I should not like to have to count the number of sheep in a truck. I find great difficulty in counting them in a pen. Many permit officers would not know one kind of sheep from another. If a system of registered brands were introduced it would be possible to properly describe the sheep on the permit, and police officers would be able to check the description of the sheep more readily. I should like the Government in due course to consider the use of registered brands or ear tags. Permit officers might not know a ewe from a wether.

Apart from those points, I am in agreement with the Bill, which is designed to tighten up the existing law. The new provisions should reduce the instances of one or a few sheep being taken away in the boot of a car or a utility, for instance. Police officers will be able to pull up such vehicles and ascertain whether the driver is in possession of a travelling sheep permit. I note that the Bill provides for a maximum fine of £100 for a breach of its provisions, and that the penalty of imprisonment has been omitted from the Bill. Of course, a person who steals £5 worth of goods from a Coles store can be put in gaol for a short period, but apparently a person who steals £500 worth of sheep can only be fined, up to a maximum of £100. I think provision should be made for the imposition of a term of imprisonment where appropriate.

The Bill definitely improves the registration system. Every officer of the Police Force will be a permit issuing officer, as will other persons appointed by the Chief Secretary on the recommendation of the municipalities concerned. Municipal councils throughout the State should exercise the utmost care to ensure that persons whom they

recommend as permit issuing officers are competent and suitable for such appointment.

Mr. MOSS (Murray Valley).—This Bill transfers the administration of the Sheep Owners Protection Act from the Department of Agriculture to the Chief Secretary's Department, but the Minister in charge of the Bill has given no explanation for that proposal. If the Department of Agriculture has fallen down on the job or has been deficient in any way, the House ought to be informed. The honorable member for Dandenong stated that the legislation has fallen down in regard to the issue of permits. I point out that under the present proposal, in addition to police officers, any reputable person, on the recommendation of the municipality concerned, may be appointed by the Minister as a permit officer. The Minister will also have power to revoke any such appointment. No doubt a good deal of pressure will be applied for a number of permit officers to be appointed, and possibly exactly the same situation will apply as obtained previously. Up to now permit officers have been appointed on the recommendation of the municipality concerned. I cannot see how the matter is being tightened up. Of course, the Government may intend—it has not said so—to appoint a limited number of permit officers. If that is so, there will be some difficulty in obtaining permits.

Mr. L. S. REID.—Will not the person who sends sheep away know his intention well in advance and have plenty of time in which to obtain a permit?

Mr. MOSS.—Up to a point there is something in what the honorable member for Dandenong says, but although a farmer plans his farming and grazing activities in advance, there may be a doubt almost until the eleventh hour whether sheep are to go to a particular market or be shifted to another property. If the distance exceeds 10 miles, it is necessary to obtain a permit. If the number of permit officers is limited there will be a risk of owners taking a chance and not obtaining a permit when the time comes. On the other hand, if an adequate number of permit officers are appointed, the argument advanced by the honorable member for Dandenong will fall flat.

Mr. L. S. REID.—At present odd books of permits are being given out.

Mr. MOSS.—I think the honorable member for Dandenong is endeavouring to assert that permit forms have been signed in advance by permit officers.

Mr. REID.—They are handing out permits at random for the person concerned to fill in the form setting out his own requirements.

Mr. MOSS. — Signed by the permit officer?

Mr. L. S. REID.—Not signed at all.

Mr. MOSS. — Such a procedure is foreign to me, and is not followed in northern Victoria. It is wrong that such a situation should exist. Persons who transport sheep by road usually obtain permits, but in some instances the permits are not returned to the Department of Agriculture, and under this proposal I doubt whether they will be returned to the police. I do not know the answer to the problem, because it is necessary that a complete record should be kept. I realize that law-abiding citizens will obtain permits and instead of delivering them to the auctioneer or the person taking delivery of the sheep the permits will be left in the truck. However, this legislation was introduced as a result of the motor transport of sheep and is designed to assist and protect sheep owners. I believe that in the near future consideration may have to be given to protecting owners of other livestock. I noticed recently that approximately £500 worth of young cattle were stolen, and, although in this instance the police were on the job and recovered the stock before it was sold, this matter is becoming a problem in certain districts. Shortly, the Government may have to consider extending protection to other livestock, particularly cattle.

The question of the registration of brands has received much consideration over the years. The branding of sheep

is becoming out of date. For instance, the Minister of Lands who, like myself, is a breeder of stud sheep, would not dream of putting a brand on one of his stud sheep.

Mr. L. S. REID.—Generally, stud sheep are not stolen.

Mr. MOSS.—That is beside the point. Hundreds of ordinary flock owners in Victoria do not now brand their sheep. The branding or ear-tagging of sheep would cost a considerable sum of money. Any question of introducing legislation to provide for the branding of sheep would be a dead loss so far as sheep owners are concerned.

Mr. WILCOX.—Do you mean that they prefer to take a chance?

Mr. MOSS.—No. The honorable member for Camberwell cannot be of much assistance on this question.

Mr. WILCOX.—That is why I am seeking information.

Mr. MOSS.—I believe the proposals contained in this Bill should be tried, and if circumstances warrant it, amendments can be introduced. This may be necessary shortly after the legislation is put into operation, but, as the honorable member for Benalla pointed out, it is worthy of support.

Mr. B. J. EVANS (Gippsland East).—I am not altogether happy with this proposal from an angle that has not been mentioned so far, that is from the point of view of the stock transport operator. The way things are going, before long legislation will have to be introduced to protect the transport operators. An examination of any country newspaper reveals that a great number of court actions are taken against transport operators of all kinds. It would appear that the transport operator is one of the main classes of criminals in our society. However, I do not share that view because a number of transport operators are good friends of mine.

The question of issuing permits has been mentioned. Sub-clause (2) of clause 3 provides that any reputable person may, on the recommendation of the council of a municipality, be appointed a permit officer. I should like to know whether under that provision the transport operator may himself be appointed a permit officer, because transport operators are reputable persons. When a transport operator is known to the local council to be a reputable person, I see no objection to his being made an authority to issue permits. Considerable difficulties arise in relation to the transporting of small numbers of sheep in one load to perhaps a weekly market in the local town. I have it on good authority that a transport operator may be telephoned at 9 p.m. or 10 p.m., or even as late as 7 a.m. the following morning to see whether he can pick up a number of sheep and take them to a sale by 10 a.m. The transport operator concerned cannot be expected to turn down the job because he cannot obtain a permit from the police in the time available. I believe the owners of the sheep must accept the onus of obtaining a permit. Far too frequently the sheep owner looks to the transport operator to do his work for him in this respect. I wish to make a strong plea on behalf of the stock transport operator in regard to the obtaining of permits.

The Bill provides that any police officer may act as a permit officer. In many parts of the electorate which I represent people reside at a considerable distance from the nearest police station, and it may be quite impracticable for them to obtain a permit from the police station in view of the fact that they would have to travel twenty or 30 miles. I believe a more elastic provision will have to be provided to meet such circumstances. Perhaps the provision which enables "any reputable person" to issue a permit will obviate the difficulty which I have mentioned.

The honorable member for Dandenong said that the purpose of this Bill was to tighten up the legislation. I have a criticism to make in relation to the administration of the Act. A friend of mine was transporting sheep without a permit. He admitted this fact quite openly when he was pulled up by the police, who took his name, the number of his vehicle, and so on. However, no

action was taken by the police to ascertain whether or not the sheep had been stolen. If the provisions of the Act are not enforced, it appears to me that the legislation is merely another means by which the Government raises funds by way of fines.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 4 were agreed to.

Clause 5 (Sheep not to be carried by motor car by road without permit).

Mr. TREWIN (Benalla).—Sub-clause (5) of this clause provides, *inter alia*—

> Nothing in this section shall operate to prevent—
>
> (*a*) the owner of any sheep or any person with his authority or consent from carrying sheep by motor car from one part to another part of the property of the owner over not more than ten miles of road;

I ask the Minister without Portfolio whether the distance of 10 miles could be extended to 30 miles. I believe such an amendment would not weaken the provisions in any way. In some cases it is necessary to transport sheep by road to different parts of a property. This practice is followed in the Mansfield shire, because with the building of Eildon dam, some valleys were flooded and, as a result, properties were cut into several portions. Stock must be taken many miles by road in order to transfer them from one part of a property to another. I refer to properties in the vicinity of Bonnie Doon. In some cases properties owned by one person are situated more than 10 miles apart and the owner wishes to transfer sheep from one property to another. Therefore, I ask that the limit be extended from 10 miles to 30 miles.

Mr. MEAGHER (Minister without Portfolio).—I do not think extending the limit to 30 miles would solve the problem. It may be that an owner has two properties, one in Gippsland and one in the Wimmera; in such a case, 30 miles would be insufficient. The Government has given a good deal of consideration to this matter, and it is felt that in the interests of sheep owners generally such transport should be limited to a reasonable mileage and that beyond that limit a permit must be obtained. The Government believes the 10-mile limit should be given a trial period, and if any inconvenience is caused to a number of people the matter can be reconsidered.

The clause was agreed to, as were the remaining clauses.

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

CHILDREN'S WELFARE (APPEALS) BILL.

The debate (adjourned from October 17) on the motion of Mr. Meagher (Minister without Portfolio) for the second reading of this Bill was resumed.

Mr. SUTTON (Albert Park).—This small Bill is designed to assist a number of persons whose welfare stands in need of increased consideration. The remarks in support of it by the Minister without Portfolio in his second-reading speech were convincing, so the Opposition will do nothing to delay its passage through the House.

The motion was agreed to.

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

PAWNBROKERS (AMENDMENT) BILL.

The debate (adjourned from October 18) on the motion of Mr. Meagher (Minister without Portfolio) for the second reading of this Bill was resumed.

Mr. CAMPBELL TURNBULL (Brunswick West).—This short Bill which deals with the profession or trade of pawnbroking contains two small amendments to section 26 of the principal Act. The Opposition does not propose to oppose the measure, but I consider that I should comment on the subject to which it refers, particularly in relation to the history of pawnbroking. A pawn or pledge is a bailment of personal property as a security for a debt. The origin of pawnbroking is most interesting. In the 15th century on the Continent there were, even in those days,

money-lenders who lent money at extremely high rates of interest. With the consent of the Papal authorities, institutions known as *monts-de-piété* came into being because the church was dissatisfied with the extravagantly high interest rates being charged by the money-lenders, and encouraged these new institutions which secured capital to the poor man on the security of a pledge. They received Papal authority because their proposal was that they be permitted to charge only moderate rates of interest. Within the hands of the Church, they were a powerful weapon against the usurer, the gentleman who charged high rates of interest.

Even in the early history of the United Kingdom the pawnbroker was to the working-class community a source of credit at reasonable rates of interest. He was a sort of banker to the street hawker and the small trader. However, that has all gone by the board, and from the 19th century onwards pawnbrokers lost their real historical function. Indeed, under the Pawnbrokers Act they can charge interest at the rate of 1d. a month for every 2s. loaned, and that works at an interest rate of 50 per cent. If a pawnbroker had a number of pledges coming in daily, he would be well remunerated for his efforts. The principal Act is drafted in very tight terms, because it provides that a pawnbroker must have a licence and if he is guilty of fraud the court of petty sessions has power to deprive him of that licence. Moreover, his licence must be exhibited.

To assist the person who seeks the credit and also to enable full investigations to be made if necessary, all pledges must be entered in a book, together with the rate of interest charged. The pawnbroker must issue a ticket to enable his client to redeem the pledge, and so on. One hears many good stories about the early pawnbrokers. I know of a gentleman who owned a valuable gold chain for which he regularly obtained a couple of pounds from the pawnbroker every week-end. After one week-end he did not return to redeem his chain, and on examining the chain the pawnbroker discovered that it was not the chain normally pledged but one which could be bought at an agricultural show for 2s. So, it is good to know that on occasions some people have got the better of pawnbrokers.

To protect the gentleman who pledges his goods and to ensure that if they are sold the best possible price is obtained for them, sub-section (1) of section 26 of the principal Act provides—

> No pawnbroker shall dispose of any article on which (whether alone or in conjunction with any other article or articles) he has lent in the whole a sum of over Five shillings unless he has first caused such article to be put up for sale in Victoria by public auction in accordance with the provisions of sub-section (3) of this section.

Honorable members will realize how careful the legislation is to protect the person who is put into the unfortunate position of pledging a family heirloom. With a pledge of 10s., any proposed sale of the article had to be listed in a newspaper. Over the past few years the value of money has rapidly depreciated throughout Australia. That position may be arrested after next Saturday. This outstanding little Bill proposes to substitute £5 for 5s. and 10s. wherever they occur in section 26. I do not know what will happen to goods in respect of which a loan of less than £5 is made. Perhaps the pawnbroker will put them onto his shelf and leave them there. In that regard, the proposed increase may be a little bit too great. I do not think the value of money has depreciated to the extent that the amendment contemplates.

Someone sent to me his comments regarding the principal Act, and as I believe they are pertinent, I shall read them. They are—

> The Act should be kept as it is at present, as it works every satisfactory, and there are only four pawnbrokers, outside the Australian Mont De Piete Loan and Deposit Company Limited who have ten branches, and they are gradually buying out others, and eventually will have all, except probably one, who is Mr. Tilley of 205 Lygon-street, Carlton.
>
> If the Act was altered that all pledges £5 and under did not have to be auctioned or advertised, this would lead to very unpleasant business for the person pawning,

for at present he can see the auction sale register and claim any over-plus that should be realized, and if the Act is altered he could not do this.

Therefore perhaps £5 is just a little too high. The document continues—

Another thing against it is a person may only be short, or want £5 for the time being, and if he forgot about it (owing to the pledge being transferred to stock) he would not have any hope for the over-plus.

He may be able to get only £4 10s. on the pledge, and it may be like the gold watch of the Minister of Public Works—worth more than the loan. The letter proceeds—

A pawnbroker would offer a client a £5 loan on something worth much more, knowing that if it is left he will get it, and if competition is not there, owing to the Australian Mont de Piete Loan and Deposit Company Limited having all the Melbourne business—which they will in time—it will be very bad.

The point he makes is that in time there will be no competition and that the company will contend that the gold watch owned by the Minister of Public Works, which may be worth £50, will probably only cover the loan. This proposal is not altogether satisfactory. A memorandum to the document to which I have referred states—

I think this last clause—clause 4—is the main thing behind it all, as the Victorian Pawnbrokers Association would not have more than six members in all Victoria, and the Australian Mont de Piete Loan and Deposit Company Limited are looking to the future. This is the whole thing behind the application to have the Act altered as their manager is president of the association and has been for many years.

If I remember rightly, a suggestion was made that this Bill had been brought in following representations made by the president of the association.

Mr. WHEELER.—It would be a big job for those concerned if there were only six members of the association.

Mr. CAMPBELL TURNBULL. — The gentleman who prepared the document I read is familiar with the workings of the profession of pawnbroking. I have given his comments, and I should think that they would be well founded. Although the Opposition does not oppose the Bill, we feel that the pawnbroker since the nineteenth century has been charging rates that are too high. Perhaps it is time the Church had another talk to him and induced him to charge reasonable rates of interest rather than usurious rates which have apparently been world-wide since biblical days.

The motion was agreed to.

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

MILK AND DAIRY SUPERVISION (AMENDMENT) BILL.

The debate (adjourned from October 18) on the motion of Mr. Fraser (Minister of State Development) for the second reading of this Bill was resumed.

Mr. STONEHAM (Leader of the Opposition).—This small Bill has three purposes. The first is designed to rectify an anomaly relating to expenses that may be paid to members of the Dairy Produce Board incurred in attending meetings. The existing provision is that in addition to railway fares the members may receive travelling expenses not exceeding 15s. a day. Obviously, that figure was set a long time ago. The proposed provision, that the matter shall be fixed by regulation from time to time in accordance with the prevailing rates that apply to other Boards, meets with approval of members of the Opposition.

The second purpose of the Bill relates to the licensing period for dairy farms, dairies and factories under the Act. At present it is necessary for each licence to be renewed annually. A large number of licences are involved—I think some 28,000—and as renewals are made during a limited period of the year, covering some two and a half months, it is necessary for substantial overtime to be worked by the staff concerned. By extending the period of the licence to two years, and providing for half the licences to expire in one year and the remainder the following year, the task will be reduced by 50 per cent., and it should be possible for those responsible for the renewal of licences to do so much more expeditiously.

The third purpose of the Bill relates to the annual renewal of dairy farm permits and milk depot permits issued under sections 105 and 106 of the principal Act. They relate to the supply of milk for consumption in the metropolitan area. The Bill proposes that these permits shall remain in force indefinitely unless they are suspended, cancelled, or voluntarily surrendered. Because of the fact that the farms and milk depots concerned are subject to rigid inspection and supervision, Opposition members consider that the provision is fully justified and will streamline the administration of the Act. Consequently, we are in favour of it.

Mr. COCHRANE (Gippsland West).—The Country party supports the Bill. It is more or less a machinery measure to streamline the workings of the Dairy Produce Board. The rate of travelling expenses payable to members of the Board has been outmoded for a considerable time, and it is only reasonable that they should be brought into line with rates payable to members of other Boards.

The second provision relates to the licensing of dairy farms, dairies and factories. This has entailed a tremendous amount of work on the part of dairy inspectors in the various districts and on the part of departmental officers in issuing licences. If, as is proposed, half of the licences will expire in one year and the remainder in the following year, this provision will considerably assist in this phase of administration.

Concerning the renewal of dairy farm permits and milk depot permits, if the Bill is passed a permit that is issued will operate for all time unless it is cancelled or suspended, or is surrendered by the holder. Adoption of the proposals contained in the Bill will help to modernize methods of dairy supervision and general administration.

The motion was agreed to.

The Bill was read a second time and committed.

The clauses were agreed to.

Mr. FRASER (Minister of State Development).—I propose the following new clause, to follow clause 4:—

AA. In section eighty-three of the principal Act for the words "butter or cheese" there shall be substituted the words "dairy produce".

The purpose of the new clause is to meet a suggestion of the Solicitor-General to correct an anomaly that appears in the regulations. When the legislation was first prepared for this industry in 1919, butter and cheese were about the only products manufactured from milk or cream, but with the progress of the industry regulations were promulgated in 1936 providing that butterfat should be the basis of payment for all milk and cream used in the manufacture of dairy produce. The use of the words "dairy produce" conflicts with the words "butter or cheese" and it is felt that this opportunity should be taken of correcting an anomaly.

Mr. STONEHAM (Leader of the Opposition).—Acceptance of the new clause will merely validate a practice that has been in operation for a long time. The Opposition offers no objection to the proposal.

The new clause was agreed to.

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

PROPERTY LAW (LOANS TO MINORS) BILL.

The debate (adjourned from October 17) on the motion of Mr. Meagher (Minister wihout Portfolio) for the second reading of this Bill was resumed.

Mr. CAMPBELL TURNBULL (Brunswick West).—This is a small Bill, but to those interested in the law of infancy it is very enlightening. The proposal is to insert a new section 28A in the Property Law Act in these terms—

(1) An infant not under the age of eighteen years shall have power as if he were of full age to execute a first mortgage of any land by way of security for any moneys borrowed by him from any bank or life assurance society for the purpose of purchasing or erecting a dwelling-house for his own occupation and to give all necessary acquittances.

(2) In respect of any mortgage executed by an infant pursuant to the provisions of the last preceding sub-section the infant shall be subject to the operation of law in all respects as if he were of full age and shall not at any time be entitled on any ground relating to his infancy or former infancy to avoid any of his obligations or liabilities under the mortgage.

Due to Labour party policy, the prosperity of the country now enables some young people to marry before they attain their majority. In other instances, a man over the age of 21 years may marry a girl under that age, and as there is a growing tendency for married people to become joint owners of the matrimonial home, because the doctrine of survivorship enables the survivor of a marriage to become the sole owner, need for legislation of this type is apparent. I am told that marriage is a joint venture with its ups and downs, and it seems to be a very good idea to provide for joint ownership of the matrimonial home.

In these days due to heavier costs of both houses and land, homes are very difficult to procure unless people are enabled to borrow money. If the common law rule relating to infants was allowed to apply, a person under the age of 21 years would not be able to borrow money unless it was for his necessaries or for his benefit. Consequently if one partner in a marriage was under the age of 21 years, the young couple would not be able to jointly borrow money to establish a home. Co-operative societies, the Home Finance Trust, institutions guaranteed by the trust, and others have already been enabled to make loans to minors. The Statute Law Revision Committee's report on Housing Loans to Minors, states, *inter alia*—

However, other lending institutions, namely private banks, hire-purchase and insurance companies, permanent building societies and friendly societies do not have this protection.

. . . . . .

Consequently this source of finance is denied to minors unless they are able to obtain suitable guarantors.

It was following recommendations made by the Statute Law Revision Committee that this Bill was presented.

It is interesting to note that the Statute Law Revision Committee would not have a bar of hire-purchase companies, although I do not think such concerns would lend money on mortgage at the moderate rates of interest prevailing. Hire-purchase companies operate in the higher class where the rate of interest is 15 per cent. plus. This Bill will authorize an infant to execute a mortgage, but I am not satisfied as to the exact law in regard to the transfer of the certificate of title in the case of a mortgage to an infant.

I have also attempted to establish who invented the age of 21 years as the time a person assumes legal competence. Doubtless it is linked with service in the olden days. I suppose that at 21 years of age those called upon to render service to the local manor were deemed to be eligible to be given grants of land. However, it is difficult to ascertain the exact position. Section 30 of the Transfer of Land Act provides, *inter alia*—

If any certificate of title is issued to a minor or to a person under any other disability the Registrar shall state the age of such minor or the nature of the disability so far as known to him.

Mr. P. Morelin Fox in his work, *The Transfer of Land Act 1954, With Annotations,* states—

At common law a conveyance to or from an infant is voidable by him on his attaining his majority, but this section seems to amount to an oblique acknowledgment that (in the absence of fraud) the certificate of title issuing on a registered transfer from an infant is indefeasible, and that such a transfer cannot be repudiated.

Now that Parliament is authorizing infants to enter into mortgages, it is desirable that at some stage clear legislation should be framed to indicate what should be done specifically with the certificate of title. There is no doubt that where a certificate of title discloses that the registered proprietor is an infant or where that fact has come to the knowledge of a person proposing to deal with him, the only way in which a transfer can be secured is to go to court under the Land Act and obtain an order from the court. This seems to be a somewhat unsatisfactory position. I do not know what would happen if

a mortgagor failed in his payments. How would the mortgagee obtain a transfer of the certificate of title? It would be worth while if the Government examined this matter with a view to clarifying the law.

The Opposition approves of this Bill because it holds the view that it is proper that persons under the age of 21 years should be enabled to obtain finance to purchase homes.

Mr. WILTSHIRE (Mulgrave).—The purpose of this Bill is to amend the Property Law Act to allow minors between the ages of eighteen and 21 years to enter into mortgages as if they were adult persons. This must help young people to become home owners. This legislation will help two categories of persons. The first comprises single persons desirous of obtaining a stake in the community even before they are married. Many young people seek my advice about buying land so that they will have a site for a home when they become married, so the need to borrow money with a view to home ownership often arises before marriage. In some cases either the man or the girl may be under the age of 21 years. In order to make provision for the future they may wish to buy a property in their joint names, which is a commendable practice, in view of probate duty, and so on.

Most sections of the law regard eighteen years as an appropriate age at which a person may be considered responsible. Persons under the age of 21 years are not allowed to take out a mortgage. I recall that a girl of nineteen years of age in my office wished to buy land in Berwick, and her father had to sign the contract on her behalf. Later on, when she married, it was necessary for the father to sign the transfer before she could sell the land. Sometimes differences of opinion occur in families. In this case there was no difficulty because the father signed the transfer, but if he had disagreed with her proposal to sell the land, he could have held up the transfer. In Victoria 75 per cent. of the population are either home owners or are in course of buying their homes. Such a position has never been reached previously in any other country. Because of the fact that there have never been two better Governments in the Federal and State spheres, young people of eighteen years of age are now earning sufficient money to enable them to become landowners. It therefore behoves Parliament to enact legislation which will enable them to buy land. For that reason, I commend the Bill to the House.

The motion was agreed to.

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

DISPOSAL OF UNCOLLECTED GOODS BILL.

The debate (adjourned from October 17) 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 an extremely important measure because it will authorize the disposal of goods accepted in the course of a business for repair or other treatment but not redelivered. The existing law provides that a shoe repairer, for instance, may hold a pair of shoes left for repair until he is paid for his work. In days gone by it would have been difficult for the tradesman to recover his money in many cases if he were not given this power. I recall that, in post-depression years, many warehouses in Melbourne were filled with furniture because the owners did not have the wherewithal to regain possession. Naturally, the warehousemen were not prepared to deliver the goods until payment was made. I think it was the Dunstan Government which introduced legislation which provided that the warehousemen could sell the furniture and recover their charges. During the recent recession which has been in our midst some persons who left motor cars for repair found themselves unable to pay. In many instances, people who left articles with dry cleaners and launderers were faced with similar difficulties.

This measure has been investigated by the Statute Law Revision Committee and has been passed by the Upper

House. The Statute Law Revision Committee heard evidence from launderers, dry cleaners and persons representing the motor car trade. To some extent this measure is modelled on the United Kingdom legislation. The effect of it is that the repairer concerned must hold an article for a statutory period and, if his account is not settled he has, after giving notice to the owner, the power to sell the goods and satisfy his charges. That seems to be a reasonable provision. At the same time, the rights of the bailor are preserved.

The Statute Law Revision Committee considered the question whether this Bill should apply generally to all goods, or whether its provisions should be limited because it had heard evidence only from parties representing the motor car trade, the launderers and the dry cleaners. Such persons handle non-perishable goods and the holding of the goods for a statutory period would usually not cause any deterioration. The opinion of the committee was divided on this question, and at page 8 of its report, it is stated—

> The committee, whilst agreeing with some of these objections, is of the opinion that there should be created a statutory power of sale in favour of lienors whose lien over goods has arisen from the performance of work or repairs to goods. However, in view of the general nature of the problem, it considers that any power of sale should apply to all artificers and should not relate particularly to motor car vehicle repairs.

Apparently this question was put to the vote, and the majority of the members of the committee voted in favour of the power applying to all artificers.

I have considered this measure carefully and my sympathies are a little the other way. A gentleman who lives in my electorate carries on the trade of refrigeration. I should have thought that the provisions of the Bill would apply in his case because sub-clause (1) of clause 2 provides—

> This Act shall apply in relation to the bailment of any goods accepted (whether before or after the commencement of this Act) by the bailee, in the course of a business for repair or other treatment on the terms (express or implied) that they will be redelivered to the bailor or in accordance with the bailor's directions when the repair or other treatment has been carried out and on payment to the bailee of such charges as may be agreed between the parties or as may be reasonable.

This provision is couched in general terms, because anything can be classed as "goods." Also, the word "treatment" would cover the laundering and dry cleaning of a shirt; it would also apply to such a process as that of refrigeration. Whilst it would be possible to leave a motor car in a backyard or to store laundry in a back room, it would be difficult to store perishable commodities unless adequate refrigeration facilities were available. Consequently, I feel that the legislation will be limited in the main to the types of articles to which the Statute Law Revision Committee's report refers.

The refrigeration organizations expressed views on this question to the Attorney-General, and I understood that certain amendments would be considered to overcome the difficulty relating to perishable commodities. However, I have learned to-day that the Bill is to be passed without amendment. Refrigeration service is a costly process, and those persons who are engaged in this type of work must be paid, just the same as those who repair motor cars are entitled to be compensated. A garage proprietor cannot hold repaired motor vehicles indefinitely, and this Bill will enable him to obtain recompense for his work. Of course, he could receive payment by obtaining a judgment in the appropriate court and executing a warrant against the goods, but that is a costly procedure. I shall watch with interest the working of this legislation. I congratulate the Government on its introduction, and I also commend the Statute Law Revision Committee for its investigation into the question and for the report it submitted.

The motion was agreed to.

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

MONEY LENDERS (AMENDMENT) BILL.

The debate (adjourned from November 1) on the motion of Mr. Rylah (Chief Secretary) for the second reading of this Bill was resumed.

Mr. CAMPBELL TURNBULL (Brunswick West).—The majority of Bills with which this House is now dealing have come here from another place, where they have already been debated. For those honorable members who are interested in money-lenders, the debate on this Bill, which took place in the Upper House, was extremely interesting. In another place, the Labour party opposed this measure and, in this House also, the Opposition will oppose it on the grounds that it increases, from 8 per cent. to 10 per cent., the interest rate on loans of money. The existing legislation relating to money-lenders has been on the statute-book since about 1938, when it was introduced by the then Attorney-General, the Honorable H. S. Bailey. This legislation purposely set out to regulate the practices of those persons who were engaged in money-lending. It required that a person must hold a licence to carry on as a money-lender, and I think it distinguished between corporations, which were required to pay a fee of £50, and individuals for whom the fee was only £25.

Mr. G. O. REID.—There was legislation relating to money-lenders long before 1938.

Mr. CAMPBELL TURNBULL.—That is so. The viciousness of the rates of interest' which have been charged by money-lenders under Governments which preceded the Dunstan Government was so serious that the Dunstan Country party Administration felt compelled to bring a halt to such actions. Advertisements relating to money-lenders were controlled, and it was necessary for a memorandum, setting out the rate of interest and the amount of principal, to be signed by the borrower. One of the principles to ensure that a money-lender complied with the legislation was the provision whereby, if he did not carry out the requirements of the Act, he could not recover his interest or his money. There was also the provision whereby, if the contractor did not specify certain particulars in the contract, the money-lender was in trouble.

In 1959, this Government, which has always been very sympathetic to high rates of interest, and which has always looked after those people who desire to lend money at high rates of interest, exempted corporations from the provisions of the money-lenders legislation. I have no objection to that exemption because of the new method of financing corporations by notes and various documents. After all, there is a big difference between lending money on an unsecured note—most of these notes are unsecured; they do not create any charge over the property of the company—and lending money on a security. The next type of transaction that was exempted was that of hire-purchase. The Labour party fought the proposal strongly on the ground that there should be a ceiling on interest rates, even in connexion with hire-purchase transactions. The next type of loan that was exempted from the money-lenders legislation was the pastoral loan. Opposition members are not particularly interested in pastoral loans; we are more interested in the common man.

Mr. G. O. REID.—You are not interested in the country if you are not interested in the pastoralists.

Mr. CAMPBELL TURNBULL.—The pastoralists are in a position to engage solicitors who can give them appropriate advice but, in many cases, the persons who are adversely affected by having to pay high rates of interest are unable to afford such legal advice. The next exemption related to mortgages on homes. Under the existing law, if the honorable member for Essendon loaned me £5,000 at a rate of interest of more than 8 per cent., the transaction would be outside the money-lenders legislation. The Government proposes to give more advantages to those persons in the community who seek to make money from loans for the purchase of homes. A good deal of this work is undertaken by extremely honourable solicitors.

Mr. WILTSHIRE.—A new race?

Mr. CAMPBELL TURNBULL.—In the main, solicitors are lending money at approximately 7 per cent.—rates well

below the prohibition in the Money Lenders Act. No doubt, the honorable member for Flemington will be able to put before the House particulars showing how the rates of interest for mortgage money are continually rising. To-day many solicitors are lending money at 10 per cent. and perhaps more, but they are not the type of gentlemen that the legally qualified members of this House are. I go back to what the Attorney-General of the day said in 1938 because it is in every way relevant to-day.

Mr. G. O. REID.—That was Mr. Bailey, of the Country party, who had been a member of your party.

Mr. CAMPBELL TURNBULL.—He had been, and as Attorney-General in a Country party Government in that year—that Government being interested in the extreme rates of interest then in vogue—he said, as recorded in *Hansard*, Volume 205, page 2077:—

> The object of the Bill is to consolidate and amend the law relating to money-lenders. The original legislation was passed in 1906 and is now the Money Lenders Act 1928. No amendments have been made to the original Act. . . .

I have no doubt that this Government has received the same type of complaints as were then referred to but has completely ignored them. Mr. Bailey proceeded:—

> From time to time many complaints have been made as to the usurious practices of money-lenders, and the community has been genuinely shocked when cases have revealed how small amounts borrowed have been repaid over and over again but the borrower has still been indebted to the money-lender. I have a number of illustrations to which I shall refer for the benefit of honorable members. In the first case an advance of £460 was the principal sum. Interest charged on the advance amounted to £408 10s.; repayments made by the borrower amounted to £475 10s.; and the balance outstanding was £393.

Mr. Bailey quoted a number of instances, some of them big, some small, and in every case he pointed out the state of the unfortunate borrower. I think the maximum rate of interest under the Money Lenders Act is set down at 48 per cent. It is a wonder that the Government, fixing what constitutes a money-lender as one who makes a loan at rates in excess of 10 per cent. per annum in lieu of the present rate of 8 per cent., did not make the rate under the Money Lenders Act just the round 50 per cent.

The Bill contains a series of amendments. The principal Act, in effect, says that if a person lends money at a rate greater than 8 per cent. he is a money-lender. The Government proposes to amend the interpretation of "money-lender," and in doing so, to raise the rate of interest from 8 to 10 per cent. Now it is getting into the big money. The rate of 10 per cent. is the ordinary charge which many people are imposing to-day in respect of the purchase of homes.

It is a nice question as to who is carrying on the business of money-lender. It may be that at present a person who, to assist a friend, will lend him money at 10 per cent. is a money-lender. Strictly speaking, he is not a money-lender. But a person who is continually lending and re-lending money at a rate of interest more than 8 per cent. is probably carrying on the business of a money-lender. There have been some astounding cases reported in the courts having to do with large amounts, where the money-lender has pursued his borrower for the extreme amount of interest. The courts have generally held that in such circumstances the provisions of the Act have been contravened and that the money is not recoverable.

The Labour party is opposed in principle to high interest rates. There has been far too much return coming to persons lending their capital to the disadvantage of other sections of the community. I have in mind the matter of unsecured notes and also of hire-purchase. Terrifically high rates of interest have been prevailing in the real estate market and in hire-purchase business, and nobody knows better than you, Mr. Deputy Speaker, that the ordinary man is not able to enjoy the great privilege of having his wages adjusted quarterly. You, Sir, were responsible, as everybody will recall, to see that people working under

determinations were enjoying the great right conferred by this grand party on the Government side of the House.

Mr. G. O. REID.—If you say that often enough you will induce yourself to believe it.

Mr. CAMPBELL TURNBULL.—At the same time that party was encouraging people who had large sums of money to lend to charge extremely high rates of interest. It also encouraged the imposition of high rents. We have heard the statement of one gentleman that in regard to rent "the sky is the limit."

The great vice of this Bill is that by the mere fact of increasing from 8 to 10 per cent., the rate at which a person will be deemed to be a money-lender, money-lenders and solicitors will be encouraged to increase their rates by 2 per cent. I have said that in the main the legal profession has been extremely reasonable. If one looks at the mortgages held by the good law houses it will be found that they are all subject to interest rates of in the vicinity of 7 per cent. However, there are some gentlemen who are not satisfied with the same rate of interest.

Mr. WHEELER.—I know of some solicitors who have money to lend, and they are asking 10 per cent.

Mr. CAMPBELL TURNBULL.—That proves my case, but I am excluding the gentlemen of the profession of the Minister of Labour and Industry who are of the type and nature of the Minister. One of the strangest provisions of the Bill is that not only does it exempt the money-lender so far as the future is concerned but that if one has been lending at 10 per cent. over the past twenty years that type of transaction is now being approved of. Although perhaps to-day one's transactions may be outside the existing money-lenders legislation, after this Bill has been passed they will become quite honorable and legal transactions.

If the Government wants to encourage its friends to lift their rate of interest, it should make provision for legalizing it as from this day and it should not have retroactive operation. Ordinarily, to penalize or to keep the money-lender on the strict and narrow path there has been this great right that an unlicensed money-lender cannot recover his principal. There is to be an overriding of that principle. If such a person satisfies a court that although he did not have a licence his actions in a certain matter were due to accident or inadvertence, then apparently he can recover his principal. The present position is that a money-lender cannot recover interest unless he proves that he has a licence.

On the whole, we feel that this measure is repressive. It will encourage people to extract more interest than they are entitled to obtain. Most cases of the borrowing of money have to do with land, and generally in such cases one has security, but my party feels that the Government has not been prudent in presenting this Bill. There is no need for it. We consider that if a person wants to extract high rates of interest from his clientele, he should comply with the Act and give to the borrower those rates that were conferred upon him by the Country party in its legislation of 1938. As the Minister of Labour and Industry has rightly pointed out, the Labour party at that time supported that legislation, and I do not know what comfort he takes in condemning the Country party respecting such an important matter as this. We are just as deeply interested as was Mr. Bailey, and we oppose this Bill *in toto.*

Mr. DIVERS (Footscray).—I am rather interested in this Bill because since its introduction I have been approached by a number of people, particularly in my own electorate, who have been harassed by an unlicensed money-lender. This person has had a woman named Vorgic who speaks five languages meet all the incoming boats with migrant passengers. Mrs. Vorgic puts up this tale to the people as they come off the boat, "We have a fairy godfather waiting to provide you with money and a home." Then she takes the unsuspecting new Australian to this benevolent old gentleman who is an unlicensed money-lender. If the new Australian has £500 he takes the £500. He

insists that the contract involving the money-lending transaction shall provide for a deposit of £1,000 but says that he will benevolently lend the other £500 at interest rates of 12 per cent. and 10 per cent.

I have these contracts before me, and I invite the Attorney-General to examine them, with the object of determining what can be done to protect the people who have been and are still being fleeced by this particular person and his associate. He puts up to people who want a home in the country of their adoption that he has a beautiful property which is available for sale. They do not understand the language properly and, although the house may be worth only £3,500, he offers to sell it for £5,750. I may mention that it would be impossible to get insurance cover on such a property to the value of more than £1,375. That is the kind of person whom this Bill seems to protect.

I am prepared to hand to the Attorney-General particulars of a property in my electorate which was sold through this money-lender—he lent money at exorbitant rates of interest—on four occasions to different new Australians, and those sales were effected within a period of two years and a half. On each occasion this rapacious money-lender received an interest rate of 10 per cent. per annum on his investment. The moment each of the parties concerned fell behind seven days in the repayments, the property was repossessed. The money-lender to whom I refer thus made £2,000, plus all the rental payments at the rate of £12 a week. One of the purchasers became so worried about the situation that he hanged himself. This morning I interviewed a person, although I shall not reveal her name lest this individual and his associate get right down on her should she miss making a repayment for one week, in which event she would be thrown into the streets. Whereas the present maximum interest rate is 8 per cent., this money-lender takes a risk and lends money at 10 per cent.; if the maximum is raised to 10 per cent., he will probably take a risk again and charge interest at the rate of 12 per cent., and possibly 14 per cent. per annum.

This measure renders it possible for rapacious individuals such as I have described to operate. I do not know whether the estate of one person I have in mind amounted to £600,000 or £1,000,000, but his partner is assuredly carrying on the business. A man who lives not far from my home borrowed money for the purchase of a property at an interest rate of 6½ per cent. per annum. He fell ill and was off work for fifteen weeks. During that time he missed making repayments under his contract to this unregistered money-lender for eight or ten weeks. The person who is now running the money-lending business has, in writing, advised the person concerned that the interest rate, instead of being 6½ per cent., will in the future be 8 per cent. per annum. The letter stated that as the contract had been broken, the person concerned must either pay the higher rate of interest or get out of his house.

This money-lender and the person who is carrying on his business at the present time have "crucified" a large number of new Australians. However, the person to whom I last referred was an old Australian with a wife and a couple of children who had to get a home, but he did not expect to have the interest rate arbitrarily raised from 6½ per cent. to 8 per cent. per annum. Mrs. Vorgic explained to the parties concerned what was written in English on the contract form, and the parties concerned accepted it. But I am sure the Attorney-General will agree that subsequently the contract of sale was interfered with. The person making the purchase signed the document and was told to come back in fourteen days for a copy. In the meantime, as a result of worry over the prospective repayments of £12 or more weekly, he killed himself. When the widow returned in a fortnight's time to collect the document, it was discovered that the consideration of £3,470 which had been stated in the original contract of sale had been erased and the sum of £5,750 substituted. I understand that a case may be

heard in the Supreme Court concerning this matter. All I ask is that the Attorney-General, in the interests of justice, review the documents which I am prepared to submit to him.

Mr. GARRISSON.—Why did you not send them to the Attorney-General in the first place?

Mr. DIVERS.—I received them only to-day.

Mr. RYLAH. — I shall certainly examine the documents as soon as I receive them from the honorable member.

Mr. DIVERS. — I appeal to the Government not to allow the retrospectivity provision to operate in such a way that the injured party will lose his capital. Many new Australians who enter into contracts for the purchase of homes do not understand the meaning of such documents. They do not realize that if they default in their repayments for a period of seven days, the contract is void. I now quote a letter which was written by the money-lender to the then occupiers of lot 14, Conway-court, Brooklyn, on 15th September, 1959—

> Take notice that you are required to quit and deliver up to me vacant possession of the premises situate at and known as lot 14 Conway-court, Brooklyn, which you hold from me as tenants from week to week at the expiration of seven days from the date of service of this notice to quit upon you.

So far as I know, not one person from Footscray to Essendon who has borrowed money from this unregistered money-lender has any hope of ever owning the property which he sought to purchase from him. The contract of sale provides for a certain rate of interest to apply and stipulates repayments in the region of £12 or £14 a week, but the purchaser does not realize that at the expiration of the period of six or seven years, which is very guardedly mentioned in the document, he will receive a demand for the payment of a sum approximating £2,000 and that, if that sum is not paid immediately, he will be put out forthwith. However, the vendor retains the deposit and all the moneys paid as rent over the period. The purchaser must walk out with nothing. I shall submit all the relevant documents to the Attorney-General for his consideration.

In conclusion, I desire to say that, after having reviewed the circumstances surrounding these loans, I am convinced that if ever a man was entitled to dig up the body of Ned Kelly and publicly apologize to him it is the man concerning whom I have spoken.

Mr. G. O. REID (Minister of Labour and Industry).—It may be necessary for me to reply briefly to some of the remarks made by the honorable member for Brunswick West. I appreciate the high compliment he paid me in my professional dealings, and when I rise to reply to him it is with no sense of personal antagonism. The honorable member has used this Bill, as he is entitled to do, as a means of suggesting that the Government is in some way in league with all sorts of rapacious money-lenders. However, nothing could be further from the truth. I shall bring to the notice of the House certain facts which may be of interest to those members who desire to be assured that this Bill is above the implication of party politics.

First, let us remember that the money-lenders' legislation, which has been on the statute-book for many years, is for the purpose of protecting the small man who borrows sums from £10 to £100 without security and who, but for the legislation, might be charged an exorbitant rate of interest. In the past, it has always been recognized that mortgage transactions, in which the existence of a security necessarily kept the interest rate down, were in a different category from normal money-lending transactions. The honorable member for Brunswick West has taken a great deal of pleasure in suggesting that the Liberal party, which forms the present Government, is raising the rate of interest in money lending. I direct the attention of the honorable member to the fact that, although the rate of interest in New South Wales has been 10 per cent. for a very long time, within the past few months the New South

Wales Government, which is of the same political complexion as our Opposition, has made no change in that rate, despite the fact that legislation on this subject has been under consideration. From the honorable member's remarks I am beginning to believe that some disunity exists in the Labour party as between honorable members in this State and their colleagues in New South Wales. That does not augur well for the events of next Saturday.

The second point is that recently the New South Wales Parliament passed legislation, which followed the terms of this Parliament's 1959 legislation. An examination of the 1959 Victorian legislation reveals that its whole basis was to keep people who could be regarded as economic equals in a borrowing-lending transaction outside the scope of the money-lenders legislation in regard to registration and so on. It was provided in Victoria that mortgages over £5,000 would be outside the ambit of the legislation, while mortgages beneath that amount would be within its scope. The effect has been that unless some increase in the rate of interest is allowed, people will be forced away from legitimate lenders on mortgage into the hands of hire-purchase companies. Therefore, in the interests of cheaper money it is desirable that this Bill, which provides for an increase of 2 per cent., should be passed, so that borrowers will have a much wider range of persons from whom to borrow than they have had since the 1959 amendment was passed.

The third point is that the New South Wales Government is seeking a general uniformity amongst the States in legislation along the lines of what will prevail in Victoria when the Bill is enacted and what prevails in New South Wales—including the rate of 10 per cent. The Labour Government of New South Wales is pursuing exactly the same course as this Government is pursuing in this Bill. This matter will be discussed at a conference of Attorneys-General which, I understand, will be held on Monday next, and an attempt will be made, at the instance of the New South Wales Government, to obtain uniform legislation throughout the States along the lines of the Bill we are at present debating. I bring these matters to the notice of the House because they show an entirely different complexion from what has been advanced on behalf of the Opposition by the honorable member for Brunswick West.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2, providing, *inter alia*—

Section three of the Principal Act is hereby amended as follows:—

(*b*) In sub-section (1) for the interpretation of "Interest" there shall be substituted the following interpretation:—

"Interest" does not include—

(*a*) any sum lawfully agreed to be paid on account of rates taxes duties or fees paid under any Act.

Mr. G. O. REID (Minister of Labour and Industry).—On behalf of the Chief Secretary, I move—

That, in paragraph (*b*), in paragraph (*a*) of the interpretation of "Interest" the words "rates taxes duties or fees paid" be omitted with the view of inserting the words "duties or fees payable."

I understand that the reason for the amendment is that it is not necessary to include the words "rates" and "taxes" in the interpretation, and that if they are included some doubts may be cast upon the amendment contained in the paragraph. It is largely a question of terminology.

The amendment was agreed to.

Mr. CAMPBELL TURNBULL (Brunswick West).—I should like to ask the Minister of Labour and Industry whether he regards 10 per cent. interest on mortgages as cheap money?

Mr. G. O. REID (Minister of Labour and Industry).—The reason for introducing the Bill is to ensure that people who have to borrow money at a rate of interest higher than 8 per cent. will not be forced to obtain their loan from hire-purchase companies, which would charge them extraordinarily high rates of interest. For example, they may wish to borrow at 9 per cent. If the

Bill is passed, such persons will be able to obtain cheaper money than at present. Otherwise it is obvious that higher rates will be charged. That is the position, so long as the limit in the principal Act remains at 8 per cent. A wider range of lenders will be open to borrowers if the Bill is passed.

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.

HEALTH (DANGEROUS SUBSTANCES) BILL.

The debate (adjourned from November 30) on the motion of Mr. Rylah (Chief Secretary) for the second reading of this Bill was resumed.

Dr. JENKINS (Reservoir).—This is an important and interesting Bill, which the Opposition does not intend to oppose. Probably the measure deserves a little more consideration than the House is able to give to it at this late stage of the session. However, I wish to make a few brief comments on its effects. While we are led to reflect generally, by publicity emanating from many sources, on the effects of radio activity resulting from the use of nuclear weapons, this Bill directs attention to the advantages and advances which have occurred over recent years in medicine and industry due to the use of radiation and nuclear energy. This role will increase when nuclear reactors are used as a source of power. Recently I was interested to note that in the United States of America use is being made of such sources of power for propulsion of ships, the great advantage being that many miles can be covered without the need to refuel.

I have no doubt that before many years have passed, and long before our natural resources of coal have been exhausted, this source of energy will be used in Victoria for both industrial and domestic power. Of course, this will bring with it increasing responsibilities for inspection and the safeguarding of the community and those who handle the processes. In this respect, I should like to quote a paragraph from a *Current Affairs Bulletin,* dated the 9th September, 1957. With reference to the future, it is stated—

> As we move into the "atomic" age, the level of radiation will slowly but almost inevitably rise—it is urgent that every means be explored to keep this increase as slow as possible. This will entail restricting the use of radiation in medicine, policing its use in industry, and coping with the problem of radio-active waste products.
>
> There is an acute danger that awareness of the dangers of penetrative radiation may lead to a reaction against any and all applications. The answer to the dangers need not lie in such a drastic step—instead the authorities feel that the answer lies in an accurate assessment of the effects by adequate research in this field. With the results of such researches it would then be possible to make objective decisions about any use of radiation. Only then could we carry on without the feeling that mankind is playing a deadly game of "blind man's bluff."

One cannot, therefore, quarrel with this measure which seeks to more clearly define and to make more certain the control of such dangerous substances, both in respect of public health and for the problems of occupational health and safety. It is noted that this Bill is in agreement with the advice of the International Labour Organization to exclude exclusively precise provisions which would entail frequent revision because out-of-date legislation might be worse that no legislation at all.

In the year following Röentgen's discovery of X-rays in 1895, there was early recognition of the adverse effects of this radiation. Similarly, with the Curies' discovery of radium in 1898 the adverse effects of radio activity were quickly realized. In fact, such radioactive substances as radium were worse because of the possibility of deposition in the human body. We have all heard the classical tale of not so many years ago of those working with radio-active luminous dials and getting some ingestion of the radio-active substances, leading to death or severe damage to various parts of the body. It is evident at this stage that strict scientific laws governing the effects of penetrative radiation cannot be laid down because of insufficient evidence. Suffice to say that

the recommended safe dose is now twenty times less than it was in 1925. The damage caused by this phenomenon is very insidious and may not appear for many years, hence the need for controlling legislation to prevent the dangers of exposure. The Chief Secretary has explained that the amendments contained in clauses 2 and 3 make more certain the grounds on which regulations governing radio-active substances and irradiating apparatus are based. And who would disagree with the delightful academic definitions in clause 3, provided that we can all appreciate that they are in fact correct?

However, the crux of the matter is contained in proposed new sub-section (1) of section 108 in clause 4 where there are additional paragraphs defining the substances for which the Governor in Council may make regulations. Briefly, the sources of radiation that we must consider for this type of legislation are the X-ray installations which are in medical use for fluoroscopy, radiography and X-ray therapy itself. Then there are the industrial uses of X-ray installations, where they are used to test metals in high pressure vessels and aeroplane structures which are subject to great stresses. Here there is some danger if the weekly work load is high because the X-ray beams may be on continuously during working hours. Routine operations in the use of these irradiating apparatus in those circumstances may even be left to unskilled workers. Similarly, industrial employees are usually not familiar with the biological effects of radiation and are either poorly safety-conscious or else they go to the other extreme and have an exaggerated fear of radiation. In industry there are great differences in technique in that the subjects to be examined may vary from a small crystal to a large tank. Finally, in regard to X-ray installations, there has been discussion in the past on non-medical irradiation of the human body with the use of shoe-fitting machines, and anti-crime fluoroscopy where, in some circumstances overseas, machines were used on the employees entering and leaving factories or mines to ensure that there was no chance of sabotage or theft. General opinion is against this, and this sort of non-medical irradiation of the body is fast going out.

Probably we come to one of our severest problems with the next section, that of radio-active isotopes. Honorable members have all read of the cases of small capsules containing radio-active isotopes being mislaid and people picking them up and virtually playing with dynamite because they give no indication of their danger—they do not get hot—and if the person is exposed to the radio activity from them the insidious effects go on. As recently as Saturday night there was mention in the press of a capsule of cobalt-60 being stolen from the back of a car in London. One cannot understand what lack of control there is to allow one of these capsules to be transported in such careless circumstances.

Mr. GAINEY.—Could any remedial steps be taken to overcome the trouble if it was discovered quickly?

Dr. JENKINS.—That would require a long and technical description of the biological effects of radiation and that would take probably an hour or two in itself. I have no objection to talking to the honorable member about it afterwards.

In medicine, radio-active isotopes are used for curative and investigative work and here, of course, storage and handling are important. In industry isotopes are used to detect stresses and welding defects. They may be used for the irradiation of foods and materials for sterilization. I mention these uses because I am sure that the whole point of the additional paragraphs referring to regulations will depend on two factors. The first is frequent inspection, and the second and most important is the skill and training of the inspectors. They must not only be able to ensure compliance with the applicable protection codes, but also be skilled in spotting how significant additional improvements in safety may be made for minor modifications in technique or shielding. Perhaps no individual can handle this because he would need to

have the combined training of a scientist, an engineer and a physician. I urge that steps be taken to train men specifically for this task. Either we must establish our own training system for individuals to qualify as experts in this sphere or we must send them where they can be trained. We cannot leave this inspection to only partly-trained personnel because the problem will increase and, for the sake of the person who works with this process and for the community as a whole, protection is essential.

There is some mention along these lines made in the third annual report to the Prime Minister by the National Radiation Advisory Committee, the report being issued in July, 1960. I notice that that committee is somewhat critical of the States in this matter, pointing out that at the present time all are not adequately equipped to effect even minimal control over the use of ionizing radiation. The committee points out that it is very important for the States to have some uniformity of legislation. In fact, this committee believes it should be a matter for Commonwealth legislation, and I think its reasons for putting this consideration are worth while quoting. The committee points out that the differences in the legislation will become critical in the future, particularly with the increasing use of ionizing radiation, first, with the need for the adoption of new standards and procedures following further research; secondly, as Australia becomes a party to international conventions; thirdly, with the extensive application of radio isotopes in industry; fourthly, as nuclear power is introduced in Australia; fifthly, with the control of any emergency situation which may arise as a result of a large-scale radiation accident; sixthly, with the need for the safe disposal of increasing quantities of radio-active materials; and finally, with interstate commerce or transport involving radio-active materials or equipment capable of producing ionizing radiation.

The Minister made some reference that that was likely, particularly with the production of radio-active isotopes now being undertaken in New South Wales. There are a couple of other points that I think should be mentioned with regard to these paragraphs and they are that some consideration must be given to those working with these materials, and what will happen if they are exposed to an unsafe dose over a period of time. I do not refer to a dose that will affect them critically but to one that has reached the normal maximum safety level and where something has to be done about it. The International Labour Organization recommended in 1959 that if as a result of over-exposure a person be rendered unable for medical reasons to continue in his normal employment because of the presence of ionizing radiation, every reasonable effort should be made to provide such a person with alternative employment not involving exposure to radiation. That will become of importance as we use these provisions dealing with repeated medical checks of workers under those circumstances. Paragraph (*ea*) of proposed new sub-section (1) of section 108 refers to the issuing of licences by the Commission in respect of dangerous substances or irradiating apparatus. I trust that these licences will be issued before such apparatus or substances are purchased and not left until they are actually in the possession of individuals who may not be qualified to handle them. I hope that this Bill will provide a firm basis for the protection of all against the dangers of the increased use of radiation and that it will receive a speedy passage through the House.

The motion was agreed to.

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

ADJOURNMENT.

Mr. BLOOMFIELD (Minister of Education).—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 7.1 p.m.

LEGISLATIVE COUNCIL.

Wednesday, December 6, 1961.

The PRESIDENT (**Sir Gordon McArthur**) took the chair at 2.26 p.m., and read the prayer.

STATE RIVERS AND WATER SUPPLY COMMISSION.

MACALISTER WATER DISTRICT: ACQUISITION AND FENCING OF RESERVES: ANIMALS DROWNED IN DRAINS: COMPENSATION.

The Hon. W. O. FULTON (Gippsland Province) asked the Minister of Transport—

(*a*) How many acres of land will be taken from landowners in the Macalister Water District, including Maffra, Sale, Nambrok, and Denison, under the new policy adopted by the State Rivers and Water Supply Commission?

(*b*) What is the estimated cost of fencing in the above district?

(*c*) How many animals were drowned or lost in the drainage channels in the last three years, and what amount of compensation was paid in the same period?

Sir ARTHUR WARNER (Minister of Transport).—The answers are—

(*a*) It is presumed that this question refers to the decision of the Commission to acquire reserves instead of easements along drains in irrigation districts. It must be pointed out that the acquisition and fencing of reserves will not deprive landholders of the use of appreciably more land than would the taking of easements, as the drains, banks and access tracks occupy practically the same area whether reserves or easements are taken. Reserves are being kept to the minimum width necessary for construction and maintenance.

Drains yet to be completed in the Macalister District will total approximately 75 miles, ultimately requiring a total area for construction and for maintenance access of about 670 acres.

(*b*) The cost of fencing reserves along these drains is estimated at £66,000. If easements are taken instead of reserves there would be very substantial expenditure required on the provision and maintenance of cross fencing and flow gates on the waterways at property and internal paddock boundaries.

The acquisition of reserves provides unimpeded freeway along drains for mechanical plant and weed spray equipment. Fenced reserves eliminate damage to drains by stock crossing the waterway, and the possibility of flooding caused by blocked flow gates as well as the problem of maintaining flow gates in a stockproof condition. Longitudinal fencing also allows much more rapid cleaning of drains during periods of maximum weed growth. The principal purpose in acquiring reserves is to reduce maintenance costs which have to be paid for by the irrigators, and so keep down drainage rates.

(*c*) Claims have been received in respect of 4 cows and 27 sheep stated to be lost by drowning or other causes in the Commission's drains in the Macalister District.

The total compensation paid to date in respect of such claims, including compensation in lieu of fencing, amounted to £885.

PUBLIC AND RECREATIONAL LANDS BILL.

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

That this Bill be now read a second time.

This is a measure to allow us to hold on to what we have left in the way of parklands, gardens, and recreational areas, whether they are publicly or privately owned. Later I will qualify that definition of "privately owned." The history of Victoria shows that those areas have most to fear from Ministers of Governments, usually acting behind Parliament's back. In that regard I want to say how much I appreciate the way in which this House considered and debated what I might describe as an earlier model of this Bill just one year ago. The alterations that I have made to this measure, all of which are contained in clause 4, arise purely as a result of the criticisms and the advice and the debate in this House. In particular I pay a warm tribute to Mr. Hamer for his scholarly approach to this question. Indeed, his remarks inspired me to alter the section of the measure dealing with privately owned land. I also wish to thank all other honorable members who debated that measure. It was in the very highest tradition of this House, which has always paid close attention to private members' Bills. In fact, sometimes I think we give them a better hearing

than we do the Government's measures. The help I got from the House has induced me to try again.

There is no doubt that the recreational areas in this community have suffered from the actions of Governments. I want to quote two extracts of the early days. The first is from page 206 of Daly's *History of South Melbourne,* where he says—

> In February, 1875, to the surprise of the Council there appeared in the Press a notice of the Government's decision to permanently reserve Albert Park, and also to sell under stringent building regulations the frontage of the park to St. Kilda-road, and to reserve the sea frontage for sale in future building operations.

What a wonderful city Melbourne would have been if that park had been preserved intact, and what a magnificent thoroughfare St. Kilda-road would have been with parklands extending right to the foreshore. The quotation continues—

> On 18th March, the St. Kilda council waited upon the Minister in protest. Mr. Casey received them with impatience, brusquely refused any postponement of the sale until Parliament should meet, and informed them that he had the power to sell, and was going to do it.
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> . . . . . .
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> The Minister's arbitrary conduct throughout was reprehensible if not dishonourable, and aroused much surprise and indignation. On 22nd June, 1875, R. Murray Smith moved "that this House views with regret and disapproval the action of the Lands Department in alienating a portion of Albert Park Reserve." This motion was warmly debated for two days . . . .

It just shows that nothing ever changes.

> . . . . many leading members expressing condemnation of the unworthy transaction. Sir Henry Wrixon said: "The point is not whether the land you take away from them (the parks) at any one time is little or much; but, whether they are or are not to be preserved in their entirety as places for public recreation."

That is the stand I take on this matter. It does not matter whether we take little or much, it is public land and it should be left alone. It is so convenient to take over a park because there is nothing on it except trees and lawns and they are not in a position to protest. The unhappy story continued, and so the city of Melbourne lost a portion of that magnificent parkland.

The Hon. J. W. Galbally.

I quote now from *The History of St. Kilda,* volume 2, by Cooper, at page 26—

> In the early part of the year 1859, Charles Gavan Duffy, President of Land Works, in the O'Shannassy Ministry, notwithstanding the protests of the St. Kilda, and Prahran councils, sold allotments of land that he filched out of Fawkner Park. Those allotments of land had their frontages to St. Kilda-road. The land on the west side of St. Kilda-road, Albert Park, was not then offered for sale by Duffy; possibly he wished to avoid a glut of land sales of allotments fronting St. Kilda-road. Duffy's excuse, or explanation, for selling portions of Fawkner Park was that, "the Government wanted money, and the land must therefore be sold."

We still have similar excuses.

> Parliament not being in session, the Ministry was beyond the reach of public criticism.

The Minister felt constrained, in view of the heat generated and the criticism of the press, to say this—

> The public reserves, in size, were out of all proportion to the population of Melbourne, and of suburbs.

Plainly, the Minister had a very poor conception of the future of Melbourne as one of the leading cities in the world. It is interesting to reflect that nearly 100 years ago the parks were always in danger of being taken by some Minister or Government which, for the time being, was beyond the reach of Parliament. So it is that I hope that this House will endorse this Bill. I appreciate that it does nothing to add to our reserves of public land, but at least it will prevent any further incursions.

The other day I travelled in a Cessna over the inner and outer suburbs of Melbourne. It was interesting to notice from the air that the inner part of Melbourne has beautiful areas of trees and green sward but as one got into the outlying suburbs they were unrelieved by any significant public recreational areas, whether in the nature of parks or sporting arenas. A year ago I quoted some figures produced by the Town and Country Planning Board to show how much neglect there was in outlying areas. Mr. Hunt will recollect that poor provision has been made for public recreational areas in the City of Frankston. Melbourne is a gigantic, sprawling

city unrelieved by open spaces. It is well known, too, that there is a direct relationship between open playing areas and crime, that if young people are well provided for in the way of sporting areas and so on, juvenile delinquency declines, and there is a smaller drain on public funds. Recreational areas and sporting grounds in abundance mean less money for gaols, for lunatic asylums and to a certain degree for hospitals.

Many children in the inner industrial areas of Melbourne are confined in almost the same way as the lordly beasts of the African jungles are in the zoo—just pacing up and down in an asphalt square. I believe that there cannot be too much open space in a city. In this machine age of ours people more and more turn to the outdoors for their leisure. Australians are well known as a great sporting nation and no community should require to be apprised of the need for fulfilling those very laudable ambitions within the Australian community. It is a paradox that the cities of Australia, a land of empty spaces, should be struggling for parklands and recreational areas. That applies not only to Melbourne but also to the other two capital cities on the eastern seaboard, Sydney and Brisbane.

This measure does three things, two of which were in the previous Bill which I introduced, and I shall pass over them lightly. As I judged the mood of the House at the time, they were acceptable to it. Clause 2 provides that where any land has been temporarily reserved for a period of not less than five years, that temporary reservation will be deemed to be permanent. If that principle was accepted the land could not be touched except by Act of Parliament, and temporary reservations would be brought into the same category as land permanently reserved under the Land Act.

Clause 3 of the former Bill was the subject of some comment, and Mr. Garrett, among others, criticized its proposals. It dealt with municipal land and the proposal was that where a municipality wanted to change the use of any land at present used as a public park, gardens, camping ground, or for sporting purposes, it could not make a change without obtaining Parliamentary approval. It was said that section 236 of the Local Government Act provided sufficient protection because a municipality desiring to sell land had to obtain the approval of the Governor in Council. I understood the criticism of my provision was that that section in the Local Government Act rendered my proposal unnecessary. However, a municipality may, of its own volition, change the use of any of its land without coming to Parliament or the Governor in Council. For example, a municipality for good and sufficient reasons of its own may decide that a hospital or some other structure should replace one of its recreational areas. I consider that in a matter of such moment to the community, Parliament ought to have the right of veto if it so desires.

The Municipal Association of Victoria considered my former Bill, as it was perfectly entitled to do, and I was told in a conversation I had with the secretary of the Association that the feeling of the Association about the proposal that Parliament should have the last say was that, in effect, it was interference with the autonomy of municipalities. My reply to that suggestion is that municipal councils have really no autonomy with regard to land. If they wish to sell any of their land they must obtain Governor in Council approval. It seems to me that as Parliament has laid down that principle, my proposal is merely an extension.

The Hon. W. R. GARRETT.—I take it that you refer to a municipality wishing to build on an open space?

The Hon. J. W. GALBALLY.—Not necessarily so; if a municipality wished to erect a toilet block on a recreational area, I would offer no objection.

The Hon. W. R. GARRETT.—My reference was to the erection of a large building that would mean the loss of the open space.

The Hon. J. W. GALBALLY.—Yes. I agree that that should not be permitted without the approval of Parliament.

This Bill will provide simple machinery for this purpose. If a municipality wants to change the use of any of its recreational or sporting land, it will merely need to write to the Minister for Local Government setting out the reasons for the proposed change. The request will be laid on the table of both Houses of Parliament, and unless Parliament takes the positive step of disallowing the request, the proposal will go through automatically. As Mr. Merrifield has pointed out to me, if a municipality wishes to erect buildings incidental to the purpose for which the land is being used—the construction of toilet blocks, shower facilities and so forth—nobody would suggest that it would have to seek Parliamentary approval. That would be irksome and unnecessary. However, where the intention is to discontinue the use of land as a recreational area, the public has an interest in the proposal and it is fair that Parliament, being the supreme authority, should have the final say. It must not be forgotten that members of Parliament speak for the entire community over the age of 21; local government bodies speak only for ratepayers.

I carefully considered the point raised by the Municipal Association, and I concede that on first thought it might have been deemed attractive to leave out of the Bill a provision which would bring me into collision with the Association. However, on reflection, I was not prepared to concede what I considered to be an important principle. Whilst the Municipal Association may put its views forward on this matter—I hope it will never be afraid to have its voice heard—I must reject them in this instance. I do not think my proposal will interfere with municipal autonomy. Parliament has already provided that if a municipal authority wishes to sell land it must obtain the consent of the Governor in Council. Consequently, I believe that Parliament should, if it so wishes, have the right to reject any proposal to change the use of municipally controlled parkland and sporting arenas.

The Hon. J. W. Galbally.

As honorable members will recall, the provisions to which I have been referring were in my earlier model of this Bill. I now come to clause 4 which deals with land owned by sporting clubs and other like bodies. This is the land I loosely said was privately owned. My proposal will affect golf clubs, tennis clubs, bowling clubs and other bodies in which land is vested or held in trust by individuals for a club, society or association formed or established for the carrying on by its members of any outdoor sport, recreation or pastime. If a man has a tennis court in his backyard at Kew and wants to build own-your-own flats on it, this measure will not interfere with his intentions. It relates only to bona fide clubs, associations and so forth. I think it is important to make that clear.

I now wish to refer to a change I have made. I did so because of certain expressions Mr. Nicol used when debating the former Bill. Reflecting on them, I think I have arrived at a satisfactory conclusion. My original proposal was that clubs could not interfere with the present use of their land nor could anybody else touch them. I know it is unthinkable, but suppose that the council of the Lawn Tennis Association of Victoria decided to subdivide Kooyong and sell the land, or build flats on the area. My original Bill would have forbade such action. Mr. Nicol contended that a certain evil might follow if such a provision were enacted. He envisaged that a struggling club might wish to borrow money on mortgage and might not be able to do so if those contemplating lending the money knew that if they obtained possession of the land on default they could not sell it or subdivide it. To that extent, Mr. Nicol considered that a club might be prevented from borrowing. Whilst that of course would not apply to such a body as the Lawn Tennis Association of Victoria it might have some relevance to struggling clubs in the country.

I concede that some difficulty confronted me for some time, and this is how I solved it. I have not interfered in any way with the right of sporting

bodies to do what they like with their land. If the Lawn Tennis Association of Victoria wished to subdivide Kooyong courts, this Bill would not prevent such action. Similar remarks apply to land held by the Royal Melbourne Golf Club, the Victoria Golf Club and other similar bodies. All that the Bill provides is that nobody else will be able to acquire the land. Let us examine the practical side. Even if Mr. Vroland and the committee of the Lawn Tennis Association of Victoria Council decided that they could obtain a large sum for the sale of Kooyong, the members would never agree to the sale. It is unthinkable that people interested in tennis would countenance such a proposal, and the same remarks apply to members of golf clubs. From the practical point of view they are just as dedicated in this matter as I hope this House will be, and will wish to see these magnificent assets retained for the enjoyment of the people. Whilst these clubs are privately owned, nothing prevents young men who have the ability from playing tennis at Kooyong or golf at Royal Melbourne. After all, Sedgman, Hoad and Bromwich did not come from wealthy sections of the community, but were simply lads who started knocking tennis balls up against a wall at 6, 7 or 8 years of age.

The Bill proposes that these areas shall not be acquired by the Crown, the Board of Land and Works, any other corporation or person unless a specific Act of Parliament is passed authorizing the acquisition. One cannot go beyond that in a democratic community. Parliament is supreme. Consequently, this Bill will give sporting associations the relief which, in my view, they are entitled to. They have built up magnificent assets over the years and deserve a lot of credit for so doing, particularly at a time when it took a lot of courage to embark on such ventures. This Bill will give these bodies the protection which will enable them to hand on to posterity magnificent assets like Kooyong and Royal Melbourne. Our golf courses in the sand belt around Melbourne are the envy of the world. Once one gets away from sandy loam country in the south-east portion of Melbourne, one does not see similar courses. All leading golfers who have visited this country have stated that nowhere else in the world is there such a series of magnificent courses. Golf is not a game for the few as it was some years ago. Hardly a young man in the community does not swing a golf club these days. When I was a university student if a young fellow handled a golf club the inclination would have been to hit him over the head with it.

To-day members of the university football team play golf on Sundays. The game of golf has captured the imagination of the people. The real difficulty, as was pointed out to me by the secretary of the Golf Foundation, which is the youth organization connected with golf, is to find more golf courses. The Chief Secretary will be aware, as a trustee of Yarra Bend National Park, that golfers hit off almost before dawn, and the same is true of Albert Park.

I do not wish to say any more about this measure. It has been debated previously, and no doubt honorable members have had ample time to reflect on it. A good deal has happened in the past twelve months to make this legislation urgent. The "nibbles" are continuing, always with a plausible excuse. I return to where I started from by pointing out that all this measure does is to say, "Let us put the stopper in here." I trust that by this means Governments and municipalities will be encouraged to go forward. The Mornington Peninsula is the playground of Melbourne; thousands of young people crowd our beaches every week-end. An enterprising community should be buying up large areas of land on the peninsula, which is easily accessible to Melbourne, being only two hours' journey by motor car. There is a magnificent stretch of coastline and timbered country inland. As representing that area, Mr. Hunt will endorse what I am saying. Instead of having thousands of campers denuding the lovely foreshore from Dromana down to Sorrento, areas of land should be made available for camping purposes in the hinterland, because once the mat on the foreshore is interfered with the process of regeneration is halted. Although there still

exists a large stretch of tea-tree, it is being thinned out year by year. If the process continues, there will be no tea-tree left. Tea-tree is admirably suited to foreshore growth, and I do not know of any other part of the world where it is seen. In a warm dry summer there is always the possibility that a careless light will turn the tea-tree into a holocaust. The Government should provide proper camping facilities in the hinterland by acquiring large areas of land, thereby making it the lawful playground of Melbourne's millions instead of handing it over to the land subdividers and the hire-purchase " kings."

This should be a non-political measure; it is our chance to hold the line. I enjoin the Government to take up this measure, and I hand it over to the Government in the hope that in the forthcoming recess the Minister of Transport will be our spokesman in the Cabinet so that this measure will come back not as my Bill but as a Government Bill to preserve our public and recreational lands.

Sir ARTHUR WARNER (Minister of Transport).—Mr. Galbally has removed a number of the objections which were made by our party to the previous Bill. I cannot commit the Government, because the Bill has only just officially been presented to the House. At this late stage of the sessional period it would not be possible to pass this measure. I welcome Mr. Galbally's suggestion that the measure be referred to the Government for examination, and I shall have pleasure in doing so. I move—

That the debate be now adjourned.

The motion was agreed to, and the debate was adjourned until next day.

RACING (OFF-COURSE DOUBLES TOTALIZATORS) BILL.

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

That this Bill be now read a second time.

Although the title of the Bill indicates that it is to amend the Racing Act 1958 to provide for off-course doubles totalizators, the measure also has a number of other purposes. Clause 4 contains the first amendment, which has nothing to do with off-course doubles totalizators. It relates to clubs where totalizators are used and to a radius which up to now has been a distance of 20 miles. The proposed amendment provides that the distance shall be calculated as 20 miles by the nearest practicable route by road or rail or by road and rail.

The Hon. G. J. O'CONNELL.—And not as the crow flies?

The Hon. R. W. MACK.—That is so. The reason for this amendment is that the Werribee Racing Club has always been treated as not coming within the 20-mile radius and therefore as a country club, although on a strict interpretation the course lies within the 20-mile radius. To overcome the difficulty and to enable the Werribee Racing Club to continue operating as a country club, appropriate amendments are contained in clause 4.

The Hon. W. O. FULTON.—Werribee could not be called a country club.

The Hon. R. W. MACK.—It has always been treated as such, although it obtains most of its patronage from the metropolitan area. It would suffer some disability if it were treated as a metropolitan club, whereas it gains some advantage by being treated as a country club.

The Hon. G. J. O'CONNELL.—The advantage would be in the amount of commission from the totalizator.

The Hon. R. W. MACK.—That is so.

The Hon. ARCHIBALD TODD.—In other words, it wants to gain both ways.

The Hon. R. W. MACK.—It does want to obtain something additional. Clause 5 of the Bill deals with the question of dividends payable by off-course totalizators. I shall deal with this point in detail later, but the principal provision is that on a winning investment the amount returned from the off-course totalizator shall be at least the amount invested.

Clause 6 of the Bill contains a provision that allows the Treasurer to recoup to the contributing clubs interest on the amount that they have contributed to the establishment of the Totalizator Agency Board. Clause 7 provides that a club may apply receipts

from the Treasury in payment of interest in the same way as in the previous provision to make payment to the clubs. Clause 8 authorizes the Treasurer to apply money which at present, if paid to the contributing clubs, must be used by them to write off the investment they have made. This provision will allow the Treasurer to specify an amount that the contributing clubs may take into account as revenue during the year; they now have to apply the whole amount to capital recoupment, whereas clubs which have not contributed may pay all the money they receive into the revenue for the year.

The sixth alteration deals entirely with the off-course doubles totalizators scheme of which I shall give full details later. The seventh amendment is contained in clause 10 of the Bill, and is designed to give the Trotting Control Board a "bigger cut of the cake" than it has had in the past. In fact, the amount will be double that which the Board has been receiving to date.

The Hon. G. J. O'CONNELL.—That is from the bookmakers' turnover tax?

The Hon. R. W. MACK.—That is so. Section 119 of the principal Act provides that there shall in respect of each year be paid out of the Consolidated Revenue into a fund to be kept in the Treasury and to be called the Metropolitan Trotting Fund an amount equal to one-eighth of the amount in that year paid to the Comptroller of Stamps by way of stamp duty on bookmakers' statements in respect of bets made at the Royal Showgrounds. The effect of the amendment will be to increase the payment to the fund to one-quarter.

The effect of the eighth amendment will be to allow Werribee and Cranbourne racing clubs to continue as country clubs, and in addition to permit trotting meetings to be held at Cranbourne.

The Hon. ARCHIBALD TODD.—Will this provision allow the Werribee Racing Club to reduce its stakes?

The Hon. R. W. MACK.—The object of the legislation generally is to encourage clubs to increase stakes. The purpose of the amendment is to legalize what has been done illegally, and this matter of the 20-mile radius was mentioned by the Auditor-General.

The Hon. G. J. O'CONNELL.—It is desired to retain the *status quo* at Werribee?

The Hon. R. W. MACK.—That is so. We are changing the legal position and making it quite clear, but we are not changing the factual position as it has applied in the past. Finally, I direct attention to sub-clause (3) of clause 1 of the Bill, which provides that the provisions of this Act shall come into operation on a day, or respective days, to be fixed by proclamation, or by succeeding proclamations. Honorable members are aware that the intention of the Government in this matter is to retain the right to proclaim certain sections of the Act at one time, and to delay the proclamation of other sections until a later date. The reasons for doing so are fairly well known. There have been some disagreements between certain racing clubs whether such activities as the broadcasting of totalizator dividends should be allowed immediately after a race-meeting. These are still matters for negotiation between the Chief Secretary and the clubs concerned, but the Government felt it wise to have this provision in the Bill so that it could proclaim parts of the Act instead of having to proclaim the entire Act.

The Hon. ARCHIBALD TODD.—It is to be hoped that the Government will not allow the Victoria Racing Club to dictate the policy.

The Hon. R. W. MACK.—I believe it would be in the interests of the people in the country to have these dividends broadcast immediately after each race and I hope that that arrangement will be made.

The Hon. W. O. FULTON.—Does your statement foreshadow what the Government will do in the matter?

The Hon. R. W. MACK.—No; I am expressing my own view on this question. I should not like to express the

Government's view because of the consultation that is taking place to-day between the Chief Secretary and the authorities concerned.

I shall now deal with the question of the off-course doubles totalizator, so that honorable members will understand exactly what is proposed. Those honorable members who take an interest in racing know that on the course the totalizator double operates on "this race and the next" until the last race of a meeting, when because there can be no next race the quinella then operates. That, I understand, is a fairly popular form of wagering. The Totalizator Agency Board, which was not given the privilege of having doubles betting under its original legislation, has felt that for the benefit of those people who patronize the totalizator, some type of doubles betting should be possible.

In the past, the Board has had a system under which two races in the programme have been selected and it has run what has been called a double on those two races. In fact, however, it has not been a true double. It has been an "all up" bet, and the result of the "all up" bet is that the Board has been receiving a commission of something like 23 per cent. instead of the 12 per cent. that is provided for in the Act. Of course, the Board is receiving the 23 per cent. in question legitimately, because the transaction is classified as two separate bets. What has happened up until now is that when anyone has wanted to bet on the totalizator on a double, he has selected the double.

The Hon. W. O. FULTON.—Who selects the double?

The Hon. R. W. MACK.—The punter, but the Totalizator Agency Board selects the two races from which the double can be selected. Where investors back the first leg of the double, the Board lays the amounts that are then to the credit of the punters—that is the original bets, plus the winnings on the first race—on all of the horses in the second race that are tied with the winner of the first race.

The Hon. G. J. O'CONNELL.—In other words, it is a case of the first leg all up the second.

The Hon. R. W. MACK.—That is so. To overcome that problem, the Government proposes to allow the Board to select a double on each day of racing. It will not be in the same form as on-course doubles in respect of two particular races. In addition to that, it is proposed to empower the Board to allocate doubles on the very well known and popular racing combinations such as the Caulfield Cup and Melbourne Cup, the Derby and the Melbourne Cup, and the Newmarket and the Australian Cup, and others may be added at some later stage.

This Bill inserts a new division into Part 5 of the Racing Act to allow the Totalizator Agency Board to use an off-course doubles totalizator for the purpose of conducting a daily double. It is provided that that daily double need not be put through a machine in the ordinary way that totalizator bets are handled, but the Board is being given power to have a machine to record those doubles bets.

The Hon. W. O. FULTON.—Will there be different odds as there are with doubles?

The Hon. R. W. MACK.—Yes. The off-course bettor will get the doubles odds worked out arithmetically. There will be no comparable totalizator on-course betting because on the course punters bet on "this race and the next." It is unlikely, although it could happen, that the two races would be the third and fourth for the daily double off-course, and that would be the only comparison.

The Board will be empowered to make rules for the conduct of the off-course totalizator—to obtain the necessary staff, to conduct the business and to retain the ordinary 12 per cent. commission which has been standard throughout the legislation. Investments may be accepted in the same way as in the past, either betting against a credit account, by payment of money at the time of the bet, or by payment of the money which accompanies the letter or

telegram which registers the bet. There will be no change in that procedure. Of the amount of 12 per cent. commission, 8 per cent. will be retained by the Board and 4 per cent. will be paid to the Treasury as it was under the original legislation. Of that amount paid to the Treasury, 3 per cent. will be carried to Consolidated Revenue and 1 per cent. will be paid into the trust fund already established in the Treasury under the Racing Act. No change is proposed in that regard.

The Bill also makes betting through an off-course doubles totalizator outside the scope of section 124 of the Police Offences Act, which prohibits the use of a totalizator. The Bill further empowers the Governor in Council to make appropriate regulations for the conduct of off-course doubles investments. Under the provisions of section 105 of the principal Act, each racing club is required to establish a Dividends Adjustment Fund, into which all fractions are paid. This fund is used subject to appropriate control by the Auditor-General, to adjust errors of calculations in dividends. The same type of fund will be set up by the Board in connexion with the off-course totalizator.

Unclaimed doubles dividends will be retained by the Board. This practice is similar to that which at present applies to on-course bets made through the agency of the Totalizator Agency Board. The other matter that is somewhat intricate relates to the payment of the original wager on a winning bet. In most circumstances, the amount of the wager will be returned. In other words, on a 5s. unit investment, an amount of 5s. will be returned, but there are exceptions to this procedure. With the introduction of off-course betting, the number of dividends of less than the unit of investment are likely to increase, the reason being that the off-course bettor is betting without any knowledge of what the indicators are showing on the totalizator and, therefore, is betting blind so far as the possible or probable odds are concerned. That is likely to increase as off-course betting increases, as it will when more agencies are established throughout the State.

Dealing with the question of dead-heats, where a dead-heat in any race occurs in such a way that it does not affect the placings in the race, the dividend will be made up, as for instance, when three horses come a dead-heat for first place. The place dividend which would be payable for the place would be the same as if the horses had been placed first, second and third and, therefore, would be made up to 5s. if it was necessary to do so. However, the win dividend would not be made up, as the win pool would be divided into three parts. Obviously, there could not be with short-priced horses a refund of 5s. in respect of each win. The punter would receive about one-third. When the odds are equivalent to, or a little better than 3 to 1, in effect, about even money is paid, so that there must be very short-priced horses on that basis before the refund is below the investment of 5s.

If there were an outright winner and two horses dead-heated for second place, the place dividends would be payable as if the horses had been placed first, second and third. However, if two horses were placed first and second and two horses dead-heated for third place, the win and first and second place dividends would be made up to 5s., but the dividend for the third place would not. That makes it fairly clear when an investor will receive back the 5s. unit.

Any sum of money required to pay the minimum dividend of 5s. will be paid from Consolidated Revenue. This has the same final effect as if the money had been paid from the fractions. The fractions from each race are paid into the Dividends Adjustment Fund, and every six months the balance is paid into Consolidated Revenue. There is a vital difference that Mr. O'Connell will appreciate—it is set out on page 14 of notes that have been circulated—as to why if the individual clubs had to make up the money a hardship on them could be created.

The only two complicated parts of the Bill relate to the off-course doubles totalizator and to the repayment of the 5s. unit invested. The Bill also makes

worth-while amendments to the legislation affecting some of the other metropolitan clubs. They are happy about the matter and so is the Trotting Control Board. I commend the Bill to the House.

On the motion of the Hon. G. J. O'CONNELL (Melbourne North Province), the debate was adjourned until next day.

LANDLORD AND TENANT (AMENDMENT) BILL.

The debate (adjourned from November 23) on the motion of the Hon. L. H. S. Thompson (Minister of Housing) for the second reading of this Bill was resumed.

The Hon. G. J. O'CONNELL (Melbourne Province).—This is a Bill to amend the Landlord and Tenant Act 1958. The principal amendments proposed by the measure relate to eviction proceedings taken against tenants and sub-tenants of uncontrolled dwelling-houses let on a periodic tenancy, the recurring period of which does not exceed one month.

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 tenants of such dwellings may have considerable difficulty in finding another house. This Government is aware of this fact.

There are many people who since the war have never seen a "To Let" board on premises, but a lot of them know what an eviction order is. 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. A stay for a period of six months or more was not uncommon. That position should obtain to-day as the relative hardship is greater than ever with the shortage of houses and rooms that exists at present.

The Labour party believes that a six months' stay of warrant for eviction from premises should be given and will submit an appropriate amendment. Clause 5 provides for the amendment of section 33 of the principal Act to include a new sub-section stating—

> (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 three months, as the court thinks fit.

It is the intention of the Labour party to move in Committee for the omission from the proposed new sub-section (2) of the words "three months" with the view of inserting "six months." As all honorable members know, it is impossible to get a house or rooms in the three-months period. We have only to take into consideration what obtains at the Housing Commission to realize that this is so, as there are approximately 15,000 on the tenancy waiting list. Some tenants just get settled in homes or rooms when they are issued with notices to quit. In some cases houses have been sold and the purchasers want them for their own use. In other cases, the purchasers want to renovate the properties and put them on the market to make high profits.

I have been informed that in the area I represent approaches have been made to tenants to vacate premises quickly on the promise of substantial rewards and in some cases people have accepted. I have been informed also that when a certain firm in Richmond wanted to extend its premises and it meant the demolition of three or four houses, some of the people were reimbursed to the extent of £300 to £400. This happens often in the industrial areas. Under the present law and practice, a weekly tenant of a dwelling-house has about seven weeks from the time a notice to quit is served on him in which to find

other accommodation and vacate the premises. In the case of uncontrolled dwellings there is no power in the court to stay the issue of the warrant of ejectment no matter what may be the circumstances of the case.

Further, no one is under any obligation to advise any sub-tenant that the ejectment proceedings are in train, and it is possible that the first time the sub-tenant learns about the existence of the warrant is when the police arrive. But to be fair to the police, on receiving a warrant in most cases they do advise all of the occupants of the house of its existence, and the final date on which it will be executed. This is a job the police in most cases do not like, as it is very distressing to all, especially when women and children are involved.

A few weeks ago in the area that I represent we witnessed the spectacle of a deserted wife with five children who would have been put on the street but for the generosity of the local people and the municipal council. The council stored the furniture and the family were taken in by neighbours overnight until alternative accommodation could be obtained. I took this case up with the Housing Commission and so did my colleague Mr. Elliot. Since then temporary accommodation has been found at a rental of £8 or £9 a week, and I have been informed that the Richmond branch of the Lions Club is subsidizing this rent to the extent of £5 or £6 a week. This is only one of the many cases that occur in the industrial areas.

The measure is designed to give some relief to tenants and sub-tenants of uncontrolled dwelling houses in relation to eviction proceedings. But it is my opinion that it does not go far enough. There is a little private flat building going on for letting, but the rents are so exorbitant that people in this area cannot afford to pay them.

The provision of the Bill as to evictions will not apply to hotels but will apply to a combined shop and dwelling, let on a monthly tenancy or shorter period, if one of the purposes of the letting is that part of the premises should be used as a dwelling house. Remarkable prices are being paid for some premises which originally cost £400 or £500; they are now being sold for £3,000 or £4,000. Migrants buy these old places and, after getting the tenants out, do them up and resell. I have been informed that a 4-roomed cottage in Richmond bought for £300 in 1932 was sold in 1946 for £1,200. It was sold again in 1958 for £2,500, and was re-sold last year for £3,200.

The incidence of evictions is very grave and the people most affected are those on the lower incomes. A perusal of advertisements for tenancy in the *Age* newspaper, shows that the average rent for a house is £7 or £8 per week, and the average rent for a room £4 to £5. The cheapest I have seen has been £2 for a room and £5 for a flat. Others range from £8 to £9. How can people who earn £16 to £18 a week be expected to pay £7 to £8 per week or more for rent? I consider that a fifth of the income of a man in the lower income group is enough for rent.

Housing Commission rentals at the Anderson-street, Richmond, estate are as follows:—

One bedroom, (single bed) lone person unit, 33s. 6d. to 34s. 6d.

Darby and Joan unit, 41s. 6d. to 51s.

Two-bedroom unit, 77s. 6d. to 80s.

Three-bedroom unit, 90s. to 106s. 6d.

Two-bedroom brick unit, 86s. 6d. to 90s.

Some of the tenants, especially pensioners, can ill-afford to pay even these rents. This shows the hardship suffered by people who rent homes and rooms from private enterprise.

Every week people inform me that they have received a notice to quit or are being evicted. Usually I contact the Housing Commission or the Minister of Housing to find out what can be done for them. I shall cite a few examples of such cases. I wrote the following letter to the secretary of the Housing Commission in regard to Mr. and Mrs. K. Thorpe, of 28 Bunting-street, Richmond—

I am making representations to you on behalf of Mr. and Mrs. Kevin Thorpe of 28 Bunting-street, Richmond, who have three children and expecting a fourth in a month or two.

They have received notice to quit and the reason for notice is that the owner wants a higher rent. They have had an application in with the Commission for four years.

Will you give this your consideration and advise me accordingly?

The secretary of the Commission replied as follows:—

I acknowledge your representations on behalf of Mr. Thorpe and wish to inform you that his application to the Commission has already been approved and his name is on the waiting list for a three bedroom flat at South Melbourne.

These flats are in an advanced stage of construction and it appears likely that accommodation will be offered Mr. Thorpe within the next two or three months.

In regard to Mr. and Mrs. G. Wolf and Mr. and Mrs. M. F. Byrne of 405 Bridge-road, Richmond, I received the following reply from the secretary of the Commission:—

I acknowledge your representations on behalf of the above named who have been served with notices to quit in relation to the premises they occupy.

It appears that Mr. and Mrs. Wolf are not applicants for a Commission home and consequently it is impossible to consider their needs at this stage, even were they now to submit an application.

With regard to Mr. and Mrs. Byrne, the Commission has already made arrangements for the Estate Officer to visit them on the 20th instant for the purpose of discussing their application.

I also wrote to the Commission about Mr. and Mrs. Rippey of 9 Tyson-street, Richmond, and received the following reply from the secretary of the Commission:—

I acknowledge your representations on behalf of Mr. and Mrs. Rippey and wish to inform you that the Commission recently received an application from a Mr. Andrew Rippey of No. 5 Somerset-street, Richmond.

Possibly this is the case concerned as it was mentioned in the application that a Notice to Quit had been received, and, assuming this to be so, the address you quoted has now been recorded.

I regret, however, that my Commission is unable to offer early assistance in this case in view of the large number of applications which precede it.

However, Mr. Rippey will be contacted when his housing needs can be given consideration.

The PRESIDENT (Sir Gordon McArthur).—I think the honorable member has cited sufficient cases to make his point.

The Hon. G. J. O'CONNELL.—Thank you, Mr. President. I would point out that the properties concerned are all uncontrolled premises, and the notices of eviction were forwarded only this month. The people concerned cannot obtain alternative accommodation without paying exorbitant rents. I should like to take this opportunity of thanking the Minister of Housing and the Housing Commission and its staff for the assistance and courtesy they have extended to me when dealing with difficult cases that have been brought to their notice. In particular, I wish to thank Messrs. Bradley, Gaskin, Ashman, and Bolwell. It is clear that insufficient homes are being built for rental, and the Government should take appropriate action. I shall not deal with the other evils which the Bill aims to cure because they are insignificant compared with the general problem. People in the low income group must be protected from the evils of eviction, and at least six months' notice should be given before an ejection order is carried out. I foreshadow an amendment along those lines.

The Hon. I. A. SWINBURNE (North-Eastern Province).—This Bill will continue a series of amendments which have been made to the Landlord and Tenant Act over the years. That legislation was enacted in the first place to protect tenants and ensure that people did not suffer at a time when the housing situation was very acute. Various Governments have introduced amendments to make the position less irksome both for tenants and the owners of dwellings. This is one of the big social problems of our time. We had hoped that it would not be necessary to continue the legislation to this stage, but it appears that the problem is again becoming more acute. There is only one reason for that, namely, the policy of the Government of reducing the number of rented dwellings erected by the Housing Commission. I blame the Government directly for this decision.

Of course, we should like to see everyone own his own home, but that is not possible. Some people do not want to do so, other people cannot do

so because the nature of their employment requires them to move from time to time, and a large number of people follow seasonal occupations. Over the years such persons have been provided with homes for rental either by private enterprise or the Government. As the Leader of the House mentioned, many people in the State want to own their own home, and houses available for that purpose are now in excess of the demand. Two or three years ago I heard the honorable gentleman state in this House that many houses could be rented, but that no one wanted to rent them and the owners wished to sell them. Of course, they wanted to sell them because at that stage a high premium was payable on a house with vacant possession.

Sir ARTHUR WARNER.—Now they cannot sell them, so they are again seeking to rent them.

The Hon. I. A. SWINBURNE.—That is so. Probably there are thousands of such houses. In some country towns people are seeking tenants for 100 or more houses. Unfortunately, the Housing Commission's waiting list for tenancies has not been reduced but is increasing. That indicates that there is still a demand for tenancies.

Sir ARTHUR WARNER.—Or a demand for lower rents.

The Hon. I. A. SWINBURNE.—That might be so, but I do not think any applicant for a Housing Commission dwelling has turned down a house because the rent is too high. Of course, in the inner suburbs of Melbourne very high rents are payable, and the average Housing Commission rent would not be higher. Previously the Minister of Transport had hoped that this problem would be surmounted in the near future, but the pendulum can always swing against the Government.

Sir ARTHUR WARNER. — I think the problem has substantially eased.

The Hon. I. A. SWINBURNE.—I do not think so. More people are trying to rent houses than previously. That shows that the Government's policy of providing more funds for home ownership has swung against it. The present problem would not exist if the Housing Commission had continued to do the work for which it was instituted. It would have provided more persons with homes for rental and people would still have sold houses to thrifty tenants who wished to buy them. Sufficient houses for rental are not being built by the Housing Commission in any country town. Prior to the present Minister of Housing taking office, I directed the attention of the Commission to this matter. In my home town every house built by the Commission was for sale. It was not possible for employees of Government Departments who were transferred there or seasonal workers to find a home for rental. The caravan parks were full and people were living in all sorts of unreasonable conditions.

It looks as though the landlord and tenant legislation will be with us for a long time. This Bill deals with some problems that have arisen, and in the main it is an attempt to ease the conditions that obtain. The first amendment provides increased protection for persons holding short-term tenancy with regard to the giving of notice to quit. Sub-tenants will also be protected. The Leader of the Labour party in this House mentioned some months ago that evictions were taking place at North Melbourne and, while in some instances notice had been given to the tenants, the sub-tenants had claimed that they had no knowledge of the proposal. Apparently there was no legal responsibility for notices to be served on them. Such a responsibility will be placed by this Bill. Where a family unit occupies a house and the legal tenant—he might be the breadwinner of the family—dies or leaves the dwelling, the family will be protected by a continuity of the existing tenancy.

A further amendment in the Bill deals with the changes in the limits of earnings of pensioners, and will afford further protection to totally and permanently incapacitated pensioners and blinded ex-servicemen. The Bill also deals with the sale of prescribed

premises, and changes the present position whereby when a house is auctioned the tenant has certain rights in regard to first option to buy. In practice, it has been found that when a building has been put up for auction but has not reached the reserve and has been passed in, the tenant has not exercised his right of purchase. He has played around with the proposition, and while that has been going on the person who was the losing bidder at the auction has disappeared and probably purchased another house. Accordingly, the home owner has found himself placed at a disadvantage. Under this Bill the tenant is to lose the right to negotiate within fourteen days where the house is not sold at auction but can be subsequently sold. I think the Government's proposition is fair and reasonable. If the tenant has his rights, he should exercise them, but he should not retain those rights for a period of fourteen days. The other individual who was interested in the purchase and who tendered a bid at the auction in a legitimate manner is entitled to some protection. I agree with the Government in that regard.

Clause 11 deals with the matter of prescribed premises. In the past it has been necessary to prove in the court that certain premises were prescribed premises, but in the future unless this is proved not to be so the court will accept the principle that they are prescribed premises.

The only other amendment proposed in the measure is a change in the warrant to be issued. This will, I feel, give protection to owners where it is required, and also, in certain directions, to owners. I feel that, because of changing conditions, consideration should be given to the question whether we cannot overcome some of the problems associated with the shortage of housing for tenancy purposes. The Government should certainly have a good look at this aspect. I know it is a matter that can come forward for discussion under another measure, and so I do not, at this stage, propose to develop the matter further, other than to say that the Government should ensure that as many houses as possible are retained for tenancy so that people who have to rent properties will be enabled to obtain them, and will not be forced into the position of having to go into highly-priced rooms as sub-tenants, as is happening in so many establishments in the inner metropolis at the present time. Indeed, not only in the city but also in some country towns this situation obtains because of the changed outlook in regard to the provision of homes for tenancy purposes.

The Hon. R. J. HAMER (East Yarra Province).—In its way, this Bill is something of a landmark, because in its main purpose it runs counter to the general flow of landlord and tenant legislation over the past few years. In the main, that legislation has been designed to restore to landlords some of the rights and privileges which they had before the war and gradually to relax the restrictions which war-time shortages put upon leasing. But this Bill is designed to assist tenants.

The Hon. I. A. SWINBURNE.—They are becoming the victims.

The Hon. R. J. HAMER.—Up to a point, yes. But the remarkable thing is that it gives to tenants under periodic tenancies rights or privileges which they did not have before the war and, as Mr. Swinburne says, this is indicative of the fact that there is a shortage of houses available for renting. I think we can trace back the reason for that at least partly to the restrictions which the landlord and tenant legislation put upon ownership. All parties took such action and concurred that it was necessary as a matter of social justice, but the main effect has been to discourage entirely the holding of homes for rental purposes as an investment. I do not know that even in the past there was much building of homes specifically for rental. There was plenty of building of flats and so forth, but I do not know of many homes being built especially for rental purposes.

The Hon. I. A. SWINBURNE.—That happened before the war.

The Hon. R. J. HAMER.—Up to a point, perhaps, but there was a lot of buying of homes for rental as an investment, and many people chose to invest whatever funds they could accumulate in that way. As a form of investment, homes for rental have been almost completely neglected, mainly because of the discouragement which owners have felt as a result of landlord and tenant regulations and legislation over the years.

The Hon. I. A. SWINBURNE.—And the high cost of repairs.

The Hon. R. J. HAMER.—Yes, and all that went with it. So we find that there is a shortage of houses for rental, even though there might have been a temporary easing this year. But even if there has been, I think that as soon as houses again become readily saleable they will be sold and the tenancies will be terminated. I merely raise this subject at the second-reading stage for the purpose of foreshadowing an amendment which I desire to submit when the Bill is in Committee. That amendment is designed, in the general tenor of the Bill, to assist tenants. It is connected with one of the grounds on which notice to quit can be given over prescribed premises. The ground is to be found in paragraph (*x*) of sub-section (6) of section 82 of the Landlord and Tenant Act. As honorable members may recall, this provision states that one of the prescribed grounds shall be—

> Where the premises are a dwelling-house, that the financial circumstances of the lessee are such that he could without undue financial hardship purchase or lease other adequate and suitable premises for the purpose of residence at a purchase price or rent based on current property values.

In earlier times that was a very useful ground, particularly when a well-to-do tenant occupied premises which the landlord desired to occupy. Moreover, it was reasonable that if the tenant could afford to live somewhere else the landlord should be enabled to serve upon him notice to quit and require him to move elsewhere. I doubt whether the ground has any real meaning now, because all rentals can be adjusted according to current property values. Therefore, any tenant who is, in fact, paying a fair rent can obviously afford to pay the same sort of rental for premises elsewhere. So, the ground is rather meaningless. But the main objection to which I draw attention is the companion section which allows the landlord to issue long interrogatories to his tenant, who has been given notice to quit on this ground, to inquire in detail into his financial circumstances, the ownership of everything he possesses —his home, his property, his bank account and so forth—and not only to inquire into his own affairs but those of his wife and other members of his family who are living in the house.

Examples have been introduced into this Chamber from time to time of interrogatories running into pages of detailed and embarrassing questions of the sort that are protected under the income tax legislation from disclosure. In nearly every case where notice to quit is given to-day, paragraph (*x*) of sub-section (6) of section 82 is put in as a kind of *in terrorem* threat. And it is most effective, because there are many tenants who otherwise would not move or fight the case but who are not prepared to have all their property matters and financial affairs examined and discussed in court. Therefore, the section is being used largely as a bludgeon.

I said that the provision has no real importance now, and I should like to see it removed, but even if that is not to be done at the moment, I think the section which permits these interrogatories to be issued and which can be used to terrorize and oppress a tenant into moving out without a fight should be removed. That will be the effect of the amendment I propose to move when the Bill is in Committee. It will prevent the use of interrogatories in the way I have indicated and will also leave the landlord free to prove, if he can, his case under ground (*x*) by every means during the hearing, but not to oppress his tenant with 25 pages of questions on every aspect of his personal affairs which may well result in injustice in the end. I merely mention this matter now so that it can be considered and because the Minister has indicated that if this Chamber finds the amendment acceptable he will adopt it.

The sitting was suspended at 4.10 *p.m. until* 4.38 *p.m.*

The Hon. ARCHIBALD TODD (Melbourne West Province).—I want to add a few brief remarks to the comments of my colleague, Mr. O'Connell. The residents of inner industrial suburbs are more affected by the shortage of rental homes than are persons in the outer metropolitan area. Those most seriously affected are the aged. It can be truthfully said that publicity has been given to the housing of aged persons and that plans have been submitted by the Minister of Housing to various councils with the suggestion that councils should provide land in order to permit the Housing Commission to construct housing units for elderly persons. However, that proposal presents a difficulty to councils of some of the highly built-up municipalities where it is extremely difficult to find vacant land. In the meantime, those unfortunates who are caught up in the great shortage of homes for rental have to suffer.

The Minister of Housing is aware that recently I have engaged in correspondence with him on behalf of a physically handicapped lady who is to be evicted from her home. The Commission, despite all its resources, is not able to provide one lone-person unit for this woman. She was a tenant of a house for over twenty years and paid her rent regularly. The property in which she resides is part of a deceased estate—I refer to the Warren estate—and the trustees have been realizing on the assets as fast as they can. She lives in one of a group of four houses that represent perhaps the most run-down homes in the area. The trustees have been systematically getting rid of the properties under their control, and some of these homes have Housing Commission repair orders on them and some are subject to demolition orders.

A man named Ballantyne, who resides somewhere in Brighton, purchased the four houses to which I refer and immediately commenced to harass the tenants. He was able to re-sell one house for £4,000, despite the fact that it was an old wooden structure erected approximately 100 years ago. He was able to screw increased rents out of two other tenants by means of short term leases. The unfortunate pensioner to whom I referred was brought to court, and despite the fact that she had the assistance of counsel briefed by the Public Solicitor — there was some criticism of the manner in which he handled her case—the owner six weeks ago was granted an eviction order with a stay of 30 days. To-morrow, this unfortunate woman will have to go to court to plead for an extension of time, so perhaps we should welcome the fact that the Government has at last recognized the injustice done to unfortunate tenants and is empowering stipendiary magistrates to grant lengthier stays of proceedings in tenancy cases.

The question of the shortage of homes for rental purposes has been referred to by Mr. Swinburne and by Mr. Hamer. Mr. Hamer offered his opinion as to the reason for the shortage of homes for tenancy. I disagree with him to a great degree, but I shall not take issue with him at the moment as there is not sufficient time available. Suffice it to say that in the inner industrial areas most of the homes available for tenancy were erected in the early 1900's. Since that time there has been no real effort to construct terraces of houses that were so pleasing to investors. Perhaps the reason why so few homes for rental have been erected since is that the persons who would inhabit such dwellings are not in a position to pay exorbitant rents. The average earnings of unskilled and semi-skilled men to-day —in terms of take-home pay—are approximately £16 a week. When one takes into consideration the high cost of food and other necessaries for existence, one realizes that very little is left to meet the highly increased rents demanded to-day.

The shortage of rental homes has been accentuated because owners have succeeded in unloading many properties on to unfortunate migrants and the tenants have been turned out. One has only to tour the municipalities of Collingwood, Richmond, Fitzroy, Port

Melbourne and South Melbourne to realize that owners of rented homes have not spent very much money on maintenance over the past 50 years. Owners of these old rented homes have undeservedly benefited by rises in the cost of houses and land because of the great increase in population. Many of these people inherited properties from their forebears and others acquired their assets when homes were cheap. Now they are able to cash in because in this boom period many people are experiencing difficulty in finding shelter. In the inner areas homes are rotting at a much faster rate than provision is being made to replace properties that will be pulled down in the fullness of time. Unless the facts are faced, this "cancer" in our midst, of people being thrown on to the streets and forced to live in circumstances which are a disgrace to our Australian community, will continue. All types of people must be considered. In Toorak and other suburbs there is a number of flats and houses to let and for sale, but the working people from the industrial suburbs cannot afford to rent or to buy such places. In addition, many landlords refuse to let premises to couples who have young children. All the problems are mounting day by day despite the fact that we think they are being overcome.

Another matter which should be examined is the ease with which tenants can be evicted from properties that industrial firms have acquired. Ostensibly, the companies approach the court on the basis that they wish to rebuild immediately, but in some cases a house is demolished and the land allowed to remain idle for periods up to three years. About twelve months ago I approached the Housing Commission on behalf of a couple; the man was an invalid pensioner and his wife had to work to keep her husband although she could have received a pension many years ago. This couple was turned out of the house, which was then demolished, but since then nothing has been done in the way of rebuilding. Such action is quite unjust, and an investigation should be held into such cases so that certain industrial firms may be penalized. In South Melbourne, street after street of old homes have been demolished, but the industrial firms concerned have not contributed to the rehousing of the former tenants. I trust that the Government will continue to look with compassion on persons who have housing problems and will amend the landlord and tenant legislation from time to time. Our party has no objection to a landlord or owner obtaining a reasonable return from his property, but we have the strongest objection to landlords wringing extra money from unfortunate tenants who cannot find other accommodation.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 6285, section 29).

The Hon. L. H. S. THOMPSON (Minister of Housing).—Both Mr. Swinburne and Mr. Todd asked whether or not the shortage of houses was being overcome. A great deal depends on the criterion used. For example, do we want a house for every married couple? Do we want the standard existing prior to the outbreak of the second world war to continue to be the standard? From the figures available, it appears that we have not overcome the shortage completely but that we are moving in the right direction. In 1933, there were 4.1 people to a dwelling; in 1947 there were 3.69; in 1954 there were 3.5; and it is estimated that in 1960 there were 3.49.

The Hon. I. A. SWINBURNE.—Families may be larger now.

The Hon. L. H. S. THOMPSON.—That may be so. Putting it in a slightly different way, over the past ten years the net increase in population—that is, births over deaths and including the migration intake—was 684,000, while the number of homes built in Victoria was 224,600.

The Hon. I. A. SWINBURNE.—On those figures, there would be only sufficient houses for the immigrants.

The Hon. L. H. S. THOMPSON.—The figures indicate that the number of persons per house was declining slightly. If 224,600 is divided into 684,000, the

result is a figure slightly under 3.5. For the year 1959-60, there was a net increase in population of 77,000, taking into account births over deaths and including immigrants. In that period there were 24,000 houses and flats constructed, so apparently we are moving in the right direction. In the figures I have quoted, I have not taken into account the number of houses demolished.

The Hon. ARCHIBALD TODD.—By examining the number of persons per house, are we not liable to obtain a false impression of the situation?

The Hon. L. H. S. THOMPSON.—I spent a considerable time with the experts trying to ascertain the best criterion to use. There are differences of opinion even amongst the experts. I stress that the figures mentioned provide only a rough guide.

The Hon. ARCHIBALD TODD.—A census taken by municipalities might result in a better assessment of the situation.

The Hon. L. H. S. THOMPSON.—That may be so.

The clause was agreed to, as were clauses 3 and 4.

Clause 5—

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 three months, as the court thinks fit.

(3) Where the court stays the issue of the warrant as aforesaid the court may by its order—

(*a*) require the person in possession of the premises or any part of the premises to pay to the landlord at the times and places stated in the order during the period of the stay a weekly sum at the same rate as the rent payable before the determination of the tenancy and, if it thinks fit, require the giving of such security for that payment as the court thinks proper; and

(*b*) the court may by its order impose such other conditions (if any) upon the person in possession of the premises or any part of the premises as the court thinks proper.

(4) Upon proof to its satisfaction of any failure by a person in possession to make payment or to give security in accordance with the order of the court or of any breach of any other condition imposed by order of the court, a court of petty sessions may upon the application of the landlord or his agent revoke the stay of the issue of the warrant either in whole or in part and make such order as to the issue of the warrant as it thinks fit."

The Hon. G. J. O'CONNELL (Melbourne Province).—I move—

That, in proposed new sub-section (2), as contained in paragraph (*b*), the words "three months" be omitted with the view of inserting the words "six months."

As I explained previously, the reason for this amendment lies in the number of letters to which I have referred. As honorable members are aware, many people in industrial suburbs are affected by eviction orders and notices to quit. In Richmond, Fitzroy and Collingwood, most of the houses the tenants of which are subject to eviction orders are uncontrolled and the tenants experience difficulty in obtaining rooms. It is almost impossible to obtain a Housing Commission house within three months. If my suggestion is agreed to, a person who is to be evicted will have an opportunity of obtaining alternative accommodation within the reasonable period of six months.

The Hon. L. H. S. THOMPSON (Minister of Housing).—This amendment was carefully considered by the Government in another place and rejected for two reasons. Under the existing law it is not possible for the court to stay an order for any length of time. It was thought reasonable to give the court the right to withhold an order for up to three months, but the Government does not wish to extend it further because it does not wish to take any action which will have the effect of driving investors further from the field of providing tenancy houses.

The Hon. G. J. O'CONNELL.—Was not the proposition in the other place that the period be extended to four months?

The Hon. L. H. S. THOMPSON.—The proposal to extend the time was considered, and the Government decided to leave it at the period at three months.

The amendment was negatived.

The Hon. L. H. S. THOMPSON (Minister of Housing).—I move—

That, in paragraph (*b*) of proposed new sub-section (3), as contained in paragraph (*b*), the words "the court may by its order" be omitted.

An examination has revealed that these words are repeated later in the Act, and therefore this is purely a drafting correction.

The amendment was agreed to, and the clause, as amended, was adopted, as were the remaining clauses.

The Hon. R. J. HAMER (East Yarra Province).—I propose the following new clause, to follow clause 8:—

AA. In section ninety-four of the principal Act for the expression "(*t*), (*x*) or (*y*)" there shall be substituted the expression "(*t*) or (*y*)."

In the course of my second-reading speech, I outlined the reasons for this amendment. It is sufficient to say that, if accepted, it will abolish the right which at present exists in a landlord to administer interrogatories to a tenant to support a notice to quit on the ground contained in paragraph (*x*) of sub-section (6) of section 82. That ground relates to the financial circumstances of the tenant and his financial ability to rent or acquire other premises instead of those of which he is tenant. It seems to me that the whole ground is now somewhat superfluous, and, in my belief, and in the belief of many people, these interrogatories are being used in an oppressive manner to lever tenants out of premises irrespective of the justice of the case. In other words, there are many tenants who are not prepared to have their private and financial affairs investigated and who feel embarrassed about it. They would rather leave, even if there is no justification for vacating the premises, than face that ordeal in court. To the extent that the interrogatories are oppressive, this amendment will remove them. It will still leave the landlord an opportunity to support his case by other means and evidence which may be available to him.

The Hon. P. V. FELTHAM.—I suppose a standard set of inquisitorial interrogatories has grown up?

The Hon. R. J. HAMER.—I should think Mr. Feltham has seen them. Those that I have seen have, on many occasions, run into twelve or fourteen pages with perhaps 50 to 60 questions, some of which are very detailed and personal, relating not only to the tenant but to the wife and the sons and daughters and other members of the family. All are brought in and all their possessions are inquired into. The whole ground is now somewhat flimsy, and this additional drawback, so far as tenants are concerned, might well be taken out of the Act.

The Hon. G. J. O'CONNELL (Melbourne Province).—My party welcomes the proposed new clause.

The new clause was agreed to.

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

LEGAL PROFESSION PRACTICE (FURTHER AMENDMENT) BILL.

The debate (adjourned from November 28) on the motion of Sir Arthur Warner (Minister of Transport) for the second reading of this Bill was resumed.

The Hon. ARCHIBALD TODD (Melbourne West Province).—I suppose that from the beginning of time to the present day offences against the standards of human behaviour have always been practised. All sorts of crimes are prevalent to-day as they were as far back as pre-historic and more recent times. Stealing was a principal one amongst those crimes and, unfortunately, there are still people who steal what does not belong to them. This Bill proposes to deal with the fund controlled by the Law Institute of Victoria, which was set up to compensate a client whose funds were embezzled by his trustee solicitor.

First, the Bill proposes to increase, from £10,000 to £20,000, the statutory amount available to a client who has

lost money, and the proposal comes as the result of a recommendation by the Law Institute based on the fact of the fund being in a position to stand such an increase. We ought to take that as a vote of confidence in the legal profession, because it is evident that with the increase of moneys in the fund there must be only a few claims coming forward for compensation of clients who have been defrauded.

The fact that the Law Institute now considers that claims up to £20,000 can be accepted amounts to a vote of confidence in the profession. It is rarely that we hear of a solicitor being accused of using money belonging to somebody else. Of course, members of the profession have their human frailties just as everyone else has; it would be strange if they were 100 per cent. pure. In every form of society there is a "bad apple in the barrel," but with the ability of the fund to double its statutory liability we can be sure that the practice of robbing clients is not on the increase but, rather, on the decrease and that the integrity of the legal profession is almost beyond reproach.

The second section of the Bill provides that after three months no appeal against a disallowance of a claim can be received. In the Legal Profession Practice Act at present there are sections under which any person whose claim against a solicitor has been disallowed may appeal. There is to be a period of three months in which to notify the Institute of an appeal against the disallowance of a claim. My party supports this provision and is delighted to know that there is to be a 100 per cent. increase in the statutory payment from the fund.

The Hon. P. V. FELTHAM (Northern Province).—I thank Mr. Todd for the very clear way in which he has dealt with the Bill. He paid a proper tribute to the legal profession. We do not always get that type of address to the House when dealing with lawyers but Mr. Todd has placed this whole Bill in its proper perspective and has dealt in a proper manner with its provisions.

I think the House knows that the Solicitors' Guarantee Fund was brought into existence at the request of solicitors themselves. We desired, for the sake of the good name of the profession, and to give relief to people who had suffered losses, to tax ourselves to make good any losses occasioned at the hands of solicitors with respect to moneys.

The scheme embraces every solicitor who takes out a practising certificate; each year that he is in practice a solicitor pays a sum between £5 and £10 as fixed by the Law Institute of Victoria as an annual contribution to the fund. Further, solicitors can be called upon, if the fund is in bad trouble, to pay a levy of up to £10 each in addition to the yearly contribution. As Mr. Todd has said, it speaks well for the behaviour of solicitors that the fund very quickly reached a position where it could stand a claim of up to £10,000 in respect of defalcation by any particular solicitor. Indeed, the fund has become quite healthy, and the solicitors themselves have asked Parliament to increase the amount of compensation from £10,000 to £20,000. The fund is healthy enough to bear that extra payment. There is a little ray of light for solicitors who contribute to the fund that some day it may achieve a credit of £100,000; then we may be relieved of further contributions until the fund falls to a dangerous level, when subscriptions can be renewed.

Mr. Todd dealt well with the second part of this measure, which limits the time in which actions may be taken to establish the liability of the fund to any particular client. As he explained, in the first instance a client who has suffered a shortage makes his claim upon the solicitor concerned—actually, on the fund itself. I would assume that normally the Law Institute would allow the claim and that that would be the end of the matter. But if a doubtful case arose and the Institute thought the claim was not a proper one it could deny relief to the client and say, "There is nothing to justify you in this action."

As the law stands, a disgruntled client has a period of six years in which to decide to launch an action against the fund. That is a very unhappy situation, particularly for those whose task it is to keep an orderly record of the fund. If there were a number of cases in that category and it was not known whether the clients concerned were going to persist in their claims, it would be reasonable that those people should be advised by the Institute that their claims had been disallowed and asked what they intended to do, and that if they were dissatisfied they must appeal within three months. Thus we should know how the whole situation stood and what was the state of the fund. This proposition, therefore, is very reasonable. I am happy that the Bill has been brought forward and that the Government acceded to the request of the solicitors to introduce it and have it passed by Parliament.

The motion was agreed to.

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

LABOUR AND INDUSTRY (WOMEN'S HAIRDRESSING) BILL.

The debate (adjourned from November 30) 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 Bill is another measure which is causing members of my party and the organized trade union movement a great deal of concern. It is wrapped up with another three Bills on the question of extending trade hours. I do not question the fact that the Minister believed the statements he made in his second-reading speech, but I question the truth of those statements and suggest that the Government has either been misled or is misleading others. I believe that if the Parliamentary Liberal party was advised that the statements that have been made in connexion with this measure were true it was misled when it discussed the Bill.

In his introductory second-reading speech, the Minister said—

> It is quite some time now since the Master Ladies Hairdressers' Association first raised with the Government the question of securing the right to carry on the trade of ladies hairdressing on one night per week later than the hour of 7 p.m.

That may be true, but apparently the Government was so willing to accept this request and grab it as another means of extending trading hours that it did not test the basis on which the application was made. In fairness to the Government, I suggest that the request did not represent the concensus of opinion of those associated with the trade and that it was not made with the approval of the people who are alleged to be desirous of this service. It was a request made by a minority who are endeavouring to wreck this industry and who have turned it into the rat-race that it now is. Some people are already trading up to five nights a week in this industry, and they want one of those nights to be legalized. In connexion with another measure relating to a sewerage scheme at Charlton the Government has suggested that a referendum be held in order that the opinion of the people concerned might be obtained and considered. Therefore, it should give the same consideration in this matter and await the result of a plebiscite being undertaken by the Master Ladies Hairdressers' Association.

There are two principles involved in this matter, the first being that a fair day's work must be done for a fair day's pay. The second is that a fair day's pay must be paid for a fair day's work. I think honorable members generally will agree with those principles. However, when people are required to work outside the recognized hours, penalty rates should be imposed. Those associated with the trade union movement argued for a long time to get penalty rates for night-shift work in industries such as the railways. However, what is happening to the employees in the ladies hairdressing industry who are complying with the wishes of their employees because they realize that it is not so easy to get a job to-day? They are not told that they can have a few hours off on

Monday because they will be working late on Wednesday; when a slack period occurs on any day in the week they are given a few hours off without prior notice and they are not paid penalty rates for working late at night. The danger inherent in the proposal contained in this Bill is that extended hours of trading will be applied to other industries, and that will bring about the vicious sweated labour that was in existence during the depression. I make the appeal that was made by members of the Master Ladies Hairdressers' Association to the conference of that organization when it last met. People who have had international experience of working under late trading conditions have said, "Whatever you do, do not have late trading in this country. We have worked under it and we know what it is like." So, I ask the Government and the members of the Country party to reflect seriously on this matter. I do not know what decision the members of the Country party have already arrived at, but I remind them that there is a similar principle involved in three Bills now being considered.

If evidence of what will happen is needed, I refer honorable members to an Act which was passed in 1955 relating to the distribution of petrol. That evidence can be obtained anywhere in Victoria to-day. I shall now refer to an automobile trade journal published on 1st November, 1961, in which it is stated—

> On the question of trading hours the Victorian Automobile Chamber of Commerce has campaigned vigorously for a reduction. When the State Government introduced the additional trading permit system in 1955 the Victorian Automobile Chamber of Commerce bitterly opposed the proposals and has never ceased to bring to the Government's attention the weaknesses in the system and the case for shorter legalized hours.

The Government is trying to do exactly the same thing in this case, and it claims to have the support of the Master Ladies Hairdressers' Association, but I contend that it has not. Because Mr. Boothey, the secretary of that trade organization, signed a letter last May which was not backed by a conference decision of the organization, the Government seized on it and used it as a basis for this measure. I urge the Government not to put the clock back. If further evidence is needed, I again refer to the journal from which I previously quoted, in which it is stated—

> As has been indicated in the press in recent weeks the Government policy is one of longer trading hours and but for the vigilance and persistence of the Victorian Automobile Chamber of Commerce over the past years it is quite likely that petrol reselling hours would be even longer than those prevailing at present.

A comparison of the ladies hairdressing industry in this State with the industry in New South Wales and South Australia will reveal that in Victoria it is a rat-race. In both the other States the relevant Act is policed and no problems have arisen. The conditions of employees in Victoria in this industry as compared with those in the other States to which I have referred are considerably worse because the specified hours apply in those States and the Act is properly policed.

I shall now consider the better service that it is alleged will be given. I am not a hairdresser, but I have been given these facts and checked them and I believe, after the application of such limited knowledge as I have on the subject, that they are accurate. I have been told that the only service that will be rendered as a result of these late trading hours, if they are to be made legal, is in regard to permanent waving. Shampooing and setting will not be involved because a girl who gets that service at 9.30 p.m. will not go home and sleep on it; she gets that work done and then goes out. So, shampoos and sets will not be a factor to be considered. The cutting of hair is not a lengthy process, and good service has been provided in this State for many years without resort to legislation of this type. A similar position exists in New South Wales and South Australia.

However, a request was made and the Government was informed that a ballot was being taken. The Master Ladies Hairdressers' Association as it is so called—its full title is the Master Ladies Hairdressers' Hairworkers' and Cosmeticians' Association of Victoria—was

formed under the Victorian Companies Act and has approximately 390 members. It did not claim that the request made to the Government represented the desires of all of those 390 members or even a majority of them; it informed the Government of this request and then decided to take a ballot on the issue. In that regard, 2,800 ballot-papers have been issued to registered ladies hairdressers. That ballot has not yet been completed, but 1,300 ballot-papers have been returned and the vote is approximately 60 per cent. against the extension of trading hours and 40 per cent. for it. I do not want to go into another lengthy discussion on this aspect, so I refer honorable members to the statements made by the Deputy Leader of my party in another place who put forward a concentrated and documented argument in relation to this matter.

He referred to the question of shops, which was mentioned by the Minister in his second-reading speech. It seems a little antiquated to call these places shops. The Minister said that the ordinary idea of a shop was a place where goods were sold, and where shop transactions normally took only minutes to complete. It was stated that busy people could fit shop transactions into the pattern of a day's work without trouble. Many hairdressing establishments are conducted in rooms in Howey Court, Presgrave Building, Haigh's Building, and in Block Court, to mention only four in the City of Melbourne. In accordance with the terms of the leases, these buildings are locked up at 6 p.m. Does the Government intend to destroy the businesses operating in such buildings by granting general permission to allow women's hairdressing establishments to remain open until 10 p.m. I suggest that the Government might be taking the so-called freedom a little too far. Freedom to starve is a very heartless thing, although I do not suggest it will get to that extreme in this particular instance. Nevertheless, if certain hairdressing salons cannot open for trade during the extended hours, what will be the position?

I now wish to pose a question which is somewhat hypothetical at this stage. As is the case with fruit shops and mixed businesses which sell tobacco and cigarettes after legal trading hours despite complaints from tobacconists that it interferes with their trade, chemists sell many articles handled by women's hairdressing establishments. It is generally felt among chemists that if trading conditions become a little harder in the future, hairdressing establishments may seek to obtain a greater proportion of this trade. What will the Government do if chemists then come forward with protests? Will the Government's proposal be that, as ladies hairdressing shops are entitled to open until 10 p.m., so should chemists? At the present time tobacconists must close at 7 p.m., but vending machines are in operation in private homes for 24 hours of the day selling cigarettes to the public, and the Government is not prepared to take action to prevent the practice. The trade in cosmetics, hair preparations and similar products is quite big at the moment, and apparently those conducting ladies hairdressing establishments are not fully aware of the possibilities open to them in the merchandizing of these products, thus most of the trade is done through chemists. I wonder whether the Government will legislate for chemists to trade until 10 p.m. if my hypothetical question becomes real.

It is all very well for the Government to say that it is not attempting to force people to work until 10 p.m. as a result of this legislation. What would be the position if seats in this Parliament were held on a competitive basis in respect of hours and remuneration? We might reach the position where members of Parliament had to sit for 24 hours a day for no pay to retain their seats in the House. I am sure that no Government would accept that standard, and I urge the present Administration not to force sweated conditions on to the hairdressing trade. It is not placed in the same position with this legislation as it was with the breathalyzer proposal. It has not made a promise to bring down this Bill, and it has not consulted the trade as a whole. I urge the Government even at this late stage to adjourn further consideration

of the proposal until such time as the results of the plebiscite to which I have referred are available. It will not be a question of the Government backing down, but it may result in social and economic justice being meted out to people who are now being sweated.

At the present time employers are working their employees until 10 p.m. on four or five nights a week simply because the Government will not take adequate steps to police legislation. The plain fact is that it does not employ sufficient factory inspectors. Consideration should be given to the registering of certain trade union officials or association officials as persons authorized to assist factory inspectors in policing industrial conditions. If that were done, employers would at least be forced to pay award rates and provide award conditions for employees called upon to work outside prescribed hours. This proposal is not new. The Government is already adopting it in connexion with the petrol industry. The Victorian Automobile Chamber of Commerce or some other authoritative body, has the right to submit evidence in regard to the infringement of legislation covering the petrol trade, and the person submitting the information is treated as a witness. If this were extended to trade union officials, such matters as the baking of bread outside of award conditions could also be policed. If work must be performed outside of award hours adequate rates must be paid. There is already sufficient evidence before the Government to convince it that this legislation is not wanted. The Minister of Transport told us that in New York, on one occasion, he had a shirt laundered at 3.30 a.m. the suggestion being that he should be able to obtain the same service here. If such facilities are to be provided, I say quite frankly they should not be available at ordinary rates. Some penalty must be paid. Whether penalty rates were applicable in America or not, I do not know. The position of members of the Labour party is quite clear. If additional service is to be provided to launder shirts or to cut hair until or after 10 p.m. those providing the facility should be adequately compensated for the inconvenience they are caused.

Great controversy raged in this State some years ago when the firm of Boots, an overseas firm of chemists, contemplated commencing operations here. That company was prepared to give an undertaking to the Government that it would provide a 24-hour medical service —it was not merely a question of making up urgent prescriptions after 7 p.m.—provided that it obtained relief from wage conditions in existence here. The firm also stated that it would make a maximum medical prescription charge of 4s. 6d. Chemists were immediately up in arms, and the proposal was dropped.

I suggest that until six or seven months ago the ladies hairdressing industry had been conducted in a desirable manner. The Government is seeking now to legalize for one night a week a practice which a few establishments have resorted to recently on four or five nights a week. The proposal is wrong in principle, and I plead with the Government not to smash conditions that have been attained after a fight lasting 100 years. If workers are forced by this Government to fight for the retention of their conditions with the only weapon at their disposal, I shall stand with them despite the fact that I may be called condemnatory names by Government supporters. I strongly appeal to the Government to reconsider this measure.

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

Ayes	19
Noes	6
Majority for the motion	13

AYES.

Mr. Byrne	Mr. Mair
Mr. Byrnes	Mr. Mansell
Mr. Cameron	Mr. May
Mr. Chandler	Mr. Swinburne
Mr. Dickie	Mr. Thom
Mr. Feltham	Mr. Thompson
Mr. Garrett	Mr. Walters.
Mr. Gross	*Tellers*:
Mr. Hunt	Mr. Fulton
Mr. Mack	Mr. Nicol.

NOES.

Mr. Machin	*Tellers*:
Mr. Merrifield	
Mr. O'Connell	Mr. Todd
Mr. Walton	Mr. Tripovich.

PAIRS.

Mr Bradbury	Mr. Smith
Mr. Grigg	Mr. Elliot
Sir Arthur Warner	Mr. Galbally.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 6283 section 80).

The Hon. G. L. CHANDLER (Minister of Agriculture). — First, I congratulate Mr. Tripovich on the forceful way in which he put the case against this measure. The arguments which he advanced were very fair. However, the Government has decided that this measure will be implemented, and it has no intention at this stage of postponing it. Mr. Tripovich mentioned that in some establishments hairdressing is being conducted at present on five nights of the week.

The Hon. J. M. TRIPOVICH.—That is true, and not more than 3 miles from my home.

The Hon. G. L. CHANDLER.—Every member on the Government side of the Chamber agrees that the interests of employees must be safeguarded. Nevertheless, why should not the ladies' hairdressing service be available to the community on one night a week when there is such a terrific demand for it?

The Hon. J. M. TRIPOVICH.—What demand?

The Hon. G. L. CHANDLER.—Mr. Tripovich has admitted that there is a demand because he has said that establishments are open five nights of the week at present. There must be a demand; otherwise those establishments would not do any business.

The Hon. SAMUEL MERRIFIELD.—What action would the Government take if a shop was open on more than the one night a week proposed?

The Hon. G. L. CHANDLER.—It is useless arguing about what the Government may or may not do at some time in the future. We are now dealing with this measure. An extension beyond one night in the week has not been considered, but it has been agreed that this service should be available to the community on one night a week. In the year 1961 some services must be met according to demand. I do not think it unreasonable that this service should be provided for young ladies who are working and cannot attend hairdressers' establishments unless they remain away from work. I see no reason why their convenience should not be met on one night a week, provided that the interests and rights of employees in the industry are safeguarded. I feel as strongly as Mr. Tripovich on that point. This measure apparently originated at a meeting of the committee of the Master Ladies Hairdressers' Association of Victoria, which decided on the 18th March this year to make formal application for this service to be made available one night a week until 10 p.m. The Government has acceded to that request.

The Hon. J. M. TRIPOVICH.—How many people were at the meeting?

The Hon. G. L. CHANDLER.—Mr. Tripovich has indicated that a plebiscite is now being held, and I should like to know how many people were at the meeting which decided that a plebiscite should take place?

The Hon. J. M. TRIPOVICH.—A total of 2,800 persons will have the opportunity of expressing an opinion.

The Hon. G. L. CHANDLER.—Twenty-four people made the decision so far as the plebiscite was concerned —thirteen voted in favour of and eleven against a plebiscite being conducted. This occurred at the annual meeting, at which 70 members were present, but when this decision was made, in the early hours of the morning, there were only 24 left. This fact indicates how much they cared about the decision. In relation to petrol reselling stations, I am sure that everyone will agree that such a service should be available

to the community on a fair basis. I am not saying that the present situation is perfect, but I believe that service should be available. Mr. Tripovich mentioned chemists' shops. At King's Cross, in Sydney, chemists' shops are open until 10 p.m. or 11 p.m.

Sir ARTHUR WARNER.—New South Wales has a Labour Government.

The Hon. G. L. CHANDLER.—I am certain that this measure will prove a boon to many people who will take advantage of this service on one night a week. I stress the fact that every member on the Government side of the House is keen to ensure that the interests of employees are safeguarded in every possible way.

The Hon. J. M. TRIPOVICH (Doutta Galla Province).—The Minister will not answer my arguments, and in another place the Minister in charge of the Bill would not seek leave to answer a documented argument which was advanced by a member of the Opposition. In view of the fact that exploitation is already occurring, how does the Government intend to protect the employees? Will the Government consider my request in relation to all industries and heed a request to appoint union officials or to authorize persons to protect employees who are asked to work outside award conditions? The Government is not protecting employees in this industry at present, and therefore I fail to see how it can provide protection later on. The Government is not aware of the conditions that exist in industry. When work is temporarily held up, many employees are told to take a couple of hours off and to work late the following night to make up the time. A fight was waged against such conditions 50 years ago. In many industries if employees work after 6 p.m. they are entitled to be paid tea money and at shift rates. Such conditions do not apply in the women's hairdressing industry, and the Government has failed to protect these employees.

In regard to the petrol reselling industry, I have already tendered ample proof that the Government did not act as a result of the expressed desire of that industry. When the legislation to extend the hours during which petrol may be sold was before the House, the Government stated that petrol-selling stations would be permitted to remain open for an extra two hours only, and it was left to the individual to choose the time which best suited him. However, what has been the result? Every station remains open so long as his competitor continues to remain open and takes the risk of being caught. Who are the persons to whom the Government is providing service?

The Hon. L. H. S. THOMPSON.—The public.

The Hon. J. M. TRIPOVICH.—As an illustration of the result of intense competition, I remind honorable members that in the period from 1930 to 1932 a case of apples was delivered to my home for a total cost of 1s. 6d. Mr. Mair will realize the amount of work which is involved in pruning the trees, spraying and generally tending an orchard. Is the Government desirous of a return to such conditions? The women's hairdressing industry in South Australia and New South Wales is well conducted because the legislation of those States is policed. Until about seven or eight months ago the position was also satisfactory in Victoria, but since then certain people have said, "If you want your hair cut, come around at 7.30 p.m. or 8.30 p.m." In the days when petrol stations closed at 6 p.m., customers made certain that they obtained supplies beforehand.

The Hon. L. H. S. THOMPSON.—Motorists who happened to run out of petrol were left for dead.

The Hon. J. M. TRIPOVICH.—If this occurred to the Minister I should say that his life is not as well organized as is his business in this House. That is a poor argument. Let us come down to straight competition. If the Minister wished to throw open his job to competition, I have no doubt that I could find many persons in the electorate of Higinbotham who would take his place in this Chamber at a salary considerably less than he receives. The Government apparently desires to bring

competition not only into the hairdressing trade but into all trades. I have quoted from a journal of the automobile industry to prove my point. The Government has taken a wrong step in introducing this measure, and I am disappointed because I thought it might have become more human. However, a division has been taken on the second-reading motion and we do not propose to seek a further division. Members on this side of the Chamber record their strong opposition to this measure.

The clause was agreed to.

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

CO-OPERATION (AMENDMENT) BILL.

The debate (adjourned from November 22) on the motion of the Hon. L. H. S. Thompson (Minister of Housing) for the second reading of this Bill was resumed.

The Hon. ARCHIBALD TODD (Melbourne West Province).—This short Bill, which will amend sections 30 and 61 of the Co-operation Act 1958, could be termed a supplementary measure to the Co-operative Housing Societies (Amendment) Bill which was passed by this House a few days ago. The Bill revolves around the question of empowering the co-operative societies to carry on together as a co-operative for the purchase of the building in which they have their offices. On a previous occasion when this matter was discussed in this House doubt was expressed by members where the funds would be obtained to purchase the building. It is apparent that, at the outset, someone must provide the purchase money, and the co-operative societies will band together and make the repayments through their various societies. I do not suppose we could object in principle to a society acquiring an interest in the building which it occupies, but we must remember that such societies are terminating bodies and that their interest will have to be disposed of in the fulness of time. How that will be achieved, I am not sure.

Clause 2, which inserts a new sub-section (2A) in section 30 of the principal Act, allows the societies to band together as a co-operative to purchase the building in which they have their offices. Clause 3, which substitutes a new sub-section (3) in section 61 of the principal Act contains an interesting provision, and it would appear that the Government desires to make things easier for the societies. Sub-section (3) of section 61 of the Co-operation Act provides that a society shall, at least once in every three years, within three months after the close of each financial year, or within such further time as the Registrar allows, lodge with the Registrar a full list of the members as at the close of that financial year with such particulars with regard thereto as are prescribed, and, in every year in which it does not furnish such a list, it shall furnish a list in the prescribed form of all the alterations that have taken place in the membership since the date in respect of which the full list or a previous list of alterations, as the case may be. It is proposed to substitute for this sub-section a provision whereby a society shall furnish the information in question only when requested to do so by notice in writing from the Registrar. It seems to me that if the Registrar was quite happy about the way in which a society was being carried on, he need not, for a period of four or five years, enforce the requirements so far as returns are concerned. On the surface, the provision appears to lessen the control over co-operative societies. However, in another place, the Opposition supported the measure and, consequently, members of the party to which I belong in this Chamber will not delay its passage.

The Hon. D. J. WALTERS (Northern Province).—My party supports the Bill which is a step in the right direction. It will assist co-operative housing societies which have done excellent work in so far as the provision of homes is concerned. I agree with the proposal whereby it will not be necessary to furnish annually to the Registrar lists of the membership of societies. The preparation of such lists entails a good

deal of work. One of the main concerns of the co-operative housing societies is the need to keep costs down as far as possible. We commend the Government for introducing the measure.

The motion was agreed to.

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

VALUATION OF LAND (AMENDMENT) BILL.

The debate (adjourned from November 21) on the motion of the Hon. G. L. Chandler (Minister of Agriculture) for the second reading of this Bill was resumed.

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—This is a Bill to amend the Valuation of Land Act which, of course, was passed only last year. As the Minister indicated in his second-reading speech, some of the proposed amendments resulted from the advice of the newly appointed Valuer-General, while other provisions have been included in the Bill as a result of requests, principally from municipalities, but also from other authorities. Some of the embarrassments that have confronted the Government as a result of the operation of the Valuation of Land Act have become apparent, but it is not clear whether this amending Bill will provide all the answers to the situations that may arise in the future. Before long, the Government could well be back on the doorstep of Parliament, so to speak, with further requests in that regard.

The amended legislation will in no way assist in the training and recruitment of valuers for public departments. Municipalities engage contract valuers from outside but, usually, these persons undertake this specialized form of service and rarely do any other form of work. It has been difficult to recruit valuers in the past, and the fact that in future valuers will be required to have a statutory qualification will probably make them even more difficult to obtain. There is no method under this legislation to facilitate the training of additional valuers and, before long, the weaknesses of the Government's legislation will show themselves more prominently.

Obviously, certain weaknesses have already become apparent, as is evidenced by the provisions of this Bill. It is now necessary to take certain of the valuations which were formerly presumed under the Act of last year to be done by certificated valuers, and engage any Tom, Dick or Harry to undertake supplementary valuations. In his second-reading speech, the Minister of Agriculture pointed out that, in future, shire secretaries will undertake supplementary valuations.

The Hon. T. H. GRIGG. — They have been doing that for years.

The Hon. SAMUEL MERRIFIELD.—That is true, and the unsatisfactory situation which existed so far as valuations were concerned resulted from some of the qualifications of those people who, in many municipalities, carried out the general valuations. The fact that those municipalities got into a mess did not reflect credit on some of the valuers.

The Hon. G. L. CHANDLER.—There would not be many now; I think this aspect is about finished.

The Hon. SAMUEL MERRIFIELD.—I do not know. In one instance of which I have knowledge a permanent officer of a municipal council is a nominal valuer although he has no qualifications for the job nor any experience of valuing. He has occupied the post of valuer for about three years, but the valuations have been done on paper by a temporary officer of the council because the valuer himself is completely incapable of doing them. Under the Bill, he will be permitted to continue to make valuations. Further, he will be provided with an opportunity to become a registered valuer.

Clause 11 provides for the amendment of the Local Government Act by the insertion of new sub-sections stating, in effect, that every valuation shall be made by a person qualified, and if a person so qualified is not reasonably available a person appointed by the

council whose appointment is authorized in writing by the Minister after consultation with the Valuer-General may be appointed. Some such persons have already been appointed, and because they could not qualify under the Bill passed last year the Government proposes to amend the legislation to allow them to remain in their positions as valuers although they have no qualifications or experience and lack general educational qualification; I doubt whether some could pass any form of theoretical examination. One person I know of will be empowered to continue to make valuations by virtue of the provisions of this Bill.

The Hon. T. H. GRIGG.—Doubtless, he makes a valuation cheaply.

The Hon. SAMUEL MERRIFIELD.—No, he happens to be a full-time officer of a municipality. Under the Bill, he will be eligible to continue to make valuations. This is wrong. There may be relatively few cases involved, but a standard that was set only eighteen months ago should not be reduced. A certain time was allowed for qualifications to be obtained and to enable persons to be registered under the Act, and now the opportunity is to be provided for the appointment of unqualified persons. If a rating authority were called upon to rely on a valuation made by such a person, what justification could it advance?

I suppose the view is taken that supplementary valuations will be relatively few in number. In some municipalities of a rural character few land subdivisions occur, but there are municipalities at the other extreme where hundreds of lots are created by subdivision, and they will be subject to supplementary valuations. Because of the erection of dwellings, the conditions relating to particular allotments can change. In some municipalities on the perimeter of the metropolitan area, up to 1,200 homes a year may be constructed, and the allotments of land concerned become subject to supplementary valuations because of changed conditions. An extraordinarily large number of supplementary valuations could be made, perhaps greater than the general valuations for other municipalities.

Clause 5 relates to the power of the Valuer-General to call conferences of certain valuers before a valuation is made. The clause provides for the amendment of section 7 of the principal Act to include a new sub-section stating—

> (1) Any valuer appointed by a rating authority to carry out a general valuation for the purpose of any rate shall at the request of the Valuer-General confer with the Valuer-General or any officer nominated by him and with any other valuer designated by the Valuer-General as being concerned with the valuations for the purpose of any rate in the area of any other rating authority which is in the general vicinity of the area to be valued.

That means that if a municipal valuer were to undertake a valuation within the area controlled by the Melbourne and Metropolitan Board of Works, for example, he would be required to confer with the Valuer-General and with the Board's valuer, and from that conference would emerge the basis upon which the valuation should be carried out. The old idea of a valuer was that he was a person who, from his personal knowledge and experience, fixed a valuation. Under the proposed new subsection, there is to be a conference, and doubtless the valuer will be subjected to forms of pressures. Where are the old legal criteria of what constituted a valuer? Courts have based determinations on matters affecting rating on the fact that a valuer was a free determinant and could honestly make and subscribe to a valuation.

The Hon. G. L. CHANDLER.—What form of pressure do you suspect a valuer may be subjected to?

The Hon. SAMUEL MERRIFIELD.—It is hard to say. The point is that formerly a valuer made valuations from his own skill and knowledge, and that principle has been accepted down the years by the High Court and by the various State courts. At least to some degree, that principle is to be departed from.

The Hon. ARCHIBALD TODD.—Pressure could arise from the fact that a council preferred the valuation to rise rather than the rate in order to receive more income.

The Hon. SAMUEL MERRIFIELD.—A suggestion on behalf of the municipality may be subtly conveyed to the valuer. The implication is that councils or someone interested might seek to pressurize a valuer. Things of this sort have happened down the years. Whether the Bill will provide a remedy is one of the doubts I expressed when the original Valuation of Land Bill was debated last year. So long as the valuer is an employee of the particular body concerned, I do not suppose he will be free from pressure. That is one of the objections in principle that the Labour party has to the measure.

I have no feelings on the question of a report replacing a full valuation. If discussions had been held and the Valuer-General knew what to expect, I suppose he would have a good idea of what the new valuation might prove to be. For such a discussion to be worth while, it would be necessary for records relating to recent sales to be available. The Bill provides that certain valuations must be made by councils between the beginning of 1962 and September, 1964. If a conference is to be useful, details of recent sales must be available.

The Hon. G. L. CHANDLER.—A discussion may take place on the basis of uniformity of valuation.

The Hon. SAMUEL MERRIFIELD.—That is so. A valuation is made at a certain date, and all the records reflecting the values of land at that date would need to be available. Who is to have those records? I presume the Valuer-General will not have them, unless he has access to the records of the Land Tax Office, and that office seems to be as far behind regarding valuations as everybody else. Unless the municipal valuer is able to present much of the relevant material, I am not sure what a conference will achieve.

Clause 6 proposes the insertion of a new section at the end of section 8 of the principal Act, and it concerns the making of valuations. I have a query about areas brought into the territory of a rating authority after the effective date. There does not seem to be any provision in that regard unless it is contained in the principal Act, the Local Government Act, or some other particular Act. As this is a new provision, it does not seem likely that one will be found elsewhere.

Clause 8 contains the provision in which the Government has departed from the established principles regarding the qualifications of valuers. Whereas previously a valuer required to be experienced for a period of five years prior to the date of registration, this clause proposes that experience may be spread over a period of ten years immediately before the date of application. This amounts to a post-dating of applications. A longer period will be allowed an applicant in which to prove his experience. In some respects, that is satisfactory, and I do not altogether object to it.

Some men have had intermittent experience in the profession. It might be difficult in some cases for a competent man to have obtained experience extending over an unbroken period of five years. I do not object to the proposal, but I fear that some persons may be regarded as qualified who have had a very thin experience spread over the ten-year period which has not enabled them to develop gradually to the appropriate standard of a valuer. I am not sure whether in all such cases the provision will prove to be wise.

The second part of clause 8 deals with the limited qualifications for specific areas. I think Sir Ewen Cameron would agree that to a great degree the first factor to consider in a valuation is the economic one, namely, the level of prices and values and economic assessments which might be applicable. That could be general over the whole community or partial, with reference to a single commodity grown in an area. The position may be different in the case of wheat, which may not have any protection on overseas sales and which would be subject to great fluctuations, as compared

with butterfat, which is the subject of a large degree of guarantee. Economic considerations in valuations could vary. It is not necessary that that phase of experience should extend to a limited area. It could be general to a valuer in relation to his activities over the whole State.

It is only when one considers local factors, such as soils, rainfall, and so on, that one needs to know something of local conditions. To that degree the provision could be wise. However, soils are becoming more the subject of general study, and more and more students, through the Department of Agriculture and the Forests Commission, and at the university, including the engineering faculty, are making a close study of soil factors. Therefore, a good deal of the considerations could be understood by persons over a wider area. It is only when rainfall is considered that a knowledge of local circumstances is required. I hope that the provision, which may be wise in some instances, is not drawn so closely that the Government proves to have limited the position too much.

In the past it has been proved that valuers engaged in local government work have valued literally all parts of the State. They have been regarded as some of the best valuers in the local government field. One particular valuer valued the Gippsland municipalities and many of the north-western municipalities. I hope the Government will not limit the qualifications too finely and issue all sorts of regional certificates which will get the matter into such a mess that municipalities will be too limited in their choice. I do not doubt that a lot of the work will still be done by contract. It would not be a good idea to limit municipalities because one particular man has not a certificate for a particular area while another man has. Both could be capable valuers, but one might not have as much experience as the other in a particular district. If he were to make himself familiar with it, he might well execute just as good a valuation.

The sitting was suspended at 6.37 *p.m. until* 7.56 *p.m.*

The Hon. SAMUEL MERRIFIELD.—Reverting to clause 4, it is provided that where a general valuation is to be used by other rating authorities, under proposed new sub-section (3) of section 6 of the principal Act, the additional cost incurred by a rating authority in providing the valuation to other authorities shall be apportioned as the Valuer-General determines. That means that if a municipality is the valuing authority it will pay the costs of the valuation, and that any other authority which uses the valuation will pay only the additional cost incurred. In other words, bodies such as the Melbourne and Metropolitan Board of Works and the State Rivers and Water Supply Commission, and the Land Tax Commissioner, and so on, will enjoy the benefits of a valuation by paying only for any additional cost incurred. That may amount to nothing or be simply the clerical costs involved in notifying the valuation. That does not seem to be fair. In my view, the word "additional" should be deleted from the provision, and a fair distribution of the costs should be borne by whichever rating authorities utilize the valuation.

The Hon. P. V. FELTHAM.—Are you quite sure that there is no provision in the parent Act for sharing the costs of valuation?

The Hon. SAMUEL MERRIFIELD.—I am discussing the sub-sections which are to be substituted for the existing ones. The existing sub-sections will be deleted. The word "additional" governs the word "cost," so that the main burden of the cost of valuation will be borne by the municipalities concerned and other authorities may obtain their valuation for almost nothing.

Clause 9 deals with the basis and general levels of supplementary valuations. I can find no fault with the proposal which will place supplementary valuations on the same general level as the previous general valuation. As a matter of fact, in the past municipalities have experienced great difficulties. Some valuers have interpreted the Act to require a supplementary valuation to be made on the same basis as the

general valuation, and have automatically brought in a valuation at that level. In these days of increasing costs, no one would object to a lower valuation. But I know of one case where a valuer was meticulous and applied the Act in so far as it required the valuation to be as at a particular date, and that was a date different from that of the general valuation that had been made some time previously.

The words I query are "in the condition." They seem to imply something of a physical character associated with the land. It may be that a home has subsequently been erected, and therefore the valuer is required to make a valuation at the date of the general valuation, but in the light of the improved condition. What is the position in respect of a subdivision? Is a subdivision a change in the condition of the land? Is it something physical which in itself represents a change of condition in the land? Going beyond that, there could be a change of zoning under a planning scheme or, in the metropolitan area, there could be a change of permission as granted by the Melbourne and Metropolitan Board of Works under an interim development order, and land which was zoned as rural at the date of a general valuation could be zoned as residential, or even industrial, at the time of the supplementary valuation or vice versa. Does the word "condition" cover land which has been varied in value as a result of zoning under a planning scheme? I am inclined to feel that perhaps the phrase "in the condition" may be more limited in its effect than the Government thinks. There are already similar provisions under the Local Government Act and the Water Act.

By the amendment contained in paragraph (*d*) of clause 11, the old form of valuation signed by the valuer is being substituted by one which more or less enables the head valuer to sign the return although he is not necessarily the field valuer either making the inspections or doing the actual valuations. That seems to me to be departing from the principle that was always presumed to be one of the main bases of valuation, namely, a valuation signed by the person who carried it out and who was responsible for it.

Then there is a provision requiring the Housing Commission to have a valuer as approved under the Valuation of Land Act. The Commission no doubt has some valuers with considerable experience but who lack the qualifications demanded by the Board. Why should the Housing Commission be limited in its valuing activities when local government authorities and the State Rivers and Water Supply Commission are not necessarily limited to the employment of qualified valuers? It seems to me that there is a contradiction in that provision.

My party was never particularly enthusiastic about the Valuation of Land Act which was passed by Parliament last year. To a degree, we felt that weaknesses would show up in the legislation, and we believe that still further weaknesses will become apparent when this measure becomes law. Although this Bill is aimed at improving the weaknesses of the earlier legislation. I feel that, in trying to patch up the quilt, even greater weaknesses may be discovered. However this is a Government measure which is said to have been approved generally and, in particular, by the Municipal Association of Victoria. That is not necessarily a recommendation for the measure because the views of the Municipal Association change according to who is present at any particular meeting. I trust that the measure will carry out what the Government hopes it will do and that the community of Victoria will not find that damage will be caused to the structure that has already been erected in the form of facilities for training valuers.

The Hon. P. V. FELTHAM (Northern Province).—I propose to make a few passing references to the Valuation of Land Act which was passed by Parliament last year, because I think it is necessary to have a quick look at the principal Act before we can understand precisely what is intended to be done by this Bill. The principal Act was designed not to set up a new valuing

authority in the sense that that authority would make valuations but rather to leave valuers where they were before the Act was passed, namely, that each authority should have its own valuers, its own system of making valuations, its own system of appeals against valuations, and the same organizational set-up for valuations generally.

The object of the principal Act was to assist valuers to make valuations and to try to achieve uniformity as between one shire or municipality and another and between various Departments that had valuations of the same rateable property. It set out to achieve that object by providing for the appointment of the Valuer-General and his staff, and a provision that all valuers henceforth were to have a certificate of qualification after satisfying the Valuers Qualification Board that they were proper and competent persons to be appointed as valuers.

The Act passed last year stated further that the Valuer-General should give assistance to valuers in making their valuations, and, in order to achieve uniformity, it was provided that rating authorities may be compelled to show different types of valuations—unimproved value, net annual value and capital value—so that such valuations could be used by other authorities which might rate on a different basis from the original valuing authority.

So that the Valuer-General could build up some body of opinion as to valuations in Victoria generally, it was required under the principal Act that the municipality which made the valuations should send down a copy of each general valuation to the Valuer-General, and it was contemplated that the primary valuation was to be made by municipal councils. We, in this House, accepted the measure on the basis that municipal councils were to be the valuing authorities and that municipal valuations might be used by other rating authorities. I suppose we took some comfort from it because, in our experience, municipal councils tend to be on the low side with their valuations and, as most of us are ratepayers and taxpayers, I suppose that, for selfish reasons, we are quite happy that valuations should remain in the hands of municipal councils. I am not satisfied that all other rating authorities would necessarily proceed on the same basis. For example, the State Rivers and Water Supply Commission is not answerable to ratepayers in any way. That body is concerned purely with revenues, to put it in its kindest form. The Commission would not be so sensitive to the reactions of ratepayers as would, possibly, a municipal council.

The scheme of the principal Act was that when a shire council or municipal council had made its valuation it would forward it to the Valuer-General, who would have a look at it and he could then do one of several things. If he thought it was a bad valuation and there was something inherently wrong with the whole scheme of valuation itself or its level of values, he could reject it. The Valuer-General would not make the valuation, but would call on the municipality to make a fresh valuation. On the other hand, if he was satisfied that the valuation was reasonable, he could declare that the valuation was satisfactory and proper to be used by other rating authorities. That is the kernel of that provision.

The Hon. P. T. BYRNES.—Who appoints the valuers?

The Hon. P. V. FELTHAM.—The valuers are appointed by the rating authorities, but they cannot act unless they have a certificate of qualification from the Valuer-General or the Valuers Qualification Board. Conversely, if the Valuer-General, upon receiving a valuation, was not prepared to reject it wholly, nor prepared to give it his blessing for use for all general purposes, he could authorize that the valuation be used by a council for a limited period of time. I think that is the substance of the principal Act.

The Bill now under consideration makes some changes in the legislation. Some difficulty has arisen as to what is a general valuation, and the Bill defines that term. I think the definition embraced by the measure is a satisfactory

one. The Bill gives to the Valuer-General and his staff, as well as to the people authorized by him, authority to enter on land and to question the owner of that land as to various matters that may assist the Valuer-General or the person authorized to make a valuation. If the person questioned refuses to answer, he can be placed under a penalty. It is rather interesting that such a provision should be included in the measure, because recently there has been some discussion in the House about persons incriminating themselves. Although the principle involved in this particular provision does not amount to self-incrimination, it is aimed at something which is almost as bad. The person concerned could be mulcted in a larger sum for rates from time on into perpetuity. We do not quarrel with that principle, because there is a similar provision in the Local Government Act.

The major thing that this Bill does is to take away the exclusiveness from municipal councils as a primary rating authority. Under this Bill a valuer for a municipality can be compelled to consult with the Valuer-General before making his valuation.

The Hon. SAMUEL MERRIFIELD.—Perhaps that could apply to the State Rivers and Water Supply Commission.

The Hon. P. V. FELTHAM.—I am coming to that aspect. The Valuer-General may direct the municipal valuer to have a talk, as it were, with the valuer for some other authority. That can have very curious effects because it may result in the valuation of land not being a valuer's personal opinion, which was the all-important thing in the days of sworn valuers.

The Hon. G. L. CHANDLER.—But the Valuer-General would still remain supreme.

The Hon. P. V. FELTHAM.—No, the ultimate power resting in the Valuer-General is to do all he can to persuade the valuation to be made in a particular way, and if some stout-hearted valuer rejects all his approaches and advances, the only power the Valuer-General has is ultimately to reject the valuation. Do honorable members now see the curious position which may arise? An honest valuer for—shall we say—the Shire of Ferntree Gully may make a valuation, and, assuming that irrigation projects are operating at Fern Tree Gully, he may be directed by the Valuer-General to have a talk with the valuer for the State Rivers and Water Supply Commission. The Valuer-General sits in on that conference. The municipal valuer may find that, by the persuasiveness or the force of opinion put to him by the Valuer-General and the valuer for the water Commission, his valuations are edged up £5 or £10 an acre; for if it is not a question of doing something to the valuation of the municipal valuer, there is no point in having a conference. In due course some agitated ratepayer appeals against his valuation and the appeal goes to the court. The valuer appears in court to support his valuation and give the evidence on which he has based his valuation. "In my opinion," says he, "this land is worth £15 an acre. I have rated it at £20 an acre, which is not my opinion but the value which the Valuer-General and the water Commission valuer told me it ought to be."

What sort of an appeal is that? It may be said of this question of consultation with the other authorities that although it is important in trying to obtain uniformity, it rather strikes at the valuation being one based on the valuer's personal opinion and his experience. When valuers are required to support a valuation in a contested case they are almost taken apart by examining counsel and they can be in a very difficult position. However, this principle is being brought into the legislation.

I am rather interested to know who in particular wanted these other authorities to have a word with the municipal valuer before he makes his valuation. It could be that some other rating authorities would not accept the municipal valuation and would like to have a say before it was completed. I do not think they necessarily want all valuations made in Melbourne, but in endeavouring to get uniformity and, I suppose, what they think are the best

values, they are trespassing on a valuer's personal valuation based on his own experience.

Then, in addition to providing for this conference with the Valuer-General and other authorities, the Bill now states that any other authority can make the primary valuation. Under the Act it is only the municipality that makes the primary valuation. Now, any other valuing authority is to be able to make a primary valuation and that can be ordered to be the proper one.

The Hon. G. L. CHANDLER.—But it is quite optional for the municipality to accept it.

The Hon. P. V. FELTHAM.—Yes, but I think that if the valuation has been made there are strong reasons why a municipality would not employ and pay for another valuer.

The Hon. I. A. SWINBURNE.—Would the municipal valuer come into a conference?

The Hon. P. V. FELTHAM.—The Valuer-General could so direct.

The Hon. G. L. CHANDLER.—The council would have something to say if he were not called in.

The Hon. P. V. FELTHAM.—Yes. This Bill does enlarge the primary valuing authorities. There is a provision in it which makes reference to the date of the 31st December, 1961. That matter is not explained in the notes provided by the Minister. The Bill states that if at any time during the next year to December, 1964, a valuation is made, in making the valuation an attempt should be made to fix a basic valuation on land as at the 31st December, 1961. I rather read that as meaning that the Valuer-General wants to get some general picture on a particular date as to what the valuations of valuers in particular areas and districts are based upon. I assume that this reference means that perhaps in three, four or five years' time there will be another look at the face of Victoria to see what has happened to past valuations.

The Hon. SAMUEL MERRIFIELD.—It will be tough if all future valuations have to be made at the same time.

The Hon. P. V. FELTHAM.—I think it would be very difficult for the Valuer-General to get a picture of Victoria if he had a picture of one place at this date and of another place at another date. If what I have assumed is the idea, we shall be quite happy with the provision. There is also provision in the Bill that, instead of a valuer being required to have had the last five years' experience as such he may qualify as a valuer if he has had five years' satisfactory experience in the past ten years. We have no quarrel with that.

There is further provision that there may now be a valuer with a certificate of qualification for valuing in particular areas of the State. I think that is rather a good idea. My own experience has taught me that valuers in the country would be quite hopeless if they were asked to come down to Melbourne and value the Golden Mile. I have had some very unhappy experiences of valuers in the region of the Golden Mile trying, for example, to value some of Mr. Byrnes's swampy flats at Swan Hill. So I think it is a sensible approach that the Bill should provide in the direction I have just indicated.

With Mr. Merrifield, we are far from happy that this system will work out well, although we hope it will. Since it has been decided to appoint a Valuer-General and establish a department, we think the Bill sets out the best system. We trust that municipal valuers will not be seriously interfered with by other rating authorities. We hope that the Minister realizes that a Valuer-General is, after all, probably the best man to make valuations, even if he has to take advice on occasions.

Sir EWEN CAMERON (East Yarra Province).—I am loathe to occupy the time of the House after the very full address of Mr. Merrifield and the useful contribution of Mr. Feltham. But I would point out that one or two of the fears expressed by Mr. Merrifield are groundless. We have always appreciated his knowledge of such things as are dealt with in this Bill, and he can always make a contribution to which we listen very carefully. However, there

are one or two points on which I should like to express a view slightly different from his.

He was somewhat afraid that in this Bill we would be taking a retrograde step respecting future valuations and so on. But under the old system of having sworn valuers no training was required. There had to be provided three references that valuations had been carried out by the person in question; the person needed a good conduct certificate, so to speak, and he had to be prepared to put £5 on the counter. Thereupon he became a sworn valuer. It was easy to get those qualifications, and we have all had experience of the disadvantages that have arisen from that procedure.

The Hon. SAMUEL MERRIFIELD.—None of these applied to a valuing and rating authority.

Sir EWEN CAMERON.—That is not so. There were cases in which councils employed not only their shire clerks but also valuers who were not even sworn valuers. I opposed one of these in court, and I know. Councils would appoint perhaps a retired surveyor or engineer or a stock agent, who was probably much better than many others. Under the new scheme to be established by the Bill there will be, first, some supervision. The first qualification to be required of a young man deciding to become a valuer is that he shall study for the Commonwealth Institute of Valuers examinations. On becoming qualified he can proceed to be an associate and, later, a fellow of that institute.

Mr. Merrifield stated that he thought wheat growing would perhaps be an all-over cover in that valuing of wheat country would be general throughout the State. That is not right. Sheep and wheat would be together, or sheep and something other than wheat; but each district would have its own value per sheep and per cow, or other unit, and one would need to know the approximate value per unit in each district. Therefore, the same conditions will apply as applied where a valuer could be sworn for a county, for several counties, or for the whole of Victoria. Cases have been fought in the courts as to the value of land twenty years previously, so it is possible to arrive at a valuation of land of any particular class at any date. I would not expect—I know that Mr. Feltham used the example in the extreme—a bricks and mortar man from the Golden Mile to be qualified to value Mr. Byrnes's rich river flats at Swan Hill. However, there has been an advance under this proposal.

Fears have been expressed about the opinion of the shire valuer being overridden by the Valuer-General. I am sure that honorable members generally agree that the present Valuer-General is a man of integrity beyond doubt. Therefore, I hope that some of the authorities about which we have heard so much lately will not attempt to influence a man beyond his honest opinion, but by the same token he will be a poor valuer and will not be worthy of his registration if he is threatened or persuaded into altering his valuations. In regard to the general basis of valuations, when speaking of production, seasonal conditions and so on one must have comparable sales and comparable values. If a person goes to court on the question of a valuation, the authority opposing him must show comparable sales to prove its valuation. So, there is always the basis of market value. It may be that a few years ago, when the prices of wool and other commodities were high, land in certain districts had a high valuation, but since the prices of those commodities have decreased there is a tendency for land values to decrease.

The Hon. R. W. MAY.—What constitutes market value?

Sir EWEN CAMERON.—What a willing buyer will pay a not unwilling seller. That was the basis adopted even when Mr. May was a boy. Mr. Merrifield said that he feared registered valuers may not be as dependable as sworn valuers. Others fears have been expressed that the Valuer-General may unduly persuade them, but I point out for the benefit of Mr. Merrifield that it is more likely that the Valuer-General and his staff will assist

them and back them up in some of their opinions. I do not think we will be departing greatly from the old order in so far as authorities using municipal values for rating are concerned. Those unauthorized shire clerks and others who do a few valuations for small municipalities will be given the opportunity of keeping up to date with the prices being paid in their districts, and in the past in some cases their opinions have been as good as those of other people in setting a value on land.

The Hon. I. A. SWINBURNE.—Some of them are sworn valuers.

Sir EWEN CAMERON.—Mr. Merrifield referred to people who were not sworn valuers. If they were sworn valuers previously they will probably be registered now. So, I do not think we will be departing far from the results that we are already getting, and there could be an improvement. There will still be the right of appeal to a court, and past experience of some authorities will not lead them to be too optimistic about chances in that regard.

The Hon. I. A. SWINBURNE.—Will it not tend to bring about uniformity in values?

Sir EWEN CAMERON.—That is a danger, but I believe there really cannot be uniformity in values. If Mr. Swinburne's property is valued and he thinks he has been injured as compared with his neighbour, he can bring forward points in court to show that his property is worth more or less than his neighbour's. We have all heard of cases in which governmental authorities have been taken to court because their ideals were considered to be either too high or too low.

The Hon. D. J. WALTERS.—To their sorrow, in some cases.

Sir EWEN CAMERON.—To their sorrow in every case. I know of no instance where a Government authority has been taken to court and has not lost the case. By the same token, I know of no instance where a case against a municipal council has been won. Invariably the magistrate says, "The owners of properties which have been valued at a lower figure have not appealed. Their valuations must be too low because they have not appealed, so yours must be right."

The Hon. D. J. WALTERS.—That is rough justice.

Sir EWEN CAMERON.—That is how it works. Therefore, this Bill must result in an improvement in administration. I do not share Mr. Merrifield's fears about the class of valuers who will be registered, or that the Valuer-General will thrash into subjection any valuer of standing, capability or repute. At this juncture I would not be in favour of the creation of a large Department, such as has been created in other States and which has taken half a lifetime to put valuations on one-third of the State. This Bill will mean an improvement all round and will retain the rights of people who own land.

The Hon. R. W. MAY (Gippsland Province).—I share the views expressed by my colleague, Mr. Feltham, and on examining the principal Act and the Bill I find that the proposed amendments make a change in principle in so far as under the principal Act the rating authority was the responsible body for engaging the valuer to carry out valuations. In consequence, a valuation was made and submitted to the Valuer-General. I have no quarrel with that; in fact, I agree with the principle and with the statement made by the Minister in his second-reading speech on the original Bill, in which he said—

> The purpose of this Bill is to improve the system of valuation of properties for purposes of municipal rating, and, as a consequence of that improvement, to enable the use of that valuation by other authorities levying rates on property if they so desire.

That is what we imagined the functions of a valuation would be—to be used by other authorities should they so desire. The Minister continued—

> I realize that there may be circumstances associated with particular sales which may result in prices higher or lower than true and reasonable valuation.

The Minister was thinking along those lines, and the Valuer-General, when speaking to a group of people in South

Gippsland said, as reported in the *Foster Mirror* of 6th April—

What does the valuation of land hope to achieve? It will encourage valuers to aim at fixing values that will have a reasonable chance of lasting the normal six-year life of municipal valuations, and based on the market valuation of properties sold.

I do not think we will find much to quarrel with in that. If we achieve a measure of uniformity in valuation, then we will be achieving something which possibly will be much better than has been the case in the past.

Sir Ewen Cameron stated that there could be different values in various areas for land used for the growing of wheat. Therefore, it would appear that the basis of a valuation is connected with the production from the area concerned. In his second-reading speech on the parent Act, the Minister stated also—

The Minister may authorize the use of such valuations by other rating authorities.

There is a good deal of doubt in the minds of many country people whether this Bill carries out the spirit of that statement and whether, in the calling of a conference with other rating authorities, there will be a tendency to depart from that principle. The general feeling is that we have a Valuer-General and he and his Department will be the authority which establishes these valuations which the Minister stated would be made available to other authorities desirous of using them; not that the other authorities should influence them in an upward direction in the making of their valuations. The Valuer-General is reported further as having said—

I am not going to go around with a ruler, whacking valuers over the fingers about values. I will want your valuer and valuers of the Department to confer. We will want a report from him after his valuation, and a list of property sales.

As you well know, Mr. President, a road can make the world of difference to the value of land on either side of it. Many geographical features can bring about a great variation in valuations. However, sale prices can be a good basis for arriving at uniformity in house values. However, many factors must be taken into consideration when fixing the value of broad acres. To suggest that any group of people resident far distant from the area concerned should have complete power over a valuation that is made by an independent valuer on the spot causes some disquiet to country people. Later in the report contained in the *Foster Mirror,* Councillor Wood, who is chairman of the South Gippsland Valuation Group, is reported as having asked the Valuer-General—

In the event of the Department rejecting a revaluation of a shire who would carry on a second valuation?

Mr. Inglis replied—

First of all, the officer doing the valuation must hold a certificate of qualification—

That is provided for under the Bill, and we agree with the proposal.

granted by a Board of which he as Valuer-General, would be chairman—Could we turn around and declare that he had made an unsatisfactory valuation?

Councillor Wood persisted with his question. He asked—

If after all these things took place and the valuation was rejected who would meet the cost of the second valuation?

Mr. Inglis stated—

I am not discouraging you from wanting to have some provision in the Act to cover this if you feel there is some real need for this. I will bring it to the attention of the Secretary for Local Government.

Presumably he has done that. Clause 3 of the Bill provides for the insertion of a new section 3A in these terms—

(1) The valuer-general deputy valuer-general and any valuer appointed pursuant to the provisions of this Act may, when reasonably necessary for the purposes of any valuation, enter at all reasonable hours in the day-time into and upon any land without liability for trespass and may put either verbally or in writing to the owner or his agent or the person in occupation or charge of that land any relevant questions to enable the making of a true and correct valuation.

2. If after being informed of the purpose in putting the questions and the authority of the questioner under this Act to put the same any such owner agent or person refuses or wilfully omits to answer any such question to the best of his knowledge or belief either verbally or in writing as the questioner may have requested, or wilfully makes any false answer or statement in reply to that question he shall be guilty of an offence against this Act and liable upon summary conviction to a penalty of not more than Ten pounds.

When a valuer possessing all the required qualifications arrives at a valuation he has provided for him an inventory, as it were, of the sale prices of land. The only way in which he could hope to gain additional information would be on the basis of the production or the carrying capacity of the land. If the provision serves any useful purpose or achieves any objective by relating the valuation to production, I think the only basis for a satisfactory valuation on farm land is to relate it entirely to production.

However, some concern results from the fact that many factors influence sale prices of property. Some of them were enumerated by the Minister of Agriculture when speaking to the original Bill. There can be a genuine difference of opinion in the minds of prospective purchasers. An adjoining property owner might require the area up for sale to develop his own property into a living area. Also, there could be the need of a parent to purchase an adjacent farm to establish a member of his family and to utilize plant and equipment from the home farm. In these circumstances, valuations substantially in excess of what might be paid for the same land in a different situation could result. Again, speculators might wish to purchase land to qualify for taxation concessions. I am told that there is resort to that type of activity. All these factors have a bearing on land values and prices paid for land at auction sales. Consequently, many country people have doubts as to how this legislation will apply in practice.

I hope that due regard will be paid to all the factors that have been mentioned and that in the event of any dispute arising concerning a municipal valuation the Valuer-General will not be called into consultation with other authorities with a view to edging up the municipal figure. If that is done, there will be a departure from a principle of the Bill that every valuation shall be made by a disinterested person and made with all the qualifications that are required under the legislation. Whilst the Country party supports the Bill, its members have some reservations as to how it will ultimately work.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2—(Interpretation of " General valuation ").

The Hon. G. L. CHANDLER (Minister of Agriculture).—I think it is true to say that the contributions to this debate made by Mr. Merrifield, Mr. Feltham, Mr. May and by you, Mr. Chairman, have indicated that there is no great opposition to the principle involved, but some honorable members have doubts about how some of the minor details will actually operate. The Government broke new ground last year when it introduced this legislation which to some extent was exploratory and experimental. I think it is only natural that after the Valuer-General was set up and all aspects were examined, that there should be need for a measure of this nature to strengthen the principal Act.

One of the general fears seems to be that municipal valuations will not remain supreme. A council will be able to carry out its own valuations if it so desires, and there is still provision for an appeal by an individual to a court against such a valuation. Some provisions of this Bill give the Valuer-General power to allocate the additional expense involved if an additional valuation is to be carried out by any particular authority. For example, if a municipal valuer was engaged in assessing net annual valuations and the State Rivers and Water Supply Commission required the assessment of unimproved capital values at the same time, the Commission would have to pay for the portion of the time involved additionally.

The Hon. SAMUEL MERRIFIELD.—If two different types of valuations were carried out at the same time, surely it would be a fair proposition to halve the costs involved?

The Hon. G. L. CHANDLER.—I do not know what is involved in detail. Probably what Mr. Merrifield has stated might be a fair proposition, but I should not like to commit myself at this stage. The entire purpose of the legislation is to bring about some kind of uniformity in valuations, something which is sadly lacking at the present time. The 31st December, 1961, has been set as a starting point for the establishment of a general picture of valuations in the metropolitan area. I again stress the fact that municipal councils will remain supreme so far as their own valuations are concerned, and that if they do not agree with a valuation that is carried out they will be able to arrange for valuations of their own. I consider that this legislation will prove to be one of the greatest reforms ever brought down in this State.

The clause was agreed to, as were the remaining clauses.

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

PUBLIC WORKS LOAN APPLICATION BILL.

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

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—This is a Bill to apply the sums required for works on various public activities in the forthcoming year. It authorizes the Government to carry out work to the extent provided for in each of the 61 items set out in the schedule to the Bill. The Minister made available an explanatory statement which contains three columns. The first column relates to last year's expenditure, the second to the proposed expenditure in the coming year, and the third shows the actual gross amount provided in the Bill which will be sufficient to enable the various works to proceed until the next Public Works to Loan Application Bill is introduced. The procedure which is now adopted is probably preferable to that adopted in past years because the average member will now be able to appreciate the works on which the money is to be expended. Previously there were all sorts of unexpended amounts which were a mystery to everyone but the Auditor-General. No document was presented to Parliament in explanation of the manner in which the particular expenditure was authorized.

It is inevitable that the major item in this Bill should relate to education. I do not say that the Government is grossly falling down on the job of providing schools; with certain limitations, it has carried on the programme as might have been expected. However, the effort which is being made still falls short of requirements. The amount of loan funds available to the State does not always permit the Government to undertake all the work it is desirous of doing. The Federal Government imposes an iron control which limits the amount available to the State. The Commonwealth Government finances all sorts of works, such as the Snowy Mountains hydro-electric scheme, aerodromes and post offices, from revenue and incurs no loan liability in this regard. However, the States are forced to carry out the bulk of their works from the limited amount of loan funds available, and they are then faced with the problem of providing replenishment of the capital amounts and of paying interest in the interim. This is a grievous burden on the States and is not a fair distribution of the financial sinews which are available from both taxation and loan funds.

When I was in Canada last year, I noticed that a number of the Canadian Provinces were reducing their public debt and were in the reverse position to the States of Australia in relation to loan funds. Enterprises which could be termed income-earning or industrial were separated from the public accounts and actually provided their own accounting system. By this means the Government is provided with a clear picture of activities. Almost all provincial work in Canada is being done free of loan funds and free from interest charges.

Victoria suffers from the existing financial arrangements with the Commonwealth Government.

My only criticism in regard to the allocation for education is that the Government is deducting from the loan funds an amount called the recoup which is paid into the Treasury. By this means the sum provided is made to appear greater than in former years when school buildings were financed by a different method. The Government has a further two and a half years to remain in office and therefore it can be expected to persist in its present methods of solving the education problem. All honorable members in this Chamber are not happy at times with the position in the educational field. The Commonwealth Government should supplement the grants available for educational purposes to enable the State to provide urgent necessities. It is a ridiculous situation when it is considered that the cost of works undertaken by the Commonwealth Government on post offices is equal to that which is available to the State for educational purposes. New school buildings are far more important to the community than new post offices, and I remind honorable members that a number of post offices were rebuilt in years when both money and materials were in short supply. It can safely be said that the financial arrangements between the Commonwealth and the State have grievously harmed Victoria's educational programme. I do not think the Minister of Transport would argue on that point.

Sir ARTHUR WARNER.—This is one of the few occasions on which I agree with Mr. Merrifield.

The Hon. SAMUEL MERRIFIELD.—I would begin to suspect myself if the Minister agreed with me on too many occasions. The new dredge which is to be constructed for the Public Works Department is no doubt necessary because of the greater draught of ships seeking to enter the Bay and the consequent need of increased draught in the Rip. The existing dredges were employed in knocking off the peaks of outcrops, but it is now necessary to go much deeper. In the future the State will face added expenditure because of the need to increase the depth at the Rip to provide for larger ships. Pilots have expressed apprehension at taking ships through the Rip in rough weather. As anyone who has been through the Rip will appreciate, if a ship happened to bounce on to a rocky outcrop much damage could be done. Future dredging work in the Bay will be undertaken by a different type of dredge. Most of the dredging in former years could be carried out by suction dredges which sucked up the soft material on top. However, much of the dredging which will be required in future will be of harder clay outcrops which will necessitate the use of a bucket dredge that is capable of digging. I can appreciate, therefore, that the new dredge is urgently required.

Most of the items listed in the schedule are what one would expect to find. The usual provision is made in relation to vermin and noxious weeds. I have always been critical of this item because it is provided from loan funds, whereas previously it came out of revenue. One can perhaps offer some criticism in relation to the amount provided for municipal subsidies. Certainly, municipal drainage works and the public halls, swimming pools, and that type of activity were always financed out of loan funds, together with a certain ratio of subsidies, but the normal works under the Municipalities Assistance Fund were financed from revenue in early years, although they are now financed from loan funds.

In connexion with the Hospitals and Charities Commission, it seems that we have gone through quite a few stages so far as hospitals in this State are concerned. In 1943-44, the State Development Committee brought down a report on hospitals in which it envisaged a very low bed cost by the development of the hospital system in the State. From memory, I think it was estimated that beds would cost about £1,000 or £2,000. Since that time, hospital constructions have varied considerably. Changes in medical science

have altered the form of hospitals to a large degree. Hospitals now concentrate more particularly on the curative side, and patients occupy beds for shorter periods, with the result that the bed turnover is far greater now than in the past. At the same time, the cost of providing all the services is proportionately higher. Speaking from memory, I understand that the cost per bed is now in the vicinity of £8,000 or £10,000.

The Hon. R. W. MACK.—It is not that high.

The Hon. SAMUEL MERRIFIELD.—It varies according to the type of hospital. It is certainly far greater now than it was in the palmy days of 1943. At about that time, there was a Hospitals and Charities Board, which mapped out a tentative programme regarding hospital works. The programme was varied subsequently by the Hospitals and Charities Commission, as appointed under the 1948 legislation, when the chairman of the Hospitals and Charities Board became the chairman of the Commission. Then, of course, there was the episode in 1954, about which I offer no further comment. It was unfortunate, but the need for the orientation of our hospital programme was obvious and, had certain action not been taken, I am not sure where we would be with our hospital programme to-day. The position then was simply "haywire," and the Hospitals and Charities Commission has been faced with seven years of hard work in an endeavour to reorientate the hospital programme and to bring some common-sense into all of the commitments entered into by the earlier authority.

The last few years have seen great changes in the medical, curative and surgical aspects of the treatment of patients, and the Commission to-day is in the process of reorientation, although it is still not clear whether it can see the immediate answers to many of its problems. Much of our hospital system will remain in its present form forever, but certain changes are continually taking place, which require changed hospital programmes. The amount of money being set aside for the Commission under this Bill is insufficient.

The Hon. R. W. MACK.—It is never sufficient.

The Hon. SAMUEL MERRIFIELD.—Probably, that is true of all Departments. It seems that the Commission is still faced with some grave problems which should be remedied as quickly as possible so that the Commission might have a new springboard from which to tackle the many problems confronting it. However, while the Commission is plagued with all the deficiencies of the past, many phases of the new approach cannot be launched until that situation is overcome. It is a pity that the Commission could not be assisted to a greater degree, even if only for a relatively short period, in the hope that some of the difficulties could be overcome. If that were done, the Commission could then launch out into a new phase of work in connexion with hospitals, which would prove of benefit to the community. The Opposition offers no objection to the passage of the Bill.

The Hon. P. T. BYRNES (North-Western Province).—Bills of this type cover the activities of many Government Departments, because the Public Works Department is the constructing authority for a large number of governmental utilities. In addition to items which are not related to construction works, but which are very interesting, is the provision of funds for payments to municipalities and public bodies towards the cost of drainage and other works, and payments to the Municipalities Assistance Fund. Of course, these moneys are now paid from the Local Government Department, not from the Public Works Department. One small item, which is interesting, is the provision of £30,000 for roads in the Shire of Kaniva in connexion with land that is being developed in the so-called desert country by the Australian Mutual Provident Society. Substantial sums of money have already been

given towards the construction of roads and another £30,000 is needed for that purpose, and it is pleasing to note that this money will be provided.

I do not propose to deal with all of the items contained in the schedule of the Bill, although, if more time were available, honorable members would deal at greater length with several items. Item No. 1 relates to the provision of £13,500,000, of which about £11,000,000 will be spent this year, for schools, hostels, residences, teachers' colleges, and other educational activities. Although I do not propose to criticize the Departments concerned, I should like to direct attention to one or two matters that have been brought under our notice —they are really architectural matters —which concern both the Education Department and the Public Works Department. The modern type of building that is being constructed to-day makes provision for "catching" as much light as possible, and this practice has been extended to school buildings. The latest structures have departed from the old, big, brick buildings with very limited window space, and now wooden structures of the contemporary type, with a good deal of window space, are favoured. In some school buildings, almost a complete wall of glass is provided.

One of the problems associated with buildings of this type is the fact that climatic conditions vary throughout the State, but the constructions are not varied to meet these climatic variations. Even in the metropolitan area, complaints have been made that these class-rooms become very hot and, outside the metropolitan area, complaints have emanated from school committees, mothers' clubs, and headmasters regarding the difficulty of keeping these buildings cool.

When I was Minister of Public Works in 1950, there was an acute shortage of school class-rooms and a model aluminium class-room manufactured by the Bristol Aircraft Corporation, was utilized. These buildings, which were insulated, provided for the inclusion of scientific methods of ventilation. The buildings were designed for the cooler climatic conditions encountered in England and, originally, they were brought here as two-room units. After I vacated office, it was decided to plan the buildings and have them built in England by the Bristol Aircraft Corporation.

Buildings of this type were used for two or three years but then the aluminium-glass type rooms were replaced by class-rooms designed by Australian architects and manufactured by Australian builders. However, these buildings still followed, to a large extent, the design of the aluminium-type class-rooms which, as I stated earlier, were built for cooler climatic conditions. The basic designs have been retained. The new high and technical schools being built are costing the State many thousands of pounds. It is difficult to site those buildings so that certain class-rooms are not exposed directly to the morning or afternoon sun. If the Public Works Department could orientate the rooms to protect them from excessive sunlight, they would be very good. There is some justification for a request that an examination should be made of the position with a view to keeping the class-rooms reasonably cool. My colleague, Mr. Mansell, and I discussed this matter recently with the Education Department and the Public Works Department, and the officers concerned are aware of the problem. I understand that cooling systems or air-conditioning units could be installed in these schools, but the cost of such installations would be approximately £10,000 each, which is very expensive. If such facilities were provided, it would mean that, instead of expending £11,000,000 during the current financial year, expenditure on school buildings, and such like, would increase by an additional £2,000,000 or £3,000,000.

I should like the Education Department and the Public Works Department architects to examine the possibility of providing some other form of relief. In the office of a new technical school building in one of the northern towns of the State—it has only been recently opened

—temperatures as high as 115 degrees were recorded and, consistently, the temperature has been over 100 degrees, although summer is not yet here. A similar situation would apply to many class-rooms. It is almost impossible to work under such conditions. Action must be taken to modify the buildings and to reduce the temperatures inside school buildings, either by providing outside blinds or over-hanging eaves. Of course, architects do not like modifying their designs.

The Minister of Education said to me quite amicably when I raised this problem with him, that it was strange that people have not complained about it, until the past two or three years. However, that statement is not correct, because people were complaining about excessive heat in schools even when I was Minister of Public Works. We had difficulty in siting school buildings in order to keep them cool. Without disparaging architects, I consider that they have gone to extremes in the provision of light. It is an elementary fact of physics that sunlight which passes through a glass window is converted into heat. Many class-rooms are equipped with a modern heating system, but to convert it into a cooling system would cost another £10,000. It may be possible for the new-type aluminium external blinds to be used. Where there is overheating, it may be possible to provide some relief by extending the eaves of the buildings 2 or 3 feet.

At one fine school in the hottest part of the State bitumen has been taken right up to the windows on the north and west sides of the building, and the reflected heat makes the rooms almost unbearably hot. By the time children have been there a couple of hours, they are sleepy and feel the strain. I urge the Government to take some action regarding excessive glass in school class-rooms with a view to modifying the temperatures and making them livable.

The motion was agreed to.

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

The Hon. P. T. Byrnes.

LAND TAX (EXEMPTIONS AND RATES) BILL.

The debate (adjourned from October 30) 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. WALTON (Melbourne North Province).—A Bill of this type comes before Parliament every year. Its purpose is to strike a rate for the purpose of assessing land tax for the following year. Members of the Labour party take the opportunity of pointing out to the Government what we believe to be anomalies, if any, and on this occasion I am pleased to report that, with the exception of one or two criticisms, we are in accord with the measure.

It is proposed to increase the exemption on residential land from £1,250 to £1,450, with a diminishing scale at the rate of £8 for every £1 of the unimproved capital value over £1,450, which will mean that up to an amount of £1,631 landowners will be able to receive some alleviation from the application of the tax. In the last scale, the exemption was from £1,250, reducing at the rate of £5 for each £1 of the unimproved capital value, which meant that the exemption ceased to apply at the figure of £1,500.

I should have thought that as values increased or decreased overall, so would the exemption, in a uniform manner. Hitherto, the exemption applied to land of an unimproved value of £1,250 reducing to £1,550, but on this occasion the range is between £1,450 and £1,631. I should say that the Government has not passed on to the people the benefits which previously applied. Although this measure is brought forward with the view of giving relief to a large number of owners over the next twelve months, by the time the valuations for the year come in it will probably be found that the Government is no worse off than it was at the beginning of the year.

I propose to state, if only for record purposes, the amounts of money collected in land tax in the past ten years. The relevant figures are—

Year.		Amount. £
1950-51	..	415,179
1951-52	..	875,746
1952-53	..	1,370,151
1953-54	..	2,015,898
1954-55	..	2,624,857
1955-56	..	3,249,674
1956-57	..	4,169,746
1957-58	..	4,606,928
1958-59	..	4,661,305
1959-60	..	5,854,092
1960-61	..	6,706,494

Considering that the Government is supposed to be trying to keep the rates more or less stable, even with the depreciated value of the Menzies £1, it is difficult to follow why there has been an increase in this revenue since 1950-51 from £415,179 to £6,706,494. In fact, the people of Victoria under the Bolte Government have paid increasing amounts of land tax.

One of the main purposes of the tax originally was to help break up large land holdings. It was intended that the owners of ordinary residential allotments should as far as possible be exempt. Probably it was not intended that the exemption should cover persons owning large, valuable residential blocks in expensive areas. With the increase in the price of land, few residential blocks in even the most modest cities sell at less than £2,000 where all facilities such as roads, sewerage, electric light, and gas are available. A large number of owners of building blocks in the metropolitan area will not qualify for an exemption under the sliding scale operating from £1,450 to £1,631. I appeal to the Government to be a little more generous next year in applying the exemption.

The Hon. G. L. CHANDLER.—Do you believe in the application of a land tax?

The Hon. J. M. WALTON.—Yes.

The Hon. G. L. CHANDLER.—For everybody?

The Hon. J. M. WALTON.—I believe in the imposition of land tax for the purpose for which it was originally introduced, which was to encourage the owners of large tracts of land to develop them. I feel that if the Government intends to continue this type of tax it should endeavour to exempt owners who use their land only for residential purposes and do not receive any monetary return from it.

The Hon. G. L. CHANDLER.—Do you think it should be continued in certain circumstances?

The Hon. J. M. WALTON.—Perhaps I should refer the Minister of Agriculture to the remarks made by the present Premier in 1954 when he was Leader of the Opposition. The honorable gentleman said that he believed the tax should be abolished. Similar statements were made by members of this House, including, I think, one honorable member who is present to-night. The Bill does not go far enough. The Government made an election promise that it would alleviate the land tax, and the people expected it to do so. Since 1955, the Government has increased its land tax revenue from £2,624,857 to £6,706,494 in the last financial year. I appeal to the Government to afford relief to those people who are not receiving any return from their land but are simply occupying a house that they have built on it.

The Hon. P. V. FELTHAM (Northern Province).—My party will support the Bill because it gives some small measure of relief from land tax. It is true that the owners of land whose unimproved value reaches astronomical figures will receive the most relief, but I point out that land tax fell most savagely on the very large landholders and I suppose one could not quarrel with the idea that when some relief is given it should be applied in the quarter which has suffered most. A minor reduction only is made in the average land tax, but we welcome the Government's move to give some relief, small though it might be.

The question I wish to pose is whether a Liberal Government should impose land tax. I shall discuss briefly the

general principle of the tax. A tax on the unimproved value of land was thought up by political philosophers nearly 100 years ago. John Stuart Mill was one of the proponents of such a tax and Henry George, whose name was mentioned in the Chamber recently, was its most outspoken advocate. The philosophers of the time of John Stuart Mill were concerned with how Governments should be financed. In those days they had not thought of all the ingenious methods of raising money that modern communities and Governments have discovered. They looked for some source of revenue and seized on land, and developed all sorts of fancy theories about land being given by the Almighty, and no person having any particular right to it, that it belonged to the people and therefore was properly the subject of a tax, and so on.

To-day that political theory is more or less discredited. The Labour party still hangs on to some tattered remnants of it, but does not go as far as Henry George. When the Victorian colony was first formed it started off very hopefully with a small land tax on a flat rate. We have had the tax for many years, and it continued until about 1952. It was ½d. in the £1 and subsequently rose to 1d. in the £1. The cruelest tax of all was imposed by a Federal Labour Government, the Fisher Government, in 1910, which introduced the first Federal land tax based on a graduated scale. As the value of land rose so did the rate of tax, in the same way as with income tax. When the Fisher Government brought in the tax, it sought to justify it on Labour theory, and quoted John Stuart Mill and Henry George.

The Hon. R. J. HAMER.—It was not only a revenue measure, was it?

The Hon. P. V. FELTHAM.—No. The Fisher Government declared that it was a deliberate policy to break up the large estates. The Attorney-General of that Ministry listened to all the theory which was expounded by the Treasurer and then said, "We want revenue badly, and we must have it." It was the late William Morris Hughes who let the cat out of the bag. In 1952, the then Treasurer, Sir Arthur Fadden, introduced into the Federal Parliament a land tax abolition Bill, which was subsequently passed, and the Federal Government thus vacated the field of land taxation. When discussing the land tax, Sir Arthur Fadden said—

> Its avowed objective was to force the subdivision of large rural properties . . . The tax is not achieving the object for which it was first enacted . . . The greater proportion of the tax is attributable to city lands.

I think that was true at the time the legislation was repealed. The proportion was 75 per cent. It shows the absurdity of maintaining that the tax was a device to break up large rural land holdings. Sir Arthur continued—

> It cannot be denied that the tax is a tax on a capital asset. In the case of primary producers the tax is upon their main producing asset. A most inequitable, discrimination is set up against landowners. While other capital assets such as plant and machinery are not regarded as proper subjects for the imposition of a tax, the Government is unable to agree that land should be singled out for a special imposition. Since the introduction of income tax—

that great saviour of Governments—

> and the general development of the national economy the revenue brought in by this tax has become much less important in Government finance.

I think Sir Arthur Fadden put his finger right on the spot when he made that statement, because it has now been accepted that the principal revenue to be raised by a Government is to be derived from a tax on earnings and production in the form of income tax, and that the old out-moded theory of taxing capital assets should be gone forever. The Bill was passed, and the echoes of "The ayes have it" in Canberra had hardly died down when Mr. John Cain, then Premier and Treasurer of Victoria, leapt into the gap and introduced graduated land tax into Victoria. This is the system under which Victoria is now suffering. As the Minister pointed out in his explanatory second-reading speech, the tax on some large holdings was astronomical. My sympathy goes out not so much to my electors in the

rural areas of the country but in a deep measure to the number of unfortunate persons living in places like Werribee, Fern Tree Gully and Doncaster. I do not think there is any real answer to the complaints which they have made in regard to what has happened to them in the field of this graduated land tax. Although I am not speaking for my electors, I raise my voice in favour of some of the unfortunates who are living on rural properties in the midst of rapidly-developing land subdivisions. They have been having a particularly bad time.

The Hon. W. R. GARRETT.—That is true.

The Hon. P. V. FELTHAM.—When Mr. Cain introduced his Bill there was at least one strong democrat who raised his voice in the House. In describing Mr. Cain's Bill, he used these expressions: "An act of spite," "class hatred legislation," "it will create an inflationary spiral," "it has been levelled at one section of the community without regard to the principle of ability to pay." Those striking truisms were uttered by the Honorable Henry Bolte. I am happy to see that he is now making some move towards granting relief. Not only has the Federal Government vacated this field of taxation but throughout Australian States there is a strong tendency to vacate the field. It is a field that in Victoria has produced large sums of money and will provide this year an amount approximating £7,000,000 for the Treasury. In my opinion, this form of taxation is not vital to Government finances. There are other means of raising revenue. Although we groan in this House every time any Government puts forward any measure to impose taxation, I should like to go on record as saying that there are other fields of taxation to which we may have to submit if we are to ask for relief from unjust and inequitable taxes.

The Hon. R. J. HAMER.—Do you mean an untapped field somewhere?

The Hon. P. V. FELTHAM.—It may seem remarkable, but we still seem to strike another gusher each year in the taxation field, and I am certain that there are still wells to be tapped in the community. I shall probably be asked what I suggest the Government should do about this amount of £7,000,000. I advance a suggestion in all seriousness and I believe the Government must be thinking somewhat along these lines. No responsible Treasurer can be asked to vacate in one fell swoop a field of taxation which is producing £7,000,000 a year. However, I suggest to the Treasurer, through the Minister who represents him in this House, that the figure of £7,000,000 should be, as from this day, pegged as the total limit of land taxation and that for the next seven years the Treasurer should budget to drop the tax by £1,000,000 until in seven years' time no land tax is levied in Victoria. If the Treasurer says, "If I am to do that, I must obtain revenue from somewhere else," let us try to help him, but let us abandon this inequitable and discredited capital tax.

Sir EWEN CAMERON (East Yarra Province).—Following Mr. Feltham's suggestions in regard to the desirability of lessening land tax, and without entering into any controversy with my friends on the other side of the House, I am sure that all honorable members will subscribe to the Government's intention to lessen the load upon primary producers. In view of the rather obscure future facing many primary products to-day, I believe the Government's action in reducing tax on lands used for primary production is desirable. The wording of the provision which permits a reduction in land tax refers to "any portion of any land or lands used for primary production." I should like to sound a note of warning to officers in the land tax office and to the Government that care should be exercised over the next twelve months in relation to this provision. I do not refer to the activities of the legitimate primary producer but to the speculator and land subdivider who, by means of subterfuges, allege that land is used for primary production purposes. If such a person put a few poddy calves on his land, who could then argue that the land was not being

used for primary production? I am aware of one subdivision in which fences were erected between the roads and someone was allowed to put in a few head of stock. Some grist might be obtained for the mill by watching the position closely and perhaps next year circumscribing the definition of primary production so that the provision will apply only to the genuine primary producer and not add, at the cost of the Treasury, to the unearned increment which must of necessity be large on land which has been held for subdivision or speculation.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 6289 s. 3).

The Hon. G. L. CHANDLER (Minister of Agriculture).—Briefly, in reply to Mr. Walton, I point out that there was no secret as to the amount of reduction proposed in regard to building blocks because specific reference was made to this matter in the Premier's policy speech, as follows:—

> At the same time we will lift the exemption on properties not subject to land tax from an unimproved value of £1,250 to £1,450 with a graduated reduction up to an unimproved value of £1,632.

The Hon. J. M. WALTON.—The reduction will not amount to very much.

The Hon. G. L. CHANDLER.—I suppose Mr. Walton would have cast his vote in the same way if he had been aware of this fact. So far as Mr. Feltham's remarks are concerned, his speech, from the point of view of the primary producers of this State, was a magnificent contribution. Unless this country can peg or reduce its costs, it will find great difficulty in competing on world markets. This measure is the only contribution which has been made for some time towards relieving at least some primary producers from the great burden of land tax. I commend the Premier on his initiative in introducing this measure.

The Hon. D. J. WALTERS (Northern Province).—All that is being achieved by this Bill is the relief of owners of large holdings from a measure of land tax. Those persons who own property the unimproved value of which is in the region of £70,000 or £80,000 will obtain some reduction.

The Hon. G. L. CHANDLER.—The concession applies to a lower valuation than that.

The Hon. D. J. WALTERS.—There are not in Victoria many large holdings. My contention is that in the lower valuation bracket land tax is actually increasing. In my own case, it increased to the extent of 300 per cent. during the current year. If that is typical of the reductions proposed by the Government, they will operate in reverse. I submit that the revenue derived by the Government from land tax will increase considerably as time passes because of the general rise in the level of valuations.

The Hon. G. L. CHANDLER (Minister of Agriculture).—In fairness to all concerned, I must state that the concession in land tax starts to operate at the level of £10,000, whereas Mr. Walters left the impression that the reduction would not start to apply until the unimproved value reached £80,000. Perhaps Mr. Walters is fortunate that the land tax valuers did not catch up with him a year or two ago, otherwise he might have been paying a larger sum in the form of land tax than he has been paying.

The clause was agreed to, as were the remaining clauses.

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

APPROPRIATION BILL.

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

MOTOR BOATING BILL.

The debate (adjourned from December 5) on the motion of Sir Arthur Warner (Minister of Transport) for the second reading of this Bill was resumed.

The Hon. BUCKLEY MACHIN (Melbourne West Province).—The purpose of this Bill is to register and license motor boats. In the opinion of the Opposition party, this measure is long overdue, and I think credit for it should be given to the Ports and Harbors Branch of the Public Works Department. The measure is largely based on legislation which operates in the United States of America, and at this stage it may be appropriate if I read some of the findings of the State Development Committee which some time ago conducted an inquiry into the fishing industry of Victoria. They are as follows:—

In the early stages of the inquiry, the committee was very concerned when it heard evidence at Lakes Entrance to the effect that 50 per cent. of the fishing boats at that centre were considered as unseaworthy.

Throughout the inquiry, the committee has paid particular attention to the aspect of seaworthiness.

In Western Australia, the committee found that regulations are enforced to see that fishing boats are not allowed to proceed to sea unless they possess a certificate from the Harbor and Light Department showing that the vessels are seaworthy and properly equipped to engage in the trade.

The regulations also provide that all fishing boats in that State require to be checked annually by the Harbor and Light Department.

The committee is of the unanimous opinion that immediate steps should be taken in this State to see that no fishing boat is allowed to go to sea unless it is seaworthy and annual inspections made to see that the standard of seaworthiness is maintained.

The committee considers that these precautions on safety should apply equally to all water craft from a minimum of 8 feet in length.

In arriving at these conclusions the committee desires to stress that with unseaworthy craft putting to sea and becoming involved in difficulties the lives of many other people are often needlessly risked in trying to save the occupants of the unseaworthy craft. The expense of rescue and the needless exposure of human life to possible tragedy could be averted by regulations ensuring that only seaworthy craft are allowed to proceed to sea.

In Western Australia also certificates of competency are required before a fisherman can take charge of a boat and put to sea.

The committee considers that similar requirements for competency in navigation should be a prerequisite to persons being in charge of water craft in this State. It could be mentioned that persons driving motor vehicles have to undergo a driving test and correctly answer questions concerning the rules of the road before being able to obtain a driver's licence. It appears completely logical, therefore, that in the interests of safety on the sea persons should require certificates of competency in the fundamentals of navigation before being allowed to take charge of a boat.

In both cases, i.e., seaworthiness of craft and certificates of competency the committee considers the Ports and Harbors Branch should take appropriate action to implement the views expressed by the committee.

The committee also considers that regulations should be introduced to protect Victorian fishing grounds from interference by fast moving water craft and water ski-ing.

Three of the committee's recommendations, which are very brief, were in the following terms:—

12. That all water craft from a minimum of 8 feet in length be registered and subject annually to inspection for seaworthiness by the Marine Board.

13. That regulations be introduced to protect Victorian fishing grounds from interference by fast moving water craft and water ski-ing.

14. That a certificate of competency (the standard to be determined by the Marine Board) should be an essential requirement before any person is permitted to navigate any water craft coming within the ambit of recommendation number twelve.

It will be seen that the State Development Committee agrees with the proposals contained in this Bill, but members of the Labour party would like it to go even further. In its present form, the Bill is more or less a revenue producing measure, and we do not disagree with it from that aspect. However, I feel, and I am sure the Committee will agree with me, that had the Bill offered more to the people who will, in

future, be taking out licences and paying fees for them, it would be more satisfactory.

Clause 4, which relates to the reservation of special areas for boating, empowers the Governor in Council to set aside waters for special activities or purposes. When appearing before the State Development Committee, one of the witnesses was asked—

> We have heard in evidence of the effect which the speed boats are having on the industry. Have you any thoughts on that?

In reply, the witness stated—

> In my opinion, they should be given a part of the water and be allowed to use that. I think they zone them in Sorrento. They were given so much water they were allowed to use. We have often been doing shots for trout and we have had the trout in the net and the speed boat has gone over the net and that was the finish of the trout.

It would appear that fishermen have experienced great difficulty as a result of the action which the Government now seeks to remedy. Clause 5 contains a sensible provision relating to yacht clubs and such like. We agree with the Minister of Transport that the yacht clubs have set a high standard so far as the conduct of their members is concerned. I should like to see more clubs formed and more discipline used over individual people. If that were done, a good deal of the legislation of this type would not be necessary.

Clause 6 relates to the registration of motor boats, and my party supports this proposal. However, it is difficult to understand why no standard has been set concerning the safety of boats that should be registered. As the provision now stands, boats of all types, including vessels built in backyards, could be registered, so long as the requisite fee was paid. This would then authorize the owners to take their vessels out on Port Phillip Bay, on the Eildon weir, or on any waters within the State, in many instances endangering not only their own lives, but also the lives of other persons using the waters at the same time. That is one of the Labour party's criticisms of this measure. My party also agrees with the provisions which enable the Governor in Council to make regulations concerning motor boating and associated activities. The powers vested in the Governor in Council are very wide, and we consider they should necessarily be wide in order that the activities of motor boat owners can be strictly supervised.

Although agreeing with the provisions of the Bill so far as the equipment to be carried on boats is concerned, we believe that certain additional precautions should be taken. Legislation in the States of America provides that lights shall be carried on vessels at all times, particularly on vessels that may be used at night time. In a copy of suggested State legislation in the United States of America, provision is made for the following equipment to be carried in all motor boats:—

> When in operation during hours of darkness, a light sufficient to make the motor boat's presence and location known to any and all other vessels within a reasonable distance.

There have been many instances in which small boats have been carried into the channels of Port Phillip Bay and, through not being equipped with lights, they have been run down, or almost run down, by passing vessels. If such vessels were required to be equipped with lights, a great deal of this trouble could be avoided. The Government should consider providing for this requirement in the Act and not wait until it is prescribed by way of regulation. The Labour party further suggests that early legislation should be enacted in connexion with the regulations that will provide certain conditions relating to fire extinguishers and other gear to be used in an emergency.

Clause 30 provides that it shall be an offence for a person to operate a motor boat upon any Victorian waters, or to ride upon, or cause, any water ski, surfboard or other similar device, to be towed, or propelled, at a speed exceeding 5 miles per hour within 100 feet of persons swimming, vessels or buoys. I think the regulations will strengthen that provision and increase

the prescribed distance of 100 feet to a much longer distance. My party is concerned that several matters are not covered by this legislation. The first relates to the safety of boats. We believe that home-made boats could be a menace. In the *Sun News-Pictorial* of 13th January, 1961, there appeared this interesting article—

> A 50-year-old Trawool farmer saved his wife in the Goulburn river last night but his 24-year-old son was drowned trying to save a family friend.
>
> The party of four were on a pleasure trip in a 14-ft. home-made motor boat, which capsized 7 miles from Seymour.

There is a danger in people using these vessels that are not properly equipped for the use to which they are put.

The Hon. I. A. SWINBURNE.—Is there any real evidence that the boat was faulty?

The Hon. BUCKLEY MACHIN.—It is probably the usual press report, but there have been many instances of people going out in faulty home-made boats.

The Hon. I. A. SWINBURNE.—I think Mr. Machin is wide of the mark when he is quoting special cases.

The Hon. BUCKLEY MACHIN. — A case with which I am familiar concerns an undertaker who used a coffin to go fishing near Nagambie and on various other inland waters.

The Hon. A. K. BRADBURY.—Some home-made boats are just as good as those made by experts.

The Hon. BUCKLEY MACHIN.—If a home-made boat could pass an inspection conducted by the Ports and Harbors Branch, I would be quite happy about it. I think all boats should pass such a test. The Government has taken action to remove unroadworthy vehicles from the road and the same principle should apply to boats.

The Hon. I. A. SWINBURNE.—Do not be too tough.

The Hon. BUCKLEY MACHIN.—I am trying to put a commonsense interpretation on to the procedure. At Lakes Entrance there are many fishing boats which were forced to leave other States because they could not comply with the regulations. We should become more up-to-date in our thinking. In connexion with the areas where people may fish, much feeling has been displayed between anglers and speed-boat enthusiasts. I am not criticizing either; both have a place in the community and both have a right to enjoy whatever sport they decide to follow. In one part of the Western District feeling ran so high that the anglers were considering putting a wire rope across the Hopkins river to deter the speed-boat enthusiasts. Methods like that should not be resorted to, and the circumstances under which they are brought about should not be allowed to exist. There is room for all persons in this world to enjoy life as they see fit.

The Hon. G. W. THOM.—This Bill will help to solve that problem.

The Hon. BUCKLEY MACHIN. — It will go a long way towards it, but there are other methods which could be implemented in the near future and which would improve the situation. Another subject which is not referred to in the Bill—probably because it was too difficult—is third-party insurance. There have been several accidents connected with motor boats in which third parties have been shockingly injured and involved in a great deal of expense. I have an open mind on the method of insurance that should be adopted. There is that class of person who, if he is covered by third-party insurance, proceeds to act like a larrikin, and in my opinion such a person is unfit to be licensed to operate a motor boat. Perhaps a person wishing to use a motor boat should take out a comprehensive insurance policy at a fairly stiff premium so that persons injured in an accident would be protected in some way. By and large, members of my party believe the Bill has a great deal of merit, but we believe also it could be improved.

The Hon. D. J. WALTERS.—According to your party, all Government legislation could be improved.

The Hon. BUCKLEY MACHIN.—Yes, but some Acts need more improvement than others. This Bill has been introduced in a hurry. If the Government took notice of the things that we have suggested, better legislation would be enacted. I cannot stress too strongly that it is important that all vessels should be issued with a certificate of seaworthiness and should be under the control of the Ports and Harbors Branch. The Government proposes to hand over the administration of this Act to the Tourist Development Authority. That would be similar to making the Melbourne and Metropolitan Board of Works responsible for all road works in this State when there is in existence the Country Roads Board. The Ports and Harbors Branch of the Public Works Department has the skilled personnel and the equipment necessary to carry out the work envisaged by the Bill, whereas the Tourist Development Authority has not. It has not the know-how to deal with the problems that will arise.

The Hon. I. A. SWINBURNE (North-Eastern Province).—I do not agree with the fears expressed by Mr. Machin in this matter. In the main, the Bill deals with two subjects, one being the registration of motor boats and the other the control of boating in Victorian waters. The registration of boats is to be carried out by a competent body in the Transport Regulation Board which has had ample experience in dealing with the registration of motor vehicles. It has been careful as to the type of vehicle that it has registered, and I assume that it will use the same care in the registration of motor boats.

Motor boat is defined in the Bill and covers any vessel up to 65 feet in length, so quite a number of boats will come within the ambit of this measure, including all the little boats with outboard motors attached. I am not concerned about the matter which worried Mr. Machin, namely, that there will be no supervision. If he reads the regulations proposed to be proclaimed under this measure he will find that they are very wide. I am certain that by the time they are put into effect Mr. Machin will find that a boat will have to be in very good order or registration will be refused.

Having served for some years as a member of the Subordinate Legislation Committee, I realize that great powers can be obtained from provisions contained in a Bill such as this. It provides that the Governor in Council may make regulations—

> prescribing and making provision with respect to equipment to be installed in or carried upon boats for the safe navigation thereof the safety of operators and passengers or for the prevention or suppression of fire noise or other nuisance;

On the sea and on inland waters boating has become a very live and interesting sport for many persons. Problems have arisen concerning the safety of spectators and people who use the waters for swimming, fishing, and other pursuits, and these factors constitute one of the reasons why the measure has been brought in.

It appears to me that the provision relating to the registration of boats is designed for the purpose of establishing the legal ownership of craft. The Bill defines how boats are to be marked and identified. In the case of a motor vehicle, number plates are attached to it, and the engine number must appear on the registration disc, so it is difficult for a person to dodge the issue of identification. In the case of a boat, the vessel itself will carry the registration, not the motor. Many boats could have different outboard motors attached to them every time they were used. A neighbour of mine is a fanatical boatman, who owns a string of outboard motors, and when he leaves home for a day's sport on the Hume weir, on the River Murray, or on some other particular area of water, he chooses the motor most appropriate for the occasion.

Mr. Machin expressed concern regarding home-made boats. A big percentage of vessels in the small-craft category may be home made, but I do not find it difficult to accept the view that the home-made boat is as good as any other. Most are constructed to meet

the needs of the owner, and in the main they are sturdily built and safe. More tragedies arise from the use of canoes and similar craft than with motor boats, and by and large not many tragedies occur in home-made vessels.

The Bill specifies equipment that must be carried by boats, and provision is made for the making of regulations to cover different types of pursuits that may be engaged in. A person handling a speed boat must remain within the circuit set aside for racing, and protection is thus afforded for swimmers. Motorists who wish to engage in racing should keep to the circuits set aside by the motor racing clubs, but many like to practice on public highways, and sometimes accidents result.

Last summer I viewed a regatta on one of our streams and I was amazed that the programme was completed without tragedy. Between the course used by speed boats and the bank many people were swimming or using small craft. On one occasion a speed boat got out of control, and it was remarkable that the driver was able to restore it to an even keel. At one stage it appeared that 200 to 300 people might be mown down. Control of fast-moving water craft is long overdue, although many members of the public do not realize the extent of the menace.

An accident occurred at Eildon during last summer. A man was cruising around in a hired boat when, without warning, a speed boat came around a bend and went straight through the small hired boat, badly injuring a man and his wife, the keel of the motor boat passing right over the top of them. I think the man lost an arm and his wife was badly injured across the chest. It should be possible for people to cruise quietly or enjoy fishing without being involved in danger from speed boats which sometimes are controlled by persons who have no thought for other individuals. The sport of water ski-ing which is ever increasing in popularity also needs to be controlled. Boats travel at considerable speed towing water skiers, and there is tremendous risk involved to any person who happens to be in the way. It is proposed that this sport shall be conducted only in proclaimed areas.

This Bill seeks to cover the operation of all sorts of boats from very small craft to reasonably sized packets. Most of the provisions of the Bill are framed in general terms; therefore it will be necessary to promulgate regulations covering the detail required. This type of legislative action always causes a great deal of concern. People wishing to know what is permitted and what is not seek a copy of the Act and then find it is necessary to peruse the regulations made under the legislation to ascertain exactly what the position is. Presumably the great variety of boats in operation to-day has rendered it necessary to provide for the control of motor boating in this fashion. Most of the conditions to be laid down will follow in general respects the legislation controlling motor cars. Provision will be made for the carriage of all sorts of equipment to preserve the lives of occupants of boats in the event of emergencies arising.

One of the greatest risks in motor boating is the possibility of an outbreak of fire. More accidents have been caused by fire than by any other eventuality. Experience has revealed that when fire has occurred in boats very little equipment has been available with which to control outbreaks, and the only chance of escape that persons have had has been to jump overboard. When no life belts have been available and the persons concerned have been poor swimmers, loss of life has often resulted. This Bill will assist to guard against this hazard. However, in the case of a boat that is too small to carry more than one man, the need for the provision of equipment such as flame arresters, mufflers, automatic cut-offs and so forth will leave very little room for the driver.

Part V. of the Bill covers legal aspects and the imposition of penalties, something which is necessary in legislation of this type. It is proposed that moneys collected in registration fees shall be paid into the Tourist Fund for

the purpose of providing additional facilities throughout the State for the launching of boats and so forth. Any fines inflicted for breaches of the Act or regulations will, in the main, also be paid into the Tourist Fund. An exception is provided in cases where authorities other than the Tourist Development Authority launch prosecutions. Then fines inflicted will be paid into the fund of the organization concerned. In the main, the moneys collected will be used to improve facilities for motor boating and to provide better conditions for those people engaged in this sport. One might term this as self-help legislation designed to improve the control of the sport and the facilities provided.

When legislation of this type was first mooted, I made the suggestion that some form of insurance should be established to cover accidents like the one which occurred at Eildon. The persons injured on that occasion were not able to claim any compensation.

Sir ARTHUR WARNER.—Why was that?

The Hon. I. A. SWINBURNE.—I understand that it was because of technical legal aspects. It was contended that the person who hired out the boat was not responsible but that the operator of the boat was. If the injured parties had been able to afford legal assistance they might have been able to proceed with an action, but nobody gave them any hope of being successful. If an injured person has the means at his disposal he is able to test these things in court, but those persons who have not the wherewithal to hire the best brains in the land find such a procedure difficult.

The Hon. A. R. MANSELL.—In such a case, could not the services of the Public Solicitor be called upon?

The Hon. I. A. SWINBURNE.—I suppose that would have been possible. However, it was considered that the liability on this occasion rested upon the operator of the boat, but the matter was not tested and unfortunately the persons concerned received no compensation. For that reason I submitted to the previous Minister of Public Works, Sir Thomas Maltby, that when a Bill was being drafted consideration should be given to providing for some form of insurance—third party or comprehensive—so that persons who were injured would be able to obtain compensation.

It has been asserted that compulsory insurance would only add to larrikinism because some boat owners would say, "I am covered by insurance. Why should I worry?" I do not subscribe to that view. I am somewhat of a fanatic in my belief that one should insure oneself against all risks. Many people are prepared to take risks, which is not fair to their dependants. When a man is killed in a bathing tragedy, a wife and children may be left, and they are entitled to consideration. When we consider probate, we do not argue on behalf of the person who dies but on behalf of his heirs. The same applies in regard to this type of insurance. I realize that it would be difficult to insert such provisions in this Bill because regulations must be formulated and a case submitted to the insurance companies. It is a complicated procedure which would take some time to work out. I ask the Government to consider instituting some form of compulsory insurance.

I realize that this sport is only in its infancy. In the north-east we have the waters of Eildon weir, the Hume weir, and Yarrawonga weir, and the sport is quickly developing in that region. At Nagambie on the Goulburn river similar development is taking place. More and more people are participating in water ski-ing and more and more accidents will occur, which should be covered by insurance. My party supports the Bill, which is a step in the right direction. If we are to give a fillip to the tourist industries we must develop our boating facilities so that everyone will have access to our waters.

The Hon. A. J. HUNT (South-Eastern Province).—Mr. Swinburne has referred to the growth of the motor boating sport. I do not know whether honorable members realize the extent to which it has grown during the past three years.

Three years ago the Ports and Harbors Branch of the Public Works Department estimated that throughout Victorian waters there were some 20,000 privately owned small pleasure craft in use. These included yachts, dinghies, and all classes of pleasure craft. Motor boats represented only a small proportion of that total. To-day the Branch estimates that there are 20,000 motor boats alone in our waters. The registration provisions of the Bill will therefore affect 20,000 motor boats. With the growing popularity of the sport a new industry has grown up around it. There are a number of manufacturers specializing in the production of motors and craft, and retailers engaged in their distribution.

Five monthly magazines catering for the motor boating fraternity are now circulating in Australia. On the cover of one magazine which I have here is the picture of a bronzed Australian water skier, typical of the participants in the sport. In addition to the local publications, a number of American magazines are avidly read by followers of the sport. The following appears in the current leading article of an Australian magazine—

Ski-ing is a Family Affair.

There have been golf widows, cricket widows and tennis orphans but water skiing can be a really healthy all-in sport where not one member of the family need sit on the sidelines.

This is indeed a healthy sport for the whole family, well worthy of being fostered. In the Province represented by Mr. Mair and myself, we see whole families going out in their motor boats and often young children are seen learning to ski. Some youngsters of 10, 11 and 12 years ski quite proficiently. There are some 250 miles of foreshore in our Province, stretching around Port Phillip Bay from Sandringham to the Heads, taking in the whole of Westernport Bay, French Island and Phillip Island, and then proceeding along Bass Strait to beyond Wonthaggi. It takes in areas in which a vast amount of water sport takes place.

With the growth of the sport problems have arisen, and we are reaching the stage faced by the United States of America only a few years ago. We are fortunate that the tremendous problems that have arisen there have not yet presented themselves in Victoria. Only three years ago, the United States of America enacted its Federal boating Act upon which the provisions of this Bill are largely based. That was done after the horse had bolted. In Victoria we are endeavouring to make provision for the sport in advance of the real problems. I should like to quote a few short extracts from an article which appeared in the *Saturday Evening Post* of the 3rd September, 1960, relating to problems which have arisen in the United States of America in regard to water sport. At that stage there were 8,000,000 motor boats in the United States of America. One can imagine from American experience how our total of 20,000 is likely to grow. This article in the *Saturday Evening Post* of the 3rd September, 1960, commented upon the sad lack of knowledge of many boatmen of essential and vital navigation rules. It reported that two States in America in one holiday week-end had had more deaths from water sports than upon the roads. Fortunately, that is a situation we have not had to face here. To my knowledge there has been no reported death in Victoria from speed boating, although there have been several in other States. There have been numerous accidents involving personal injury, and several accidents in Victoria involving serious injury, but no deaths. This factual article states—

Boats collide head on, sidesweep each other and are caught and upset in each other's wakes. At least once, a boat has hit a taxi-ing pontoon airplane. Hit-runners have appeared on the waterways, leaving victims sliced or limbless. Water skiers have been whipped into lethal tree trunks on shore, and much more often into piers and docks. High-powered boats playfully buzz and sometimes swamp peaceful fishermen.

The article refers also to the problem of capsizing boats and of a driver losing his balance when starting the engine

and falling out of the boat and the boat speeding on. The article continues—

> One of these speeding empty boats hit and killed a water skier on a Missouri lake last year.

This Bill stipulates, amongst other things, that manufacturers shall provide by January, 1964, on all new speed boats an automatic shut-off to prevent the possibility of runaway empty speed boats.

The Hon. MURRAY BYRNE.—Has an automatic shut-off been invented?

The Hon. A. J. HUNT.—It has indeed.

The Hon. MURRAY BYRNE.—Is it expensive?

The Hon. A. J. HUNT.—I shall refer to that point later when dealing with the attitude of the industry. The few extracts to which I have referred from the *Saturday Evening Post* indicate the tremendous problems which have existed and have been faced in America—problems which fortunately we have not had in Victoria but which we are endeavouring to meet in advance. It is not true to say, as Mr. Machin suggested, that we are meeting the problem too late. In fact, this is not the first attempt to meet the problem. There have already been two sets of regulations made under the port authority rules which have, to a limited degree, controlled the activities of speed boaters and water skiers.

The Hon. BUCKLEY MACHIN.—I did not say that we were meeting the problem too late.

The Hon. A. J. HUNT.—I understood Mr. Machin to say that this was providing too little too late.

The Hon. BUCKLEY MACHIN.—I do not think I said that here.

The Hon. A. J. HUNT.—Perhaps I am confusing what Mr. Machin said here and what he said outside. I withdraw it if I misrepresented what he said. An endeavour has been made in the past to meet the problem, and this Bill is an endeavour to meet it more fully. The most important provision is contained in clause 4 which, as Mr. Swinburne has pointed out, provides for areas to be set aside, by proclamation, for different purposes. Up to date there has been inadequate recognition of the rights of different interests using Victorian waters.

The speed boat riders and drivers and water skiers have naturally claimed the right to use the foreshore and waterways. Swimmers along many foreshores have regarded themselves as having the only right, and have seen no reason why they should give way to what they regard as this new fad or craze; their attitude has been that they were there first and why should they allow interlopers to come in? Certain areas have from time to time been reserved for speed-boating by municipalities, foreshore committees, and so on, and although in some instances bathers have observed these areas, in other cases they have failed to do so.

Clause 4 puts the matter on a proper basis and enables areas to be specifically and legally set aside for bathing, for speed boating and for other purposes. It removes an absurd rule which existed under the old port authority regulations that a speed boat had to travel at 5 miles an hour or less whilst within 400 yards of low water mark or of any swimmer. This rule created an impossible position. How else can one learn to water ski except from the shore? Would anyone like to take his son or his wife 400 yards out from the shore and start teaching him or her to water ski there?

The Hon. P. V. FELTHAM.—Some persons would.

The Hon. A. J. HUNT.—Mr. Feltham is doubtless thinking of a Queensland incident. The rule mentioned was an absurdity which existed and which showed the concept which was then in the public and official mind that the bather had first right. This Bill makes positive and tangible recognition of the fact that there

is plenty of room on the water for all of us. I am reminded of the story Mr. Machin told about the Hopkins river. I realize that the same problems exist in other parts of Victoria. In the province which I represent civil war has been threatened in various places between fishermen and motor boat operators, and someone who was commenting on the fact said, " Quite a few skin divers would be waiting to take on the winner." As I said, the Bill does recognize that there is room for all of us and makes provision accordingly.

The question then arises as to who is to set aside these areas. The Bill preserves the right of existing authorities over waters where there is in fact an existing authority with clear jurisdiction. It provides for the Governor in Council to nominate an authority to enforce provisions such as the one I have mentioned, where there is no authority with clear and definite powers or where there are two or perhaps three with differing powers. So local interests are preserved. In some cases the authority may be a municipality. In the country, for example, on inland waters there will be for the first time provision of areas for speed boating and regulations controlling it. Formerly the port authority regulations which controlled motor boating could not apply to inland waters such as Lake Corangamite.

The Hon. MURRAY BYRNE.—Committees of management have been exercising control for a number of years.

The Hon. A. J. HUNT.—They may have been taking action under by-laws or, on an unofficial basis, granting permits on conditions. The provisions of the Bill provide standardization throughout Victoria for both coastal and inland waters, and therein lies the strength of the Bill. It is evident that speed boating and problems associated with it were the stimulus from which the Bill arose, but the measure deals not only with speed boats but also with motor boats in general, even the little " phut-phut " used by fishermen, and in addition —this fact has not been mentioned by previous speakers—the Bill provides for the establishment of rules of conduct and standards of equipment in relation to all boats under 65 feet in length, whether or not they are motor boats. Therefore, although it is primarily a motor boating Bill, it deals also with many aspects of pleasure boating in general, in addition to motor-boating in particular.

Mr. Swinburne stated that the importance of the registration provisions lay in the necessity to establish ownership. I go a step further and claim that the true importance of those provisions is to be found in the establishment of a ready means of identifying boats, particularly speed boats, when they are out at sea, perhaps a couple of hundred yards from the shore. They may be darting in and out among other craft. In those circumstances, it is very difficult to see who is actually driving. Moreover, it is hard to identify the boat merely by its appearance. However, the registration provisions stipulate that a number shall be assigned to each boat and that it shall be painted upon it in large letters. Allied with that, there is power under the legislation to enable the police, or anyone investigating an offence, to go to the registered owner of the number which appeared on the particular boat and require him to state, if he knows it, who was handling the vessel at a particular time. The true purpose of the registration provisions is to ensure identification of a particular craft in case of accident or in the event of an offence being committed.

The Hon. I. A. SWINBURNE.—The responsibility comes back to the owner.

The Hon. A. J. HUNT.—That is so.

Sir EWEN CAMERON.—It is a case of owner-onus?

The Hon. A. J. HUNT.—No, that is not so. I have referred to the fact that the measure deals not only with motor boats but also with boats in general. There are, however, several provisions that apply specifically to motor boats. The various provisions relating to the towing of skiers and so forth must obviously

apply to power boats only. Similarly, the new offences of dangerous, careless and drunken driving of boats apply only to motor boats. That is an aspect that may well be considered by members. There may be a strong case for not limiting the provisions in that way.

The Hon. R. J. HAMER.—Clause 16 applies to all boats.

The Hon. A. J. HUNT.—Yes, but that clause relates only to the procedure to be adopted in cases of accident, and so forth. Reckless and dangerous driving are dealt with in clause 27, and drunken driving is covered in clause 28. Those clauses apply to motor boats only. It may well be, however, that they should apply to all boats and that it should be made an offence for a man who is drunk to be in charge of a fishing boat.

The Hon. SAMUEL MERRIFIELD.—Or a yacht?

The Hon. A. J. HUNT.—That is so. However, the legislation as it is at present framed deals primarily with speed boating and creates those new offences in respect of motor boats. The obligation to stop, if one can, and render the maximum measure of assistance in the case of accidents, to which matter Mr. Hamer referred by way of interjection, applies to boats in general, as clearly as it should.

The Hon. I. A. SWINBURNE.—The registration provisions apply only to motor boats?

The Hon. A. J. HUNT.—That is so. It will be noted that there is power under the registration provisions to exempt various classes of boats by regulation. It is anticipated that, as time passes and it is considered to be unnecessary to register this or that class —perhaps the slow-moving, small size boat—they will be exempted from the registration provisions.

I pass now to the matter of equipment. Boats in general will be required to have life belts and, if they use fuel, whether it be for the engine or for heating or cooking on board, they will need to provide fire extinguishers, ventilation, and so on, irrespective of whether they are speed boats. In the case of motor boats, there is provision for the installation of an automatic shut-off, a flame arrester, and so forth, which appliances relate primarily to motor boats. It will be noted that some provisions relate specifically to motor boats alone, whilst others relate to boats and to boating generally.

Mr. Swinburne has referred to clause 15, which embraces the regulation-making power, and I agree that this clause is extremely wide of its expression. I sincerely trust that the regulations made under this legislation will not be over harsh or over stringent. I, for one, should like to see a minimum amount of regulation rather than too much regulation. After all, the measure deals with a subject that is vastly different from motoring on the roads. I agree with the motoring analogy in so far as it goes, but we should remember that we are dealing with a sport. And, with a sport, the problems are different from those of road traffic. I hope that the sport of motor boating will not be over-regulated, and that we will keep it a sport.

The Hon. P. V. FELTHAM.—The Minister of Transport may arrange for some form of road tax.

The Hon. A. J. HUNT.—I shall discuss the taxation aspect in a moment.

The Hon. SAMUEL MERRIFIELD. — In some cases, sport could be more dangerous than practical use.

The Hon. A. J. HUNT.—That is true. Many people like a sport because of the apparent element of danger associated with speed. It is perfectly true that the sport of motor racing is more dangerous than driving a car on the roads, but that does not mean that we should over-regulate the sport of motor racing. Similarly, I do not believe that we should over-regulate aquatic sports in general, and I trust that the Subordinate Legislation Committee will keep a very keen eye on any regulations that are promulgated.

On the question of policing the legislation, I trust that under the various provisions relating to codes of conduct we shall not see many prosecutions launched. The majority of speed boat owners belong to established clubs, which are responsible organizations that have already done a wonderful job in teaching their members the rules of navigation and of courtesy, and the necessity for club members to observe those rules. I believe that to a large extent the relevant provisions will be policed by the clubs themselves. They will, in fact, insist upon observance of the rules by members and by others who use club facilities. I trust that more and more people will gradually join those clubs and that boating facilities will come to a great degree under the control of clubs operating in a given area.

I may add that, before this measure was introduced, manufacturers, speed boat clubs, yachtsmen and the Royal Lifesaving Society were consulted. In fact, the interests of all bodies were taken into account. I do not suppose for a moment that the measure is entirely agreed to by every one of those bodies, but it does represent a compromise between the interests of all concerned and, in the main, the provisions of the Bill are supported by the bodies and individuals to whom I have referred. I have with me copies of the submissions made by the respective organizations, but I do not think it is necessary to weary the House by reading extracts from them. In general, the organizations concerned agreed that something along the lines proposed needed to be done, and this measure does seem, in the main, to be a fair compromise between the respective interests of all.

It has been mentioned that the revenue to be derived under the legislation will be paid into the Tourist Fund. In the measure's first year of operation, it is estimated that total revenue from licence fees will be in the region of £50,000, and that revenue will rapidly rise in succeeding years. I noticed in a press report of a debate which took place elsewhere that the sum of £7,000 was mentioned. That figure was drawn out of the air. It must be realized that with 20,000 motor boats, the majority of them being subject to a licence fee of £3 or £5 and some of them being subject to a licence fee of £1 per annum, even allowing for some vessels missing out, the revenue to be derived from registration fees in the first year must be in the vicinity of £50,000—an amount that will rapidly rise. Only a small proportion of that revenue will be utilized for the costs and expenses of administering the scheme in the form of payments to the Transport Regulation Board for its services. It can therefore be seen that a considerable sum will be available for the development of extremely necessary and desirable boating facilities throughout Victoria. A worth-while sum will, in fact, be available.

I believe that, by other means, even more money could be available. For the information of the House, I point out that, in America, a petrol tax rebate is granted by the American Federal Government in respect of petrol purchased bona fide for use in water sports. In this regard, of course, one can see little justification for our Federal Government retaining the petrol tax—a tax supposedly, at least, for maintenance of roads—if, in fact, it is collected on petrol supplied and used in water sports. If in fact this tax is collected from petrol used in water sports, I believe that we have a good case to put to the Federal Government, in seeking a reimbursement of that tax for the development of water sport facilities, foreshore improvements and boating facilities in general in Victoria.

The Hon. G. W. THOM (South-Western Province).—I had intended to deliver one of the longest speeches on record in this House, but every point that I had in mind seems to have been covered. Consequently, I shall deal briefly with only two matters. First, I should like to pay tribute to the gratuitous advice which I received

from many local bodies in Geelong and district when they knew this Bill was to be introduced. Secondly, I join Mr. Hunt and other members who have spoken of the difficulties, particularly in rivers and other waters so far as the proclamation of those areas is concerned. I trust that all interests, including fishing, swimming, speed-boating, and so on, will be adequately safeguarded. I am certain that a great amount of tact will be necessary to reconcile the different points of view on this question. We trust that each of the local authorities will be careful with the way in which these regulations are made.

The Hon. W. R. GARRETT (Southern Province).—At this late hour of the night, I shall make only one small point. This Bill has been well debated by honorable members from all sections of the House, but there is one point that has been missed, namely, the Bill is very complete and the regulations undoubtedly will also be very complete, but it will not be much good having those complete regulations unless they get into the hands of the users of these boats in an easily understood form. We want to improve the safety of boating —that is the main idea—and we do not want a toll of the sea as there is a toll of the road. I suggest that some simplified form of the regulations should be produced by the Transport Regulation Board or the National Safety Council. These should be couched in simple language, not the more or less legal language in which most of our Acts are couched, and a copy could be given to each boat owner as he registers his vessel. Perhaps the regulations could be printed on cards and posted on the walls of the various boating clubs, so that the fullest information in a simplified manner could be given to all those people who will be requested to observe these regulations and Acts.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2, providing, *inter alia*—

2. (1) In this Act unless inconsistent with the context or subject-matter—

"Authority" means—

(*a*) where control over the navigation of any Victorian waters is vested in any person or body corporate pursuant to the express provisions of any Act—that person or body corporate.

. . . . . .

"Hire-purchase agreement" means hire-purchase agreement within the meaning of the Hire Purchase Act 1959.

Sir ARTHUR WARNER (Minister of Transport).—The Bill tends to be a little confusing because it refers to motor boats and the definition of "motor boat" contains some exclusions; when "boats" are mentioned the reference is obviously not to motor boats. One might get the impression that the registration applies to yachts or dinghies when, in fact, it applies as do also the fees payable, only to motor boats as defined. The regulations will be simplified, and, in order to cover any problems that may be associated with "motor boat," the definition of which refers to the expression "horse-power," it is necessary to insert a definition of horse-power in clause 2. Accordingly, I move—

That, in sub-clause (1), after the interpretation of "Hire-purchase agreement" the following interpretation be inserted:—

'"Horse-power" means—

(*a*) in relation to any internal combustion engine—the number determined by squaring the measurement in inches of the internal diameter of the cylinders of the engine, multiplying the number so found by the number of cylinders, and dividing the product by 2.5; and

(*b*) in relation to any other engine (whether operated by electricity steam gas oil or any other power)—the horse-power indicated or certified by the manufacturer or declared by statutory declaration of the owner'.

The purpose of the amendment is to define the expression "Horse-power."

The Hon. P. V. FELTHAM.—Apparently the stroke of the engine has nothing to do with it?

Sir ARTHUR WARNER.—It is based on the diameter of the cylinder. It is an English definition which follows the British horse-power measurement. In order to escape the registration of horse-power, the British motor car manufacturers oscillated their vehicles very fast, thereby reducing the horse-power in the measurement cylinder. In England, somewhat to the detriment of English engines, they have faster engines when compared with those heavier type engines developed in the United States of America.

The Hon. SAMUEL MERRIFIELD.—Is the formula used for the calculation of internal combustion engine as contained in the proposed definition of "horse-power," the same as that used in the Motor Car Act?

Sir ARTHUR WARNER.—I think it is the same, but I am not sure.

The Hon. W. R. GARRETT.—It is the same as the old Royal Automobile Club of Victoria rating.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 3 and 4.

Clause 5, providing, *inter alia*—

(3) Upon the grant of any such application and payment of any such fee the Authority shall cause a permit in writing to be issued to the applicant in respect of the holding of any regatta, yacht race, boat race, speed trial or other event.

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

That, in sub-clause (3), the words "regatta, yacht race, boat race, speed trial or other event" be omitted with the view of inserting the words "such regatta contests sport or activity."

When the definition of motor boat was amended to exclude yachts, it was discovered that the word "yacht" was included in the definition of regatta. This would have meant that it would have been necessary to obtain a permit to hold a regatta for every child's dinghy race and for all the yacht club races that are held on a Saturday afternoon. The object of the amendment is to ensure that these normal yachting races will be excluded.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 6.

Clause 7 (Register of motor boats).

The Hon. BUCKLEY MACHIN (Melbourne West Province).—Sub-clause (3) provides that a motor boat shall not be registered in the name of any person under the age of sixteen years. Does the Minister think that is a sufficient age limit? Is a person of sixteen years competent to drive a motor boat, or should a certificate of competency be issued?

Sir ARTHUR WARNER (Minister of Transport).—This is a difficult problem. I shall discuss the question of the certificate of competency first. It is probably not necessary for a person to be competent in navigation and in the handling of ships if he is driving a motor boat around a small lake where there are few other people and, in addition, it probably would not be necessary for a person driving a motor boat propelled by a 1½ horse-power engine to have such a certificate. So, a complex definition would be required to cover every contingency. There are already some regulations under other Acts in regard to the handling of power boats which make it necessary for the driver to have a certificate of competency when handling boats of a certain size.

The Hon. BUCKLEY MACHIN.—I think the size is 60 feet.

Sir ARTHUR WARNER.—Yes, and that is why this Bill refers to boats under 60 feet. A displacement boat of 50 feet in length is not dangerous because it cannot attain a high speed. However, a planing boat of the same length would be dangerous, but one cannot imagine that the skippers of all planing boats should have certificates of competency. The matter may be considered later if accidents are caused by the bad handling of boats and it may be considered desirable that drivers should at least know the rules of the sea road.

The clause was agreed to, as were clauses 8 to 15.

Clause 16 (Operator of boat to render assistance, &c. in collision, and give name, address, and identification of boat).

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—Apparently clause 15 prevents a person under the age of sixteen years from registering a boat, but is there any provision to ensure that a person under the age of sixteen years does not operate a boat? I do not think boats should be operated by children.

Sir ARTHUR WARNER (Minister of Transport).—Clause 16 applies not to the power of operation but to what happens when there is a collision. Clause 18 relates to the operation of motor boats.

The clause was agreed to.

Clause 17 (Motor boat towing water skis to have observer, &c).

The Hon. BUCKLEY MACHIN (Melbourne West Province).—I should like to ask the Minister how this clause will be policed. I believe it will be difficult.

Sir ARTHUR WARNER (Minister of Transport).—It will be difficult to police the whole of this Bill. Later, we may find ourselves in the position of having to appoint water police or transport officers to ensure that all boats required to be registered are in fact registered and that the people driving them are qualified by age to do so.

The Hon. A. J. HUNT (South-Eastern Province).—A great deal of this Bill will be largely self-policing. This clause sets out a course of conduct which I believe will in general be observed. Many of the people who own motor boats are members of clubs which insist on these rules being observed. The question of having an observer in a boat being used for water ski-ing will probably be easy to enforce because it will be controlled at the source. An observer gets into the boat at the shore and not a quarter of a mile out to sea.

The Hon. SAMUEL MERRIFIELD.—At Rosebud they tranship at the sandbank.

The Hon. A. J. HUNT.—That may be so, but most of the ski-ing takes place at areas set aside for that purpose. If a boat goes out without an observer the other skiers who want to uphold the good name of the sport will quickly direct attention to the fact. A great proportion of responsible drivers already carry observers.

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—I do not quarrel with Mr. Hunt regarding what happens in properly controlled clubs, but there are many cases where there is no controlling club. It is purely a matter of an individual operating his own craft. During the Christmas season at Rosebud, Dromana and other seaside resorts there will be transhipping of persons from boats, changing of water skis, and so on on the shores without any control from any port officer, club, or anyone else. In many instances, a club will not police provisions such as Mr. Machin suggested might be required. Many eventualities should be provided for in statutory form.

The clause was agreed to.

Clause 18, relating to the operation of motor boats.

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—This clause states that no person under the age of fifteen years shall operate a motor boat on Victorian waters for towing any person or persons on water skis, surf board, or any other similar device. Mr. Hunt presented the case of a club, but it is by no means sure that a senior person will always be in a boat. Once the craft leaves the club-house, what is to prevent somebody under the age of fifteen from operating it? Moreover, privately-owned craft will be launched on the Bay and operated without club control. How can an immature person of fifteen years control a speed boat?

Sir ARTHUR WARNER (Minister of Transport).—I realize that Mr. Merrifield loves all forms of regulations,

controls, and restrictions, but the essential thing is that the operators of boats do not injure third parties. I consider that there ought to be a few places left in life where a person can take a risk.

The Hon. SAMUEL MERRIFIELD.—The Bill provides that a motor boat shall not be registered in the name of any person under the age of sixteen years, but for the operation of a boat the age of fifteen is stipulated.

Sir ARTHUR WARNER.—I adhere to my viewpoint. One of the big problems affecting youth in this age is that of delinquency. In my opinion, a great amount of delinquency and many of the problems associated with vandalism, bodgies, and widgies, are due to the fact that there are now so many restrictions on young people. Practically nowhere in the world can they go and have an adventure or express their zest for living. They are so suppressed and controlled that they will cut railway seats to ribbons and do almost anything to get just a little excitement out of life.

The clause was agreed to, as were clauses 19 and 20.

Clause 21 –

Every boat shall carry at least one life belt or other similar device as prescribed for each person on board and so placed as to be readily accessible in any emergency.

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

That after the word "boat" the words "unless of a class or type exempted by the regulations from compliance with the provisions of this section" be inserted.

The expression "every boat" means every rowing boat, dinghy, skiff, racing eight and other small or large craft. I do not think that was ever intended. Probably it was first intended that the words "motor boat" should appear, and then it may have been considered that some other boats should have life belts in them. The Government proposes to modify the clause a little so that every boat does not need to carry a lifebelt. Adoption of the proposed amendment will mean that a regulation will be made exempting racing eights, dinghies, Henley canoes and craft of that description. I am not sure that the regulation should not refer to every boat which is propelled by power of some form. Perhaps the amendment submitted is reasonable.

The amendment was agreed to, and the clause, as amended, was adopted.

Clause 22—

Every boat shall be provided with such number, type and size of fire extinguishers capable of promptly and effectually extinguishing burning petrol or oil as may be prescribed. Such fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible in an emergency.

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

That after the word "boat" the words "using as fuel for propelling or other purposes any liquid of a volatile nature or any gas" be inserted.

Sir ARTHUR WARNER (Minister of Transport).—The clause as drafted means that a fire extinguisher must be carried even on a rowing boat. Boats without cooking facilities could be considered to be outside the scope of the clause, but in order to ensure that nobody behaves unreasonably in the making of regulations, the proposed amendment is submitted.

The amendment was agreed to.

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

That the words "capable of properly and effectually extinguishing burning petrol or oil" be omitted.

The words referred to are unnecessary because if an extinguisher is prescribed it is presumed that it will be of such a nature as will take care of the problem in the particular boat.

The amendment was agreed to, and the clause, as amended, was adopted.

Clause 23 (Flame arrester).

The Hon. BUCKLEY MACHIN (Melbourne West Province).—I should like some provision to be made for a torch or other light capable of being flashed

to be included in the equipment carried in boats. In many instances, boats which have been adrift have been passed only feet away by other craft but have not been seen because of the lack of a light to attract attention.

Sir ARTHUR WARNER (Minister of Transport).—I do not think this is an appropriate Bill in which to provide the "rules of the road" on the Bay. The Marine Act prescribes rules under which people out fishing and doing other things are supposed to carry lights. Of course, they never do. I remember one year in the yachtmaster's examination one of the questions asked was, "What kind of lights do the fishing vessels operating from Queenscliff carry in the Rip?" All candidates enumerated all the things that should have been carried, but the real answer was "None."

The clause was agreed to, as were clauses 24 and 25.

Clause 26 (Automatic shut-off).

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—The clause provides that certain motor boats shall be fitted with an automatic shut-off device, but no penalty is prescribed for interference with it.

Sir ARTHUR WARNER (Minister of Transport).—If I understand the position correctly, to keep the power on, the automatic device must be held, and when the operator takes off his hand there is no connexion. That is the entire basis of its operation, and if the operator falls overboard or becomes sick the boat stops.

The Hon. SAMUEL MERRIFIELD.—I appreciate that, but it seems to me that there is no penalty provided if the device is interfered with.

Sir ARTHUR WARNER.—How does a person prevent another from coming aboard and interfering with such a device?

The Hon. SAMUEL MERRIFIELD.—I am not aware of the type of device to be provided, but it may be possible for it to be interfered with, even only temporarily. It could be tied back in such a way as to allow the driver of the boat to attend to other matters, and some danger might then arise. My point is that no penalty is provided for interference with such a device.

Sir ARTHUR WARNER.—It seems obvious to me that if a person interferes with an automatic device in such a way that it cannot continue to operate automatically then he has no automatic device in his boat. I suggest that Mr. Merrifield should examine clause 31 of the Bill which provides an appropriate penalty for such an infringement of the legislation.

The clause was agreed to, as were clauses 27 to 29.

Clause 30, providing, *inter alia*—

(2) The provisions of the last preceding sub-section shall not apply to the overtaking or passing of boats in waterways not having sufficient width to enable compliance therewith or to the operation of a motor boat within 100 feet of any boat for the purpose of coaching the crew thereof.

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

That, in sub-clause (2), after the word "coaching" the words "or safeguarding" be inserted.

The object of the provision generally is to prevent motor boats from getting too close to other craft in such a way as to put these other boats in peril. Consequently a boat is not allowed within 100 feet of another boat for the purpose of doing anything other than coaching. However, there is a fairly regular system in vogue in connexion with yacht races in Victoria for racing yachts to be accompanied by a motor boat for protective purposes, usually when young persons are skippering the yachts. This motor boat is allowed within 100 feet; it is usually right up amongst the yachts, for safety purposes. In order to prevent the driver of such a motor boat from being arrested for non-compliance with section 31 of the Act, it is proposed to insert the words "or safeguarding" in the appropriate place.

The Hon. G. W. THOM.—Are children under the age of fifteen allowed to be in charge of yachts?

Sir ARTHUR WARNER.—Yes, some skippers are only eleven years of age.

The amendment was agreed to, and the clause, as amended, was adopted, as were the remaining clauses.

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

APPROPRIATION BILL.

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

That this Bill be now read a second time.

I suggest that I should make a brief second-reading speech and give an undertaking that in the Committee stage I shall deal more fully with any questions raised. As members are aware, this is the usual Bill presented at this time of the year in order to appropriate funds for Government purposes until the end of the financial year in June. On this occasion, the sum of £69,000,000 is to be appropriated out of Consolidated Revenue for the services of the State for the period ending June 30th, 1962. Items included in the First Schedule relate to the financial year 1960-61, and have already been dealt with by the House under Consolidated Revenue Bills passed in April and September respectively. Parts III. and IV. of the Second Schedule deal with items of expenditure in accordance with estimated requirements for this financial year. In all, these items total £139,000,000, and of that sum £70,000,000 has already been made available under Supply Bills approved by Parliament. The sum of £69,000,000 to be appropriated covers estimated requirements for the remainder of the financial year. As usual, I shall be happy to deal with all the items under the Estimates either to-morrow or on the next day the House sits.

On the motion of the Hon. SAMUEL MERRIFIELD (Doutta Galla Province), the debate was adjourned until next day.

ADJOURNMENT.

BUSINESS OF THE HOUSE: DAYS AND HOURS OF MEETING.

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

That the House do now adjourn.

The Hon. I. A. SWINBURNE (North-Eastern Province).—Perhaps the Leader of the House could give honorable members some idea of his intentions concerning the sittings of the House. Some of us have long journeys home after the House rises and, in order that we may plan our comings and goings, perhaps the Minister could say whether it is intended to proceed with the business to-morrow until the Notice Paper, on which about twenty Bills still remain, is cleared.

Sir ARTHUR WARNER (Minister of Transport).—As Mr. Swinburne, being a former Minister, will realize, his question is not easy to answer because it is not possible to estimate how long the debate on a Bill will last. I do not think we should endeavour to pass Bills by the process of exhaustion to-morrow night. I think if we sit through until about 11 o'clock in the evening we could then determine to go on if the business can be completed within an hour or so. But, if that does not appear likely, the House should adjourn and meet again on Tuesday.

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—It is relatively easy from the point of view of Ministers to deal with their side of Bills because, without making any reflection on them, notes are prepared for their second-reading speeches and they have only to deliver the speech. However, a lot of work devolves on Opposition members in preparing for the resumption of the various debates. Some Bills were introduced only to-day, while others were presented to the House yesterday. Some of us carry a solid burden in preparing for the debates. Therefore, the Minister in charge of the House should not be unreasonable. If we do a fair thing to-morrow, I hope the honorable gentleman will not press us, as on other occasions, to put all the measures through by a process of exhaustion.

The motion was agreed to.

The House adjourned at 12.8 *a.m.* (*Thursday*).

LEGISLATIVE ASSEMBLY.

Wednesday, December 6, 1961.

The DEPUTY SPEAKER **(Mr. Rafferty)** took the chair at 11.16 a.m., and read the prayer.

UNIVERSITY EDUCATION.

QUOTA SYSTEMS AT UNIVERSITY OF MELBOURNE AND MONASH UNIVERSITY.

Mr. WILCOX (Camberwell) asked the Minister of Education—

In what faculties a quota system will operate in 1962 in respect of the admission of students at the University of Melbourne and Monash University, respectively?

For **Mr. BLOOMFIELD** (Minister of Education), Mr. Meagher (Minister without Portfolio).—The answer is—

It is expected that the quota system will operate in every faculty at the University of Melbourne excepting education and music. It is not possible at this stage to state, with regard to Monash University, the faculties, if any, where the quota system will operate.

COUNTRY ROADS BOARD.

MUNICIPAL CONTRIBUTIONS FOR ROAD WORKS.

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

What is the basis upon which each metropolitan municipality contributes to the money provided by the Country Roads Board for road works?

Mr. PETTY (Minister of Public Works).—I ask the honorable member to repeat this question on the next day of sitting. The honorable member has also asked the following question:—

What relief under the provisions of section 32 of the Country Roads Act 1958 from contributions towards the cost of permanent works has been granted this financial year to the following municipalities:—Woorayl, South Gippsland, Alberton, Traralgon, Morwell and Mirboo North?

I ask him to repeat this question also, because I anticipate that I shall not have the information with which to answer both questions until to-morrow.

TRANSPORT REGULATION BOARD.

GIPPSLAND CEMENT COMPANY: TRANSPORT OF CEMENT.

Sir HERBERT HYLAND (Gippsland South) asked the Minister of State Development, for the Minister of Transport—

Whether any application has been received from the Gippsland Cement company of Traralgon for permission to transport cement by road to East Gippsland, Mornington Peninsula and outer metropolitan areas; if so—(*a*) whether the application was acknowledged; and (*b*) whether any decision has been reached regarding the application?

Mr. FRASER (Minister of State Development).—The Minister of Transport has supplied the following reply:—

Application by letter dated 10th November was received by the Transport Regulation Board from Gippsland Industries Limited to transport cement by road to customers in East Gippsland.

The Board replied to the company's letter on 21st November. The Board indicated in its reply that road deliveries to East Gippsland would not be in conformity with existing permit policy and would have to be dealt with at public hearing.

The question of road transport of Gippsland cement to Mornington Peninsula and outer metropolitan areas was not raised as cement is already moving by road to these places.

ROAD TRAFFIC.

ELSTERNWICK ROADS JUNCTION: ELIMINATION OF HAZARDS.

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

When it is anticipated that the works planned for the removal of certain traffic hazards at the junction with other roads of Nepean Highway, Brighton-road and Glenhuntly-road will be commenced?

Mr. PETTY (Minister of Public Works).—The answer is that no definite date can be given, but it is not anticipated that this work will be started for at least another six months.

BUSINESS OF THE HOUSE.

ORDER OF BUSINESS.

Mr. RYLAH (Chief Secretary).—I move—

That the consideration of the Notices of Motion, General Business, be postponed until after the Orders of the Day, Government Business.

Mr. BOLTE (Premier and Treasurer).—Yesterday the Leader of the Country party referred to the item of General Business on the Notice Paper stating—

> 1. STANDING ORDERS COMMITTEE—*Resumption of debate on the question*—That the Report of the Standing Orders Committee on the question of the introduction of groups of children within the precincts of the Legislative Assembly be adopted.

The Government has given some thought to this matter. In view of the illness of the Speaker, it is considered that it would be advisable to defer consideration of this item until the March sessional period. It can then be debated in the presence of the Speaker. I ask the House to agree to this course.

The motion was agreed to.

CO-OPERATIVE HOUSING SOCIETIES (AMENDMENT) BILL.

The debate (adjourned from November 29) on the motion of Mr. Meagher (Minister without Portfolio) for the second reading of this Bill was resumed.

Mr. FENNESSY (Brunswick East).—This Bill proposes amendments to the Co-operative Housing Societies Act 1958. The measure has been passed by another place and my colleagues there have indicated the views of the Labour party. We do not intend to oppose it.

Hitherto, when a co-operative housing society has been formed it has been necessary for two meetings to be held. First, what is known as a formation meeting has been held, at which the objects of the society and the proposed rules have been presented to the prospective members. Then it has been necessary under the Act for the meeting to be adjourned for a period of not less than three weeks and not more than six weeks to give the proposed members time to study the rules and objects. Under the Bill, it is proposed to abolish the provision stipulating the holding of an adjourned meeting and thus allow the whole of the business of formation to be transacted at the one meeting.

In my opinion, it would be wise to leave the Act as it now stands. However, the Opposition will not oppose the proposed amendment. My view is that the provision has acted as a good brake on events. It has enabled prospective members to peruse the objects and rules of the proposed society and then make any comments they may wish to at the subsequent meeting. In his second-reading speech, the Minister without Portfolio stated the reason for the proposed abolition of the adjourned meeting in these terms—

> The need for this was brought home forcibly in April last when, in order to stimulate the building industry, the Registrar of Co-operative Housing Societies was instructed to go ahead with the formation of some 90 societies in anticipation of the ratification of a new housing agreement between the Commonwealth and the State.

I have already stated my views on the action of the Government in bringing in a Bill to provide that a sum of £400,000 be transferred from the Treasury into the Home Builders' Account in anticipation of a new Commonwealth–State Housing Agreement being signed, allowing for the early formation of 90 societies. I stated then, and I repeat the statement now, that I believe that was purely a pre-election stunt by the Government to get the societies established prior to the signing of the Commonwealth–State Housing Agreement. I realize that that is a shocking indictment to make of the Government. I directed the attention of the House to the fact that the societies would not be formed in any case, because under the legislation it was necessary for a first meeting to be held, followed by an adjourned meeting. If such an occasion should arise again the period of delay will be reduced, but the next Commonwealth–State Housing Agreement will not be made for five years. I shall not argue that point further. The Opposition does not oppose the provision, but my own comment is that the holding of an initial meeting and a subsequent meeting always had a braking effect, and that is sometimes a good thing because people may be apt to rush in and form societies without knowing much about them.

Another provision proposes a reduction in the minimum number of members of a co-operative housing society

from twenty to seven. A similar provision exists in the Co-operation Act. I do not think it matters much what the minimum number is. Before a co-operative housing society is formed, the organizers have a pretty good idea what funds will be available and how many members can be accepted. There is never any question of not getting sufficient members to form a society to take out shares to the extent of the loan moneys available to it. The Opposition does not raise any objection to this proposal.

The other main proposed amendment, if agreed to, will enable co-operative housing societies to purchase shares in a community advancement society under the Co-operation Act. I have made my views clear on this question, and I do not intend to re-state them other than to say that this proposal is in effect consequential upon the amending legislation to the Co-operation Act.

I might mention that I read the *Hansard* report of the debate in another place, and I came to the conclusion that some honorable members were not *au fait* with what was required under the legislation. There seemed to be some doubt whether any co-operative housing societies would have sufficient money to purchase shares in a community advancement society. There is provision in the legislation which requires the Registrar of Co-operative Housing Societies, Mr. Ebbels, to investigate any proposal by a co-operative housing society to form a community advancement society. Personally, I do not think many societies will be greatly interested in this type of action except in those cases where there is a group of societies in the one locality. I have knowledge of half a dozen big groups of co-operative housing societies, and it would be of advantage to their members if money was invested in a building in which the societies might operate. The Labour party has no objection to this proposal.

This Bill will also make provision for advances to be made to a society member, to use the words of the legislation, " to maintain and keep in proper repair his dwelling-house." This is a new departure, and it could be used to great advantage by members of co-operative housing societies. Most of them know only too well that outside organizations are prepared to effect repairs to houses on a time-payment basis.

Mr. LOVEGROVE.—These people advertise regularly and charge an interest rate of 10 per cent. flat.

Mr. FENNESSY.—That is so. Any homeowner who participates in that type of transaction finds himself paying considerable sums in interest. The amendment to the legislation will enable co-operative housing societies to make advances to members for repairs to houses at a similar rate of interest to that charged on the housing loan itself, which is a very low rate in comparison with that charged by outside organizations. It is also proposed to remove an anomaly in connexion with the purchase of homes that have been erected for more than five years. If a person desires to purchase a house which is more than five years old and which was previously occupied by a member of a co-operative housing society, this amending legislation will permit that to be done. It may be that the previous owner and holder of shares in the society had let the place run down. Provision will now be made to enable the society to make a further advance to permit the carrying out of repairs in such a case.

Provision is made in the Bill for the creation of the office of Deputy Registrar. There are now 662 societies registered by the Registrar of Co-operative Housing Societies, Mr. Ebbels, and one can well imagine the number of documents he is called upon to sign and the other duties he must perform in connexion with the transactions of these societies. Mr. Ebbels is a very busy man, and the proposal will enable a Deputy Registrar to be appointed to act on those occasions when he is not available. It is not intended to make any additional staff appoinment to the Registrar's office: the next senior officer to Mr. Ebbels will assume the position of Deputy Registrar.

In view of the fact that some very capable inspectors have left the Registrar's office over the last year or two, it might be advisable for the Government to give consideration to re-classifying the position of the senior officer who will act as Deputy Registrar with a view to increasing his salary. Such action would provide an extra incentive also for other members of the staff, who then may not be so inclined to look to other Departments for advancement. I offer that as a suggestion to the Minister of Housing. The Labour party's position in regard to this legislation is very clear. We have no intention of opposing the Bill.

The motion was agreed to.

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

ESTIMATES.

The House went into Committe of Supply for the consideration of the Estimates of Expenditure for the year 1961-62.

The ACTING CHAIRMAN (Mr. Stokes).—For the information of honorable members, when the Committee last considered the Estimates for the current financial year, Division No. 1 was agreed to. During the present debate the Estimates will be dealt with individually, and honorable members must confine their remarks to the particular Division under consideration.

PARLIAMENT.

BALANCE—£92,437.

Mr. MANSON (Ringwood).—Item No. 4 relates to Parliamentary printing. I wish to discuss the problems of the Printing Committee and the fact that it does not meet very often. The Printing Committee operates under very narrow terms of reference, being confined to assisting Mr. Speaker on whatever matters he may refer to the committee. In my view, those terms of reference should be widened so that the committee deals regularly with all kinds of printing, particularly the printing of Parliamentary papers. I understand that this Parliament pays for a good deal of printing which is unnecessarily expensive. I refer particularly to reports which are produced on behalf of some Departments.

Honorable members will remember that it is a particular "bug" of mine that all authorities ought to produce an annual report, which should be available by the 30th September every year. I think some of the reports produced are far too elaborate. As a result of including maps, diagrams, prints, plates and photographs in reports, a lot of money is being wasted unnecessarily. Unfortunately, payment for the setting up of these various reports, and the expensive blocks and so on which are used, comes out of the Parliamentary printing account. In my opinion, the Printing Committee should closely examine all reports that are made by authorities and Departments, to determine their suitability for the required purpose, and the costs involved, with a view to reducing the expense. I believe that the last occasion on which the Printing Committees of both Houses met jointly was in 1930. It is true that the Printing Committee of this House met twice last year, but because of its very narrow terms of reference, it could not examine the problems which I think it ought to consider.

Mr. WHEELER.—It is a waste of time meeting.

Mr. MANSON.—I do not agree with the honorable member. If we have a Printing Committee it should meet and it ought to have a job to do. If it has not something to do let us scrap it.

Mr. WHEELER.—That is why it is a waste of time.

Mr. MANSON.—Any honorable member who is a member of the committee and is interested ought to have raised this point before now. It should not have been left to me to do so. I am not a member of the committee. In view of the large amount of money spent on printing, the committee should meet and it should seek an extension of its terms of reference to give it a reason for meeting. A period of 31 years should not be allowed to pass before the committee looks at some of these problems relating to printing. I

shall cite an example of an annual report. The Legislative Assembly may want only 200 or 300 copies of a particular report for the use of honorable members. In one financial year it cost this House £4 6s. 7d. for each copy of an annual report of the State Rivers and Water Supply Commission. The reason for the high cost was the fact that the report contained many maps, photographs, graphs, and material which should not have been included, which we could have done without. As an individual member of Parliament, I would be happy to receive a roneod copy of an annual report. I do not want any glossy paper, which impresses neither me nor anyone else. That is the sort of thing the Printing Committee ought to look into.

Mr. LOVEGROVE (Fitzroy).—I join the honorable member for Ringwood in suggesting that the Printing Committee should either meet or get itself abolished. In my view, one of the things about which the committee could come to a more rational arrangement is the printing of *Hansard.* Since the Government Printing Office was moved to North Melbourne, there has been a tremendous lag in the production of proofs, and it is difficult for honorable members to obtain proofs of their speeches within a reasonable time. When a member requires a proof to contest the opposite side of a question that is being debated or to deal with a subject that has been introduced in another place, it is impossible for him to obtain a copy of what has been said in time. I do not know whether it is possible for the Government to further streamline the connexion between the Government Printing Office and *Hansard,* but, if it is a question of providing additional finance, the situation should be met.

Another practice to which I desire to raise objection is that when both Houses meet, irrespective of the time at which they commence business, the printing of the speeches of another place takes precedence over the printing of speeches delivered in this House. The irony of the situation is that this position exists despite the order of precedence demanded in regard to certain matters, such as money Bills. Despite the role of this House in regard to the Government of the State and its traditional responsibilities, rights and obligations, the actual printing of its deliberations is pushed to one side so that the printing of speeches made in another place, which comparatively speaking, hardly meets at all, may be given priority. To give honorable members some idea of what occurs, I refer to the sittings of both Houses during this sessional period up to the 21st November. Since then, of course, the Council has caught up by virtue of the necessity to complete its business before the end of the sessional period. However, up to the 21st November, the Legislative Council met on ten days, compared with twenty sitting days of the Legislative Assembly. Nevertheless, the printing of the Legislative Council's deliberations was given priority.

In an attempt to measure the inconvenience caused to members of the Assembly by this seemingly irrational procedure, I discovered that up to page 1089 of the current *Hansard,* only approximately 29 per cent. of the space was occupied by speeches made in the Legislative Council. It seems not only ridiculous but also grossly unfair that members of this House should attend early sittings whilst members of another place sit at all hours from the late afternoon to suit themselves and that despite this fact the printing of speeches in the other House takes precedence. For instance, although the Council does not meet until this afternoon, proofs of members' speeches made in another place will be available before those made in the Assembly this morning.

Mr. G. O. REID.—Is this an argument for abolishing the other place?

Mr. LOVEGROVE.—It is one of many arguments which I could advance if I were permitted to do so under the Standing Orders.

Mr. G. O. REID.—The honorable member had better bring forward a private member's Bill.

Mr. LOVEGROVE.—I would be grateful of the opportunity if the Government saw fit to permit a private member's Bill to be introduced in this House. The existing practice in regard to the printing of *Hansard* is grossly unfair to this Assembly and has no traditional or logical connexion with the work of the respective Houses. The Government should attempt to remedy the situation to which I have referred. I do not suggest that any action should be taken to impede the work of another place, but I believe both Houses should be on an equal footing so far as the printing of speeches is concerned.

Mr. FLOYD (Williamstown).—I support the honorable member for Ringwood and the Deputy Leader of the Opposition in the contention that the Printing Committee should either meet or be discontinued. This has always been my contention. When I first became a member of the committee, I wanted to know why it did not meet. No one seeks additional work, but if a member is appointed to a committee, he should attempt to ensure that it functions as a committee or ask the reason for its failure to do so. In fairness, I must point out that the Speaker has done everything possible to get the Printing Committee going. The committee met on two occasions last year, but, as the honorable member for Ringwood has pointed out, its terms of reference are too narrow and under the present set-up it is pointless for the committee to hold meetings. On the two occasions that the committee met last year there was a full attendance of members, and their desire to do the job is undoubted. Unfortunately, its terms of reference are not sufficiently wide and matters mentioned by previous speakers cannot be investigated by the committee.

The *Hansard* staff is no different from any other Department. It is caught up in a silly arrangement that has continued for years. For instance, the Library Committee controls the activities of *Hansard.* I should like to be informed what the Library Committee has to do with this matter. The House Committee is responsible for the painting and maintenance of this Chamber but not for the activities inside the Chamber. The Government has side-tracked this problem because several members on the Government side of the House disagree with the Cabinet. I fail to see any connexion between *Hansard* and the Library Committee. The Printing Committee is not permitted to look sideways at *Hansard,* because that is the Library Committee's responsibility. I guarantee that the Library Committee has not discussed the matter of *Hansard* for years, and as a result it has become a law unto itself, although I admit *Hansard* operates in an efficient manner, and I have no complaints to make. However, I contend that *Hansard* should be under the control of the Printing Committee. I realize that the position will remain unchanged, perhaps because in the initial stages that was the easy way out and now no one is game to make an alteration. Once a department controls a few persons it does not readily relinquish that control for fear it diminishes in importance.

Although I have stated that *Hansard* is well-run, it should never be assumed that perfection has been reached. Any person with a knowledge of printing could suggest changes in the production of *Hansard* which would be to the benefit of the Parliament. I have made repeated references to this matter. The style of *Hansard* belongs to another age. It is now much easier to understand company balance-sheets because they are set out with diagrams and dissections, and so on, compared with the former compendium of facts and figures. The only committee which is capable of investigating this matter is the Printing Committee, which should be composed of members who know something about printing. I refer particularly to the setting out of questions and answers in *Hansard.* On one occasion a member asked a question which actually contained 26 questions under the one heading. I contend that the answer should appear immediately after the question to which it refers. Apparently it is considered that because it was not done in days gone by it should not now be done.

Mr. CHRISTIE.—That would be too easy!

Mr. FLOYD.—Would it be possible to print one edition of *Hansard* for the Council and another for the Assembly? After all, why should the Council and the Assembly be mixed up together? Members should be enabled to read the reports of the debates in each House with some degree of continuity. For instance, the reports of the Assembly debates for successive days should not be interspersed with reports of the Council debates, and vice versa.

Then there arises the question of reports submitted by the various committees of Parliament. When the report of the Distribution of Population Committee is presented, it is ordered that such report be printed. That is done because of established custom. But when a report of the Subordinate Legislation Committee is presented, it is ordered that the report be laid on the table. On one occasion I moved to the effect that a report of that committee be referred to the Printing Committee for consideration of the question whether it ought to be printed and, to my surprise, the Government adopted the suggestion. Of course, nothing further has eventuated, but at least the motion was agreed to.

I now direct attention to reports submitted to Parliament by various commissions and authorities. Those who are in charge of those bodies do not have to come before Parliament and have the cost of producing their reports queried, nor have they to obtain sanction for the expenditure involved, and, consequently, the Printing Committee has nothing to do with that aspect. I could not have agreed more with the honorable member for Ringwood when he asserted that it is not necessary to print reports on glossy art paper, profusely illustrated, and with photographs of the respective chairmen and so forth. All that is required by honorable members is something produced in readable form in the manner I have suggested, with diagrams to illustrate the financial position, so that they will be easy for members to digest. We do not want to have presented to us an example of the printer's art every time a public Department or utility compiles a report.

I pay tribute to the Speaker for his having acquiesced in our request that the Printing Committee be called together. It is true that that committee was called together in 1931 because the nation was then going through a period of depression and it became necessary to reduce costs. I believe that costs were then reduced but, without another meeting of the Printing Committee being held, printing costs returned to normal. I submit that, if the Printing Committee is not to have its terms of reference widened, it is useless for it to meet; it may just as well disappear into the limbo of forgotten things.

Mr. STONEHAM (Leader of the Opposition).—I propose to refer briefly to the impending retirement of Mr. "Harry" Bell, Chief Librarian. Mr. Bell is a gentleman who over a very long period has served this Parliamentary institution in a most distinguished manner. He has held the position of Chief Librarian since 1957, when he succeeded Mr. E. L. Frazer. I understand that, prior to that time, he occupied various positions in the Library since 1927. That is to say, he has been in the service of the Library for more than 30 years. In addition to paying tribute to Mr. Bell for the magnificent service he has rendered to countless members over a long period of time, his untiring courtesy and his willingness at all times to go to great pains to satisfy members' requirements, I express the hope, most sincerely, that before a final decision is made to appoint his successor, full consideration will be given to the claims of a gentleman who is at present on the staff of the Library.

I know that at the present time the professional librarians are very active in their efforts to have laid down high academic standards for appointees to various positions, but I feel that in respect of our Library there are special requirements, in respect of which the Assistant Librarian has had great experience and over the years has rendered most satisfactory service. I

am sure he could undertake the post of Chief Librarian just as Mr. Bell did on the retirement of his predecessor, Mr. Frazer. I should be extremely disappointed if the situation should arise that the next Chief Librarian is not appointed from among our own Library staff. I feel that whoever is responsible for the final say in this matter should carefully consider the point I am making that every endeavour ought to be made to fill the position from within the ranks of the Library itself, and I do hope that a satisfactory decision will be made.

Mr. SCHINTLER (Yarraville).—I desire to support the remarks of the Leader of the Opposition concerning the conduct of the Library and his commendatory remarks about Mr. H. O. Bell. I have been a member of this House for six years—too long, I suppose, in the opinion of some members of the Government party—but I am still here, and as a sitting member I desire to say that many courtesies and privileges are extended to us that are denied to those who are not members. One of the most pleasing features of my association with this House has been the fact that I have free access to the Library, and probably I use it as much as any other member. I cannot speak too highly of the kindly, friendly, courteous treatment I receive not only from Mr. Bell, but from every member of his staff. I believe this House has been particularly fortunate so far as the Library section of this institution is concerned.

I support the suggestion advanced by the Leader of the Opposition that serious consideration should be given to "local talent," as it may be termed, when it comes to appointing a successor to Mr. Bell. As I remember the situation, when Mr. Bell was appointed to the office of Chief Librarian there was a fairly strong expression of opinion by certain members associated with the Library that someone with high academic qualifications should be recruited from outside to conduct the affairs of the Library, but I think that in the light of circumstances and what has happened since Mr. Bell was appointed, the selection of that officer for the post was an excellent one, and it seems to me there is no reason why a similar procedure should not be adopted on this occasion.

Mr. CHRISTIE (Ivanhoe).—I should like to say, briefly, that it could be a good idea now to have a close look at *Hansard* somewhat on the lines suggested by the honorable member for Williamstown in relation to the Printing Committee. There are very modern, very efficient and rather labour-saving ways of recording speech in these days, and whereas when Parliament was first thought of there were no such machines as tape recorders, I think the time has come when Parliament might consider bringing some of these up-to-date methods of recording into this place.

There was some opposition to the use of tape recorders in the courts of law but, in point of fact, the tape recording of the courts has proved a very satisfactory and efficient method. I do not think in this matter that anyone needs to fear the problem of *Hansard* staff or anyone else losing their jobs, which is usually the fear in any suggestion for improvement about Parliament. In fact, in most Public Service matters, the consideration seems to be not efficiency or whether the work will be done more cheaply, but whether someone is going to lose his or her job. With all the work that we have to-day in this country, I think that is the last problem to worry about, especially with anyone as efficient as a member of the staff of *Hansard*. If members' speeches were recorded on tape, the task would be a far lighter one for those at present on the *Hansard* staff and, I suggest, a far more pleasant one. So far as the members are concerned, they may have far more enjoyment in the editing of their speeches.

Mr. BLOOMFIELD.—How would a tape recorder handle interjections that were made?

Mr. CHRISTIE.—That problem could be handled simply, as it is done in the courts.

Mr. BLOOMFIELD.—Interjections are not permitted in the courts.

Mr. CHRISTIE.—Notes in the courts are handled by the operator, who is in charge of the machine. I think the ruling has been given here that only those interjections which are answered by the member speaking should appear in *Hansard* and, therefore, the operator of the tape machine could well pick out the interjections to be recorded. Of course, an expert and someone with a knowledge of these affairs, such as a member of the *Hansard* staff, could well be present for longer periods than when taking down members' speeches in shorthand because the task would be far less arduous.

From the point of view of preparing the transcript, it would be possible to have the transcript in the hands of a member within an hour and a half of his making his speech. In the courts, the transcript is completed within one and a half hours of the conclusion of a case. I suggest the time has come to examine this question. My rough estimate is that by adopting my suggestion there would be a saving in printing and in other ways of about £20,000 to £25,000 a year. If the system which is now used in the courts were adopted here, I understand that the same contractor, at the same rates laid down in the *Government Gazette* for the courts, would be able to handle the transcript on a very efficient basis, and he might be prepared to put in the capital equipment for recording without any cost to the Government. That is just one suggestion of the way in which to implement my proposal without spending much money. Surely the time has come to look at the method of recording Parliamentary Debates, and I hope that, whoever is responsible for this matter, either in the Government administration or in the administration of this House, might give some very serious thought to the question at this time.

Mr. BLOOMFIELD (Minister of Education).—I assure the honorable member for Ivanhoe, who has urged that consideration be given to the use of mechanical or electrical recording devices for members' speeches, that it will be considered by the Government. Briefly, and as a matter of interest, it is a strong coincidence that my own mind has recently been running along similar lines in connexion with university lectures and note-taking at universities. It seems to me extremely difficult to take down lectures in longhand and, at the same time, concentrate on the sense of what is being said. As the Minister at the table, and for other reasons, I shall have this matter considered.

The vote was agreed to.

PREMIER'S DEPARTMENT.

THE PREMIER—BALANCE, £468,336.

Sir HERBERT HYLAND (Gippsland South).—Honorable members will recall that to-day I asked the Minister of State Development, for the Minister of Transport the following question:—

> Whether any application had been received from the Gippsland Cement Company of Traralgon for permission to transport cement by road to East Gippsland, Mornington Peninsula and outer metropolitan areas; if so—(*a*) whether the application was acknowledged; and (*b*) whether any decision has been reached regarding the application?

In reply, the Minister of State Development stated on behalf of the Minister of Transport—

> Application by letter dated 10th November was recieved by the Transport Regulation Board from Gippsland Industries Limited to transport cement by road to customers in East Gippsland.
>
> The Board replied to the company's letter on 21st November. The Board indicated in its reply that road deliveries to East Gippsland would not be in conformity with existing permit policy and would have to be dealt with at public hearings.
>
> The question of road transport of Gippsland cement to Mornington Peninsula and outer metropolitan areas was not raised as cement is already moving by road to these places.

I agree that supplies of cement are already moving by road to the places in question, but they are being moved at such terrific cost that the company cannot compete successfully with the big industries at Geelong. The cement industry is one of the biggest and most useful industries in Gippsland, employing about 150 employees. It has

been supported by all Governments, including the present régime. In fact, the Premier made it possible for this industry to continue by granting it a special rate for road transport to Melbourne. Had the honorable gentleman not acted in that manner, I hate to think what might have happened to the industry at that time. The previous Government also assisted, as did the Country party Administration. I have prepared a statement concerning this matter which, with the indulgence of honorable members, I should like to read. It is in the following terms:—

I wish to draw the attention of the Committee to various announcements during the past year as quoted by newspaper reports and according to which a new cement plant is to be established in Victoria by one of the largest and financially most powerful companies centred in Great Britain. I am very happy that Australia was discovered by powerful companies overseas, influencing their decision to invest here, and I am sure that overseas investments as a general rule are highly beneficial to the Australian economy. However, this case appears to be slightly different. The consumption of cement in Victoria is at present about 600,000 tons a year, and with the phenomenal progress this State is making—despite some of the upheavals created by artificial credit squeezes—it is expected that it will rise to 700,000 tons or even 800,000 tons within the next two or three years.

The announcement of the British company, through the Premier, last year referred to a new plant to cost £4,000,000 to produce 200,000 tons of cement per annum. Immediately following this announcement, one of the two local companies, the larger one, announced an increase of production capacity from the present 500,000 tons per annum to 800,000 tons per annum, indicating that it meant business and that it accepted the challenge. This announcement apparently caused a revision of the British company's designs for Victoria, because a few months ago it released a new statement to the press —this time it did so by itself and not through the Premier—announcing that its capacity will be 50 per cent. higher than originally planned—300,000 tons per annum, and the plant to cost £6,000,000. Adding up these announcements, a cement production figure per annum emerges which is far in excess of what Victoria could consume, even at the fastest rate of growth.

As honorable members are aware, Portland cement is the basic commodity of building on which Victoria's prosperity to a large extent depends. It was only seven years' ago that the shortage of this commodity presented a national problem to this State and one has only to read leading articles of the Melbourne newspapers of that time to be convinced that most essential building projects had to be delayed, and some even cancelled owing to the shortage of cement. The only producer in 1953, Australian Cement Limited, which has already existed in Victoria for over 50 years, claimed that it could produce cement only in proportion to the availability of coal, and this coal which is shipped from Northern New South Wales was at that time more in the hands of the coalminers and waterside workers than in the hands of the executives arranging supplies. I had to go to New South Wales and to other places to purchase the coal for the Geelong works to enable it to carry on. So, I can speak from experience.

In those troubled times, I was one of those appointed members of Parliament whose duty it was to fly to India to negotiate urgently needed coal supplies for Victoria. The value of cement imported into Victoria alone from overseas in the 1952-53 season amounted to £2,214,700, and this imported cement was sold at a price of £19 10s. per ton in Melbourne, the price having been fixed by the price controller, Mr. Waldron. Cement imported from interstate was sold at a controlled price of £20 10s. per ton.

It was at this time, in 1953, that a second cement company was floated in Victoria, claiming that it would manufacture cement from locally available fuels. This announcement caused some scepticism for two reasons—

(*a*) The new cement company to be established by erecting an unconventional cement plant in Gippsland promised to achieve three things:—

(i) Establishment of a cement industry on a relatively small scale which could not be done in the past.

(ii) Establishment of a cement industry at a capital cost figure less than one-third of conventional cement plant establishment costs, which sounded incredible.

(iii) To complete plant erection within one year from the flotation of the new company, which also sounded incredible.

(*b*) A few years earlier, an attempt was made to produce cement with locally available fuel in the Western District of Victoria. This new cement manufacturing company, Western District Cement Limited, was sponsored and partly financed by the State Government. However, the attempts of this company to get into normal production were unsuccessful.

Everybody wished it success, but it did not eventuate. Therefore, one must realize that there were plenty of grounds for scepticism. My colleague, the Hon. J. G. B. McDonald, as he then was, who was Premier of Victoria at that time, became interested and investigated the background of this new scheme and the man behind it, this investigation having been conducted by a very able technical officer of Australia House in London. To our great surprise, the report received from this officer after his extensive investigation confirmed the statements made to us, and so we realized that the new company, if successful, would have tremendous value for Victoria. We thought it might relieve the oppressive shortage of cement which hampered the building trade so seriously in those days, and make cement manufacture in this State independent of the precarious coal supplies from Newcastle. It is for this reason that we approved financial help to the new company through the Rural Finance Corporation.

I visited the building at Traralgon frequently, and I must say that these people did not waste any time in going ahead with the work of erecting their new plant, and their enthusiasm and effort impressed me. But even I was surprised when in less than a year the new factory started to produce cement. Quite a few of the then members of this House inspected the works because everybody was concerned with the shortage of cement and the high prices which had to be paid for it.

Mr. STONEHAM.—Dr. Gottlieb did a wonderful job getting the plant going.

Sir HERBERT HYLAND.—He did. In its first report, published on 30th June, 1955, it disclosed a production of about 30,000 tons and a profit of about £37,000. The Labour Government led by the late Hon. John Cain was ruling Victoria at that time and Mr. Cain was apparently as much impressed with the new company's efforts and results as I was and, consequently, he became obsessed with the idea of influencing the Gippsland company to take over the cement plant in Port Fairy which had a mounting Government loan approaching £300,000 but could not come into proper production. I know that Dr. Gottlieb was not too enthusiastic about taking over that company in the Western District because the plant was badly designed and a tremendous amount of work was required for its reconstruction. When I inspected it, I could see even with my limited knowledge that it had no hope of success. The employees were picking up small pieces of limestone, man-handling them into a truck in which they were taken to another place where they were lifted out, again by hand.

Mr. STONEHAM.—It must be admitted that the Labour Government was trying to make it succeed.

Sir HERBERT HYLAND.—I give the Labour Government and the present Administration full marks for what was

done, but I want something done now or there may be trouble in the future. However, the then Premier was insistent —he wanted cement because he realized its importance for the progress of Victoria and the Western District—and so he told Dr. Gottlieb that the Government would support him in every possible way if he could technically make the plant work and thus provide increased quantities of cement and at the same time contribute to country development. He said that he expected new Australians to do their best for the promotion of their newly adopted country without any regard to the strains and difficulties they might meet. Consequently, Dr. Gottlieb agreed to take over the Port Fairy cement plant for reconstruction and raised the necessary capital, which he could do easily because the shares of his Gippsland company were 50 per cent. above par following the success of that plant and the impression it created in the financial world.

The story of the Port Fairy plant is known to all honorable members—it spent the budgeted amount of money, completed the job on time and started to produce at budgeted costs. It operated an old conventional rotary kiln with some adjustments, and fired it with bunker oil which came by road tankers from the Geelong refinery. The price fixed by the price controller for Port Fairy cement assured a satisfactory profit for that company, half of which Dr. Gottlieb intended to put aside for improvements later, to reduce its costs further. Everything went well for two months until the road tax was introduced into Victoria by the present Government.

In answer to a question that I asked to-day, it was stated that the revenue derived from road tax is well over £2,000,000 a year. That changed the whole picture drastically. The transport of oil, limestone and cement became burdened by road tax, while road transport of cement over 50 miles was prohibited altogether. At the same time, the South Australian Government steadfastly refused to introduce road tax in that State and helped its own cement industry to send cement trucks across the border free from interference and tax. The combination of all these factors turned profits of the Port Fairy cement plant into losses almost overnight, to the tune of over £10,000 per month. That is the type of thing we are up against in Victoria. The Governments of New South Wales and South Australia are doing all within their power to gain advantages for the industries in their States. All this loss had to be subsidized by the profits of the small plant in Traralgon. However, even this plant met with trouble owing to the road restrictions and because it had no rail siding, while its main market was still the metropolitan area farther away than 50 miles—the magic radius within which road permits were granted.

Naturally, the company started to complain, and after several months of efforts to make members of this Government listen to this company's grievances, the Premier approved the appointment of a commission to investigate.

This Commission consisted of a representative of the Rural Finance Corporation, the Treasury and the Division of Decentralization and a secretary was appointed. The company opened up its plant and its books to this Commission and after several months its report was tabled to the Government. It recommended immediate granting of a road permit from Traralgon to Melbourne and also a substantial financial compensation for the damages suffered. However, nothing happened, the losses continued, and both plants were threatened with extinction. I am glad that notwithstanding this inhuman pressure Dr. Gottlieb did not give up, and so we still have an important cement industry in Gippsland. The favourable report of the Cabinet committee caused the appointment of a sub-committee of three Ministers, the Minister of Transport among them, to consider the report, while the squeeze on the company continued. Stocks to the value of £100,000 have accumulated in Traralgon, and are unsaleable owing to the road transport restrictions.

The company was asked to pay a tax of £5 a truck load on a journey to Melbourne. We approached the

Premier, and, after some discussion, he stated that he would assist. He realized that if he did not do so, the Traralgon industry would be finished. I am not a shareholder in the company, but it operates in my electorate, and I am endeavouring to help it. I give the Premier credit for the action he took. He decided that instead of the tax being £5 a truck load, it would be £5 per truck per month, and as much cement as the company liked could be carted for that figure. Over-night, heavy losses were converted into reasonable profits, and I give the Premier full marks for the concession that was granted.

Mr. STONEHAM.—You admit that a very critical stage had been reached and that the industry might have closed but for the action taken. Why give the Premier full marks for that?

Sir HERBERT HYLAND.—I give full marks to anybody who does a good job, whether it be the Government, the Labour party or the Country party. The Premier is not in charge of road transport, and when we approached him we could not expect him to say that he would override all the rules and regulations. When we put a case to him he said he would meet us. I ask the Premier to meet us now, as the Labour Government met the cement company and as the Country party did, too. This is not a matter of politics; it is something for the good of the country. La Mode Industries, an underclothing factory at Traralgon, has closed down. So have a number of other industries in the Latrobe Valley, and we do not want this trend to continue.

The transport of limestone, one of the raw materials of cement making which is brought in from the nearby quarry, has still to carry a road tax burden amounting to 50 per cent. of its value, and this on a road partly financed by the company. The company practically built the road, yet it must pay road tax on limestone carried over it. To send a truckload of cement from Traralgon to Mornington costs £4 2s. 6d. permit fee, plus £3 5s. road tax, which the company must carry, as the landed price of cement must be competitive with cement offered by the competitor whose plant is within 50 miles of Melbourne. Transport of cement by road to Bairnsdale is forbidden. Is there anything more foolish than this?

People wish to cart from Traralgon to East Gippsland. By taking advantage of section 92 of the Commonwealth Constitution, manufacturers in New South Wales transport cement over the border and are subsidized and assisted in every way by their Government with the object of crushing the Gippsland plant. Unfortunately, there is not a railway siding at the company's premises. The cement must be carted from the cement works to the Traralgon railway station in paper bags. It is loaded into railway trucks and shipped to its destination, which may be Orbost. There it is unloaded from the trucks, put on to motor transport, and carted through East Gippsland. It appears to me that this is wrong.

The reply furnished to a question I asked the Minister of State Development, for the Minister of Transport, to-day stated that transport of cement by road to East Gippsland was not in conformity with the existing permit policy. If that is the policy of the Government, it is time the whole subject was reviewed. Parliament has transferred the whole of the capital debt of the railways to the general revenue account. Surely, the permit system could be altered now to enable companies like the Gippsland one to carry on. In the transport of cement by a combination of road and rail methods, bags break and losses occur.

Mr. CHRISTIE.—Cannot cement be transported by road to Omeo?

Sir HERBERT HYLAND.—I am not clear on all aspects.

Mr. STONEHAM.—Manufacturers are forced to use the railways.

Sir HERBERT HYLAND.—In view of the contents of the answer supplied to me to-day, it appears that the company is not allowed to transport by road, as it cannot get a permit.

Mr. STONEHAM.—That procedure encourages the importation of interstate cement.

Sir HERBERT HYLAND.—That is so. I have explained about the loading and unloading of cement. In spite of all these fantastic suppressions, however, the Gippsland company managed to progress, and its latest report is a surprising example as to what an indomitable spirit can achieve under the hardest, artificially created conditions. According to this report, 117,059 tons of cement were produced last year at a profit of over £100,000, but at such a low average selling price *ex* works caused by the absurdities mentioned earlier, that any of the new cement companies established in Australia since the end of the war, if forced to trade at such *ex* works price, would go broke. Last year's results of Gippsland Cement came as a great surprise to many people.

When this company started to erect its works at Traralgon, I followed the progress of construction day by day. The Minister of State Development may know the exact figures, but I understand that the company paid £23 a ton for imported cement for the foundations. Cement is less than half that price at present.

One has only to take a drive by road to the new industrial area of the Latrobe Valley to see the impact Gippsland Cement is making on its surrounding area. Twenty-two bulk cement carriers are carting cement to pre-mixed concrete companies in Melbourne, landing it at competitive costs and promoting development by providing Portland cement in abundance, in first-class quality and reliable supply to the building trade. The population of the town of Traralgon has increased considerably. The employment of 140 men in this industry has contributed to this result. In addition to the 140 persons working at the plant, some 60 carriers are employed. I am not contending that this industry has not been helped, as assistance has been given. However, without the presence of the Gippsland Cement company it would have been very difficult, if not impossible, for major construction projects to be carried out in eastern Victoria. I refer to works such as the Moondarra reservoir, the Yallourn dam and the Hazelwood power station, the erection of which is still in progress. It will cost approximately £120,000,000 and the Government has rightly approved of this expenditure. This company is not only supplying the State Electricity Commission with cement, but it is also the largest consumer of power and fuel in eastern Victoria.

The State Government must take an interest in this new threat of the two cement production giants, one from England and the other Australian, to arrange the Victorian cement market for themselves. It should impress upon them that it is its firm intention to give every support to the Gippsland Cement Company to continue its good work in this State. If such an intention is thoroughly understood as unmistakable evidence of Government support for the Gippsland company, it will become highly improbable that another dead body will emerge from the present failures to develop decentralization.

The Gippsland Cement company has proved several things over the past seven years. Evidence has been supplied that its new ideas and new methods of manufacturing cement are extremely useful to this State, and have helped to change a previously oppressive shortage of cement into free availability at prices which managed to drop substantially despite the general inflationary trend. For this great service the company deserves the State Government's goodwill and protection against any attempt to assassinate it. As the member for Gippsland South, I will not tolerate attempts to destroy this industry because such a result would have a fearful effect on the local population. All members of Parliament support the policy of decentralization, and I am sure they will fight any attempts to ruin a country industry, no matter in what part of the State it is located. The Government must give unmistakable evidence of its support to the Gippsland Cement company, and should listen to and consider its grievances. It should also address the two giants who wish to over-supply the Victorian market for a time to squeeze out a smaller competitor, along these lines—

Gentlemen, we have a market of, say, 800,000 tons of cement in Victoria to offer to you, and we hear that it is your intention to produce more. As you know, a third company exists in Victoria and it has rendered great service to the State. We do not wish to see this company hurt and, consequently, we would like to hear what your policy is.

I thank the Acting Chairman for his generosity in allowing me to put forward this case on behalf of the company, and I make no apology for so doing. The Premier assured me last night when I referred this matter to him that he would examine the position. If he does so sympathetically, I am sure the company will continue to progress. It wishes to enlarge its plant, but before doing so it feels that it should have some protection to allow it to compete with the two Geelong giants. These firms are permitted to cart cement by road within a radius of 50 miles. The Gippsland cement works are situated at Traralgon which unfortunately in this connexion is just over 100 miles from the metropolitan area.

The special permits that have been granted from time to time have been very welcome, but it is considered that permission should be granted for cartage right through East Gippsland and to the Mornington Peninsula. If there was the slightest doubt about the quality of the cement produced in Gippsland, I am sure that we would remain very quiet. However, all those who have used this product realize that it is of very high quality, and can hold its own in comparison with cement produced in any other part of Australia.

Mr. FLOYD (Williamstown).—I wish to relate my remarks to Division No. 12 which covers the provision of £18,820 for salaries, general expenses and other services in connexion with the Agent-General. Whilst I was in London to attend the meetings of the Commonwealth Parliamentary Association, I called on Sir William Leggatt on several occasions and wish to place on record how courteous and helpful he is to all visitors. As a parliamentary representative nothing more could have been done for me. I took the opportunity of inquiring into the functions of the Agent-General's office, and can assure the House that they are being carried out in a very efficient manner at the present time and are well worth maintaining. One criticism I might make is that the Commonwealth Government section of Australia House overshadows the Victorian part. One has to go down a side street to get to the entrance to the Victorian offices. I noticed that in the Queensland Agent-General's office an excellent window display had been arranged of sugar cane, coral and so forth, to advertise products of Queensland. If the idea was to attract people, this window was serving its purpose very well. If Victoria desires to remain conservative and not display its wares, things should be left as they are. However, I believe we should consider opening a window on the Strand and dressing it regularly in an attempt to educate the people of London about some of the things we have to offer in Victoria. If there is to be any rivalry between the States in connexion with their London offices, Victoria might as well be in it.

The point I now wish to raise was not mentioned by Sir William Leggatt. Frequently members of Parliament are approached by persons travelling overseas and are requested to obtain Government credentials. The member concerned writes to the Premier and a very elaborate document is furnished. If this is produced at the Agent-General's office in London the holder is enabled to obtain tickets to see various functions such as the changing of the guard at Buckingham Palace, West End shows, racing at Ascot and so on. If it is necessary to place any limit on the issuing of these credentials, they should be reserved for the most deserving members of the community. If a person who has performed very good public service wishes to make an overseas trip, by all means he should be rewarded by the issue of a Government credential to assist him in the ways I have indicated. However, these documents should not be issued to any nonentity who simply wants the obtaining of tickets to various shows made easier. I am not suggesting that a social strata

line should be drawn so far as these documents are concerned, but I consider that their issue should be properly scrutinized.

My point is that some people deserve such a privilege, but others do not. When a person who does not deserve it asks an honorable member to make representations on his or her behalf, the honorable member is bound to apply. Often, on the recommendation of an honorable member, the Premier affords such persons top treatment. Everyone in Victoria who goes overseas cannot expect to run to the Agent-General and receive an invitation to attend these various functions. Invitations to functions and other privileges should be limited to those who deserve them, namely, those who render a service to the community, as distinct from those who are merely making an overseas trip. The Agent-General is doing an excellent job, as did his predecessor, and his office is well worth maintaining.

Mr. MANSON (Ringwood).—I should like to know what happens in the Agent-General's office. As an ordinary member, so far as I am concerned, the Agent-General might belong to the legion of the lost. I have never heard of anything that he has done or what is happening from year to year in Victoria House. I do not think the Agent-General has ever been asked to submit a report to Parliament. It is true that he makes individual reports to the Premier. That may occur every week; I do not know. This Parliament devotes a certain sum of money for the purpose of maintaining an Agent-General and staff, but does not know what he does. I have great respect for the present holder of the office. I have heard from persons who have been overseas that he is doing a wonderful job for the State as our representative in the United Kingdom. However, I think it would be a good idea if his office were to report once a year on the activities that are being carried out on our behalf. I offer that suggestion to the Government.

Mr. SCOTT (Ballaarat South).—I wholeheartedly support the suggestion of my colleague, the honorable member for Ringwood. It is reassuring to hear from the honorable member for Williamstown that the office of the Agent-General in London is functioning on a sound basis. The honorable member described accurately the position concerning requests to the Premier for credentials. Recently members representing the Ballarat district obtained credentials for a person who was doing an overseas tour. Later we received a letter from the Premier's Department, emanating from the Agent-General, complaining about the behaviour of this particular individual in London. The remarks of the honorable member for Williamstown refute what this person from Ballarat had to say about the Agent-General. I assured the person concerned that we held the present Agent-General in high regard. However, the Agent-General does not report to Parliament, and we receive only hearsay evidence of his activities from those who are lucky enough to travel abroad. To make the work of the Agent-General really effective, advertising should be undertaken, as suggested by the honorable member for Williamstown. Honorable members could be made deputies of the Agent-General if they could not be appointed to that office. Then when they attend Parliamentary conferences overseas they could ascertain whether the office was working effectively.

The vote was agreed to.

The sitting was suspended at 12.58 *p.m. until* 2.21 *p.m.*

CHIEF SECRETARY'S DEPARTMENT.

CHIEF SECRETARY—BALANCE, £6,660,061.

Mr. LOVEGROVE (Fitzroy).—I have been encouraged to say something about the Chief Secretary's Department by the great tolerance shown by the Committee this morning to the honorable member for Gippsland South. It was gratifying for me to note that the honorable member was permitted to read a rather lengthy statement concerning the legitimate business activities of a firm that is well known to him, to the Government, and to the Opposition. I propose briefly to refer to the propriety of

Parliament permitting the Chief Secretary's Department to continue to function along the lines of its present organization. Honorable members have heard this matter raised previously, and I do not propose to deal with it at length. It is a fact, however, that, with the increasing population and the growing problems and responsibilities devolving on the Department under various Acts of Parliament, including the prevention of crime, and the administration of social welfare, together with other increasing obligations concerning the implementation of the law, the position of the Chief Secretary's Department is becoming more invidious every day. Whereas the Chief Secretary does an excellent job, for which we give him full credit, it appears that his Department is in need of reform.

Following upon the excellent precedent set by the honorable member for Gippsland South this morning and, of course, in anticipation of the toleration that the Committee showed to him being extended to me, I propose to quote from a publication entitled, "Government of Victoria. An analysis of the machinery of State by the Department of Political Science, University of Melbourne." At page 28 of this publication there appears the following:—

DEPARTMENT OF THE CHIEF SECRETARY.

MINISTER: THE CHIEF SECRETARY.

PERMANENT HEAD: THE UNDER-SECRETARY.

GENERAL DESCRIPTION OF FUNCTIONS.

An omnibus department, comprising the Chief Secretary's office and fourteen branches, whose functions are described below.

INTERNAL DIVISION OF FUNCTIONS.

1. Chief Secretary's Office. The ministerial and administrative office of the Department, which co-ordinates the work of the various sub-departments, branches and offices. In addition it administers the following Acts:—

Anzac Day Act 1929 (prohibition of screening of films on Anzac Day); Banks and Currency Act 1928 (bank holidays); Imperial Acts Application Act (public entertainments on Sundays); Libraries Act 1928 (appointment of trustees of free libraries and approval of regulations made by trustees); Police Offences Act 1957 (control of horse-racing, trotting and dog-racing clubs).

Mr. Lovegrove.

If I may digress at this stage, I emphasize that one of the busiest activities of the Chief Secretary's Department relates to gambling, racing, and the various sports of that description which have been encouraged by the Government during the past few years. The publication continues—

Road Traffic Act 1956—

This Act now appears to be completely outside the efficient control of the Chief Secretary's Department.

Theatres Act 1928, 1932 (licensing of theatres and censorship of films); Totalizators Act 1930-54 (regulation of the use of totalizators on racecourses).

One must add to that, the multifarious measures relating to the totalizator that have been enacted recently. This book was published in 1958—it has been used previously by me—and since then, many more responsibilities have been added to the Department. It goes on—

Dog Races Act 1954–5; Racing Act 1957.

2. State Accident Insurance Office (Workers Compensation Acts; Motor Car Act 1951, Part V.). Insurance of employers against liability to pay compensation to employees injured in the course of employment; insurance of motor vehicle owners against third party liability and theft and damage of vehicles.

3. Children's Welfare Department (Children's Welfare Acts; Crimes Act 1928, Part II., Division 2; Maintenance Act 1928, Part III.). Custody of state wards and juvenile offenders; aid to mothers unable to maintain their children; supervision of reformatory schools conducted by charitable and other organizations.

4. Electoral Branch (Constitution Act Amendment Act 1956). Conduct of State parliamentary elections and elections of members of State boards, agencies, &c.; registration of electors; preparation of rolls; redivision of electorates.

5. Explosives Branch (Explosives Act 1928). Regulation of the importation, manufacture, carriage, storage and sale of explosives.

6. Fisheries and Game Branch (Fisheries Acts; Game Acts). Conservation of the fishing industry; development and regulation of angling, preservation and protection of game.

7. Gas Examiner (Gas Regulation Act 1933–54). Control of calorific value, pressure and purity of gas supplied to the public; testing of gas meters.

8. Government Shorthand Writer. Reporting of the proceedings of Royal Commissions, Boards of Inquiry, conferences, &c.

9. Government Statist (Statistics Act 1928); Friendly Society Acts; Registration of Births, Deaths and Marriages Act 1928. Collection of statistics and publication of the Victorian Year Book; actuary for friendly societies; supervision of activities and finances of friendly societies; registration of births, deaths and marriages; registration of clergy and others authorized to celebrate marriages.

10. Motor Registration Office (Motor Car Acts). Registration of motor vehicles; compulsory third-party insurance; licensing of drivers.

11. Penal and Gaols Branch (Gaols Act 1928, Penal Reform Act 1956). Custody and maintenance of persons sentenced by the courts to imprisonment, and management of industries and farming operations at penal institutions.

12. Police Department (Firearms Act 1951, Hawkers and Pedlars Acts, Licensing Acts (in part), Marine Stores Act 1928, Motor Car and Motor Omnibus Acts, Pawnbrokers Act 1928, Police Offences Acts, Police Regulations Acts, Road Traffic Acts, Secondhand Dealers Acts). Law enforcement and crime prevention.

13. Public Library, National Gallery, National Museum, Museum of Applied Science (Public Library, National Gallery and Museum Acts). The provision of books and documents for public instruction; the lending of books to other public or free libraries or to the public; maintenance of the gallery for instruction and entertainment of the public and the control of art schools associated with the gallery; the maintenance of museums for the instruction of the public in natural history, and in industrial and technological matters.

14. Registrar of Friendly Societies (Benefit Association Acts, Building Societies Acts, Friendly Societies Acts, Industrial and Provident Societies Act 1928). Registration of associations conducting sickness, hospital, medical and funeral benefit, or building societies schemes; registration of friendly and co-operative societies.

15. Weights and Measures Branch (Weights and Measures Acts). General supervision of municipal administration of Acts; preservation of standards of length, and weight, and capacity; approval of weights, measures and measuring instruments manufactured for sale to trades, shops, &c.; inspection of certain types of weights and measures not included in municipal administration, for example, weighbridges, troy weights and pharmaceutical equipment.

If the functions that I have just enumerated were the only responsibilities assumed by the Chief Secretary to-day, the Committee, as it has on previous occasions out of respect for his peculiar genius, may be prepared to concede his ability to manage them. However, it is not only the Chief Secretary's responsibility to administer the Police Department, although with the greatest respect to the many qualities of the honorable gentleman I do not think he could track an elephant through the snow. The Chief Secretary also takes responsibility for the Law Department, and the following passage appears in the publication to which I have referred—

DEPARTMENT OF LAW.

MINISTER: THE ATTORNEY-GENERAL.

PERMANENT HEAD: THE SECRETARY.

Administration of justice in all State courts; registration of transfers and conveyances of land, companies and businesses; granting of probate of wills of deceased persons, or letters of administration in their estates; the administration of estates of deceased persons by the Public Trustee. Control of raffles for charities and registered patriotic funds. Drafting of all statutes for introduction to Parliament. Advice in all legal matters in which the Crown is involved and litigating when necessary. Legal aid to poor persons in criminal cases, and in civil litigation in the superior jurisdiction. Fixation of fair rents of business and residential premises.

INTERNAL DIVISION OF FUNCTIONS.

1. Courts Branch. This comprises the Judges of the Supreme and County Courts, the chairmen of General Sessions, Stipendiary Magistrates (Petty Sessions and Coroners' Courts), Special Magistrates of Children's Courts, and other officers appointed in the following jurisdictions:—

Mr. GARRISSON.—No wonder the Labour party made a mess of things when it formed the Government.

Mr. LOVEGROVE.—In the Labour party Government, one Minister was Chief Secretary and another was Attorney-General. I shall not read all the details relating to the jurisdictions, but shall merely state the headings. They are—

1. (*a*) Supreme Court.
   Master of the Supreme Court.
   Taxing Master.
   Prothonotary's Branch.
   Sheriff's Branch.
   Registrars of Probate.
   Court Reporting Branch.
   (*b*) County Court Branch.
   General Sessions Branch.

(*c*) Petty Sessions Branch.
(*d*) Children's Court Branch.
(*e*) Coroner's Court.
(*f*) Metropolitan Fair Rents Board and tenancy courts.
2. Titles Office Branch.
3. Public Trustee's Branch.
4. Raffles Control Branch.
5. Parliamentary Draftsman's Branch.
6. Solicitor-General's Branch.
7. Crown Solicitor's Branch.

Then there is the statutory body placed within the Department for administrative purposes, the Discharged Servicemen's Employment Board. The publication lists the principal statutes administered by the Department, which appear at pages 33 and 34.

Mr. BOLTE.—There was also a division between the Australian Labour party and the Democratic Labour party.

Mr. LOVEGROVE.—It pleases the Premier, fresh from triumphs in a terpsichorean sphere, to enter the more serious arts. The Chief Secretary himself is the best judge of whether he is capable of discharging this formidable list of functions which he still assumes and to which only last week has been added by Parliament the prevention of sheep stealing.

During the debate on the Social Welfare Bill in 1960, Opposition members repeatedly raised the question of the separation of the social welfare functions from all the other functions of the Chief Secretary's Department. The Chief Secretary cannot deny that when he was Deputy Leader of the Opposition during the régime of the Cain Government, he himself advocated the separation of these functions. After looking at some of the peculiar statistics that have been produced in the Estimates regarding social welfare, the Opposition considers that the time is overdue for the Government to consider divesting this Department of some of the long list of functions which cannot be effectively discharged by one Minister, however capable he may be.

The Hon. G. O. REID.—Is it not the policy of the Labour party to give more power to the Commonwealth?

Mr. LOVEGROVE.—I can see that the Government is not happy. Why should it be? The Chief Secretary's Department has failed miserably to prevent the most rapid expansion of crime in this State, and 54 murders have been committed in Victoria this year. The Department has failed deplorably to stop the toll of the road. It has failed to recruit 1,700 to 2,000 more members of the Police Force. When one looks at its principal functions and compares them with the relative triviality of some of its other functions, one feels that there is a case to reform the whole Department. The Government should distribute some of the functions now administered by the Chief Secretary's Department among other Departments.

During the debate in Committee on the Social Welfare Bill, the Chief Secretary made a statement which is reported at page 2960 of Volume 260 of *Hansard*. It is this:—

> Two matters were discussed at some length during the second-reading debate. One was the desirability of the establishment of a Minister of Social Welfare, a desire which was expressed by the honorable member for Bendigo when, as Chief Secretary, he introduced the Children's Welfare Bill in 1954. I concur in his view that it is desirable.

The time is overdue for the Government to consider the complete separation from the Chief Secretary's Department of the functions of the now expanding Social Welfare Branch.

Mr. CRICK (Grant).—The Deputy Leader of the Opposition enlightened the Committee about the multiplicity of functions of the Chief Secretary's Department and the Attorney-General's Department. There does not appear to be an understanding within the Chief Secretary's Department regarding what duties fall upon the Chief Secretary himself, what duties are the responsibility of the Assistant Chief Secretary, and what are the functions of the Under Secretary and subordinate officers. This fact was brought to my notice recently when I received a letter from the Braybrook school committee inviting me to attend a special meeting of parents to discuss ways and means of obtaining a safer children's crossing opposite the school. I accepted the invitation to be present and attended a meeting held on the 21st July. A resolution was passed that I make representations to the Chief

Secretary asking him to meet a deputation representing the school committee, the mothers' club and certain elected parents. On the 22nd July I wrote to the Chief Secretary asking him to receive a deputation. On the 25th July I received a reply to the effect that the Chief Secretary had directed the chairman of the Traffic Commission, Mr. Thorpe, to receive the deputation. That letter was signed by a Mr. Nevin, for the Under Secretary.

I conveyed this information to the school committee and it took the view that this attitude was not good enough. The committee had been dealing with the Traffic Commission and the Country Roads Board for a considerable time, and all that had happened was that experiments had been carried out regarding the children's crossing, but fatalities were still occurring and the lives of the children were endangered daily. I attempted to contact the Chief Secretary by telephone to inform him that the committee wanted the deputation to be heard at Ministerial level. In fairness to the honorable gentleman, I might say that he was out of the State, and his private secretary advised me that he would refer my remarks to him when he was available. In the meantime, I received a letter from Mr. Thorpe, who had already received his instructions and intended to meet the deputation on a given date.

Eventually I received a further letter, this time from the Chief Secretary himself, in which he stated that he was deputizing the Assistant Chief Secretary, Mr. Meagher, who would be accompanied by the chairman of the Traffic Commission, to receive the deputation. The deputation was heard by the Minister without Portfolio and Mr. Thorpe on the 10th August, and certain promises were made by the Minister. I have had reason to speak to him on several occasions about the matter in the precincts of this House, and on each occasion he stated that he would look into the matter, but nothing definite was heard until certain persons in the Braybrook area decided to form themselves into an organization called the Braybrook Pedestrian Protection Society. Apparently during my absence interstate they made overtures to the Chief Secretary in respect of their desires.

At the deputation to which I have referred, the then Mayor of the City of Sunshine spoke on behalf of the council and as the representative of the ward in which the school is situated. Representatives of the school committee, mothers' club and parents were present, and promises were made to them. As nothing more was heard about the matter, I, as the person who made the early representations for the deputation, spoke to the Chief Secretary, not knowing whether, after hearing the views of the deputation, the Assistant Chief Secretary was obliged to submit them to the Chief Secretary. It was understood that the matter was to be dealt with at Cabinet level. The Chief Secretary said he would reply promptly if I wrote to him on the subject. I wrote to the Chief Secretary on the 25th November last, and received from the Assistant Chief Secretary the following letter, dated the 28th November, 1961—

> I enclose herewith two copies of my letter to the Mayor of Sunshine in connexion with the proposed grade separation crossing at Braybrook State School, one copy for your own information and one for the information of the school committee.
>
> Pending final determination of this matter, I feel that everything has been done to make the crossing safe.

It was strange that the letter to the Mayor of Sunshine was addressed to Councillor J. W. Castley, J.P., although the representations in the matter had been made by the previous mayor, who represented the ward in which the school is situated. In my view, as I had made the previous request to both the Assistant Chief Secretary and the Chief Secretary in regard to the submissions made by the deputation, the reply to those submissions should have come direct to myself.

As we all realize, the Chief Secretary has too much to do, and I believe the Assistant Chief Secretary is in the same position. Apparently there is no proper understanding concerning the respective functions of the two

honorable gentlemen. The performance on this occasion would indicate that they do not have access to one another's correspondence. On the other hand, I should like to know why, in reply to correspondence addressed to either of the Ministers, we sometimes receive replies from the Under Secretary or someone representing that officer.

Mr. GALVIN.—The Assistant Chief Secretary is also Assistant Attorney-General.

Mr. CRICK.—That is so. Both of those Ministers are grossly overworked and, as a result, honorable members are not receiving the service to which they are entitled. I trust that in the future, when a member of this House writes to either the Chief Secretary or the Assistant Chief Secretary, he will at least receive a reply from the honorable gentleman concerned, and that when a deputation is received the person responsible for making the initial arrangements for it will be the first to be advised of the outcome.

Mr. GARRISSON (Hawthorn).—I should like to direct the attention of the Committee to the Grange-road bridge, and the section of the new south-eastern freeway which will terminate there. Recently a number of articles on the subject have appeared in the press.

The ACTING CHAIRMAN (Mr Stokes).—Order! I should like the honorable member for Hawthorn to indicate how he relates this particular problem to the Chief Secretary's office.

Mr. GARRISSON.—This matter relates to the Traffic Commission, which is under the control of the Chief Secretary's Department.

The ACTING CHAIRMAN.—The honorable member may continue.

Mr. GARRISSON.—The area I mentioned is in the middle of the best part of Burnley, Although it is represented by various Labour members, they have said nothing about the problem, nor have the Richmond councillors, who are all Labour party members. All that the Federal member for Yarra, who is a member of the Labour party, can say is that his party will spend £150,000,000 on a bread and butter policy. It is a very expensive policy from which we would get indigestion for life. I now wish to refer to the first speech I made in this House.

Mr. GALVIN.—I wish it had been your last.

Mr. GARRISSON.—The Hawthorn electorate has been represented by twelve members since 1886. The honorable member for Bendigo may stand against me whenever he likes to do so. One of the reasons why I still represent Hawthorn is that I look after problems in Burnley and Richmond which Labour members never worry about. In my maiden speech on the 8th July, 1958, which is reported in *Hansard* Volume 255 at page 26, after stating that I was pleased that the freeway had been started, I said—

> I trust that the work will proceed with the utmost speed, and I shall take a close interest in what is done.

In October, 1958, I asked a series of questions concerning the overpass, and one answer I received was to this effect—

> Commencement expected within first six months of 1959. Completion of the whole work anticipated late in 1961.

That shows that more than three years ago I was aware of the implications of what might happen in the area. On the 1st June, 1960, on the motion for the adjournment of the House, I asked the Minister to inform me whether the freeway would go through parks in Burnley, and said—

> Apart from the fact that the Richmond City Council wishes to use part of the parkland for a golf course, people use the area for other purposes. I wish to know whether the Richmond council has suggested an alternative route, or whether the Melbourne and Metropolitan Board of Works has suggested any alternative?

There is a full front page article in the *Richmond News* on this subject. On the 12th October, 1960, during the Budget debate, I made the following statement—

> Having interested the Opposition in matters which are more vital than the affairs of the Richmond City Council, I now wish to refer to something which is close to that body. I refer to the Punt-road over-pass and the eastern suburbs freeway. It appears that in the extravagant expenditure of money on these projects, at

this stage the freeway will be taken around to the Grange-road bridge. As honorable members are aware, that is just a stone's throw from the Federal Treasurer's house, but on the Richmond side of the river. The ultimate objective is that this freeway should connect with another to be built from Swan-street. It will widen out at Grange-road and carry on round past Scotch College. At the moment, it is not intended to demolish the Burnley houses involved, as that will not be necessary until the other section from Swan-street is built. However, what is apparently intended at the moment is to route traffic on the north side of the river around the freeway and dump it at the Grange-road bridge in the hope that it will find a way to its destination. At present sheep trucks coming from Toorak across the Grange-road bridge have great difficulty in turning the corner in order to travel to the sale-yards. They can just get around. Of what use is it routing thousands of vehicles over the Punt-road over-pass and around the freeway to Grange-road when it is difficult to turn the corner? I suggest that a fly-over should be constructed at Burnley-street over the Burnley-station yards where there is at present a big hold up of traffic. A bridge could be built across the Yarra in order that the traffic could go straight up Williams-road.

Mr. LOVEGROVE.—After they finish the tunnel.

Mr. GARRISSON.—I believe the freeway should be built now and should be taken as far as Williams-road. My quotation proceeds—

It must be realized by those in authority that people travelling in cars will take routes they are forced to travel. That was obvious apparently from the tests that were made recently when motorists were asked to switch on headlights at the St. Kilda Junction roundabout in order that it might be ascertained where they were bound. I made a suggestion some time ago in a deputation to the Board of Works that before expensive schemes are embarked upon traffic authorities should find out where motorists want to go. They told me that motorists who travel along the eastern suburbs throughway in Grange-road would want to go to Hawthorn. Nobody can convince me that motorists wishing to go to Hawthorn would take such a route. The present intention is not to alter the Grange-road bridge and as it cannot adequately cope with the present traffic of what use will it be if a greater volume of traffic is routed in that direction?

The authorities concerned are now discovering the truth of my contentions. As late as this morning there was not one-way traffic operating at Grange-road. Again, on 25th October, 1961, I spoke on the motion for the adjournment of the sitting, and asked the Minister to do something concerning the Grange-road bridge.

Mr. GALVIN.—He has not yet done anything.

Mr. GARRISSON.—That is because of the apathy of Labour representatives. Indeed, for that reason Richmond has been neglected for 100 years past. The Bolte Government has done more for the people of Richmond than any previous Administration has done.

Mr. GALVIN.—What has the present Government done?

Mr. GARRISSON.—At least it has financed the deficit of the Richmond council and that of the Collingwood council, too. That is why I assert that the two councils should be amalgamated. If that were done, perhaps the rates could be reduced.

Mr. WILKES.—The Richmond council has no deficit.

Mr. GARRISSON.—I disagree. Although the Richmond council made a profit this year, that has been possible because the rebate of rates to pensioners has been withdrawn, with the support of Labour. I have before me a letter dated 22nd November, 1961, from the chairman of the Traffic Commission, Mr. Thorpe, who is still examining the position at Grange-road. I repeat that as recently as this morning there was still no one-way traffic operating there.

Mr. LOVEGROVE.—That is the fault of the Chief Secretary.

Mr. GARRISSON.—That is not so. I am interested in having something done quickly at Burnley. The present conditions are inconvenient not only to persons who use the route, inasmuch as it costs them much in waste time and extra petrol, but also to residents who have their sleep disturbed at night. Ever since I became a member of this House, I have tried to point out that Labour representatives in the district have done nothing, whereas the Government has done a lot. I now ask the Government to do something more for the people of Richmond in connexion with the Grange-road bridge, and to act immediately. I do not want action to

be deferred for another twelve months, by which time alterations could become expensive. Moreover, I desire to ensure that not too much land will be taken from the park. I notice that a fence has already been removed. May be that spot was selected by the Richmond council as a site for the nineteenth tee. I should hate to see such a proposal brought to fruition. There are many other problems associated with freeways, and I shall have more to say at a later date with respect to the Swan-street section. However, I hope the Government will take action in this case in the manner I have suggested.

The ACTING CHAIRMAN (Mr. Stokes).—Order! I want honorable members to realize that, although the honorable member for Hawthorn was allowed to discuss the freeway rather freely, the matter should correctly have been dealt with when the Traffic Commission was under discussion. Any other member who desires to speak in this regard should withhold his remarks until the item relating to the Traffic Commission is being considered.

Mr. CAMPBELL TURNBULL (Brunswick West).—I desire to join with the honorable member for Hawthorn in his condemnation of the Government.

Mr. GARRISSON (Hawthorn).—On a point of order, Mr. Acting Chairman, I did not go crook at this Government.

The ACTING CHAIRMAN (Mr. Stokes).—Order! There is no point of order.

Mr. CAMPBELL TURNBULL (Brunswick West).—I agree with the honorable member that he is unable to go crook at anyone, even his own grandmother!

The ACTING CHAIRMAN.—Order! I suggest that the honorable member for Brunswick West should not become personal and should relate his remarks to the subject-matter under discussion.

Mr. GARRISSON (Hawthorn).—I ask the honorable member for Brunswick West to withdraw his remarks, which are offensive to me. I refer particularly to his reference to my grandmother.

The ACTING CHAIRMAN.—There is no point of order, but if the honorable member for Brunswick West cares to accept the suggestion advanced by the honorable member for Hawthorn, the matter is in his hands.

Mr. CAMPBELL TURNBULL (Brunswick West).—If I have offended the honorable member for Hawthorn, I regret it. In those circumstances, I withdraw what I said. I support the two previous Opposition speakers in the points of view they have submitted. It is obvious from the position that has developed that the Chief Secretary has taken unto himself far too many Acts to administer, and it is clearly demonstrated that he has been assigning to public servants functions which are truly those of a Minister. One of the real dangers in the community is the assumption by people outside Parliament of powers that should be administered within this House. We know that the Chief Secretary has the help of an assistant Minister, whose work is worthy of praise, but what I desire to say is that the legal profession strongly resents the delegation of powers by the Attorney-General to Ministers of the Crown who are not members of the legal profession.

Mr. SUGGETT.—Rot!

Mr. CAMPBELL TURNBULL.—If the history of the Victorian Parliament is traced down the years, it will be discovered that on only one occasion, namely, when the Country party was in power and had no legally qualified Minister, was an unqualified man occupying the office of Attorney-General. On the Government side of the Chamber there are a number of very experienced lawyers. The Minister of Education is extremely well qualified, legally. There is also the Minister of Labour and Industry who, when the Attorney-General was abroad, administered the duties of Attorney-General with credit to that office and to his profession. Nevertheless, great resentment is felt by the legal profession if a legally qualified Minister does not administer such a highly technical office as that of Attorney-General, in which case the

administration of the Department virtually passes from the Minister to a public servant.

Mr. SUGGETT.—Do you think there should be a doctor occupying the position of Minister of Health?

Mr. CAMPBELL TURNBULL.—Yes, if there is a doctor within the ranks of the Government.

Mr. GARRISSON.—Dr. Cairns?

Mr. CAMPBELL TURNBULL.—Yes, Dr. Cairns will be in office after the Federal election next Saturday.

Mr. MANSON (Ringwood).—I rise to a point of order. The Committee is dealing with the Chief Secretary's Department whereas the honorable member for Brunswick West has discussed the Attorney-General's Department, which is covered by another division.

The ACTING CHAIRMAN (Mr. Stokes).—I support the point of order, and ask the honorable member for Brunswick West to confine his remarks to matters pertaining to the Chief Secretary's Department.

Mr. CAMPBELL TURNBULL (Brunswick West).—I have said practically all I intended to say and do not wish to repeat my submissions. But it is easy to shelter behind the rules of this House when other members have spoken about the same matter. If the cap fits, Government members may wear it.

Mr. GARRISSON (Hawthorn).—There was recently a report in the newspapers to the effect that the Melbourne City Council intended to spend about £40,000 upon traffic lights along the new freeway, and a statement was made that it was hoped the Richmond City Council would contribute. I regard that as an unfair proposition. The people of Richmond should not have to contribute towards the cost of traffic lights merely because the authorities, in their wisdom or otherwise, have decided that a freeway is to be built through their territory. In my view it would be proper to include the cost of the traffic lights in the cost of the freeway. It is particularly unfair to expect the Richmond City Council to bear the burden of contributing towards these traffic lights when it is considered that according to the latest balance-sheet I could obtain, the municipality incurred a deficit of £52,000. Incidentally, that was after the Government had provided the Richmond council with the sum of £7,749 6s. 4d.

It seems that there is no alternative but for the Richmond and Collingwood municipalities to combine. Indeed, a suggestion that the Richmond City Council should contribute towards the cost of freeway lights should hasten the taking of such action. I only hope that if the two municipalities are combined, there will also be a reduction in municipal rates. I should like the appropriate Minister to ascertain whether there is a large sum of money to be spent on traffic lights. I do not think the Richmond City Council would object to putting in a pedestrian crossing opposite the office of Dr. Cairns, but do not let me catch the council doing it. It is not my desire to see the Richmond council spending money on something which is beyond its control, as this matter certainly is.

Mr. CAMPBELL TURNBULL (Brunswick West).—On a point of order, in view of your strict ruling whilst I was speaking, Mr. Acting Chairman, I suggest that the honorable member for Hawthorn is speaking about matters which are completely irrelevant to the item under discussion.

The ACTING CHAIRMAN (Mr. Stokes).—I ask the honorable member for Hawthorn not to refer to any particular council.

Mr. GARRISSON.—I have finished my speech.

Mr. MANSON (Ringwood).—There are a couple of comments that I should like to make in regard to workers compensation. The first is that there is in Victoria a Workers Compensation Board and a Supplementary Workers Compensation Board. I understand that, even with these two boards operating, there is a delay of some ten months in the hearing of cases for workers compensation. I appreciate that in many instances some time must elapse to enable the injuries sustained by the workers to stabilize before

proper cases can be brought. I am wondering if there is need to appoint a third board so that whatever delays are occurring at the moment will be reduced from ten months to a shorter period. I should imagine that there must be many cases in which a worker is greatly inconvenienced and financially embarrassed by having to wait ten months before his case is brought on and then having to wait a further period before a decision is given.

My second point is that for the last three or four years I have been suggesting that the Workers Compensation Board should produce a report which gives more statistical detail of the kind of accidents dealt with, the particular machines involved in accidents and so on, instead of producing statistics relating to the amount of the electric light bill, the telephone bill, and salaries. I realize that the Board cannot produce these statistics out of thin air and that time must elapse to allow it to collect satisfactory statistics. I ask the Chief Secretary whether steps have been taken to set up a statistical research section, and, if so, whether it is in a position to produce statistics. If no such section has been set up, I should like to know whether the matter is in hand and whether eventually some statistics will be provided.

Mr. LOVEGROVE (Fitzroy). — I desire to refer honorable members to what appears to be an anomaly between the estimates for this year and last year in connexion with the provision for family welfare. I refer honorable members to page 33 of the Estimates of Revenue and Expenditure for the year ending 30th June, 1962, division No. 28 —Family Welfare—item No. 8 in section 2, which reads—

> Expenses including grants and subsidies in connexion with State wards in foster homes, private board, non-Government institutions and hostels and assistance to children in necessitous circumstances.

The estimated expenditure for the year 1961-62 is £834,000, and the actual expenditure for the last financial year, 1960-61 was £684,690. At page 11 of his 1960-61 Budget speech, the Treasurer stated, under the heading of Children's Welfare—

> The Government has decided to increase the weekly boarding-out rates for State wards who are being cared for in foster homes and private institutions and also to liberalize the scale of certain allowances which are taken into account in determining the subsidies payable to approved juvenile hostels.
>
> In arriving at these budget proposals, the Government has had the benefit of a most valuable report from the Children's Welfare Advisory Council.
>
> The present weekly boarding-out rates payable in respect of State wards placed in the care of foster homes are £2 5s. for the first child and £2 for each additional child. It is proposed to increase these rates to a flat £2 10s. per week for all children.
>
> The boarding-out rates payable in respect of wards living in approved children's homes and juvenile schools vary from £2 10s. to £4 per week. These rates will be increased by 10s. per week in all cases. The payments made in Victoria are considerably higher than in any other State.

The estimated expenditure under this item for the financial year 1960–61 was £792,500. That estimate included grants and subsidies in connexion with State wards in foster homes, private board, non-Governmental institutions and hostels and assistance to children in necessitous circumstances. According to the current estimates, despite the fact that in the past financial year the Government had legislated for increased payments to the children to whom I referred, instead of the amount of £792,500 being spent the actual expenditure was £684,690, the difference being more than £100,000.

The first question I want to ask—I do not doubt that there is some answer to it—is why, in view of the increases which the Government proposed to make in the past financial year and which the Treasurer foreshadowed in his 1960–61 Budget speech, the actual amount spent on this item was more than £100,000 less than the estimate? I direct attention to the fact that since the estimate was made last year this branch of the Chief Secretary's Department has had a severe strain placed upon it. I refer honorable members to the following questions which I asked the Chief Secretary on 26th September of this year and which are reported in the current edition of *Hansard,* at page 147—

CHILDREN'S WELFARE.

ALLOWANCES FOR CHILDREN IN NECESSITOUS CIRCUMSTANCES.

Mr. LOVEGROVE (Fitzroy) asked the Chief Secretary—

1. How many applications were received for allowances for children in necessitous circumstances during the periods 1st January to 31st August, 1960, and 1st January to 31st August, 1961, respectively?

2. In respect of each of the above periods —(*a*) how many applications for allowances for children in necessitous circumstances were approved and what was the number of children in respect of whom allowances were made; (*b*) what was the total cost of allowances paid to these children; and (*c*) how many allowances were made in respect of children whose fathers were receiving unemployment benefit?

In reply, the Chief Secretary stated—

The answers are—

1. For a period of 32 weeks from the 6th January to the 17th August, 1960, 952 applications were received, and for a period of 34 weeks from the 4th January to the 30th August, 1961, the number was 2,268.

2. (*a*) For the period of 32 weeks in 1960, 623 applications were approved in respect of 1,687 children, and for the 34 weeks period in 1961, 1,566 applications were approved in respect of 4,495 children.

(*b*) The total cost of allowances paid in respect of the 1960 period was £146,000, and of the 1961 period £195,000.

Separate figures are not available in respect of applications actually approved during these periods. However, the costs shown represent the total allowances paid for all children receiving State aid, irrespective of the dates the applications were approved.

(*c*) In the 1960 period, 34 applications were granted in respect of 134 children where the fathers were in receipt of Commonwealth unemployment benefits, and for the 1961 period the figures were 756 applications granted in respect of 2,353 children where the fathers were receiving the unemployment benefits.

I have quoted the questions and answers in full to demonstrate that this branch of the Chief Secretary's Department has been under a fairly severe strain because of the rise in unemployment, the increase in population, and the general deterioration in the conditions of families with many children in some of the industrial suburbs.

The third point I want to make in regard to the current Estimates and the expenditure incurred last year is that when the Treasurer introduced his 1960–61 Budget the basic wage in Victoria was £13 15s. a week and the cost-of-living index, "C" series, at that time was £15 2s. As approximately as one can measure it quickly, it was on that cost structure that the Government budgeted for an expenditure of £100,000 more than it actually spent. For at least six months of that Budget period the Government was confronted with increased costs brought about by rises in unemployment, which deteriorated the situation of large families in industrial areas. So it does seem that an explanation is needed from the Chief Secretary as to why the Government was able to under-spend in this item by something like £100,000.

Mr. RYLAH.—Perhaps I can help the honorable member for Fitzroy. Last year children's welfare covered what is now covered by family welfare and youth welfare. Those two items must be put together to obtain the answer. There was no separate item for youth welfare in last year's Budget Papers.

Mr. LOVEGROVE.—I appreciate the explanation of the Chief Secretary, but it will be recalled that when the Premier presented his Budget I remarked on the absence of the customary tables usually furnished as appendices to the Budget statement. The Premier pointed out that they had been discontinued, because the Treasury felt that they did not properly portray the position. If one refers to the Budget one finds under this branch of the Chief Secretary's Department several broad classifications are shown which I do not doubt can be used by him in support of the explanation he has given. However, they are certainly not understandable by me, nor by any other honorable member who desires to ascertain what is being spent on this most important work. After I had asked the Premier a question relating to the tables to which I referred, he supplied an answer in the form of a tabulated financial analysis which set out the expenditure under departmental headings.

Mr. RYLAH.—I was only trying to help you.

Mr. LOVEGROVE.—I am grateful for the Chief Secretary's advice in regard to this matter, but I say quite plainly that, as a layman, I cannot understand the precise situation without some additional explanation. I wish to know how much money is now being spent in these important branches controlled by the Chief Secretary. Social welfare now is an integration of four different and important functions. I notice also there is another item in the Estimates dealing with youth welfare, but I assume it does not concern the explanation already given.

Mr. RYLAH.—I suggest to the honorable member for Fitzroy that, if he adds the expenditure on youth and family welfare together, he will obtain a result that is roughly approximate to the expenditure on child welfare last year. There is a further explanation in that there were so many more necessitous mothers to be helped. I shall set out the full story in writing and send it to the honorable member.

Mr. LOVEGROVE.—I am grateful for the courtesy extended to me by the Chief Secretary. Another matter I wish to raise is that when the Budget for 1960-61 was introduced, the basic wage was £13 15s. and the "C" series cost of living figure was £15 2s. The 1961-62 Budget was introduced on a cost structure of a basic wage of £14 7s. and a consumer price index of approximately £16 3s. There was a 12s. increase in the basic wage, but a £1 increase in the cost-of-living index furnished by the Arbitration Commission. For those reasons, I suggest that the Government should give serious consideration to annual adjustments of the rates paid to non-governmental institutions such as foster homes, hospitals and so on, set up to assist children in necessitous circumstances.

Mr. SUTTON (Albert Park).—I will be striking an unconventional note when I say that it is not my intention to criticize the Chief Secretary.

Since the Chief Secretary is responsible for community social welfare, it must have been immensely gratifying to him to read in the report of the Board of Inquiry on Albert Park a series of references to the use being made by the committee of management of buildings erected by the Commonwealth and later taken over by the committee for conversion to sporting and recreational centres. Mr. O. C. Gillard, Q.C., who constituted the Board, said—

> In September, 1960, it was estimated that each year 95,000 to 100,000 visited the table tennis centre, 100,000 were admitted to the basket ball centre, while 70,000 visited the badminton centre. From the evidence given at the hearing and observations made on inspection, so far as the users of the centres were concerned the centres have been very successful.
>
> A great number of young people are obtaining healthy recreation in well-disciplined surroundings, not only during ordinary hours of daylight (when many would be prevented by their employment from obtaining the recreation), but in hours of darkness, thus extending considerably the period during which this area in the park would be exploited by users for recreational purposes.
>
> Furthermore, so long as the various sporting activities carried on therein continue to attract the young people, the committee of management may continue to receive quite a reasonable income from the sites without burdening too greatly the organizations using the same.

Mr. Gillard quoted His Excellency the State Governor (Sir Dallas Brooks) as saying: "I doubt if there is a better park so close to the centre of the city anywhere else in the world."

He commented: "There are indeed few areas so close to any city in the world that cater so adequately for sport."

He posed the question: "Was this development of playing areas one of the main purposes of the reservation as a public park?" "The answer", he said, "must be in the affirmative."

He found that the committee had at the same time maintained the park as a show-piece; that its accounts, which are audited annually by the Auditor-General, were accurately and faithfully kept; that its finances were in good shape; that the chairman, Senator Kennelly, "has given over the years outstanding service to the interests of the park, and indeed to the community at large, by assuming the responsibility of management"; that the committee—as it has

consistently contended—should be relieved of the heavy financial responsibility for the upkeep of the park roads; and that the achievements of the committee "far outweigh any weakness, either in its administration or management or the methods adopted."

Mr. Gillard dismissed as "insubstantial" criticisms made at the hearing by the secretary of Middle Park branch of the Democratic Labour party, from which venomous attacks on the committee originated as far back as 1954, when my appointment to it took place. The secretary was Democratic Labour party candidate for Albert Park in the elections in 1955 and 1961. He made the proposal to establish a bowling alley in the park and the appointment of a secretary to the committee, the chief features of his campaign against me this year. Electors showed their approval of my work as their representative for eleven years and as a park trustee by re-electing me with an absolute majority of 1,895 votes over combined Democratic Labour party and Liberal and Country party forces.

Mr. Gillard's findings are summarized at pages 121-130 of the report. On the slight debit side he found that—

> The committee may have erred—(1) by expressing its readiness to allow a bowling alley company to build on and occupy an area of the park . . . ; (2) by appointing a full-time secretary without having advertised the position and calling for applications for appointment.

He recommended that no further enclosures be permitted and no large buildings be constructed "without the consent of the Board of Land and Works after consultation with the Town Planning Authority for the metropolitan area."

As for the bowling alley, it is relevant to point out that permission for that project had been obtained by the committee from the Board of Land and Works before it intimated its consent to the promoters.

I urge honorable members to read the report with open minds. If they do they will unhesitatingly endorse the verdict of the *Age* that extravagant charges were made and that—

> what has been revealed by the inquiry is that any weaknesses in management have their origin, not in the committee, but in the regulations and authority under which it operates.

The *Herald* and the *Sun News-Pictorial* mounted a ruthless campaign against the committee. Even when a report overwhelmingly in its favour had been released they could discover no better means of dealing with this than to highlight references to two matters in which the committee "may have erred," as Mr. Gillard said, and to fob off in a paragraph or two his praise of its work. The report must have been a severe disappointment to them and to Democratic Labour party mischief-makers they fostered.

Mr. WHEELER (Essendon).—I wish to refer to one or two matters related to youth welfare. First, I believe we must compliment the Government on the fact that it has seen fit to increase the grant under this heading by £74,000 this year. That indicates that the Government recognizes that one of the great contributing factors to the lifting of standards and the eventual eradication of the problem of delinquency is to spotlight what the Youth Welfare Division is doing. We should do everything humanly possible to assist members of organizations who are prepared voluntarily to give time to organize youth activity in our various municipalities. They give advice to young people in the community and in all sorts of ways create interest in healthy recreation.

I would be interested to learn how the Youth Advisory Council reaches its decisions on the grants to be given to the various youth organizations. An organization in my electorate is responsible for the training of 160 young people, and it has been functioning for four years. It was sponsored by the Pascoe Vale branch of the returned soldiers' league and I believe it to be a very reputable body. It is run by a group of returned servicemen who have accepted the challenge to the community and are doing all they can in that area to help the young people. They realize that if a young person is trained well, he will grow into a better citizen in later life. Application was made for assistance,

but nothing was received for capital building, nothing for capital works, nothing for maintenance, and only £15 for youth leadership work.

A grant of £15 is not sufficient recognition of the services rendered to the community by an organization such as the Pascoe Vale branch of the returned soldiers' league. There may be a good reason for granting only £15, and I seek information on that point. If the sum of £15 is considered to be the value of that organization, I believe it is an insult to those men and women who are doing their best in the interests of youth. Another organization in my electorate, in a similar position, received a grant of £50. I am not convinced that this is an equitable contribution. I ask the Minister of Electrical Undertakings, who is now at the table, to enlighten me as to the system by which such grants are decided.

Mr. LOVEGROVE (Fitzroy).—When Division No. 28.—Family Welfare—was being considered, I asked a question in regard to what I thought was an under-expenditure of £100,000 relating to item 8 of section 2 which refers to subsidies for State wards in foster homes. If I understood the Chief Secretary correctly, he stated that it was not in fact an under-expenditure but was accounted for by the fact that other expenditure was included in the sum shown as having been expended on youth welfare. I notice that in item 8 of section 2 of Division No. 29—Youth Welfare—the expenditure for this purpose in 1960-61 was £52,046. Under item 8 of Division No. 28, the total expenditure for the year 1960-61 is shown as £684,690, although the figure shown in the Estimates for the year 1960-61 for the same item was £792,500. By adding the sum of £684,690 to the amount of £52,046, I arrive at a total expenditure of £736,736, which is considerably less than the estimated expenditure of £792,500 as shown in last year's estimates. I do not pretend to have any more than a layman's understanding of these matters, but point out what appears to be an apparent discrepancy of approximately £60,000 between the estimate of expenditure last year and the actual expenditure. I would be grateful if this matter were brought to the notice of the Chief Secretary so that a reply may be furnished together with the answer previously promised in regard to another division.

Mr. FENNESSY (Brunswick East).—I wish to refer to a matter which is similar to that referred to by the honorable member for Essendon. The North Fitzroy Youth Club was formed about eighteen months ago, officially, but previously there had been an association of young men and women who were anxious to obtain a building for their youth organization. Certain councillors in Fitzroy and other responsible citizens were prepared to assist. As the president of the club, I realize the struggle they have had to obtain premises.

Some funds were accumulated, and the organization was fortunate that an American petrol company donated to the club an eight-roomed house. The cost of removing the house from its original site was approximately £280. It is now situated on a site near the intersection of St. George's-road and Park-street on both council and railway land. The Railway Department made available a small portion of land under lease, as it has done to other organizations for scout halls and the like. The club made application to the Chief Secretary's Department for a grant of £500. There is still an amount of £80 outstanding for the removal of the house to the new site. The removalist is prepared to wait until we find the extra money. It is desired to remove the inside walls so that sufficient space will be available for sporting activities. A substantial amount will be needed for this work.

I make a plea to the Chief Secretary to give consideration to this worthy cause. Unless a grant can be obtained, difficulty will be experienced in raising sufficient money to undertake the necessary repairs so that the building may be occupied. This building will satisfy an urgent need for youth club work in this area, and responsible people in the community are desirous of assisting. I ask the Minister of Electrical Undertakings to direct this matter to the

attention of the Chief Secretary. It would be appreciated if the honorable gentleman could advise the Youth Advisory Council that this particular club is in need of funds to carry out urgent internal renovations and that it is a worthy cause. Once the club is operating in these premises, it will reflect credit on the Government's administration and on the responsible citizens who are actively concerned in youth welfare.

Mr. TREWIN (Benalla).—I wish to mention certain matters relating to youth clubs. In the Benalla electorate there are youth organizations at Avenel, Euroa, Benalla, Mansfield and Bright, and also a small one at Whitfield. Although they all applied for grants, I notice that in most cases they did not receive the sums sought. Great difficulties arise in providing finance for the construction of buildings. For instance, the Benalla Police and Citizens' Youth Club has constructed a building worthy of any larger town, and it contains an athletic room, an indoor basket-ball court with showers and changing facilities, two out-door basket-ball courts and other amenities. All of these have been provided through the generosity of the people in the town and the surrounding district; without their co-operation this project could never have eventuated. A certain sum is still owing on the building, and the trustees accept their responsibility in that regard. However, equipment is costly, and the sum obtained by way of admittance fees pays only for the maintenance of the building. The equipment has been supplied by the generosity of the towns-people and by grants made from year to year. A grant of £50 for capital equipment is a small sum in these days. The membership of this club is approximately 450. Each Saturday morning in Benalla approximately 150 children under fifteen years of age are coached on lawn tennis courts, and approximately 100 boys play cricket. There is available for their use a well-equipped swimming pool. There is also the scout hall and a guide hall. All such projects are designed for the welfare of the young people, and they are made available because the parents and others are willing to give their time, money and efforts towards them. Sooner or later, we will have to ensure that more money is made available so that the young people may be catered for to the best advantage. I hope that next year, when the Estimates are considered, action along those lines will have been taken.

Mr. MANSON (Ringwood).—I desire to relate my remarks to Division No. 29—Youth Welfare. There is an excellent organization, called the Pedal Clubs, which is run outside the ambit of any Government Departments. These clubs do excellent work for the youth of the community by teaching young people road safety, the care of bicycles, and such like. I believe that the pedal clubs could be the focal point, upon which three Government Departments could come together and improve this association and extend its activities, with benefit to all people in the community. If the Chief Secretary's Department and the Police Department, which are both interested in road safety, co-operated with the Education Department, it should be possible for a pedal club to be formed at every primary school. This would teach our young people the rules of the road and general road safety, and it would be an excellent method of assisting them in a general fashion.

Secondly, I believe there is a lack of co-operation between the Railway Department and youth welfare organizations. One of the best youth organizations is undoubtedly the Boy Scouts Movement, and there are a number of areas in which this organization would be happy to erect buildings and scout halls if it could get land at a reasonable price. I have in mind an area in Bayswater where there is available a portion of railway land, but from inquiries I have made I understand that the Department intends to sell or auction the land to the highest bidder for commercial purposes. It seems to me ironic that, on the one hand, we spend thousands of pounds in assisting youth welfare, while on the other hand, a Government Department, which could assist by making land available at a

nominal rental, refuses to do so. I direct this matter to the attention of this Committee and of the Ministers concerned, and I hope they will give consideration to my suggestion, because action along those lines would be of great benefit to the youth of our community.

Mr. LOVEGROVE (Fitzroy). — Briefly, I propose to deal with four aspects of the Police Department. First, I refer honorable members to the item in the Estimates which relates to the purchase of motor vehicles. Some time ago, a question was asked on notice concerning the efficiency of motor vehicles being used by the police, and I hope I am not misquoting the Minister —I cannot recall which Minister replied to the question—but I understand the House was assured that the vehicles being used by the police were efficient and satisfactory. The Opposition has been led to believe that the actual state of affairs is exactly the opposite, that the vehicles now being used by police for certain types of work are unsatisfactory, and that the Department has notified the Chief Secretary accordingly. Furthermore, I understand that consideration is being given to altering the vehicles or to obtaining different types of vehicles.

The Opposition desires to know, first, whether it is true that the vehicles now in use are to be replaced by other vehicles made by another firm; secondly, whether they are to be restricted to certain minor uses in the Force; and thirdly, whether their use is to be abandoned in cases requiring high speed chases for the apprehension of criminals. It is unsatisfactory that wrong information should be given to Parliament no matter how well intentioned the Minister may have been in answering the question. The Opposition is satisfied that the information in its possession is accurate and that the police are profoundly dissatisfied with the vehicles that they have been using during the past eighteen months, which have failed signally to enable them to carry out a good deal of their work efficiently.

Mr. CHRISTIE.—Of what horse-power are the vehicles to which you refer?

Mr. LOVEGROVE.—They are 32 horse-powered vehicles, although that is not the problem. I am more concerned about the stability of the vehicles at high speeds, and problems other than that of the power of the vehicles in question. My second point relates to the comparative ease with which young persons, who are under the age of 21 years, can obtain possession of guns which can be used at will either ignorantly or by intent. By a simple operation, many guns can be converted into short-range lethal weapons. I ask the Government to consider making it compulsory for such weapons to be licensed. I appreciate that members representing country constituents are interested in this question so far as the use of guns in the country is concerned.

I am not asking that the use of weapons should be restricted in country areas, provided that they are used rationally and with good purpose. However, I suggest that restrictions should be placed on those persons who can purchase guns easily and who may be irresponsible when using them. There is no doubt that many persons who use guns in the metropolitan area to-day will, because of the shortage of rabbits, shoot at almost any target, irrespective of whether they endanger passing motorists.

Mr. CHRISTIE.—Are you referring to rifles?

Mr. LOVEGROVE.—Yes. In Brunswick-street, Fitzroy, and in Elgin-street, Carlton, both of which are located in my constituency, there are two of the best gun shops in Melbourne, where it is possible to purchase guns costing anything from £20 up to £200. Any person can purchase a gun and, if he so desires, he can use it as did a lad in an incident reported in the press recently. Some action should be taken to protect the public from the indiscriminate use of guns.

Mr. BLOOMFIELD.—Are you speaking of guns or rifles?

Mr. LOVEGROVE.—I am using the word "guns" broadly to describe the whole range of firearms that can be purchased to-day.

Mr. BLOOMFIELD.—What about shot guns?

Mr. LOVEGROVE.—I am including shot guns as well as other guns in that category. The irony of the whole situation is that, when a person requires a small arm for legitimate use, he must go to incredible lengths to obtain it. First, it is necessary to obtain a permit from the Police Department, and then it is provided that the gun must not be taken out of doors. Generally speaking, it is possible to obtain such a weapon only for self-protection purposes. On the other hand, any persons, irrespective of whether they are capable of handling guns, can purchase them from gun shops and, every week-end, shooters, who have no regard for the public, can be seen in localities such as Bulla, Sunbury, and Tullamarine. If any honorable member was to travel along the Geelong-road during the week-end and was to "cut across" towards the You Yangs, he would see many persons using weapons without any regard for the safety of other people. I ask the Government to exercise proper control over the use of firearms.

I should like to know whether the Government proposes to give consideration to carrying out the Opposition's suggestions concerning the traffic code. The Opposition does not desire to claim credit for any suggestions designed to improve the traffic code, because it believes that suggestions relating to life and limb should be made without credit, politically or otherwise.

It appears to me that there is such an abundance of evidence being placed before the Government and such a reinforcement of considered expert opinion in favour of introducing a new system of licensing that the Government should give consideration to the matter early in the next sessional period of Parliament. The Opposition suggests that if the police are to be given any assistance other than staff assistance, it should be in the nature of the exercise of a much stricter control in the form of probationary licences. Many people who at present are issued with drivers' licences grossly misuse them.

Mr. WILKES (Northcote).—I raise a matter concerning motor vehicles used by the Police Force. On the 9th August, the *Sun News-Pictorial* published an article stating—

POLICE CARS "NOT SAFE".

Police drivers are dissatisfied with the vehicles on issue to them for patrol work.

The Police Association at its annual meeting last night decided to inform the Chief Secretary, Mr. Rylah, that vehicles on issue to the Mobile Traffic Section were "inefficient and unsafe" for police work. Senior Constable R. G. Hancey, of the Mobile Traffic Section, in moving that the association should approach the Chief Secretary, said "Members have exhausted all avenues of approach". The motion was passed unanimously by a meeting of about 200 policemen and policewomen.

Constable Hancey said that the car on issue to the Mobile Traffic Section was not only inefficient but also unsafe for police work.

Constable Hancey said there were occasions when police driving the car had pursued offenders for distances of 53 miles and 49 miles on the open highway.

In the metropolitan area it had often taken up to four or five miles to catch an offender travelling at 50 mph.

Constable Hancey said that the vehicles were ordered off the road from July 18 to July 21 while experts from the manufacturers were inspecting them.

He said that the cars were not designed for use in the Police Force.

The Minister without Portfolio, Mr. Meagher, stated on the 10th August that the Chief Commissioner, Mr. Porter, was satisfied that the cars were doing the job required of them but had asked for certain modifications to improve them still further. The Chief Commissioner, on the admission of the Acting Chief Secretary, said that although he was satisfied with the cars, he wanted them modified still further. A statement attributed to Mr. Porter in the *Herald* of the 9th August was that the cars bought by the Police Department were among a listing given by the Government Motor Transport Committee. A factor in the cars listed was the amount of Australian workmanship in them.

The Government Motor Transport Committee which, I understand from Mr. Porter's statement, would be responsible for recommending to the Government the particular types of vehicles that would be suitable for the Police Force consists of Mr. J. C. Macgibbon, Assistant Secretary, Premier's Department; Mr. C. S. Cole, an accountant, of the Treasury; Inspector W. D. M. Arnot, Chief Technical Officer of the Police Force; Mr. G. M. Langham (Bachelor of Engineering), of the Country Roads Board; and Mr. J. E. Dale, A.M.I. (Mechanical Engineering), Assistant Chief Mechanical Engineer of the State Rivers and Water Supply Commission. They are the persons responsible, I understand, for recommending to the Police Department cars that are suitable for its work. On the 26th September I asked the Chief Secretary—

> Whether recent press reports of unroadworthiness of police vehicles are correct; if so, what action the Government has taken to see that the particular type of vehicle concerned has been modified, and what modifications were required to ensure the safety of police concerned?

The answer given by the Chief Secretary was—

> The Chief Commissioner of Police has reported that the vehicles being used by the Victoria Police Force are not unroadworthy. It is considered, therefore, that recent press reports of unroadworthiness are not correct.

Despite the admission by the Chief Secretary that the cars were called in to be modified——

Mr. BLOOMFIELD.—Did you say previously that they were to be examined or modified?

Mr. WILKES.—If the press report is correct, the Minister said that Mr. Porter was satisfied the cars were doing the job required of them but had asked for certain modifications to improve them still further. The particular type of car that the police were using previously needed modification. Policemen had made complaints about them to senior officers in the Department and they considered that the only means by which they could get satisfaction was to bring the matter up at an association meeting.

I was concerned when I read about this matter as to what effect this particular car would have in the hands of the ordinary public, if it required modification for high speed work. I have ascertained that the first models of this make of car that were released to the public were called in by the manufacturers and modified. They were similar to the cars being used by the police. Although the Chief Secretary said that the press reports were incorrect, obviously they were not incorrect.

Mr. WILTSHIRE.—Did not the vehicles bought for the Police Force have special motors?

Mr. WILKES.—The cars the police were using were similar in design and make to the privately-owned cars that were called in. One honorable member who owns this particular make of car had his vehicle called in and modifications were made to the front end to improve its stability and cornering qualities at high speed. I contend that the Government Motor Transport Committee, instead of comprising men with qualifications such as that of Bachelor of Engineering, should include men with obvious knowledge of the requirements of the Police Force and some sound mechanical engineering ability.

Mr. WILTSHIRE.—Such as an "A" grade motor mechanic's certificate?

Mr. WILKES.—I should think so. The lives of the persons driving these cars depend on the vehicles recommended by the committee. The Government has a responsibility to see that the transport committee is capable of making recommendations on the purchase of cars suitable for police work.

Mr. SCOTT.—Are the members of that committee paid for their services?

Mr. WILKES.—I do not know, but the committee is responsible to the Treasury. It recommends the types of car that shall be used by particular Departments. It may not matter much to another Department, but to the Police Department it is most important that the best possible equipment should be provided. The mobile traffic section of the Force is not over-endowed with

equipment as compared with its counterparts in other States of the Commonwealth. Unfortunately, on this occasion cars were recommended that were not suitable for the type of work required of them. I cast no reflection on the manufacturers. They realized that something was wrong and called in the vehicles sold on the private market for modification.

It is of no use the Chief Secretary saying that the press reports were wrong. The press reports were right, and the cars were unsuitable for police pursuit and patrol work. As a result of admissions made since then, I understand that the cars have been modified and made safer for the police to use.

Mr. WILTSHIRE.—Is the Government still purchasing that type of car?

Mr. WILKES.—I do not know. Before any further purchases are made for the Police Department, I contend that the Government Motor Transport Committee should be absolutely certain that the type of car it recommends is the right one for the work involved. Lack of knowledge of the requirements of the Police Department was reflected in one of the committee's recommendations.

Honorable members realize the importance of police work. From time to time critical analyses have been made of measures required to reduce the accident rate, and it has always been said that the work of the police has been outstanding, especially that of the mobile traffic section, which has been sadly neglected. Its staff has not increased greatly over the last three or four years; in fact, it has hardly increased at all.

On the 17th October, the honorable member for Brunswick West asked the Chief Secretary—

> How many members of the mobile traffic branch are employed in patrolling—(*a*) the Hume Highway between Melbourne and Seymour; (*b*) the Calder Highway between Melbourne and Bendigo; (*c*) the Western Highway between Melbourne and Ballarat; (*d*) the Princes Highway between Melbourne and Geelong; (*e*) the Nepean Highway between Melbourne and Portsea; and (*f*) the Princes Highway between Melbourne and Traralgon?

The answer supplied by the Chief Secretary was—

> Generally speaking, one car operating from Melbourne patrols each of the portions of the highways mentioned. In addition, two solo units operate on a portion of each of the Hume, Calder and Western highways. On the Princes Highway between Melbourne and Geelong, and Melbourne and Traralgon, and on the Nepean Highway an average of four solo motor cycles operate.
>
> Two additional car units are also engaged in patrolling sections of the Princes Highway and branch roads between Warragul and Rosedale.
>
> Cars are generally manned by two members, but, due to court, leave and other requirements, they are sometimes operated by one member.

Members of the mobile traffic section are required to give evidence in court, and when they do the strength of the section on the highways is reduced. One patrol is used between Melbourne and Wangaratta. By comparison, on the other side of the border, between Albury and Holbrook, a distance of 41 miles, six New South Wales mobile traffic patrols, operate.

Mr. SCOTT.—How do they fill in the day?

Mr. WILKES.—Four of the patrols work in shifts along the road north of Albury and the other two operate from Holbrook. The Holbrook men work from 17 miles south of that town to 20 miles north of it. They have been successful in reducing to a minimum the accident rate on that accident-prone section of the Hume Highway. Over the last ten months, there have been no fatal accidents recorded on the Albury–Holbrook section. If sufficient emphasis is placed on the number of patrols, they will act as a deterrent to bad driving, dangerous driving, and unnecessary speeds on the highways.

Mr. TANNER.—The breathalyzer will act as a deterrent.

Mr. WILKES.—I do not consider it will. During the last month, including last week-end, most fatal accidents in Victoria occurred on main country highways. When only one traffic patrol operates on such vast stretches of highway, is it any wonder that drivers do not take necessary precautions? There is only one effective deterrent, and that

is more traffic police in cars suitable and capable of carrying out the work required of them.

In the metropolitan area emphasis is placed, not on correcting bad or dangerous driving, but on apprehending drivers who are travelling at between 30 and 40 miles an hour on safe roads. Any member of the Police Force, if asked, would say that the average speed around Melbourne to-day is 40 miles an hour, yet when the Department conducts a traffic blitz emphasis is placed on the driver who exceeds 30 miles an hour in a built-up area. Some members of the mobile traffic section use discretion. During the last blitz I was apprehended for doing 35 miles an hour, on the word of a traffic policeman, in a 30 miles an hour zone in the metropolitan area. The policeman did not have any intention of booking me, but informed me that I was in a 30 miles an hour zone. I think it is proper that discretion should be used. Recently I asked the Chief Secretary—

How many motorists were booked for traffic offences during the "traffic blitz" conducted last week-end, 17th to 19th November?

My question specified a number of offences, and the answers were as follows—

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.

As 533 motorists out of a total of 2,428 were booked for exceeding 30 miles but not 40 miles an hour, it is clear that the time of members of the Police Force is being wasted. While they are busy pulling up such drivers, other dangerous drivers are failing to stop at intersections and so on. In addition, the police have to spend time in court giving evidence against the offenders who have exceeded 30 miles an hour.

Mr. SCOTT.—Are not 30 miles an hour zones determined by experts?

Mr. WILKES.—I have advocated that the Government should do something about speed limits or increase the size of the mobile traffic section. In other countries in Europe and in the British Commonwealth it has been proved that arbitrary speed limits encourage drivers to break them. When a speed limit has been lifted on a trial section of road in the United Kingdom and even in Victoria it has been found that motorists do not exceed the previous average speed, but that when the limit is reimposed motorists are encouraged to break the law. It is impossible for motorists to travel at high speeds around the metropolitan area except in the early hours of the morning, when doing so becomes dangerous driving.

Thousands of people have been booked for driving at between 30 and 40 miles an hour. The expense of taking them to court and the waste of time of the mobile traffic section, whose members could be employed on country roads where they are most effective and where most fatal accidents occur, are not warranted. Something ought to be done about arbitrary speed limits in the 30–40 miles an hour category, and more emphasis should be placed on apprehending drivers who travel in excess of 50 miles an hour on the open road or who drive in a dangerous manner. If the Government is to relieve this dreadful carnage on the road, it can do so only by increasing the efficiency of the mobile traffic section by providing more satisfactory vehicles—possibly

that is being done—and by raising its strength. That is the only deterrent which will affect a motorist who is willing to risk his life as well as that of other people.

Mr. SNIDER (St. Kilda).—While the Committee is discussing the Police Force, I should like to direct attention to something which I believe needs correction. I have advocated this for a number of years, and trust that some action will soon be taken. The honorable member for Northcote has reminded me of the great hazard under which the police, fire brigades and ambulances operate, in the normal course of enforcement of law and order and the provision of emergency services. I refer to the almost daily difficulty experienced by drivers of police cars, ambulances and fire brigades in getting their vehicles safely through traffic in an emergency. The drivers of other vehicles, at the sound of a siren or bell, should immediately pull over as close as possible to the kerb and stop. I have watched vehicles on an emergency errand endeavouring to wend their way in and out of lines of traffic and to cope with the irresponsible driver who proceeds on his leisurely way at times almost blocking the emergency traffic. When I last raised this matter there was no requirement for vehicles to cede right of way, and if a provision has been introduced in the meantime it has never been observed.

Mr. FENNESSY.—Is that done in any other country?

Mr. SNIDER.—Yes. It is the practice and the law in a number of States of the United States of America. It is interesting to see all traffic pull over to the kerb and stop, leaving a free space for vehicles travelling at high speeds to get through in an emergency. Fortunately, emergency vehicles are not often involved in accidents in Victoria. Recently there was an instance of an ambulance carrying injured persons coming into collision with another vehicle, but I do not know what was the cause.

Any honorable member who has observed the difficulties with which emergency vehicles are confronted when endeavouring to reach their destination must feel grave concern for the drivers and occupants of such vehicles, as well as for other traffic on the road. If the requirement I have mentioned were made absolute, it would be easier for emergency services to operate, and a positive step would be taken to eliminate a particular hazard which is so obvious that I do not need to discuss the matter further.

Mr. CAMPBELL TURNBULL (Brunswick West).—The Police Classification Board has the power and duty to fix the salaries and wages of members of the Police Force. It is obvious that the Government is starving the Victorian Police Force in every way including the provision of adequate salaries and working conditions. The Government is employing approximately 1,800 fewer men than the number recommended by the Chief Commissioner of Police. Of course, if anyone mentions the Police Force the Chief Secretary regards it as criticism of the Force, although both the honorable gentleman and I have nothing but praise for it. Members of the Force are not receiving a sufficient reward for the services they perform. As a result, at the ruling rates of pay it is difficult to attract the right men to the Force, whether the qualities under consideration are physical or mental.

Mr. WHEELER.—What is the average weekly take-home pay?

Mr. CAMPBELL TURNBULL. — Through my advocacy before the Police Classification Board I am fully informed on the figures. The Government briefs counsel to strenuously oppose any claim made by the Police Association instead of endeavouring to assist it to achieve wages that are proper in the opinion of the Chief Commissioner. When claims are made, the opinion of the Chief Commissioner of Police is not sought. That is because he believes that many of the claims made are fair and just. I look forward to the day when the strength of the Police Force will be greater than it is to-day. That will not be achieved unless higher salaries and wages are granted.

Mr. RYLAH (Chief Secretary).—I thought the purpose of setting up independent tribunals and wage-fixing authorities in this State was to ensure that they would not be under the influence of Parliament or the Government of the day. The honorable member for Brunswick West, apparently smarting from the fact that he has not convinced the tribunal of the claims he has put before it, now seeks to use Parliament as a means to influence the tribunal. I consider that to be a very wrong thing to do.

Mr. SUTTON (Albert Park).—The Chief Secretary is aware, as are Opposition members, that in discussing this matter I intend to renew a plea which I made during the debate on the Budget for more generous treatment of the State Library. Since then the matter has been given a good deal of constructive publicity, and the Chief Secretary, while indicating sympathy, has expressed the opinion that the time has come for libraries in Victoria to co-ordinate and rationalize their services. There is some wisdom in what he has said, and I believe regard should be paid to it, so far as is possible, by the various responsible authorities. But, in the meantime, the prestige and the value of the State Library are at stake. The *Age* has rightly referred to it as " a special case." It said—

> The plain facts emerging from comparison of money available to other Australian libraries and to the State Library are disgraceful. The State Library is being starved of funds for book buying. By proposing co-ordination and rationalization of library services Mr. Rylah is suggesting a treatment which lowers the State Library to the rank of a municipal library.

Mr. RYLAH.—That is unfair. I had no such idea in mind. I was hoping that the status of the State Library would be raised—not lowered.

Mr. SUTTON.—I am not condemning the Chief Secretary. It would be stupidly malicious to accuse him of wanting to do what is suggested in the newspaper article, but I wish he could be persuaded to alter an attitude which seems not unlikely to bring it about.

The trustees have frequently, in recent years, been obliged to reject collections or sets of books, historical papers, family records and manuscripts offered to them for purchase which they were anxious to acquire but were unable to afford. At their monthly meetings they have discussed means for avoiding the duplicating of rare books or expensive works of reference that may be in, say, the Baillieu library, and in foreseeable circumstances will be used only or mostly by specialists. The practice is reciprocal. Snobbish or competitive buying is strongly disapproved. In any event, on the grant made to it for book purchases, the State Library is in no position to pass the Joneses in an interstate or national competition. Its handicap is too great.

Despite the growth—in some instances phenomenal—of university libraries, the Commonwealth Scientific and Industrial Research Organization libraries and well stocked municipal libraries, the State Library remains Victoria's recognized record, research, reference and public library, and it should have the bulk of source material in or related to Victoria. To a considerable extent it has, and with funds chasing needs it must continue to build up its strength with an eye always on the needs of university staffs and students as well as of the general public.

It is required by law to be the archival repository of State documents, which are very valuable to researchers. Moreover, all such material held in it is accessible to authorized persons, whereas, if it went into a university library, it might pass exclusively for a long period at least into the hands of a professor or lecturer engaged on writing a thesis or biography. That has happened more than once. It is understandable, but is not satisfactory.

I think it is no exaggeration to say that the State Library is living now on what, for lack of a better description, might be called the capital of its fame. This is declining at a time when public libraries in other States, and the university libraries, are receiving grants which make the grant to it look shabby-genteel. It was founded by eminent men

—men who were builders of the State—and in fidelity to its traditions, to say nothing of expanding demands made on it for service, it must maintain its pre-eminence in State fields.

Famous overseas scholars and librarians have praised the collections which it has accumulated, and in the very nature of these it is unthinkable that they be not kept up to date—a process which involves heavy outlays because of the enormously increased costs of book production.

It is important to remember, and it is not likely to be well known—if known at all outside a limited circle—that in earlier years it benefited munificently from the Felton Bequest Fund, which enabled it to establish an unrivalled richness and range of resources, but which ended for it in 1944. The years that followed have been lean.

Trustees and librarians who have inspected State public libraries in Adelaide and Perth have observed with astonishment and chagrin that these, which service much smaller populations, are fast out-distancing the Victorian State Library in additions to stocks. The simple explanation is that relatively they are voted more money for that purpose than ours is. A few thousand pounds annually—a sum that is infinitesimal when compared with the total Budget provision—would go far to clear away its immediate difficulties if this were not expected to cover also the cost of binding books and periodicals, of which latter alone there are about 3,000.

Binding costs should be charged against the Government Printer, as is done on behalf of the public library in Sydney; or if that course does not commend itself to the Minister, the work should be carried out by the Government Printer if only by way of an experiment and as a check on the quality and cost of work done by outside bookbinders.

The trustees have appointed a subcommittee to set out their needs to the Minister. They have been heartened by his statement that the proposal which he has made regarding the rationalization of library services "is not intended to justify the present allocation; it is recognized that the grant is becoming inadequate, having regard to the problems of the day." "Becoming" is not the appropriate word. The grant is starkly inadequate. Every year sharpens the disparity between requirements and the funds with which to meet them. It is hoped that the Minister's sense of the fitness of all things cultural will cause him soon to actualize his sympathy.

Victoria, as the Premier is constantly reminding us, has taken the majority of migrants to Australia. One of the results is that the State Library has had to enlarge its languages section and add substantially to its stocks of books of all kinds, whether printed in the original languages or in translations. In this disturbed age it has to provide facilities that reflect world thoughts; it has to be, and it is, and Andre Maurois, of the French Academy, has said that a great library should be, "a centre for international understanding."

Maurois' brilliant exposition of the role of a library in the modern world appeared in the United Nations Educational and Scientific Cultural Organization *Courier* for last May. He says, "There is truth in the saying that to-day the right to read is one of man's inalienable rights" and that "all men and women must have free access to books." He declares that "education is but a key to open the doors of libraries." But of what use is it to open the doors of a room when the goods that are sought are not there, or are in short supply? That is a deeply disappointing experience.

It can be appreciated that university and affiliated college libraries cater for many thousands of students, but there is surely an equal number, or more, that resorts to the State Library. What, for example, will be done by students at Monash University until the library there is a full-working department? Manifestly, they will use the State Library. Then there is the host of people not associated with places of higher learning, who are earnest students but cannot afford to buy the prescribed text-books — nor can the

schools or colleges at which they study afford to buy them in sufficient numbers for distribution or even reference. To them and to students in the top forms of secondary schools and in public schools who are preparing for examinations, the State Library is indispensable.

I should now like to refer to the book position. The *Bookseller,* London, has just released its bi-annual survey of British book production. This shows that the output for the six months up to August last totalled 11,781 titles. Some of the new collections were priced at £34 and £36, and these are the types that our State Library must have or acknowledge itself second rate. Almost every book—here I am not referring to fiction, though fiction is often as valuable as non-fiction for the insight which it gives to ways of living, past and present—turned out by a leading English house, suggests itself as worthy of a place on the shelves of a library which makes more than a pretence of being modern, but by the time it reaches Melbourne the price has soared. If it is bought on the home market, adverse exchange rates operate. The New South Wales Government pays such rates for its public library. Our Government does not.

An up-to-date and complete range of periodicals is essential, and these also are costly. They are printed in bewildering number and variety; as I have said, the State Library stocks some 3,000 of them. They are, in one special sense, more important than books. A book represents the distillation of knowledge up to the time when the author hands his manuscript to the printer, but publication may not take place for many months afterwards, and at that stage much that is written may stand in need of revision. That is where the virtue of a publication comes in; it is current, corrective, and supplemental.

In recent times, Australians have acquired the habit of reading and being influenced by book reviews — several excellent literary and kindred journals are published in this country—and an outcome of that reading, or pre-reading, is that the works reviewed are expected to be available in the State Library. No other library that is a public library could reasonably be expected to provide technological works such as were shown on the Chief Librarian's book lists for last month at a cost of £206 11s. 6d.

A time will come, no doubt, when some Government will appoint a Select Committee or even a Commission to investigate the whole library problem, but unless action is taken without delay by the present Government to increase the State Library's book vote, that library will indeed be reduced, as the *Age* has warned, to the level of a municipal library.

The Minister was reported as having said—

> Considerable thought had to be given to the question of whether it was sound policy for the Government to provide expensive libraries in schools which were available in school hours only.

That is a trifle strange in view of the Budget provision of an additional £34,000 for school libraries. There may well be, however—on the surface, there is—a case for a measure of co-ordination of school and municipal library services. The Chief Secretary may find it advisable to discuss the matter with the Minister of Education.

Section 10 of the Libraries Act 1958 states that a function of the Free Library Service Board shall be, " to submit recommendations to the Minister of Education with respect to the promotion, organization and supervision of libraries at State schools within the meaning of the Education Act 1958, and the distribution of any funds provided by Parliament for the establishment and maintenance of such libraries."

Are recommendations made and, if so, to what extent are they adopted? It would be interesting to know.

Mr. LOVEGROVE (Fitzroy).—Some time ago, the papers room at the Public Library was open to anyone who, at short notice, desired to peruse a back copy of a newspaper, irrespective of the purpose for which this was desired. I understand that this practice has been taken advantage of over a number of

years by a certain section of the community who have only one interest—I refer to racing—and consequently, many of the old papers have been mutilated and damaged. It is no longer possible for a person to go to the papers room and readily obtain access to back numbers of newspapers. Any person who desires to peruse an old newspaper must now fill in a form giving a certain number of days' notice and stating the reason why he desires access to the paper in question. I, personally, have experienced this procedure.

I consider that some dispensation should be allowed to those persons who can satisfy the library that they do not have a diseased mind of the type that leads persons in various walks of life to spend hours in the papers room endeavouring to work out racing systems which, in any case, never work successfully. These people should not be allowed to take possession of the newspapers to the detriment of persons who require to peruse the papers for legitimate purposes. There are many reasons, apart from political reasons, why a person might desire to examine a back number of a newspaper and, in many instances, the person concerned would not wish to state the reason on paper. Accordingly, I ask the Government to give consideration to my request.

Mr. FLOYD (Williamstown).—I had proposed to speak under Division No. 35 which relates to the National Museum, but I trust that you, Mr. Acting Chairman, will allow me to raise the matter in question under Division No. 38—National Museum. I consider that the National Museum could be extended to suitable suburbs.

Mr. MIBUS.—What about provincial cities?

Mr. FLOYD.—I examined the Estimates in order to ascertain how the museums at Castlemaine, Ballarat, Bendigo and Geelong were conducted, but I have not been able to ascertain any information concerning them. Of course, those institutions may not receive Government assistance although, if they do not do so, they should receive it. As our National Museum grows, it will be impossible to exhibit all of the articles and historical documents that are donated to it and, consequently, I consider some form of decentralization should be practised in this regard. For example, it should be possible to establish a maritime section of the museum at one of our bayside suburbs, such as Williamstown or Port Melbourne. If this were done, such historical relics as old, rusty anchors could be displayed in a setting which would be more appropriate than their exhibition in the National Museum. I do not confine my suggestion to anchors, ships, and such like, because there are many exhibits which would be available to the National Museum if they could be properly displayed. However, people are reluctant to donate relics for public display if they are to be placed in an old mechanics institute, or under the charge of some organization that is not properly conducted.

In the Williamstown electorate the Historical Society, of which I am president, is endeavouring to obtain a building so that periodically it can hold exhibitions of articles and documents which would be of particular interest to Williamstown. It is not possible for such a society composed of honorary workers to provide the requisite capital for a museum building of this type, or even to engage a part-time curator to look after the various exhibits entrusted to its care. There are many priceless documents which belong to the history of Victoria and which are in the possession of certain people who are reluctant to hand them over to honorary organizations, but who would give them to a branch of the National Museum, or even to a museum sponsored by the Government. Unfortunately, some priceless documents are not recognized by other people when the owner of them dies.

Frequently, the Williamstown Historical Society has found that a person, who is known to have had in his possession certain historical documents, has died and, being reluctant to approach the next of kin too early after his death,

they have found later that the documents in question have been thrown out as junk. This happens repeatedly, and valuable articles which would be of interest to the general public, perhaps in a particular area, if not the whole of the State, are not recognized and are destroyed.

There are many exhibits that would be made available to the museum if it was known that they would not be put into the dungeons. But frequently they do not see the light of day. Perhaps if branches of the National Museum or sponsored museums could be established in some of our suburbs a good deal of the material that would normally be discarded would be put on public display. If some article or document in a local branch of the museum assumed national importance, it could be transferred to the National Museum, and conversely, some articles that are on display in the National Museum, which may lose their attraction to the general community, may still retain local interest and could be transferred to branches of the museum. I trust that the Government will give consideration to my request.

Mr. WHEELER (Essendon).—I propose to relate my remarks to Division No. 41—Immigration—and in doing so, I speak on behalf of municipalities. Having had some active association with municipalities, I realize that local authorities are doing, and have done over the years, their utmost to make naturalization ceremonies as attractive and memorable as possible, so they will impress the newly naturalized citizens with the fact that becoming an Australian citizen means something to them. The majority of municipalities have at least four or five naturalization ceremonies each year. In some suburbs, possibly in the district represented by the honorable member for Fitzroy, a larger number of ceremonies could be held annually. Usually, there are about 100, 120 or 130 persons naturalized on each occasion. In order to make the ceremonies attractive, some municipalities hold these functions at night time. The Keilor municipality arranges such ceremonies on Sunday afternoons—usually there are two such ceremonies on the day in question, one commencing at 2 p.m. and the other at 3.45 p.m. The fact that these ceremonies are conducted out of normal working hours means that the staff must be paid penalty rates.

Furthermore, some municipalities provide refreshments for the new citizens and their friends, and catering of this type costs a minimum of 3s. a head. The Coburg municipality adopts the fine gesture of donating to naturalized citizens a copy of the Bible on which they take the oath of allegiance—certainly they purchase these bibles at a reduced rate from the British and Foreign Bible Society. The organization of these ceremonies is now becoming a very costly business and a burden on the municipalities. I do not suggest that this is a State function, but I believe the State authorities could make representations to the Commonwealth Government to have a larger grant made available to the municipalities for carrying out this function. After all, new Australians are valued citizens and we want as many as possible to come here.

Mr. SCANLAN (Oakleigh).—I rise to speak on the subject of immigration for which only the comparatively small amount of £19,226 is provided in the Estimates. Although the expenditure on immigration is small, there is a "State" Minister of Immigration, and I think it behoves each member to praise him for the work he has done for those migrants who have come to Victoria.

Victoria has taken more immigrants to Australia than has any other State of the Commonwealth. On many occasions, the Minister of Immigration has risen early in the morning to go to Port Melbourne to welcome immigrants to the community, and he is to be applauded for his action. I consider that other members should participate in these welcomes, because a person takes an extremely significant step when he decides to migrate from one country to another.

Undoubtedly, immigration is essential to the welfare of the State, and the fact that the Government has allocated the sum of £19,000 to assist immigrants

to come here and to help in their absorption into the Victorian community indicates that our Government recognizes its importance. In view of the fact that Victoria has absorbed nearly 50 per cent. of migrants to Australia since the end of the second world war, we should consider some possible future aspects of immigration.

Immigration faces a crisis, and the sources from which we obtain our migrants may well be drying up. One of the principal reasons appears to be the rise of living standards in Europe. However, a factor which may well keep the supply of migrants coming is that barbarous and inhuman act of the Soviet Union in exploding 50-nuclear bombs. Newspaper reports have appeared disclosing that doctors in London have attributed bone cancer in babies and young children to the explosion of nuclear devices.

It is reported that the Governments of the Scandinavian countries have been considering mass evacuations. In northern Europe there is a psychological climate which indicates that the people resident there may wish to move to areas of greater safety. The State Government may well approach the Governments of the Scandinavian nations pointing out the material benefits which people can achieve by coming to Victoria.

Citizens generally have indicated their detestation of the action of the Soviet Union in exploding a 50-megaton bomb, but one group in Victoria which has not done so is the Victorian Peace Council. On the 27th May this group went to Sale, inspected the U2 aircraft then there, stood in the rain, and held up placards stating, "Yanks go home. This means U2." These very patriotic people include the Reverend A. M. Dickie, the Reverend A. McGregor, Mr. S. Goldbloom, and the Reverend N. Anderson. What kind of moral responsibility guides ministers of the church into a position of condoning the explosion of Russian nuclear devices —this is what their silence on this subject amounts to—while condemning American activities of a similar nature? What is fair for one is fair for the other. They have not been guided by Christian principles. There are other members of the Victorian Peace Council who are worthy of note. I refer to Sir George Jones, Councillor Nola Barber and Mrs. L. Miller.

The ACTING CHAIRMAN (Mr. Stokes).—Order! The subject of immigration is under discussion, and I ask the honorable member to address himself to it.

Mr. SCANLAN.—I accept your ruling, Mr. Acting Chairman. Parliament should take an interest in the activities of another group vitally concerned with immigration. I refer to the Student Action movement of the University of Melbourne. Their aims may be based on the highest of human ideals, but I believe I speak on behalf of the Opposition, members occupying the cross benches, and the Government party when I say that I cannot understand why the students have behaved as they have during the current campaign for a forthcoming election. Their behaviour has done nothing to assist their aims of achieving immigration reform for this State, and they would be better advised to seek to attain their ends by other methods.

Victoria is the migration State. It has absorbed nearly 50 per cent. of the migrants that have come to Australia in the last few years. Serious consideration should be given to all practical aspects of immigration which may affect the State in the future. I wonder whether the Student Action group, which seeks to alter the system of immigration that has applied in this State, is aware of some of the other aspects of immigration. Recently, at a political meeting, I had thrust into my hands a pamphlet headed "Time for a Change in Migration Policy," and I should not be surprised if other members have also received copies. It states—

> Gallup polls indicate that a majority of Australians believe that chosen Asians could be successfully absorbed into our community. The *Herald* (4th November, 1961) reported a Gallup poll showing 57 per cent. in favour of permitting migration of skilled Asians. Numbers suggested were 100 to 1,000 per annum.

Asians are at present being naturalized within our community. In the last twelve months 80 Japanese, 570 Chinese, 50 Ceylonese, fourteen Indians, five Malays, 21 Indonesians and four Pakistanians have been naturalized. The attitude of the Student Action group is summarized in this statement—

> We must maintain control but bar colour bar.

Control is being maintained, and naturalizations that have taken place indicate that the colour bar has gone.

One of the aspects of immigration to which some thought should be given is the extent to which a group can be absorbed within the cultural pattern of a community without becoming socially rejected. If between 100 and 1,000 Asians a year were settled in the Commonwealth, Victoria's quota would be between 50 and 500, and if this occurred in a short time a group of coloured people would be absorbed in the community.

Recently I was interested to read in a document supplied from the United Kingdom a statement by the Home Secretary, Mr. R. A. Butler, dealing with the problem of coloured immigrants in Britain, and I point out that recently Britain has changed some of its policies in this regard.

The ACTING CHAIRMAN (Mr. Stokes).—Order! The honorable member for Oakleigh has raised the colour question, which is beyond the scope of the item under discussion.

Mr. SCANLAN.—Very well, Mr. Acting Chairman. I shall not continue with the Home Secretary's statement, which is of significance to any person who wishes to understand this problem. I conclude by saying that basically Victoria is a migrant State. In my opinion, we should take much more interest in the absorption of migrants into the community. I commend the Minister of Immigration for the remarkable job that he has done, and I believe that all members should support him by meeting migrant ships which come to our shores.

The vote was agreed to.

DEPARTMENT OF LABOUR AND INDUSTRY.

MINISTER OF LABOUR AND INDUSTRY—BALANCE, £176,248.

Mr. LOVEGROVE (Fitzroy).—I desire to ask the Minister of Labour and Industry two questions. I notice that under Division No. 42, the total estimate for his Department for the current financial year is £50,000 higher than the expenditure last year. Of that increase, £37,000 is for salaries and payments, and £13,000 for general expenses. I understand that the last annual report issued by the Department was for the year ended the 30th December, 1959. At page 51 of that report, it is indicated that the total staff employed by the Department subject to the Public Service Act was 181 at 31st December, 1959.

I ask the Minister whether, in view of the tremendous increase in the work of the Department, the additional sum of £50,000 is adequate to enable the Department to discharge its functions. I am particularly interested in replies given by the Minister to some questions asked by the honorable member for Ballaarat South on the 22nd November last concerning petrol reselling. It was indicated that 284 prosecutions were launched during 1960, and that the total amount of fines imposed for the sale of petrol outside permitted hours was £2,397. In addition, in 1961, up to the time when the question was asked, 394 prosecutions had been launched, and fines totalling £3,930 had been imposed.

I wish to direct the attention of the Minister to a statement made by the secretary of the Victorian Automobile Chamber of Commerce on the 9th November this year that the oil companies were charging the public too much for petrol. A further statement was issued by the Australian Automobile Chamber of Commerce at its annual conference in Hobart on the 31st October this year to the effect that over-all Government control of petrol marketing was necessary; that it was necessary to limit petrol outlets, according to public need, through the control by

Government established authorities of the number of oil company agents, resellers and commercial pumps; that it was necessary to prohibit oil company ownership of retail marketing sites; that it was necessary to prohibit discrimination in wholesale prices by oil companies; that it was necessary to prohibit exclusive petrol, oil, tyres, batteries and accessories marketing agreements; and that it was necessary to introduce price control on petroleum products, by fixing maximum and minimum prices for sales at retail and industrial pumps and drums, with a maximum wholesale price.

Mr. G. O. REID.—There was not unanimity on those points.

Mr. LOVEGROVE.—I agree that there is seldom unanimity on questions as contentious as these in any organization, but I consider that the opinion expressed by the organization is authoritative enough to command some attention by the Government.

Mr. WILCOX.—Do you agree with the views expressed?

Mr. LOVEGROVE.—I agree with some of the views of the Australian Automobile Chamber of Commerce. In view of the gross abuse of ordinary commercial morality in Melbourne today by the oil companies that one sees, the sub-contractors who are unfortunate enough to be manning some of the petrol outlets, and the expense to which the Government, as well as the Department headed by the Minister of Labour and Industry, is put, I ask the Minister whether he is receiving enough money in the Estimates to adequately discharge the proper function of his Department, which is to enforce the law. Such laws have been approved by the Government during the past five or six years.

Mr. G. O. REID (Minister of Labour and Industry).—The first matter raised by the Deputy Leader of the Opposition was the increased staffing of my Department since its last report was issued. I assure the honorable member that appropriate increases in staff have been made, but I shall obtain precise figures for him. I was informed by the permanent head of my Department during the last few days that additional vacancies in the Department had been advertised. I shall provide the Deputy Leader of the Opposition with up-to-date figures as soon as possible.

In regard to the general question of the policing of provisions relating to trading hours, the officers of my Department are working strenuously and conscientiously in the enforcement of legislation on these matters. As the answer given to the honorable member for Ballaarat South a fortnight ago indicated, they are certainly enforcing the law, as the figures show. Of course, the Deputy Leader of the Opposition has again raised a question on which the Committee could spend hours of debate, namely, the imposition of economic controls on the commercial community. The honorable member represents a party one of whose objects in economic matters has always been to impose a maximum of control. I believe his party would regard any breach of a law imposed for economic reasons as being equally serious as a breach relating to some grave moral offence.

This question could be discussed for hours. I think it is questionable whether, if we had a multitude of laws restricting certain activities of trading, in the long run we would not build up a community in which one half of the citizens were employed in policing breaches of the law by the other half. That is the great danger and weakness in the arguments advanced by the Deputy Leader of the Opposition. During war time when the then Labour Government in the Federal sphere, under the guise of winning the war, imposed a great number of economic restrictions, there was an army of inspectors. Probably the Deputy Leader of the Opposition wants to see a return to that state of affairs. As far as the Government is concerned, while we shall endeavour to enforce the law, we do not intend to allow the administration of this State to be led into a state of extravagant repression.

The vote was agreed to.

EDUCATION DEPARTMENT.

MINISTER OF EDUCATION—BALANCE, £19,372,759.

Mr. WILCOX (Camberwell).—Previously I have referred to the education of children after they leave school at the age of fourteen or fifteen years. I think we should be doing something about this. These young people will begin to flood the labour market next year after finishing their formal education. The Minister of Education was kind enough to inform me that his Department was considering this matter, and that in due course he would advise me the results of the investigation. I think it is fair to say, from his inquiries, that the Department has no real plans. I cannot blame the Department for that, because in the ordinary traditional way of thinking on education this would not be one of the Department's functions under the Education Act. It may be that the Council of Adult Education could examine this question. However, I think the Education Department could give it a lead, despite the many problems it has in coping with the formal education of children. Where children can benefit from staying at school they should be encouraged to do so.

Mr. BLOOMFIELD.—They certainly are. The Department is very active in that field.

Mr. WILCOX.—That is true. It is futile to keep children at school undergoing formal education unless they can obtain some benefit from it. It is quite proper for a number of children to leave school at fourteen or fifteen years of age because they cannot obtain any further benefit from formal education. I am thinking of the boy or girl who is perhaps a little behind his or her fellows and who is perhaps bigger physically than they are. I doubt whether children in that category—there are quite a few of them—would derive any benefit if they were forced to remain at school by the school leaving age being raised. I used to think that that would solve a lot of our problems, but I have some reservations on the question now. It is only worth while keeping children at school if they can benefit from further study.

I urge the Government to consider the possibility of doing something along the lines of the apprentice system as it applies in the various trades. Possibly a scheme could be worked out whereby children of those ages who are going into an office or semi-skilled or unskilled work could be placed under the control of an employer, who would take some interest in them and exercise supervision similar to that obtaining under the apprenticeship system. It may be possible to extend the idea so that the children could continue a small part of their formal education at night. Of course, if they were to attend during the day time it would place a heavy burden on the Education Department. In due course, as such a good job is being done in the provision of school buildings, class-rooms will be available. Certainly in some of the inner suburbs to-day children could be allowed time off from work on one day a week to continue their formal studies. I make this submission because I think that, under such a system, it would be possible for a large number of children to find their real bent. As it is, I believe there is a very real possibility that unless this problem is tackled with some imagination, the flooding of the labour market with these children in the next couple of years will provide ample fuel for the flames of juvenile delinquency and general unhappiness arising from misfits owing to people finding themselves in unsatisfying employment.

This is quite a big subject, and at this stage of the sessional period I have no intention of saying any more about it beyond stating that I am pleased the Minister of Education is at the table, because I wish to commend him upon the action he has taken. It would be a very good idea if a few more Ministers provoked their Departments into taking notice of thoughts expressed by members concerning matters such as this. Whilst it is not claimed that honorable members are possessed of all the wisdom, they do from time to time put forward suggestions that are worthy of investigation. This place may be regarded as a "talking shop," but I am a great believer

in keeping ideas coming up, because one never knows when a train of thought can be started off somewhere. I trust that I can help the Minister of Education who is, I believe, interested in starting off a train of thought in his Department.

Mr. WILKES (Northcote).—Very briefly, I wish to refer to a matter that I raised in the House a week ago. It concerns a new practice which, I understand, has been adopted by the Public Works Department of investigating all matters concerning the Department raised by honorable members in the course of debate and reported in *Hansard.* I have received from the Minister of Public Works a letter in relation to the report of my speech on page 1490 of *Hansard* for the current sessional period concerning the question of fencing at Northcote High School. The question of erecting this fence was initiated in 1958, when I informed the Minister that the requisition had been made out for the fence and that it had been approved and accepted.

I may say that the school is bordered by a park, which is used exclusively by pupils attending the school. If the park were not there, the school would be faced with some difficulty in providing playing areas for its pupils. The letter I have received from the Minister of Public Works states—

> I refer to your comments in the Legislative Assembly as recorded in *Hansard,* page 1490, concerning the question of fencing at Northcote High School.
>
> In response to my inquiries I am advised that the tender of F. C. Ewert for repairs to the chain mesh fence was accepted by the Public Works Department on 29th December, 1958, and that at that date the fence was in reasonable condition, but before repairs were carried out, it was extensively damaged by pupils and as a result of this damage the contractor withdrew.

I note that the pupils have been blamed for the damage. I do not know what the headmaster will think when he receives a copy of this letter. The communication proceeds—

> From reports received, there is some doubt about the true boundary line, and a survey is therefore to be made, after which the Education Department will be requested to give a direction on what line the fencing is to be erected. This will determine whether the fencing will be party or non-party.

I submit that the Education Department will be requested to give a further direction. In regard to a determination being made as to whether the fencing will be party or non-party, the other party concerned would be the Northcote City Council, which body already provides in the park playing facilities for the school. I do not think the municipality should be held responsible financially in any way for the payment of any portion of the cost of erecting a fence which the Department has already agreed was in existence and, at that time, agreed should have been there, although it now states that it should not be there at all.

One of the reasons why I assert that the Northcote City Council should not be held responsible for any part of the cost of erecting the fence is that the facilities of the park are made available to the school, but the Education Department does not contribute one penny towards the upkeep of these facilities which, incidentally, are very good indeed. The Department now seems to be dodging the issue concerning the fence on the pretext that it is waiting to have a survey made. The letter proceeds—

> It is the current policy of the Education Department that party fencing will be provided only when it is requested by the adjoining owner or where danger exists.

In this instance, the adjoining owner could be deemed to be the Northcote City Council, and it could state that the erection of the fence is necessary. At the present time all the sporting bodies that use the park facilities have access to the school grounds. Indeed some undesirable people have been found on the school premises at night, and police have been asked to remove them. Havoc has been caused to some of the school's equipment because of the absence of a fence to keep unwanted persons out. The letter continues—

> The school authorities are also considering an extension to shelters, and the limit of the extension will determine the length of the fence if it is erected on the old line. The principal of the school, in discussion with the Department's Inspector of Works, has agreed that re-erection should be deferred until extensions are complete.

The information I have been given by the departmental inspector is at variance with what is stated in the Minister's letter. The inspector informed me that if the shelter shed is to be built on the boundary line it should become part of the fence, rather than incur the expense of building a fence 18 inches on the far side of the shelter shed. The communication proceeds—

> I am informed that the school, by arrangement, makes extensive use of the adjoining ovals in Merri Park and that no danger or degree of urgency exists in regard to the fencing.

Even if danger does not exist, the fence should be replaced, as the Department agreed in 1958 that it required renewing. The concluding paragraph states—

> The district architect has also advised me that your statement that the school council removed the fence is not in accordance with fact, as the work was carried out by the Public Works Department at the direction of the inspector of works.

About eighteen months after the matter was first raised in 1958, it is true that the school council, after making certain arrangements with respect to dangerous material lying around the fence, did contact the Department and a man was sent out to cart the remains to the local tip. Obviously the district architect has taken umbrage at what I said about the school council having no part in the removal of the fence. The school council removed the dangerous material associated with the fence and the Department arranged for it to be carted away.

Recently the Opposition raised in the House the matter of providing a liaison between the Education Department and the Public Works Department so that minor delays and difficulties would not arise. It is obvious that since 1958, when the matter of the fence was first raised, it has been a necessary requirement, but the Department is now trying to escape its responsibilities on the ground that another survey is necessary and that the adjoining owners will have to be brought in. It is also stated that the building line may have to be altered so as to provide for the construction of a shelter shed. Indeed, it is contended that there is no danger existing and that there may be no necessity to have a fence at all. One would not credit that such difficulty could arise in respect of such a trifling matter as the erection of a fence to protect departmental property and keep vandals and undesirable persons out. I regard the construction of the fence as a matter of urgent necessity, and I should like an assurance that something will be done that is better than what has already been done by the Public Works Department.

Mr. BLOOMFIELD (Minister of Education).—I rise at this moment to refer to matters that have been raised in the course of debate because, unfortunately, I shall not be in the Chamber after the suspension of the sitting. As regards the matter mentioned by the honorable member for Camberwell, I appreciate his attention in relation to continued education, and I think I expressed that appreciation previously. It is true that the information I gave him on an earlier occasion indicates that very little has been done in a practical way by the Department in connexion with this matter. However, I assure him that the Department and the senior officers, from the Director to his chief inspectors—and particularly the Chief Inspector of Technical Schools—are genuinely interested in this matter. I shall cite a concrete example of something that happened in the past couple of days.

In a distant country town there has for many years been a high school housed in a building within the main area of the township itself, and that school has become inadequate to our needs. We have built a new high school and there is a local move, very largely initiated and strongly supported by some of the school staff, to establish exactly the sort of classes which have been referred to, and to use the old high school buildings for that purpose. The Director has brought that proposal to my notice with his recommendation that we should do what we can. But the director and I must consider practical ways and means. The fact is

that if we take such action at this stage in that particular town, we shall no doubt receive applications for similar action to be taken in other towns.

In this case the effect will be that we shall have to devote part of our school staffs to giving the instruction necessary, and it will not be in respect of any one subject or type of subject but will probably cover many subjects. The exceedingly difficult position of the Department in regard to secondary teaching is so well known and so acute that recently we had to turn down an application by the Commonwealth for the seconding of one teacher to teach in a South-East Pacific area where we would very much like to be helpful. It might happen that we would be able to do that in one place but not in another. If we did it in respect of place A, place B would have just as good a case; and so it might go on right down to place Z. I mention that for the information of the House merely to indicate that we are interested and that when that kind of thing can be done there will be no want of will to do it. That is as far as I can state the position.

With respect to the matter raised by the honorable member for Northcote, it was about the time when the previous repairs to the fence in question were authorized that extreme pressure on our secondary schools in particular built up, and there had to be a reconsideration of policy regarding fencing. It was laid down that where there was an element of danger to children arising from traffic risks, which apparently are absent in this case——

Mr. WILKES.—Completely absent.

Mr. BLOOMFIELD.—We would not fence all round the school. Regarding other schools, where appearances made it necessary to have work done, the Department in some cases provided front fences. But at that stage there came about a change of policy. Also there was a reservation that where an adjoining owner desired a fence to separate his property from a school, although there was no traffic risk, the Department would erect a fence. That is the explanation of the references in the letter to danger and to party owners.

I personally feel that the honorable member has been rather hard with the Public Works Department. It appears to me that, where fencing has to be undertaken, it is desirable, necessary and reasonable that a survey be taken to see that the fence is put up in the right place. The letter does nothing more than this: It indicates that until the question of survey has been settled and it has been decided whether the shelter referred to can in fact form part of the fence and we know whether or not this project comes within the party fencing exception, the decision must be deferred. However, I shall have a further look at the whole situation when I have an opportunity to do so to-morrow or as soon as possible thereafter.

The sitting was suspended at 6.5 *p.m. until* 7.34 *p.m.*

Mr. TREWIN (Benalla).—It is indeed pleasing to know that the Government is measuring up reasonably well to its responsibilities in regard to education, but much remains to be done. I am sure the Government knows that its efforts will have to be continued if our education system is to be further expanded. There is one item to which I think I, as a country member, should refer and that is the provision of buses and pupils' travelling allowances. This scheme has not been in operation for many years, but the cost of it is reaching great proportions. Bus travel and travelling allowances must be provided for children residing in country districts.

In a week's time my youngest child will leave the primary school to which for sixteen years at least one of my children has been travelling 2 miles and 70 chains. Honorable members will recall that a travelling allowance is not paid unless the child lives 3 miles or more from a school. Therefore, I have had to accept personally the responsibility of getting my children to school. I am happy to inform honorable members that transportation by bus is available for my children when they attend secondary schools, and the thanks for that must go to the efforts of the Country party. I want honorable members to appreciate what this facility means to people living in rural areas.

The fact that bus services are available means that education second to none can be provided to country children through the various country high and technical schools.

Mr. WHEELER.—The thanks for that are due to the Liberal and Country party.

Mr. TREWIN.—If the Liberal party thinks it is deserving of thanks for that, I am quite happy to give it to that party. However, I do not acknowledge the word "Country" but only the word "Liberal." I am happy to know that the Government is prepared to extend these bus services, and country people appreciate the fact that secondary education up to leaving and matriculation standard is available to their children. This is a greater incentive to young people to stay on the land. I had to leave school at fourteen years of age because there was no means by which I could travel to school. My eldest son has obtained his leaving certificate and my youngest son and my daughter have also asserted that that is their ambition. That has been made possible by the fact that a bus service is operating in the district. However, there are a few anomalies in the system.

The travelling allowance paid to pupils is 1s. a day, and it has not been increased for many years. I do not know when that amount was first fixed, but it was some considerable time ago. Because of the decrease in population in some rural areas, which in turn has brought about the closing of some country schools, families living 6, 7 or 8 miles from the nearest primary school have to undertake the responsibility of getting their children to school. One family in my electorate has to make an 8-mile trip to school in the morning and an 8-mile trip back again in the afternoon to get their children to and from school. I regret that the Minister of Education is not present, but I am sure that the Minister of Mines, who represents a country electorate and knows the problems involved, will convey to the Minister of Education the problems facing families such as the one to which I have referred. A burden is being placed on these isolated settlers whose children are as entitled to an education as are my children, who live adjacent to a bus route, and the children of any other honorable member. I believe that an injustice is being done to these isolated settlers.

I should like now to refer to contributions towards organized athletics in State schools. The amount provided for this purpose in the estimates is £500, and a similar amount was expended on this item last year. Honorable members are aware that attendances at primary schools in the country vary from ten to 1,000 and that if it were not for the efforts of the parents and the school committees no money would be available to assist these children to enjoy organized sport. Perhaps the local football club will donate a football and the cricket club will pass on a used cricket bat, but that is about as far as it goes. We still want these gifts to be made, but there are times—I know this from my sixteen years of experience as a member of a school committee—when more money could be made available.

Mr. WHEELER.—A subsidy is available for the purchase of sports material.

Mr. TREWIN.—That is so, but I am referring also to organized athletics—that is, the holding of athletic meetings at which representatives of the various schools take part. These meetings assist the children to develop their athletic prowess, their physique and comradeship, which should be developed when a child is young. Education means so much to our children, and if we can assist in any small way, it is our duty to do so.

Mr. WHEELER (Essendon).—There are two matters to which I wish to refer, one of which is quite serious from the point of view of criticism being levelled at the Government. The other matter is a letter that was received by me recently and to which I wish to reply. The letter states—

Dear Mr. Wheeler,

It was with great disappointment that I learned last week that the children at Strathmore High School had to sit externally for intermediate and leaving certificates as the school is only graded class B by the Advisory Board, which has just visited the school.

Children sitting externally for their examinations are only judged on this one examination, whereas children who are fortunate enough to attend a school that is graded class A are judged on their work for the whole year, that is the two half-yearly examinations.

Looking at the situation from a monetary point of view—

This is where I think an anomaly has crept in—

children who sit internally for these examinations pay only 25s. entrance fee and children sitting externally pay 20s. plus 10s. for each subject.

That means that when a child takes nine subjects, the cost to the parent is £4 10s. plus £1, a total of £5 10s. On top of that parents must meet the cost of fares to and from the centre where the examinations are conducted.

It would not cost the Education Department a great deal to meet these additional expenses. Children who must travel to another centre for examinations are taken away from the atmosphere to which they are accustomed, and it is strange that after being subjected to that disadvantage, their parents are forced to pay £5 10s. as against the £1 5s. required of children who sit for internal examinations. I acknowledge that the university must be paid for the expense involved in marking papers, providing supervision and space for the examinations, but I do not think this expenditure should be borne by individual parents. It should be met by the Department.

I cannot understand how the Strathmore High School, which is one of the finest in the metropolitan area, has been classified as class "B," and I should like some clarification of this.

Mr. HOLDEN.—How long has it been in existence?

Mr. WHEELER.—It has been in operation for five years now and teaching standards are high. The number of children attending is approximately 1,000, a high figure. I believe that in itself calls for classification of class "A." It must also be borne in mind that parents have no option but to send their children to the high school zoned for their area. Children in this locality cannot be sent to Essendon High School, which is in the electorate of the honorable member for Moonee Ponds. As the parents have no choice between a class "A" and a class "B" school, the claim that the Department should pay these examination fees is strengthened.

I now wish to bring under the notice of the House an election pamphlet which was delivered to my letter box within the last few days and in which some misleading statements are printed concerning the education system of this State. The colour combination of the pamphlet, yellow and black, is well recognized by the Opposition. This propaganda was authorized by the Australian Railways Union, the A.E.U., the Butchers Union and the Liquor Trades Union. Under the heading "Education," the first statement is—

Our education system is in a state of chronic crisis.

I do not think even Opposition members believe that to be true. I know it is not the case in my electorate, as I receive very few education queries. The second statement is—

Through lack of money and trained teachers, our children receive much of their education in shelter-sheds and the like,—

Mr. SCHINTLER.—The Minister has admitted that.

Mr. WHEELER.—That is not so. The pamphlet, in an insult to teachers, continues—

taught by insufficiently trained teachers in over-crowded class-rooms.

I do not consider that to be a fair criticism of the Victorian Teaching Service. The next statement is—

In Victoria, 12,000 primary school children are being taught in temporary buildings.

The truth is that at present approximately 1,300 primary school children are taught in temporary accommodation in non-departmental buildings, an entirely different situation altogether.

Mr. DIVERS.—What about the case of children who were attending schools that have been burnt down? They are being taught in camps.

Mr. WHEELER.—The interjection of the honorable member for Footscray does not represent fair criticism either.

Mr. FENNESSY.—What is your authority for these statements?

Mr. WHEELER.—I have information that has been sent to me by the Department of Education; it is signed by the Minister of Education. Surely that is sufficient authority. The next statement in the pamphlet is—

> Not one single primary school has opened in its own building since 1954.

The truth is that no new primary school has ever opened in temporary accommodation. Some 136 new primary schools have been built since 1954. In February 1962, a further eleven new primary schools will be opened and another one in March of that year. That information again is over the signature of the Minister of Education. The pamphlet from which I have quoted sets out nothing but deliberate and malicious lies. Anything is good enough for the people who have authorized it. I consider that those responsible should be brought to heel. It is wrong that such a misleading pamphlet can be distributed throughout the community with the caption, "Use Your Vote."

The vote was agreed to.

TREASURER'S DEPARTMENT.

THE TREASURER—BALANCE, £3,298,935.

Mr. GARRISSON (Hawthorn).—It is amazing that no member of the Opposition should rise when the Committee is asked to approve of the payment of £637,000 in pay-roll tax to the Commonwealth Government. It is obvious that the Labour party agrees with the payment of this tax by the State to the Commonwealth, and that view is reinforced when one remembers that this iniquitous tax was first imposed by a Labour Government. I can assure honorable members that if the Labour party is returned to power in the Federal sphere on Saturday next not only will pay-roll tax be increased with a resultant additional cost to the State, but all taxation will be increased. There has been no mention by the Federal Labour party of any relief to the States on pay-roll tax.

Mr. FENNESSY.—What has Menzies said?

Mr. GARRISSON.—It is all very well to ask what Menzies has said. We have the alternative on Saturday of deciding whether we in the States are to be rendered bankrupt by a Labour Government in Canberra or stay the poor mouths we are now. And poor mouths we are. The Richmond City Council is called upon to pay pay-roll tax in the same way as the State Government is forced to pay back substantial sums to the Commonwealth. I do not think the Victorian Parliament should approve of the payment of £637,000 in pay-roll tax without honorable members airing their views and urging that relief be given.

I must warn the House that a Labour Government, if elected on Saturday, will increase this tax. It will also force the State to increase State taxation because a Federal Labour Government will drain away so much of the State's resources. Then no doubt Mr. Calwell would lay the blame at the door of the Liberal Government in this State for increasing State taxes. I hear no denial from Opposition members of the assertion that taxation generally will be raised and that pay-roll tax in particular will be increased by a Federal Labour Government. Nor have I heard any words of wisdom that any action will be taken to decrease taxation. The Labour party does not worry about the man in the street. He will suffer as will this State if a Labour Government is elected in the Federal sphere. As soon as Mr. Menzies is returned at the polls on Saturday next, we must make further representations to have pay-roll tax abolished.

No member of the Opposition will object to money being paid by the Government to the taxation office, under Division No. 54. Victoria has lost an enormous sum due to the incidence of uniform taxation. No Opposition member raises any objection to uniform taxation, because the Labour party was responsible for the system being intoduced. If a Labour Government is returned in the Federal sphere on Saturday, taxation will, as I said before, be increased and Victoria will find itself in difficulties. Newspaper statements have disclosed

that the policy of the Labour party is to impose additional taxation on every Victorian. Dr. Cairns has stated, "We have a £150,000,000 bread and butter policy." What an expensive lunch!

The ACTING CHAIRMAN (Mr Stokes).—Order! The Committee is now considering Division No. 54, and I would ask the honorable member for Hawthorn to refrain from mentioning matters concerning the Federal Government.

Mr. GARRISSON.—I thank you for your direction, Mr. Acting Chairman. The amount to be paid to the taxation office in the future will be substantially increased if voters of this country are not careful what they do next Saturday.

The ACTING CHAIRMAN.—Order! I ask the honorable member not to deal with Federal matters but to confine his remarks to Division No. 54, which relates to the taxation office.

Mr. GARRISSON.—Very well, Mr. Acting Chairman. I shall refrain from mentioning the fact that if a Labour Government is returned on Saturday, Victoria will be in trouble. The taxation office, to which the Government has to pay the sum of £177,422 under this division is, in effect, a clearing house. The Victorian Government pays salaries and general expenses, and the taxation office is collecting money from another place which I am not permitted to mention. If it were not for the other place, Victoria would not have any income. Although bowing to your ruling, Mr. Acting Chairman, I understand that a substantial quantity of the money expended by this Government comes from Canberra. The taxation office collects money in Victoria and transmits it elsewhere. A big slice is taken from it and portion returned to Victoria. Under a different Government, a larger slice would be taken. After the 9th December an attempt must be made to do away with uniform taxation so that Victoria, which is the fastest growing State in the Commonwealth, will obtain a greater share.

The vote was agreed to.

ATTORNEY-GENERAL'S DEPARTMENT.

ATTORNEY-GENERAL—BALANCE, £1,226,388.

The vote was agreed to.

LANDS DEPARTMENT.

MINISTER OF LANDS—BALANCE, £795,815.

Mr. FENNESSY (Brunswick East).—I wish to raise a matter which is causing serious concern to farmers and graziers. It is claimed that the position in regard to rabbits is deteriorating. I wish to quote from a newspaper issued by the Victorian Wheat and Wool Growers' Association, which represents the views of wheat and wool growers in Victoria. There is also another organization, the Australian Primary Producers' organization, which has a similar policy in relation to this subject. Everyone is concerned at the serious position which exists in regard to the rabbit. The Minister of Lands realizes that the effect of myxomatosis has reached a stage where it is not as great as previously because the rabbit is becoming immune. A new poison known as 1080 has proved effective and farmers and graziers throughout the State are attempting to spread this poison to prevent an increase in the rabbit population. Primary producers have lost large sums of money over the years due to the depredations of the rabbit. The article in the *Victorian Wheat and Wool Grower* is as follows:—

> The rabbit position in many parts of Victoria has deteriorated to what it was a number of years ago, the chairman of the Association's Vermin and Noxious Weeds Committee and member of the Central Advisory Council for Vermin and Noxious Weeds Destruction (Mr. Leslie Mitchell), said last week.
>
> Addressing the annual meeting of the Hopetoun District Council, Mr. Mitchell said that the fibroma virus in the hands of wrong people could be a real threat to the effectiveness of myxomatosis.

It appears that the fibroma virus, if injected into rabbits, makes them resistant to the effects of myxomatosis and 1080 poison. The State Government in New South Wales has brought down legislation because of the practice of certain people using the fibroma virus to develop the rabbit for human consumption. Normally, a young rabbit

produces very good meat. However, everyone realizes the disastrous effect which the rabbit population has had on the economy by the destruction of grass, wheat and oat crops. The decrease in rabbit as a food is more than compensated by increased primary production.

The Minister of Lands is aware of the threat to primary production constituted by the rabbit. I wish to quote a further statement from the *Victorian Wheat and Wool Grower* of Friday, November 24, 1961, in which it is stated—

RABBITS BUILDING-UP: TIMELY WARNING.

A recent radio report of a threatened rabbit plague in Western Australia should be a timely warning to Victorian farmers, former chairman of the Victorian Wheat and Woolgrowers' Association's Vermin and Noxious Weeds Committee (Mr. R. F. Peake) said this week.

He was supporting a recent statement by the committee chairman and member of the Central Advisory Council for Vermin and Noxious Weeds Destruction (Mr. Lester Mitchell), warning on the rapidly increasing numbers of rabbits.

Mr. Peake said the Western Australian report should put Victorian landholders on the alert to wipe out any build-up in the rabbit population.

Reports reaching the Vermin and Noxious Weeds Committee reveal a definite increase in rabbit numbers in many parts of Victoria and that mobile chillers are operating in some districts.

The threat of the mice plague next autumn, coupled with a dry season, could mean that the impact of a large increase in rabbit numbers could be disastrous to the State.

Mr. Peake said the fullest co-operation by landholders with the Lands Department in the myxomatosis and 1080 campaigns could not be too strongly emphasised.

I mention this subject to remind honorable members that reputable men in the wheat and wool-growing industries are apprehensive at the increase in the rabbit population which could have a serious effect on primary production in Victoria. Any honorable member who has had experience with rabbit plagues —I had personal experience in Western Australia—will be aware that Western Australia attempted to stop the rabbit from coming from the eastern States by erecting high wire fences. However, these efforts were not successful, and I have seen farms in Western Australia which were completely denuded of crops. A similar position existed in Victoria until the advent of myxomatosis which assisted primary producers to greatly reduce the number of rabbits. The fact that myxomatosis was so effective in the destruction of rabbits also had an effect on persons interested in retailing rabbit carcases. Of course, it also affected the people who were interested in using fur for the manufacture of felt hats, although not as many people wear felt hats to-day as in the past.

Unless we are consistent in pursuing our attacks on rabbits generally and in ensuring that both myxomatosis and poison 1080 are kept to their fullest strength and used in a manner that will keep the rabbits in check, the situation will get out of hand. The Minister would be aware of the fact that the fibroma virus was mentioned recently in this House by the honorable member for Swan Hill, who pointed out that it was obtainable by certain people in such a loose manner that it could have the effect of increasing the rabbit population in Victoria.

I am certain the Minister, who has had certain information placed before him by the representatives of the Wheat and Wool Growers' Association, will be cognizant of the fact that if people are trying to develop the rabbit population in their own interests, it could have an adverse effect on the State. We have it on record that chillers are operating in country areas where, until a few years ago, the rabbit trappers were almost a forgotten race. The trappers are again operating, and they are now trapping rabbits in such large numbers that the chillers can also operate, pick up the trappers' hauls, and take the rabbits to the city where they are sold in the various shops. The Wheat and Wool Growers' Association, and other organizations, are gravely concerned with the increase in the rabbit population, and I feel certain that the Minister, knowing these things, will do everything possible to check the increase.

Mr. SNIDER (St. Kilda).—I propose to relate my remarks to the report of the Board of Inquiry on the area known as Albert Park, concerning which my colleague, the honorable member for Albert Park, and I have some knowledge. The Albert Park Committee of Management, which controls the area, operates under the Department of Crown Lands and Survey. In its report, the Board of Inquiry referred, amongst other things, to the subject of roads within the Albert Park area. Honorable members, who are familiar with the area, realize that those roads which run through the park have, in fact, become thoroughfares which, in many instances, are the equivalent of main highways. The Board of Inquiry considered this carefully and took into account the report of the traffic conference held in March, 1961, which came to the conclusion that the committee of the Albert Park Trust could not be fairly held liable for the maintenance of the roads, and that some other Department would have to assume this responsibility. It is not generally realized that these roadways known as Aughtie-drive, Queens Road-drive, Albert Park-drive, Lakeside-drive, and another roadway at the south end of the lake, which total about 4½ miles in length, carry something like 33,000 vehicles daily, representing a considerable volume of traffic.

Over a period of time, many authorities seem to have done something towards the maintenance of these roads. During the 1934-1936 period, some reconstruction work was undertaken by the Public Works Department; in 1950, an amount of £10,000 was provided by the Government for the surfacing of the Lakeside-drive; in 1955, the major reconstruction of Lakeside-drive by the Country Roads Board was carried out, the work costing about £25,000. The traffic conference to which I previously referred further pointed out that considerable additional money, totalling in the vicinity of £90,000, would be required to bring the roads into a satisfactory condition. Having come to this conclusion, the question then arose as to which authority should exercise responsibility over the roads in question. Of course, the traffic conference cited the various Departments, all of which are known to honorable members, upon which the responsibility could fall, namely, the Country Roads Board, the Melbourne and Metropolitan Board of Works, the Public Works Department and municipal councils. As I have previously stated, the recommendation of the conference which was endorsed by the Board of Inquiry was simply that it was not fair to expect that the trustees of the Albert Park Trust should maintain the roads, which have become public highways and which are "through ways" from one part of the metropolis to another.

The recommendation of the traffic conference with which the Minister is no doubt completely familiar, was that the responsibility should be that of a road authority with an adequate source of income, and it considered that the Country Roads Board would be the most appropriate authority for this purpose, The report of the Board of Inquiry is now before the Government, and I believe the time has come when there must be a decision setting out clearly upon which Department the responsibility shall devolve. Under the existing circumstances, as the roadways in question fall into disrepair from time to time, certain authorities come into the picture and fill in the holes on the surface of the roadways—that is as fair a description of the position as could be given. I am speaking not in any sense partywise and I believe my colleague, the honorable member for Albert Park, who has been a member of the Albert Park Committee of Management longer than I have been on that body, would agree with what I am saying. These authorities fill in the holes in the roadway for the time being, the effect of this work being to level the road surface. This is a very expensive form of maintenance, and it requires only a heavy truck to go over the surface again and the holes reappear. It would be difficult to estimate how much this maintenance work has cost. It is not permanent work, it is very expensive, and no sooner is the work carried out than it must be undertaken again.

Apart from the expenditure involved, holes in the roadway constitute a traffic hazard. Almost every day, we read of accidents due to a motor car running into a depression or a hole in the roadway and being overturned or thrown off the highway. The mere filling in of these holes does not remove this traffic hazard. If the position were examined as to the cost of the repetitious type of maintenance work, compared with the proper construction or reconstruction of the roads, as the case may be, it would be found that to do the work thoroughly would be a much more economic policy over a period of years. This position must be regularized, either by statutory amendment, if such is necessary, or by some clarification concerning the authority with which the responsibility lies at present. We cannot undertake all these other major traffic constructions, such as the Kings Way, which has the effect of drawing more traffic into a certain area and, at the same time, close our eyes and assume that the traffic somehow disappears by some magic carpet between the end of the highway and St. Kilda. At some stage or other, after passing over the Kings Way, the traffic must pass through Albert Park.

While responsibility for the upkeep of these roads is not established, we are being involved in a costly maintenance programme, and we are exposing traffic to hazards which would not normally be allowed to arise in situations where responsibility has been determined. My plea is that this question of responsibility should be settled once and for all. It is no use pretending that the problem does not exist, or that it will solve itself simply by closing our eyes to it. My colleague, the honorable member for Ballaarat South, interjects and, in reply, I can only say that my inclination is to follow the recommendations up to the present time, which suggest that the Country Roads Board is the authority which has both the technical and physical ability and the source of revenue to undertake this work.

Mr. COCHRANE.—There is plenty of work to do in the country areas.

Mr. SNIDER.—I am not suggesting that there is no work to be done in the country. It does not matter greatly which authority is in charge of the Albert Park roads but what is important is that the authority must be defined and established and, in the wisdom of the Government of the day, it must be determined that a certain authority will have not only the right, but also the responsibility for doing this.

In referring to the Board of Inquiry and in singling out the condition of the roads which, I believe, to be an immediate and urgent concern, I am by no means overlooking the total results of the inquiry which—I excuse myself from this so that no one will think I am trying to take any personal credit for it—have reflected a great deal of credit on the chairman and members of the committee, who have worked together as a team and given their services in an honorary capacity. It seems that because of the nature of human beings, and because the committee members have given their time and services in a purely honorary capacity, they have been subjected to much more abuse and ill-founded criticism than would people who might have been paid to undertake this task.

I do not contend that committees of this type are always right. It is human to err, but irrespective of any errors which might have occurred in judgment, it could never be said that they came from anything but the conscientious desire of the committee to discharge its responsibilities in the fullest possible way. I hope that it will not be very long before the Government will announce its policy in relation to the findings of the Board of Inquiry.

As a relatively recent member of the committee of management, I can say that the committee is not able to go ahead with many of its plans and contemplated plans until it knows the policy it must conform to and the regulations it must operate under. It is a frustrating experience for any committee to have to sit still and not be able to go ahead in one direction or another more or less because it does

not know what it is supposed to be able to do. Everyone must be involved heavily in the completion of the legislative programme, and it is understandable if there has been some delay in the consideration of this report. I make a plea to the Minister of Lands on this matter, because we should like to have the benefit of the Government's thinking on this report as soon as possible so that the committee may continue with the valuable work that it has done at Albert Park and will know along what lines it may continue.

Mr. TREWIN (Benalla).—The sum of £195,000 is provided as costs and expenses incurred in administering and in carrying out the provisions of the Vermin and Noxious Weeds Act, and a similar sum was expended in 1960-61. The honorable member for Brunswick East has referred to the fibroma virus, the effect of which is to immunize the rabbit against myxomatosis. I shudder to think of the condition of some of our rural areas had not the myxoma virus been introduced to infect the rabbit population. To-day rabbits are increasing in numbers, and I should like the Minister of Lands to give an assurance of Government policy regarding the fibroma virus, which has been introduced in certain areas near Sydney because of the commercialization of rabbits there for meat production. A particular breed of rabbit has been imported for this purpose, and it grows to a much larger size than the common rabbit. To protect these animals from myxomatosis, the fibroma virus has been introduced. I trust that it will not spread throughout Australia, and that the Government will do its share in this respect.

Throughout country districts voluntary committees assist inspectors of the Vermin and Noxious Weeds Destruction Board by obtaining information about district conditions and by conveying suggestions to the inspectors on the best means of combating troublesome pests. As a farmer, I appreciate the work being done. In my opinion the sum of £195,000 is not enough, and I hope that next year the vote will be increased. Victoria produces many primary products and we want to ensure that it continues to do so. One method of maintaining the existing high level of production is to keep down vermin and noxious weeds.

The provision of £4,500 as rebates to purchasers of wire netting whose holdings adjoin unoccupied Crown land has been increased by £600. Farmers whose properties adjoin Crown land experience considerable difficulties because the rabbit population was never really eliminated from Crown lands; in fact, in some occupied lands it was not reduced to a satisfactory level. However, I am sure that the Government is endeavouring to assist in this matter. The netting of holdings adjoining unoccupied Crown lands is a tremendous problem. Most landholders concerned share with the Government the responsibility of looking after these fences, but the main burden remains with the Government. I ask the Minister of Lands to give an assurance that the fibroma virus will never be released in Victoria.

Mr. K. H. TURNBULL (Minister of Lands).—The matters raised by the honorable member for St. Kilda regarding the recommendations of the Board of Inquiry concerning Albert Park will receive the consideration of the Government during the recess. The honorable member stated that it was particularly desirable that the matter of the responsibility of roading through the park should be resolved. The Government agrees entirely, and hopes that it can resolve that question at the same time.

The honorable members for Brunswick East and Benalla referred to a build-up in recent times of the rabbit population. Their statements are accurate, but in my opinion the build-up is purely seasonal; late winter and springtime is the breeding season and an increase is to be expected. From my experience of the methods of control employed by the Vermin and Noxious Weeds Destruction Board, I have no fears for the future. I believe that the rabbit will never beat us again with or without myxomatosis. It is true that over the years the rabbit population has developed an immunity to the

myxoma virus, but new strains are being produced from time to time. This year a new strain is being used, and the scientists who advise me have informed me that it will be much more effective than the old strain.

Referring to the use of fibroma virus, honorable members know that its sale in Victoria was banned three or four months ago. Unfortunately the Government of New South Wales would not take action along similar lines. It is possible that the virus could be purchased in New South Wales, brought over the border, and released among our wild rabbit population; if that occurred, it would be a real problem to deal with rabbits by means of the myxoma virus. The Department has other means of handling them, and much more is known about the habits of rabbits now than was known a few years ago. The poison 1080 is extremely effective, and when used with carrots kills of 100 per cent. are almost common.

I can, as requested by the honorable member for Benalla, assure the House that the sale of fibroma virus will not be permitted in Victoria at least until after Dr. Shope, who produced the virus, has studied the effects of its possible reaction in Australia under our conditions, and has made a determination. He may assure us that the virus will not be transmitted by biting insects as myxomatosis. In that case, there may not be any great danger, but we are not going to take the lid off this thing and allow its free distribution in this State until we know a great deal more about it from someone qualified to advise us in that regard.

The vote was agreed to.

PUBLIC WORKS DEPARTMENT.

MINISTER OF PUBLIC WORKS—BALANCE, £1,900,369.

Mr. FLOYD (Williamstown).—Provision is made under Division No. 60 for expenditure amounting to £23,500 on Parliament House and its grounds. I trust that the vote will be increased in the future, because in my opinion considerable work must be carried out in order to bring Parliament House up to the necessary standard. Moreover, a substantial sum of money could be spent on the provision of amenities for members to enable them to carry out their work. The Government can be assured that any reasonable expenditure in this direction will be supported by the Opposition. Rooms should be provided where members can interview constituents and for the holding of committee meetings. It is idle for anybody to talk about useless expenditure on Parliament House for the benefit of members, because such expenditure is for the benefit of the public as a whole.

Work involving the renewal of electrical wiring, painting, attention to gas mains, upkeep of gardens, provision and maintenance of lifts, and so on, is unspectacular. The House Committee is an unpaid body which has put in many hours of work during the last two or three years in trying to improve conditions at Parliament House. A municipal council receives more credit for constructing a footpath or filling a pothole in a road than putting in an underground drain. Once the drain is installed and people gain the benefit of it, they take it for granted, and then ask what is being done with the rates collected. If a council does something spectacular, such as erect a bathing pavilion on the beach, the people think a good job has been done.

Over the last three or four years, the House Committee has done a pretty good job. When I first became a member, the committee met twice a year and the running of Parliament House was left entirely to the officers, which was not fair. They could not be expected to make the necessary decisions. My experience indicates that they did a cautious but good job within the limits of their authority. They were not able to branch out and use their initiative because they were limited by the provision of funds, and were not allowed to have work done, such as the erection of dividing partitions in rooms, and so on. During the last few years, the House Committee has been meeting fortnightly when the House is in session

and monthly out of session. That is a very good effort on the part of its members, particularly the country members.

The committee does not have opportunities of making glamorous and popular decisions. It makes me sore when rules and regulations are drawn up by the committee to conduct the affairs of this House in a proper manner and then persons whom we expect more of see fit to throw mud in the committee's face and break the rules. Meetings of the committee last for hours—much longer than those committees whose members are paid for their services. When members are prepared to give of their time and then persons high up on the Government side take great delight in having paragraphs written about them in the press for putting on a "squire" act, they do not feel very happy. In England once a year, the old squire comes down from his ivory tower.

The ACTING CHAIRMAN (Mr. Tanner).—I ask the honorable member for Williamstown to return to the point.

Mr. FLOYD.—I think I am on safe ground in dealing with Parliament House and grounds, for which the spending of funds is entrusted to the House Committee, but I would bow to your ruling, Mr. Acting Chairman.

The ACTING CHAIRMAN.—The honorable member may continue.

Mr. FLOYD.—Whilst members of the House Committee are prepared to put in time carrying out ordinary, prosaic duties, it is not right that we should not be allowed to bring in rules and regulations for the proper management of the affairs of the House without them being brought into disrepute by people who ought to know better. I shall not harp on the matter all night. If the House wants members to perform these duties in an honorary capacity, and members of the Country party to come to Melbourne to do a job that no one else wants, and which was not really carried out for many years, at least their work should be appreciated. Because of the neglect of previous Governments, Parliament House got into such a disgraceful state of disrepair that it has been necessary to spend £70,000 on electric wiring, and until recently, the gas mains were so dangerous that they were liable to explode at any time.

The House Committee has arranged for proper facilities to be provided in the kitchen, too, and all this is coming about as the result of hard work. Yet when the committee has the temerity to bring forward a set of rules for the conduct of a Christmas function, which did not meet with any criticism before the night in question, it is disconcerting to find higher-ups disregarding them. The House will find it very difficult to find members to do this job. I hope other members of the House Committee will follow my example. I intend to resign.

The vote was agreed to.

LOCAL GOVERNMENT DEPARTMENT.

MINISTER FOR LOCAL GOVERNMENT—BALANCE, £56,983.

Mr. GARRISSON (Hawthorn).—Section 474 of the Local Government Act, which deals with annual statements and accounts, provides—

> The council shall cause such audited statement to be printed, and shall allow the same to remain for inspection at the office of the council.

Every year the shareholders in a company receive a balance-sheet together with a report from the directors, from which they can judge the results of the company's operations and how the directors have run it. The directors point out anything unusual that has occurred during the year. Municipalities spend substantial sums of money derived not only from rates and fees, but also from Government grants and loan funds. I suggest that each year councils should send to ratepayers with the annual rate notice a printed report on the year's work. Some councils send out a brief résumé of how the rates are spent, but that does not go far enough.

A person who pays rates is, in effect, a shareholder of the municipality. In the Federal and State spheres, the Government produces a Budget each year which is fully explained and given

publicity. It would be a good thing if ratepayers were to receive information showing how the revenue of the municipality had been spent. For example, a ratepayer might be interested to know why the Richmond Town Hall is valued at a certain figure while the Collingwood Town Hall is valued at another amount, also why an additional estimate of £25,000 is now submitted for the construction of a garage for which the original estimate was £27,000. I am a ratepayer of Richmond and I should like to know how my money is spent.

Mr. FENNESSY. — Where would you get the money?

Mr. GARRISSON.—I paid enough tax last year to pay the salaries of all Opposition members. I have been thinking of inserting a note in the press on Friday to this effect—"If you vote Labour in on Saturday, you will vote yourself out of a job." They did that in New South Wales with Mr. Lang.

The Local Government Act should be amended requiring councils to print a full report on how the rates and other moneys have been spent. I should like to know what they are doing with my money, "wet cupboard" or not. Every company is required by the Companies Act to produce an annual report. Could one imagine a poor old pensioner in Richmond, who has had his rebates taken away from him, climbing the stairs of the Richmond Town Hall and being game enough to ask for a look at the accounts. I know what the result would be. I think he is entitled to receive such information in the mail with his rate notice. The Labour council in Richmond, supported by every Labour member of Parliament in the area, opposed the rebate of rates to pensioners.

Mr. WILKES.—They did not.

Mr. GARRISSON.—If any honorable member thinks what I have said is incorrect, I challenge him to name outside the House one Labour member who did not support the proposal. I would be prepared to debate the matter with him in the Richmond Town Hall between now and Saturday.

Another point I wish to raise is the possible amalgamation of councils. For example, the Richmond and Collingwood councils are each spending 10 per cent. of their total revenue on salaries—it is about 17 per cent. of their rates. If those two councils were combined the cost of salaries and expenses would drop substantially. Instead of the Richmond council having to collect 4s. in the £1, a lower rate could be levied because the number of councillors would be reduced, the number of motor cars would be reduced and it would not be necessary to have two town clerks. There would be half the number of municipal clerks, and so on. I believe the benefit to be derived from the amalgamation of the municipalities of Richmond and Collingwood could be passed on directly to the ratepayers concerned. Moreover, better local government would result.

The Richmond Town Hall, which is valued at £56,000, could be sold and would yield a substantial sum of money, or it could be taken over by the Education Department for school purposes. The Collingwood Town Hall, which is valued at £250,000, could be allowed to remain as the headquarters for the combined municipality. It may not be generally known that last year the Richmond council spent on garages for motor cars as much money as has been spent on the town hall in a period of 100 years. I should like to know how many councillors' cars are parked there. I believe that, as a result of the good government of the Liberal party, the councillors are so well off that they all own motor cars.

Another point I wish to make is that all ratepayers in the municipalities of Richmond and Collingwood should have sent to them each year a copy of their council's financial statement so that they could ascertain how the municipality has handled its finances during the year. Moreover, each ratepayer should be invited to attend the council meeting at which the municipal accounts are confirmed. If the ratepayers discovered that a sum of £45,000 had been spent on garages by the Richmond council, they would probably want to know the reason for that expenditure being authorized. In those circumstances, I feel sure that

councillors in the various wards would make sure that in the following year all council money would be wisely expended. I commend my remarks to the Minister for Local Government.

The vote was agreed to.

MINES DEPARTMENT.

MINISTER OF MINES—BALANCE, £228,184.

The vote was agreed to.

FORESTS COMMISSION.

MINISTER OF FORESTS—BALANCE, £640,456.

The vote was agreed to.

WATER SUPPLY DEPARTMENT.

MINISTER OF WATER SUPPLY—BALANCE, £2,178,700.

The vote was agreed to.

DEPARTMENT OF AGRICULTURE.

MINISTER OF AGRICULTURE—BALANCE, £1,263,921.

The vote was agreed to.

DEPARTMENT OF HEALTH.

MINISTER OF HEALTH—BALANCE, £10,474,631.

Mr. SCHINTLER (Yarraville).—I wish to discuss briefly the subject of mental hygiene. Any member who listened to the Treasurer's Budget speech must have been alarmed at this passage—

> The current trend is borne out by the statistics relating to patients under the care of the Authority. The daily average number of resident patients remains fairly steady, but a review of out-patient attendances discloses that during the period 1955 to 1960 new out-patients increased from 2,800 to 5,500 per annum and the total number of attendances during this period rose from 14,000 to 27,000 per annum.

That must indicate to anyone who is prepared to give a little thought to the position that in five short years the number of out-patients attending the various sections of the Mental Hygiene Authority's establishments has doubled, and the relationship between the Commonwealth and the State as regards services for mentally retarded persons in Victoria is too ridiculous for words.

In my view, the Commonwealth is deliberately cheating the State, because the moment a person becomes a patient in a State-owned or State-operated mental institution, all Commonwealth social service payments cease. That situation is unrealistic and places an unfair burden on the limited resources of the State in so far as mental patients are concerned. The Mental Hygiene Authority has done a meritorious job, equal to anything that has been achieved elsewhere in Australia, during the period that I have had anything to do with it. From time to time, Premiers' conferences are held in Canberra to consider Federal and State financial arrangements, and I submit that at the next Premiers' conference the point I have expressed should be put forward by the Premier as forcibly as possible.

I now direct attention to the grave need for additional schools in various metropolitan suburbs for the education of mentally retarded children. There are groups of these unfortunates in every section of the community. They are rarely seen because their parents more or less hide them. The children to whom I refer are retarded to too great an extent mentally to be accepted by the retarded children's section of the Education Department, but they are not sufficiently retarded mentally to be institutionalized. As a result, they become a charge on their parents for 24 hours each day. In my electorate a school has been built to provide for such unfortunate children, and at the present time there is an attendance of 90. I submit that the Government should make a genuine attempt to meet the requirements of this group of forgotten children.

I appreciate that the Government has been very liberal in its attitude toward this type of establishment, inasmuch as it subsidized the school to which I referred on the basis of £4 to £1. Nevertheless, the establishment of such schools is left entirely to local people who are interested in the welfare of these children, and I regard the position as sufficiently serious to warrant the Government accepting the responsibility for establishing those institutions.

Mr. TREWIN (Benalla).—I desire to add to the remarks of the honorable member for Yarraville concerning the education of mentally retarded children. I realize, of course, that the Victorian Government is unable to render as much assistance as it may desire because it is limited in the matter of funds made available by the Federal authorities. As was stated by the honorable member for Yarraville, special schools for the training of mentally retarded children are not built except as a result of the efforts of local people who are interested in and sympathetically disposed toward the children concerned.

Mr. WHEELER.—In some places, community clubs are established.

Mr. TREWIN.—That is so. One was established at Wodonga as the result of the efforts of sympathetic people who, in some instances, had not even relatives who could benefit from such an institution. Those people are to be commended for the work they have done. The maintenance of these special schools is subsidized to a degree, but I should like the Victorian Government to seek more assistance from the Federal authorities in that regard. We know that everything we do or want to do in this State is tied up with the matter of finance, and the amount of money made available to the State of Victoria by the Commonwealth is not so large that we have anything left over after providing for our ordinary commitments. However, I look forward to the time when the Federal Government will provide a greater measure of assistance in this matter.

The vote was agreed to.

RAILWAY DEPARTMENT.

MINISTER OF TRANSPORT—BALANCE, £20,069,648.

Mr. TREWIN (Benalla).—I want to recall to the minds of honorable members generally that in our Victorian Railways we have a system of transport of which we all should be rather proud. I speak in this way in the interests especially of country people. Without an efficient transport system we would be left to find our own means of transportation. The railways last year made a profit of £900,000. How did that come about? It was because there was a 66,000,000-bushel wheat crop. Victoria this year will see its crop reduced by one-third because of weather conditions —it may be even more.

The railways will not have a profit this year if they carry on with the same methods of administration and running costs as operated last year. Honorable members may be interested to know that 12½ per cent. of my wheat cheque is deducted for freight charged from the rail station to the seaboard. The amount of 1s. 3⅜d. is taken off every bushel that goes into a silo from my railway station. That is the deduction for transport costs, and it is the heaviest freight charged upon any commodity.

Still, we appreciate that the railways system is the only method of transporting produce from one centre to another. We have, on our Grain Elevators Board, and the railways system, facilities second to none in the world for the handling of a wheat harvest. I have mentioned the profit made by the railways last year and have added that because of seasonal conditions there will be a very considerable drop. I do not know whether the railways will be able to balance their budget in respect of the forthcoming harvest season.

I speak in this way as a country member without thought of affiliations in any other direction apart from the fact that the finances of the railways are dependent upon what happens in the far areas of the State. Recently we experienced a £1 surcharge on every truck of bulk super and bulk oats coming into the railway stations. I have to provide transport from my farm to the railway station. I do so at my own cost and provide it myself. I deal in bulk. We have modern equipment to work on that basis, and why should we not have it? But we have to make our own transport available. Then, when we deliver our produce to the railways we are charged with its cartage from the country station to its destination.

We have to pay for any additional repairs or for bringing up to date the trucks in which our produce is carted. Honorable members are interjecting but I ask them, if that is not an increase in freights, what is it? What do the professional men in Melbourne save in their offices by the use of up-to-date adding machines? City members say they pay for that facility themselves. We pay for the machinery on our farms but we also pay to have our produce transported by railway. The railways do not supply special trucks. For the cartage of our wheat they provide us with trucks that are used twelve months of the year.

Mr. PETTY.—They are specially prepared for transport in bulk.

Mr. TREWIN.—They are ordinary railway trucks, used twelve months in the year. The G.Y. trucks that are made available for wheat carrying are the ordinary trucks such as we see daily. They have been built over the last 40 years. They are of about 22 tons capacity, and they are made available for conveying bulk produce.

Mr. PETTY.—They are specially processed for the purpose.

Mr. TREWIN.—I can say from my own knowledge that that is not so. I have cleaned them out myself at the station and have swept out refuse including superphosphate and so on. They have been delivered at the station in a dirty state that city people would not like us, as wheat growers, to deliver our wheat in.

An HONORABLE MEMBER.—Do you think some other industry should provide those trucks for you?

Mr. TREWIN.—I think the Railway Department should provide them. They are a national facility. They are used in the interests of the people. Why should we, because we live in the country and raise the produce of the State, be taxed from start to finish to enable the railways to balance their budget? It is the wheat farmer who provides for his own industry. He took the opportunity years ago to put his industry in a position that enables it to enjoy conditions probably a little better than most other primary industries have at the moment.

Mr. FRASER.—That resulted from legislation.

Mr. TREWIN.—It did, but the hard work was put in by the farmers themselves.

Mr. WHEELER.—Of course, and why should it not be so? The cow does not milk itself.

Mr. TREWIN.—We know that the freights branch of the railways pays handsomely and that the passenger service does not. The country service does not pay, but the great metropolitan service does not by a much greater degree. If the Railway Department feels it necessary this time next year to announce that it has had a bad year, are our freights to be increased? I assure honorable members that the wheat harvest will be reduced by one-third, which will amount to a loss of £1,000,000 in railway revenue. In saying this, I voice the feelings of my party and the rural people of Victoria.

The vote was agreed to.

RAILWAY CONSTRUCTION.

MINISTER OF TRANSPORT—BALANCE, £14,707.

The vote was agreed to.

STATE COAL MINE.

STATE COAL MINE—BALANCE, £296,443.

The vote was agreed to.

MINISTRY OF TRANSPORT.

MINISTER OF TRANSPORT—BALANCE, £4,954.

The vote was agreed to.

The resolution agreed to in Committee of Supply was reported to the House and adopted.

WAYS AND MEANS.

The House went into Committee of Ways and Means—

Mr. RYLAH (Chief Secretary).—I move—

That towards making good the Supply granted to Her Majesty for the service of

the year ending on 30th June, 1962, the sum of £69,219,975 be granted out of the Consolidated Revenue of Victoria.

The motion was agreed to, and the resolution was reported to the House and adopted.

APPROPRIATION BILL.

Leave was given to Mr. Bolte (Premier and Treasurer) and Mr. Rylah (Chief Secretary) to bring in a Bill to carry out the resolution of the Committee of Ways and Means.

Mr. RYLAH (Chief Secretary) brought in a Bill to apply a sum out of the Consolidated Revenue to the service of the year ending on the 30th June, 1962, and to appropriate the supplies granted in this and the last preceding session of Parliament, and moved that it be read a first time.

The motion was agreed to, and the Bill was read a first time, and passed through its remaining stages.

LANDLORD AND TENANT (AMENDMENT) BILL.

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

Mr. RYLAH (Attorney-General).—I move—

That the amendments be agreed to.

The first amendment is purely a verbal one deleting the superfluous words "the court may by its order" from paragraph (*b*) of proposed new sub-section (3) of section 33. The second amendment removes the right to administer interrogatories to the tenant under ground (*x*), which honorable members will recall relates to the question of where it is alleged that a tenant is in a position to purchase his own property. This has been an irritating procedure which has caused a great deal of inconvenience to many tenants and to many members of Parliament who have had the obligation of explaining how it works. I do not think the Act will in any way be detracted from if the amendments are agreed to.

Mr. LOVEGROVE (Fitzroy).—The Opposition supports the amendments. They were supported by my party in another place.

The motion was agreed to.

ADJOURNMENT.

BUSINESS OF THE HOUSE: DAYS AND HOURS OF MEETING: EXAMINATION OF STANDING ORDERS.

Mr. RYLAH (Chief Secretary).—I move—

That the House, at its rising, adjourn until to-morrow, at half-past Two o'clock.

To assist honorable members I inform them that to-morrow's sitting will be purely for the purpose of dealing with any amendments that may come from another place and to give the Government an opportunity to see what progress has been made in that place. If there is no chance of another place completing its business by to-morrow night it is the intention of the Government to adjourn this House until next Tuesday. It is not possible at this stage to determine the procedure that will be followed. If honorable members have engagements on Tuesday and it is inconvenient for them to attend the sitting, I think it would be reasonable for party Leaders and whips to ensure that sufficient members are in attendance next Tuesday to receive any business that may come from another place, and if anything of urgency should arise the remaining members could be summoned by telegram. I know that some honorable members have engagements which they do not want to break.

The motion was agreed to.

Mr. RYLAH (Chief Secretary).—I move—

That the House do now adjourn.

Sir HERBERT HYLAND (Gippsland South).—In years gone by, the boot was usually on the other foot, and this House was the last to finish its business. However, on this occasion there has been a change which I assert has been brought about by the muddling methods adopted in another place. The Chief Secretary has stated that it may be necessary for this House to sit next

week. The merest child knows that every country member has agreed to attend school speech nights on every night next week.

Mr. RYLAH.—I said that it could be arranged for a sufficient number of members to attend to form a quorum and that the Government was prepared to assist in every possible way. I could not have been more generous.

Sir HERBERT HYLAND.—We are paid to be here when the House is sitting, and we are here more often than the Chief Secretary is.

Mr. RYLAH.—I have not missed one day of this sitting.

Sir HERBERT HYLAND.—The honorable gentleman is not in the Chamber as often as we are.

Mr. RYLAH.—I try to help, and this is the way the honorable member behaves.

Mr. FENNESSY.—The Leader of the Country party should talk to his members in another place about it.

Mr. LOVEGROVE.—Tell them to go home and let us go home.

Sir HERBERT HYLAND.—Tell who to go home?

The DEPUTY SPEAKER (Mr. Rafferty).—Order! The Leader of the Country party is entitled to be heard without interruption, and I ask honorable members to cease interjecting.

Sir HERBERT HYLAND.—If the business of another place was conducted in the way in which it should be, there would be no need for this House to sit next week just to keep the place going. Recently, another place sat for only two hours despite the fact that it had a long list of Bills on its Notice Paper, and even you, Mr. Deputy Speaker, complained about that.

The DEPUTY SPEAKER.—Order! I think the Leader of the Country party realizes that it is not competent for him to criticize another place. I ask him to direct his remarks to the business before this House.

Sir HERBERT HYLAND.—I am connecting the adjournment of this House with the statement made by the Chief Secretary that it may be necessary for the Assembly to sit next Tuesday to finish its work. If this state of affairs has been brought about by the actions of another place, am I not entitled to mention that? I want to register my protest.

The majority of members have complained about the position and have suggested that the business of another place should be dealt with in a better manner. To-day we coasted along on the debate on the Estimates and, had we not been waiting on another place, we could have finished that debate in half the time that was actually spent on it. We were more or less waiting here for another place to finish its business. I am satisfied that the Government could have arranged—I am not allowed to mention the other place—all Parliamentary business to be so conducted that both Houses would finish tomorrow night with the job completed for this sessional period.

Mr. LOVEGROVE (Fitzroy).—Like the Leader of the Country party, the Opposition is profoundly dissatisfied with the conduct of business in recent weeks. I wish to direct attention to two matters. First, to the fact that this House has sat for extremely long hours, often from 11 a.m. to midnight and after, in order to dispose of its business. Bills are given preliminary examination by Departments and the Parliamentary Draftsman. They are discussed exhaustively at party caucus meetings and brought into this Chamber, examined closely, and argued logically for hours. The Legislative Assembly, which is the seat of government under the democratic constitution of this State, then gives its imprimatur, and it would seem to any logical person that there would not be a great deal left to do to measures except to review them for mistakes, which would be a justifiable and most valuable function.

The DEPUTY SPEAKER (Mr. Rafferty).—Order! The honorable member for Fitzroy is getting close to developing a debate on the matter raised by the Leader of the Country party, and that is out of order.

Mr. LOVEGROVE.—Then I shall advise the Chief Secretary and the Leader of the Country party that the Opposition has been busily engaged on business of the House since early this morning. Shortly before the suspension of the sitting for dinner, consideration of the Estimates for the Department of Education had commenced.

The DEPUTY SPEAKER.—Order! The Leader of the Country party dealt with precisely the same matter, and the honorable member for Fitzroy cannot proceed to debate it.

Mr. LOVEGROVE.—In conclusion, I urge that the Government should give consideration to an examination of the Standing Orders which govern the conduct of Parliament with a view to seeing that proper hours are worked when Parliament is called upon to consider important Government business. It should be possible to prevent one House of Parliament starting at 2 p.m. and adjourning at 4 p.m. for afternoon tea, whilst the other House is working long hours.

Mr. RYLAH (Chief Secretary).—The attack by the Leader of the Country party upon me because I tried to indicate the programme in order to assist honorable members has taught me a lesson. I shall keep my mouth shut in future and revert to the old system whereby members were placed in the position of having to try to find out what was happening. As far as the business of the House is concerned, I point out that the Government has done its best this sessional period to ensure that in this place the programme met the convenience of members. We certainly have worked long hours, but we have worked reasonable hours. I express my appreciation of the co-operation we have had from both of the other parties in working out convenient periods. I sense considerable criticism of the Government's conduct of business in another place, but I point out that the business there has been taken out of the hands of the Government on many occasions by the other two parties.

The motion was agreed to.

The House adjourned at 9.50 *p.m.*

LEGISLATIVE COUNCIL.

Thursday, December 7, 1961.

The PRESIDENT (**Sir Gordon McArthur**) took the chair at 11.25 a.m., and read the prayer.

STATUTE LAW REVISION COMMITTEE.

INTEREST ON JUDGMENTS.

The Hon. ARCHIBALD TODD (Melbourne West Province) presented a report from the Statute Law Revision Committee upon interest on judgments, together with minutes of evidence and appendices.

It was ordered that they be laid on the table, and that the report be printed.

PUBLIC WORKS COMMITTEE.

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

That the Public Works Committee have leave to sit during any sittings of the Council next week.

The motion was agreed to.

POLICE REGULATION (AMENDMENT) BILL.

The debate (adjourned from November 30) 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. M. TRIPOVICH (Doutta Galla Province).—This Bill, which amends the Police Regulation Act, contains a number of machinery provisions. I endorse the sentiments expressed by the Minister to the effect that any action which is designed to foster a better spirit between members of the Police Force and the public should be encouraged. I congratulate the Chief Commissioner of Police, Mr. Porter on his reappointment, and also the Government for taking that action, because Mr. Porter has done a magnificent job and is giving great leadership to the Police Force.

The principal reason for the introduction of this measure was the fact that a member of the Force refused to live in the house which was provided for his use. Under paragraph (*a*) of proposed new sub-section (2) of section 17, members of the Force will be required to reside in the district to which they are attached. This is a wise provision, because by living in their districts members of the Force will be enabled to get to know the people in their areas. Proposed new paragraph (*ba*) of sub-section (2) of section 69 is designed to place beyond doubt the power of the Police Classification Board to fix the rental of premises allocated to members of the Force.

Another matter that will be rectified by the passage of this Bill is the provision which empowers the Governor in Council to prescribe charges that may be made for the services of any member of the Police Force, or for any assistance that is given by the Police Department, when such services or assistance are supplied at the request of any person or organization. The existing provisions of section 129 of the Police Regulation Act, which empowers the Minister to enter into agreements with members of the Force, do not encourage junior police trainees to attain leaving or matriculation standard. The amendment contained in clause 4, which will correct the inadequacy of the existing provision, is supported by my party.

I should like to refer to the provision of housing accommodation for officers of the Police Force and of other Government Departments. I emphasize that I have had some experience of working in a Department which provides accommodation for certain employees. So long as housing accommodation is available which would enable an officer to accept promotion, I think the proposal which requires a police officer to reside in the district to which he has been appointed is sound. However, in some cases, where housing accommodation is not available, officers have been compelled to refuse promotions that have been offered to them. In that respect, the principle as envisaged in this Bill cannot be carried out. In conclusion, I congratulate the Chief Commissioner of Police on his splendid leadership of the Force, which is doing such excellent work in the community.

The Hon. A. R. MANSELL (North-Western Province).—Although this is a comparatively short Bill, it contains one or two interesting provisions. Clause 2, which amends section 17 of the principal Act, empowers the Governor in Council from time to time to make rules, orders and regulations in connexion with police officers residing in the districts to which they are attached. This is a splendid move in the right direction, and I should like to see it implemented in other Government Departments.

The Country party feels that, in many respects, Government Departments are being centralized within the metropolitan area, with the result that, frequently, officers who perform their work in the city are out of touch with the people in the districts for which they are responsible. Consequently, they do not understand the local problems. It is a good move, so far as the Police Department is concerned, to require members of the Force to reside in the districts to which they are attached. Possibly one of the reasons why members of the community to-day have so much confidence in the Force is because its officers are in touch with local problems. I join with Mr. Tripovich in congratulating the Chief Commissioner of Police on his reappointment and for work that he and his officers have done.

The remaining provisions of the Bill are sound, especially the provision which will enable police trainees to attain reasonable educational standards. In the newspapers in the last few days, there have appeared a number of disturbing reports concerning murders and other serious offences. The blame for this state of affairs cannot be placed on members of the Police Force who are doing excellent work and who should be commended for their prompt work so far as crime detection is concerned. Possibly, the high incidence of crime is due to the fact that many officers of the Force are not graded sufficiently high

and because the deterrents to prevent persons from committing offences are inadequate. The Department is assisting the youth in the community by taking an active interest in the organization of youth clubs, and such like. Of course, there are still those wild persons in the community who cause damage and trouble and who commit crimes. I commend the members of the Force, particularly the Chief Commissioner and his senior officers, for the work they are doing.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3—

At the end of paragraph (*b*) of subsection (2) of section sixty-nine there shall be inserted the following paragraph:—

"(*ba*) amounts to be deducted for rental in respect of premises when provided for and allocated to any member of the force."

The Hon. L. H. S. THOMPSON (Minister of Housing).—I move—

That, in proposed new paragraph (*ba*), after the expression "sixty-nine" the words "of the principal Act" be inserted.

This is purely a drafting amendment.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 4.

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

WATER AND SEWERAGE AUTHORITIES (PROCEEDINGS AND FINANCES) BILL.

The debate (adjourned from December 5) 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 amend the provisions of six different Acts. Members of the Government party always expressed strong views when a former Labour party Government introduced a Bill which contained amendments to a number of Acts, yet we now find that it is adopting that procedure in this Bill. Whilst it is true to say that some of the provisions have a common basis, there are others that apply to only one Act. It appears therefore, that the Government party has forgotten its former protestations in regard to this procedure. I think the Bill is wrong in that respect. I was a member of another place when there was a great uproar concerning a similar type of Bill. As a matter of fact, the whole debate rested on the fact that the measure contained amendments to a number of enactments.

This Bill contains provisions relating to exemptions from disqualification of members in regard to the Geelong Waterworks and Sewerage Trust, the Latrobe Valley Water and Sewerage Board, the Mildura Urban Water Trust, and various sewerage authorities and waterworks trusts. My party has no objection to the amendments proposed in that regard, which seem to be in line with the amendments made to the Local Government Act concerning the disqualification of councillors.

In recent years many Bills have contained a clause in which there are amendments to many sections of the original Act. I think that is wrong in principle. I am of the opinion that a separate clause should be drafted to cover each section that it is proposed to amend. In this Bill it is proposed to amend eight or ten sections by one *in globo* clause. The Government might well ask the Parliamentary Draftsman to assist Parliament in the future by ensuring that amendments to various sections of an Act are contained in separate clauses.

Another amendment which seems to be common to the Bill is that in relation to advances by way of a loan from the Loan Fund to the various authorities. It is rather surprising to find that actions taken by Governments in the past have been in conflict with the Public Account Act. Section 7 of that Act provides that the Treasurer may apply from the Loan Fund any moneys to meet expenses incurred in connexion with the borrowing of money under the Commonwealth

and States Financial Agreement Acts, and any moneys required for the repayment of moneys previously borrowed. That authority is vested in the Treasurer, but in the past it has in certain cases been exercised by the Governor in Council. This Bill rectifies the matter by amending the relevant Acts and makes the Treasurer the responsible person. However, the Minister of Water Supply has some authority in regard to certain types of financial obligations, and I have no objection to that. The tasks he is to be given are separate from the responsibilities of the Treasurer. So, the Treasurer will be making the advances and the Minister of Water Supply will be assenting to the various actions of the trusts to enable them to borrow money by way of debentures and by other means.

The remainder of the amendments appear to be on a common basis except for the proposed new section 80A, as contained in clause 12, which was inserted in the Bill after it had been introduced in another place. At the last minute the Minister of Water Supply circulated the amendment, the purpose of which is to enable him to cancel Orders in Council which have been in existence for ten years or more and under which authority had been given to proceed with sewerage projects. The excuse given was that the amendment was necessary to enable ratepayers to re-examine the position in the light of changed circumstances. I would be much happier if I were able to accept that excuse, but I think it is true to say that in all towns which were given the necessary approval ten years ago there has been further development and thus there is more justification for installation of a sewerage scheme.

If a sewerage scheme was required ten years ago from a physical, health and social point of view, surely it is more necessary now. The reply may be that it is probably true that a sewerage scheme is more necessary but that the local people are entitled to review the matter. I would not argue on that score if I thought the reasoning behind the amendment was genuine, but I am not satisfied that it is. Paragraph (*b*) of sub-section (1) of proposed new section 80A provides that if 40 per cent. of the ratepayers petition the authority to conduct a further poll as to the desirability of proceeding with the construction of the particular works the authority shall not proceed until a poll has been held. That means that the ratepayers may have to commit themselves to a great degree before they know the details of the action that may flow from signing that petition, and I am sure many people would be reluctant to do that. In my view 40 per cent. represents a figure without parallel in the requirements of any statutory provision providing for polls.

Under the Local Government Act the requirement in respect of borrowings is a petition of only 5 or 10 per cent. of the ratepayers. The 40 per cent. requirement appears to be extraordinary and gives rise to a suspicion that there is some motive behind it and that it arises from the circumstances in Charlton, where there seems to be dissension or at least a certain division of opinion.

The Hon. D. J. WALTERS.—Do you consider that the figure should be less than 40 per cent.?

The Hon. SAMUEL MERRIFIELD.—Yes. No other legislation requires the signatures of this number of ratepayers. The Labour party has keen feelings about this clause, and the Opposition in another place opposed it. Clause 17 relates to the majority of the members of a sewerage authority required to vary a resolution or to revoke a decision previously made. The clause proposes that for clause 9 of the Second Schedule of the Sewerage Districts Act a new clause shall be substituted. The object is to bring the legislation relating to this matter into line with the provisions of the Local Government Act.

I am of opinion that in the local government field standing orders should be laid down to govern the procedures of authorities. The Fifteenth Schedule of the Local Government Act goes a certain distance, after which the manner in which "other business" at a meeting may be dealt with is left to the discretion of the meeting. For some time

the Labour party has felt that there ought to be a more detailed provision relating to the handling of business by public authorities. Proper democratic procedures should be laid down, and the Government may well consider the framing of standing orders for some authorities. We offer no general objections to the Bill but reserve the right to deal with clause 12 in whatever manner we may yet decide.

The Hon. D. J. WALTERS (Northern Province).—This is an omnibus Bill which relates to a number of different water and sewerage authorities. I recall a former President, Sir Clifden Eager, objecting to this class of measure.

Sir ARTHUR WARNER.—Since the consolidation of the statutes a different procedure has been adopted. When a Bill amending an Act is passed, it is immediately incorporated in the principal Act. The point you raise is not as important as it used to be.

The Hon. D. J. WALTERS.—The Government may have a reason of which I am not aware for the introduction of Bills of this type. The reason given by the Minister of Transport appears to be a good one.

Mr. Merrifield has explained the measure in his usual clear and studious manner, and members ought to be grateful for the interest that he takes in the Bills to which he speaks. My experience of being associated with Mr. Merrifield as a member of a committee has been that if a matter is referred to him for attention he will obtain all the information required. It is gratifying to have in the House a member who takes an interest in everything that goes on, as Mr. Merrifield does.

The controversial clause that Mr. Merrifield mentioned was clause 12, and his objection appears to be that if a poll is wanted 40 per cent. of the ratepayers should not have to sign a petition. The figure is somewhat high and it may be difficult to collect that number of signatures. Under the Local Government Act, only 10 per cent. of the ratepayers need sign a petition relating to a poll. I understand that the proposed new section will apply only in a particular case, where a sewerage authority has not gone on with work for ten years but has now decided to proceed with it.

The Hon. P. T. BYRNES. — Commitments might have been entered into. This is a different case altogether.

The Hon. D. J. WALTERS.—Probably that is so. Although a demand by 10 per cent. of ratepayers might be adequate in most instances, in this case possibly 40 per cent. would be reasonable. The provision will apply not only to one town, but will have application elsewhere. People of the present generation are being asked to accept a liability placed on them by others who belonged to practically another generation. In this case the figure of 40 per cent. may be reasonable.

The Hon. SAMUEL MERRIFIELD.—If account is taken of absentees, the signatures of 50 per cent. of the ratepayers available at the time may be required.

The Hon. D. J. WALTERS.—That could be so. It is no light matter for ratepayers to act to change the policy of a properly constituted authority, possibly at great expense. There is little else that calls for discussion. It is a Government Bill, and the Government must take responsibility for it. The Country party supports the measure.

The motion was agreed to.

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

MINES (ALUMINIUM AGREEMENT) BILL.

The debate (adjourned from December 6) on the motion of the Hon. R. W. Mack (Minister of Health) for the second reading of this Bill was resumed.

The Hon. BUCKLEY MACHIN (Melbourne West Province).—This Bill seeks to validate and approve an agreement entered into between the Government and a proprietary company—Alcoa of Australia Proprietary Limited—to establish a power station in Victoria and to operate certain coal fields. It is a big undertaking, and we must congratulate ourselves that a major portion of the

£44,000,000 to be spent in establishing the industry in Australia will be spent in Victoria. It is estimated that a total sum of £33,000,000 will be expended in this State. I feel sure that the Government has examined the position fully to ensure that electricity supplies in the State generally will be in no way endangered by leasing coalfields to this company.

The proposal of the company to establish its own power house has brought home very forcibly the very high power costs in Victoria. Apparently this company has decided that it cannot pay the high prices demanded by the State Electricity Commission. In view of the high capital expenditure involved in constructing a power station such as the one the company proposes to erect, we must examine power supplies generally in Victoria with a view to determining how costs of power production can be reduced. Perhaps when the Hazelwood power station is fully operating it may be possible to reduce costs. In this connexion, it is interesting to note that other industrial undertakings in the State are generating their own power or are contemplating doing so. Even Smorgon's, which operates a small business in Footscray, is putting in generating plant for its own purposes. Albright and Wilson Pty. Ltd. and the operators of the Altona petrochemical refining plant realize that the main constituent of their products is power, and they are looking for cheaper rates. This State is very fortunate in that it possesses the raw materials from which power can be generated, but unfortunately we cannot produce it at a price that would make the establishment of industries in this State a more favourable proposition in comparison with their establishment in other States and countries. At one time our power charges were lower than those operating in New South Wales, but that position has now been reversed. In various parts of the world, in the United Kingdom in particular, power costs are much lower than they are in Victoria.

The industry to which this Bill relates will reduce bauxite produced in Western Australia to alumina and then convert it into aluminium. The establishment of the plant in this State will be a tremendous step forward. It is interesting to note that the company will not make inroads into our already over-burdened water supplies as the cooling plant to be erected will operate with water from the sea. The Public Works Committee reported that surplus water from Lake Corangamite could be used in the cooling plant at Point Henry, and the committee is to be commended for this suggestion. However, representatives of the firm thought it would be useless to install plant to utilize water from Lake Corangamite because there would be no guarantee of continuity of supplies from this source.

The coalfields leases cover a somewhat large area; the amount of coal available is small in comparison with the total coal resources of the State. I can only hope that what is contemplated by this industry will eventuate and that its operations in Victoria will be of great profit not only to the company itself but to the State. In this way the brown coal resources which the State Electricity Commission has seen fit to work can be utilized for the benefit of the community. We hope that the development of the industry will lead ultimately to the production of cheaper aluminium, and are pleased that this secondary industry will be established in an area which up to now has not been considered suitable for other industrial purposes.

As the House is required only to ratify the agreement, there is no point in speaking at length on the proposal. This country should make every endeavour to meet the demands for cheap power with the object of attracting new industries which will assist our economy. The Bill emphasizes the great need for cheap power, particularly in certain industries, including the petro-chemical and synthetic industries. The outstanding lesson underlined is that we should use our resources of man power, minerals and so on to the best advantage, so that the march of progress will not be halted.

The Hon. I. A. SWINBURNE (North-Eastern Province.)—The Country party supports the Bill, which is to ratify an agreement between the State of Victoria and Alcoa of Australia Proprietary Limited, which will be setting up a factory in the Point Henry area near Geelong. The principal function of the company will be to produce aluminium, and for that purpose the company intends to set up its own plant for the production of power, using the brown coal resources of the Anglesea area. As the Minister of Health stated, the coal is in thin seams, and it remains to be seen what procedure the company will adopt in fully exploiting the coalfields. Probably it will use the top coal first and let posterity look after what is underneath, hoping that by that time some other form of power will be available.

The principle with which the House has to deal is whether, for the development of Victoria, this is a proper use of the resources of the State. My party feels that without an industry of this nature coming into the area there are no real prospects of its proper development in the foreseeable future. The proposal will provide a further opportunity for decentralization of industry and the development of a fast-growing district. A work force of 600 or 700 men will be employed in the area, resulting in an increased population of up to 2,000 or 3,000 people. Of course, certain problems arise when a scheme such as this is brought in, and the Minister did not discuss these points. For example, about 600 houses, a school and other facilities will be required. I have not had time to study the agreement fully to ascertain whether the company is being required, as have other companies coming to Victoria, to make certain provisions in relation to services.

Although I understand that the company will be using sea water for cooling its generating plant, no doubt an increased water supply will be required. As the Geelong district has not been blessed with a surplus of water, this could have an effect on the provision of water supplies and other services in other parts of the State. Everyone will welcome the industry. The erection of a factory and associated plant and ancillary equipment at a cost of £33,000,000 will give a great fillip to the district and provide a considerable amount of employment during the next few years. As the Minister has said, we must either accept the principle of the agreement or reject it; it is not open for the House to amend it in any way. My party supports the Bill and wishes the company every success in its venture.

The Hon. W. P. MAIR (South-Eastern Province).—Mr. Machin mentioned that Alcoa of Australia Proprietary Limited had presented evidence to the Public Works Committee. I should like to express in the House the committee's appreciation of the trouble taken by the company in that regard. A proposal was placed before the committee by the chief engineer of the Geelong Waterworks and Sewerage Trust relating to the draining of Lake Corangamite to Anglesea to provide cooling water for Alcoa of Australia Proprietary Limited's generating plant. Mr. Morgan gave evidence on behalf of the company. The proposal has been thoroughly investigated, but the volume of water required for cooling purposes will be between 44,000 and 52,000 gallons per minute, 24 hours a day, 365 days a year. I am afraid there is not that much water in Lake Corangamite.

The Hon. G. W. THOM (South-Western Province).—In commending this measure to ratify the agreement it embodies, we would be remiss if we did not remember that the coalfield at Anglesea was largely developed by Roche Brothers. The State owes them a debt of gratitude for their confidence and initiative in endeavouring to exploit that field.

The Hon. I. A. SWINBURNE.—They did not do it without some assistance.

The Hon. G. W. THOM.—They needed some assistance, but their activities became a very pertinent factor in the establishment of this new industry which will mean so much to the whole area in which it is to be situated. Reference has been made to the establishment

by the company of a power station. It might be wise to remember that the State Electricity Commission investigated the possibility of establishing a power station in the area at some time in the future, bearing in mind the use of power for possible industrial development in the Western District. I imagine that any surplus in the station output will in time to come be turned into the State system.

Mr. Machin mentioned the requirements of water by the company. It is rather interesting that only a few days ago it was mentioned in the Geelong *Advertiser* that the requirement of water for use at Point Henry over a period of twelve months will be 1,000,000,000 gallons. The local trust will have to carry out work in the next eighteen months that it had planned to do over the next ten-year period. That shows the tremendous nature of the problem and emphasizes the challenge that is being accepted because it is realized that the projected development is one that must be assisted. The people of the district are very happy because the inauguration of this industry will encourage the establishment of other industries in the same area.

I commend the Bill. I know that the activities of Alcoa of Australia Proprietary Limited will forward developments in the provision of power, and in other ways that will react to the future benefit of the State.

The motion was agreed to

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Interpretation).

The Hon. R. W. MACK (Minister of Health).—In reply to Mr. Swinburne, I have to say that there is no agreement between the Government and the company regarding the provision of housing or schools. I point out, however, that this industry is being established in an area that is fairly close to a large industrial population. Over the past fifteen years or more there has been tremendous advancement in the provision of accommodation by the Victorian Housing Commission in the Geelong district and, because of the growth of the area, I see no reason to doubt that that provision will be continued as in the past.

The provision of water, which was referred to by Mr. Swinburne, is covered in two clauses of the agreement set out in the schedule. Clause 18, under the heading of "Division D," deals with the existing water supply and puts the onus on the company of paying the cost in the event of pipes having to be moved. The other reference is in clause 18 of Part IV. of the agreement, dealing with the use of sea water and so on.

The Hon. I. A. SWINBURNE (North-Eastern Province).—I raised those points from the point of view that, while everybody welcomes the great development that will be taking place in the area, the whole project will place a fairly large responsibility upon the State authorities concerned. Mr. Thom gave the answer to part of the question I had in mind when he said that what was planned as a progressive ten-year project will be carried out in a period of one or two years. The way in which water is provided under the State Government is by a system of loans and revenue handled by the State Rivers and Water Supply Commission. To provide water resources in a short period in the area in which the Alcoa company is to operate will mean an increased expenditure of the funds available to the water Commission and, unless a special allocation is made for this specific purpose, the effect will be at the expense of the rest of the State.

I do not want to be parochial or to suggest that the proposed agreement should not be ratified by Parliament; but in entering into an agreement such as this we should follow the principle that was adopted with the Ford Motor Company of Australia Proprietary Limited, which was asked to lend money to provide services that were required ahead of the time when they were proposed to be carried out. In the agreement we are now considering there should be some arrangement under which the money required by the

State for the provision of water and housing would be made available by the company, as in the case of the Ford company, or by special loan funds for the purpose.

Over the past twelve months the revenue of the State Rivers and Water Supply Commission has been reduced. I have made several requests to the Commission for the allocation of money for specific purposes but have been informed that the funds have been reduced during the year and that there is not so much money available. If we agree to the provision of water as desired by this agreement we shall find it absorbing the allocations provided for the over-all work of the water Commission.

As the Minister has said, this new project will bring other interests and activities into the area of the Alcoa company and further progress generally will follow. Respecting the housing problem, it must be borne in mind that approximately 700 workmen will be employed by the company, and while the factory premises are being built there will be many more workmen in the area. The Housing Commission is the only housing construction authority in the State. I do not want to see the housing requirements of the rest of the country areas unfavourably affected by the responsible Minister having to say, "We have such big commitments in Geelong for the construction of houses in this new area that development in the rest of the State will be impeded." I have already stated that there should be provision for the special allocation of funds to the State Rivers and Water Supply Commission rather than money being taken out of the small allocation by the Commission to assist water trusts. Similarly, additional finance should be made available to the Housing Commission for this project so that other country areas will not be neglected. Where the Government is entering into an agreement with a company that proposes an expenditure of £33,000,000, it should look at these finer points. I request that the Minister take up this matter with the Premier so that consideration may be given to a special allocation of funds to cover work undertaken in connexion with this industry.

The Hon. G. W. THOM (South-Western Province).—In reply to the points raised by Mr. Swinburne, two factors must be borne in mind. First, a number of workmen who are at present working at Anglesea live at Winchelsea. At one stage a number of Housing Commission homes became vacant when the mine at Wensleydale closed down. No doubt these homes will be occupied by the additional employees who will come to the district in connexion with the aluminium industry. Secondly, a transfer of personnel is taking place from the Ford works at Geelong to Broadmeadows. This will result in a number of houses being vacated in the Geelong district. It is fortunate that there are now or will soon be a number of vacancies in both private and Housing Commission homes.

The Hon. I. A. SWINBURNE.—There will not be 700.

The Hon. G. W. THOM.—I appreciate that. However, we have faith in the Housing Commission and believe that its normal expansion programme might adequately cover the situation.

The Hon. I. A. SWINBURNE.—Only at the expense of other districts.

The Hon. G. W. THOM.—In regard to the water trust, I believe it is a body which has to raise its own capital or loan moneys. Again, the Geelong *Advertiser* points out that the cost of water and sewerage works to be carried out in 1962-63 will be £2,855,000. However, I believe it is the trust's responsibility to raise that money.

The Hon. R. W. MACK (Minister of Health). — Mr. Swinburne's comments have been heard by the Minister of Housing, and I undertake to direct the attention of the Minister of Water Supply to matters which affect his Department.

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.

EDUCATION (AMENDMENT) BILL.

The debate (adjourned from November 30) on the motion of the Hon. L. H. S. Thompson (Minister of Housing) for the second reading of this Bill was resumed.

The Hon. BUCKLEY MACHIN (Melbourne West Province).—This is a Bill which, in the broadest sense, demonstrates appreciation of the value of school committees and school councils and the high reputation which they enjoy in the community. The provisions contained in the Bill are designed to grant additional powers to school committees and school councils in the carrying out of necessary works. It is anticipated that many of the tedious delays which have occurred in the past will be obviated. One of the schools with which I am connected has sought permission on many occasions to undertake certain work but long delays have occurred pending authority being obtained from the Public Works Department. In one instance a delay of many months occurred before the Public Works Department demolished two old buildings, which were an eyesore in the centre of the city of Footscray and adjacent to the girls' school in Barkly-street. Had the school committee undertaken the job, it could have been accomplished within two days. Under the Act, school councils are not permitted to expend money without first seeking the approval of the Department. I am afraid that on many occasions school councils have broken the law in this direction. However, a considerable amount of work has been accomplished.

Without speaking at length, I believe I should read two tributes which appear in a booklet issued by the State Schools Committees and Councils Associations of Victoria. At times, unkind and untrue remarks are made, and I believe these extracts from the report of the committees on State education in Victoria are worthy of mention. The report states—

> It is a good augury for education when the adult community is allowed to realize that it has a part to play in the real business of the school programme.

Later on, it is stated—

> This partnership between parents, the general community and the schools is a very significant development promising well for the future of State education.

The following statement in the report demonstrates how misleading and erroneous are many of the statements made in regard to education:—

> Victoria's State education over the last 70-odd years shows that the vision, leadership and devotion of our great educators, however necessary and valuable, cannot ensure success without public support.
>
> Perhaps, therefore, the feature of greatest significance in Victoria's educational system to-day is the increased interest and appreciation of the community in its State schools since this alone can ensure, for our State education, continued public support and co-operation.

Having been associated with various school committees, I can speak at first hand of the valuable work that is done by mothers' clubs, school committees, and councils since they have been operating. Never once during the long period I have been associated with school councils, whose members comprised "captains" in industry, and leaders in the field of medicine and in various walks of professional life, has politics been mentioned. Those who work voluntarily on school committees are imbued with the idea of doing their best for the schools and the pupils. Notwithstanding the sterling work that has been performed by mothers' clubs, school committees and councils, much unjust criticism, which, I am sure, has had no foundation, has been levelled at these organizations.

This legislation represents a step in the right direction. It will relieve school committees and councils of a good deal of tedious work and will expedite a number of works in connexion with school buildings. The measure will have the approbation of the members of all school committees and councils.

The Hon. I. A. SWINBURNE (North-Eastern Province).—The Country party supports the Bill, which is designed to assist school committees throughout the State to carry out certain works as agents of the Crown. It will empower committees, with the consent of the Minister,

to enter into contracts for certain works. It is only right and proper that, if school committees are to act as agents of the Crown, the Minister should know what is proposed and should investigate the proposals in the usual course so that the finances of the State will be protected. I understand that, in the Committee stage, the Minister of Housing proposes to move an amendment to paragraph (*b*) of sub-section (4) of proposed new section 14A, as contained in clause 2 of the Bill, to increase from £100 to £500 the cost of the works for which school committees shall be empowered to invite tenders by advertisements published in a newspaper circulating generally in Victoria and in at least one newspaper circulating in the neighbourhood of the school where the proposed work is to be carried out, under such supervision as the Minister directs. This is an important provision because, over the years, the supervision of these small works which are carried out by the Public Works Department, at the request of school committees, has been a costly procedure. This work entails the preparation of plans and specifications, and obtaining the requisite approval through the normal channels of the Public Works Department. In many cases, the cost of the supervisory work has exceeded that of the actual construction work.

As one who has been associated with school committees in the past, I appreciate how expensive small repair works can be. In future, many of the problems associated with small projects will be eliminated, with a resultant saving in expenditure to the State. The proposal will also eliminate many of the cumbersome frustrations that have occurred over the years. In country areas, where there are large numbers of school committees operating, one of the greatest problems is to try to unravel between the Education Department and the Public Works Department many of the problems to which I refer.

At times, school committees have been accused of being pressure groups. I admit that certain pressures are built up simply by the frustrations that have occurred in the past and, when members of a school committee reach the explosion point, they usually refer the matter to their local member of Parliament to ascertain why certain works have been delayed. On approaching the Education Department concerning such delays, members are frequently informed that the work in question has been approved. Once approval has been given, the matter is referred to the Public Works Department, which must carry out all the requisite inspections, checking and re-checking, and this takes a good deal of time, resulting in the feeling of frustration to which I referred.

I trust that in future many of these problems will be overcome. If school committees are to be given the responsibilities envisaged in this Bill, they should also be given some latitude in connexion with their work. At the same time, however, they should assume the responsibility of ensuring that the estimated cost of the work is reasonable. If this legislation succeeds in streamlining the existing practice it will prove worth while.

The other part of the Bill deals with regulation-making powers and in effect gives to the Education Department a power which it has always thought it had in relation to the issuing of certificates to students who have passed certain courses of study. I realize that this is an important matter to the individual, and any doubt that exists should be removed. We support the measure and hope that the administration of it will be as simple and effective as possible.

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—This Bill contains an amendment to the Education Act by which it is proposed to increase the powers of school committees in respect of certain matters. I am sure most honorable members are sympathetic towards that objective. However, certain remarks that have been made tend to over-simplify the problems that are likely to occur, and the position is not quite as simple as some honorable members think it is. It is proposed

that a school committee which desires to undertake certain work shall first obtain an estimate. That has always been the procedure adopted by the Education Department in regard to works carried out by the Public Works Department, and part of the tortuous process which was alleged to be the procedure of the past was that the Public Works Department had to prepare the estimate before the Education Department finally approved of the work. After approval had been obtained the work had then to be carried out.

In many cases, through its accounts branch the Public Works Department controlled the finance involved. Therefore, all requests finally had to be determined within that Department, and the Education Department did not have to worry about the provision of money for the works approved. The result was that over the years the cost of the approvals by the Education Department was far greater than the money available for that purpose. So, the task of the Public Works Department was to fit all the approved work within the allocation of funds. When the Country party Government was in office, it suffered from the effects of the loan squeeze in 1952 which had not completely disappeared when the Labour party Government took office. As a matter of fact, the construction of additional class-rooms and other works totalling £13,000,000 had been approved, and, in addition, a large number of jobs had been submitted for estimates and were finally approved. The fact that such a position obtained, generally speaking, was not the fault of the Public Works Department, but arose as a result of a combination of circumstances.

The Hon. I. A. SWINBURNE.—There were too many jobs for the money available.

The Hon. SAMUEL MERRIFIELD.—That is so. The same position will apply after this Bill is passed, because the Education Department will approve of the works and the Public Works Department will have to pay the bill. That will mean that less loan money will be available for other works. A further complication will be that there will be two types of approvals for jobs; one flowing to the Education Department for the type of work envisaged by this Bill and the other flowing to the Public Works Department for the bigger jobs. That is roughly the position which will develop.

Maintenance work is not referred to in the Bill because it is largely under the control of the head teacher of the school, whose powers in that regard will not be superseded. Sub-section (3) of proposed new section 14A, as contained in clause 2 includes the words "on behalf of the Crown." The Public Works Act constitutes the Board of Land and Works, which is a body corporate and has a president, two vice-presidents and other members. The president is usually the Minister of Lands and the two vice-presidents are usually the Minister of Transport and the Minister of Public Works. The other members of the Board are usually permanent officers of the Departments administered by those Ministers. Provision is made in the Act for nominal meetings, use of the seal of the Board in respect of contracts and so on. In regard to the duties of the Board, section 11 of the Act provides—

> The Board shall consider and determine all matters and questions relating to the adoption of any plans and specifications for public works, and shall consider and deal with all requisitions for buildings furniture or repairs, and shall decide upon the acceptance of all tenders for such works buildings furniture or repairs and the terms and conditions on which the same shall be accepted, together with the nature and amount of security to be given for the performance of any contract arising out of the same, and all other matters and questions relating to or concerning the public lands works and buildings of Victoria.

The Hon. I. A. SWINBURNE.—So, the Board of Land and Works should give the approval?

The Hon. SAMUEL MERRIFIELD.—Yes, the Board should have control, yet the Bill purports to give that authority to the Minister of Education. Although this measure will be the later legislation and to that extent time may have an impact in law, it seems to me

that the use of the word "Crown" in the Bill will tend to take this right away from the Board of Land and Works which has been established as a corporate body. I am not sure how far the Bill is in conflict with other parts of our statutory law.

The Government proposes to lift the limit of jobs for which the school committee can invite tenders to £500, and any work carried out as the result thereof will be under such supervision as the Minister of Education directs. It seems to me that the Minister will be accepting a great obligation in supervising all the works which he will have the right to approve of. If that is to apply literally, then the Minister will have to accept responsibility for even the smallest of jobs and in total that will represent a great responsibility.

When Sir Thomas Maltby was Minister of Public Works he increased the limit of expenditure which could be authorized by the secretary of the Department beyond the amount that I had fixed when I was the responsible Minister. I have the impression the amount fixed by Sir Thomas Maltby was £1,000.

It appears to me that if the Bill is passed, the Minister of Education will assume great responsibility regarding approvals. He has many other matters to consider and he could become virtually a second Minister of Public Works unless authority was delegated, but the Bill does not provide for this.

The Hon. L. H. S. THOMPSON.—It is only a reserve power.

The Hon. SAMUEL MERRIFIELD.—The Minister must himself approve of all the separate jobs. He will probably find the task onerous and will wish for a power of delegation which the Bill does not provide but which the Minister of Public Works and the Board of Land and Works can allow. A provision of the nature I have indicated ought to be included.

Concerning the question of contracts for lesser amounts than those for which Ministerial approval is required, I understood from reports of discussions in another place that a set form would be prescribed. Will all the contracts entered into between a school committee and a contractor comply with the law? Members of school committees are not necessarily lawyers, and in many instances the contractor may merely be a workman not well versed in legal matters. It seems to me that there is a danger of some contracts being faulty and incapable of enforcement by either party.

The sitting was suspended at 1.3 *p.m. until* 2.23 *p.m.*

The Hon. G. J. NICOL (Monash Province).—I am certain that this Bill will be welcomed by all school committees and councils, as it will do a great deal to place these organizations in the position they ought to occupy. A great deal more appreciation should be given to school committees and councils for the colossal job they are doing. Too little credit has been given to these organizations for the tremendous sums they raise to assist the State education system. So far as I can ascertain there is no accurate record of the total amount raised by school committees and councils. The only indication one can get is by examining the money paid out by the Department in subsidies for the various projects undertaken.

The Hon. SAMUEL MERRIFIELD.—Even those figures do not give a true indication. In my opinion, they constitute an under-estimate.

The Hon. G. J. NICOL.—I quite agree. However, some indication can be gained of the work done and the money raised by totalling the grants made on a £1 for £1 or £2 for £1 basis. These organizations must be raising at least £209,000 per annum. In addition, they raise substantial sums for which no subsidy is paid.

The Hon. SAMUEL MERRIFIELD.—I imagine that even the school committees and councils have no real idea of the extent of the sums raised.

The Hon. G. J. NICOL.—I should not think so. I consider that an additional £100,000 a year is raised for unsubsidized works. A great deal of the credit

for the raising of these funds must be given to mothers' clubs. I have not the faintest idea of the extent of their efforts, but a tremendous contribution is made to school committees and councils. All members of the community should give mothers' clubs the greatest possible credit for the work they are doing to assist in the education of our children.

Two aspects of the Bill deserve attention and some publicity. Until this measure becomes law the liability of representatives of school committees who sign contracts on behalf of these organizations will remain entirely a personal liability. One of the purposes of the Bill is to relieve members of school committees from such liability.

The Hon. SAMUEL MERRIFIELD.—It may be the case that a contract already entered into may be proved to be invalid.

The Hon. G. J. NICOL.—I shall not touch upon that aspect because I understand Mr. Hamer intends to deal with it. The second point to which I refer is something which I fear many school committees have overlooked. It is the liability of committees for compensation payments to employees under the Workers Compensation Act. Until the law is amended by this Bill liability will attach to school committees either jointly or maybe individually. Under its provision a school committee will in the future enter into contracts as an agent of the Crown, and liability for payment of workers compensation premiums and of ensuring adequate cover for all persons connected with any work done on behalf of the committee will rest on the Crown. Few school committees have fully appreciated the fact that they were carrying these liabilities, but this measure will safeguard the position of their members who are working entirely in an honorary capacity.

The Hon. R. J. HAMER (East Yarra Province).—In its own way this Bill is quite revolutionary, and I think honorable members should clearly understand the three main purposes for which it has been introduced. The first is to clear up the real doubts which have arisen as to the position of school committees entering into contracts with workmen, contracting firms and companies for the carrying out of work on school premises. If a contractor falls down on the job, real doubt exists regarding who has the power to make him carry on. There is also doubt about ability to terminate a contract for unsatisfactory performance. Conversely, so far as the contractor is concerned, there is a very real doubt against whom he should make his claim if he does not get paid.

Honorable members who are lawyers will realize that it is difficult to determine where the liability lies. I suppose that ultimately it would have to be fixed upon the person who signed the contract, say, the president or secretary of the school council or committee, but he might have relinquished his office before the contract was completed. Some school councils, such as those of several technical colleges in Melbourne and, I think, Ballarat and Bendigo, are incorporated, but the great majority of these bodies are unincorporated and are simply associations of individuals. Therefore, the person who signs the contract makes himself personally liable. That is unsatisfactory from both angles. The Bill clears up this matter and provides, in effect, that a school committee, subject to its conforming with the regulations, shall be deemed to be contracting as an agent for the Crown. That means that if anything goes wrong with a contract the Crown can step in and enforce it and, on the other hand, if the contractor is not paid it is the Crown against whom he can lodge his claim, with the certainty, in normal circumstances, of obtaining payment.

As Mr. Nicol pointed out, the concept of contracting as an agent for the Crown carries with it an obligation for the Crown to carry workers compensation insurance. The evidence given by witnesses before the Statute Law Revision Committee suggested that that might cost the Crown about £5,000 a year in insurance premiums. The proposal is a very welcome relief for the school committees.

The second object of the Bill is to enlarge the authority, and with it the responsibilities, of school committees and councils. Sufficient has been said about that aspect, but I would stress that it is not only the authority which is enlarged but also the responsibilities. Some of these groups of people will be dealing with contracts of £60,000, £70,000 or £100,000 for the construction of assembly halls, swimming pools, playing fields and the like. They are very large and important contracts. It is interesting to note that the Government has gone a little further than the Committee recommended. The Government has removed the recommended ceiling from the authority, and school committees will have complete power over the funds which they control to carry out and enter into contracts.

The third object of the Bill is to obviate the delay which occurs in getting works done. Mr. Merrifield suggested that the Minister of Education was taking on himself a tremendous responsibility in checking and approving projects. I think it is quite clear that the Bill does not do anything to alter the present situation. The Minister is at liberty to, and will in fact, receive reports from the Public Works Department, whose advice he will seek on every point, and he will approve projects after they have been checked and approved at the departmental level. It is at the next stage that the delay will be removed; that is, when tenders are called for, which involves the preparation of tender documents and the like. At the moment that is the biggest bottleneck that school committees have to face. They can fairly readily obtain approval for proposed works, but from then on there is a tremendous delay while the documents are prepared, advertising for tenders takes place, and so on. The Bill will make a very useful advance in this direction.

The second point Mr. Merrifield raised was whether the Bill would cut across section 11 of the Public Works Act, which sets out the responsibilities of the Board of Land and Works, and gives it authority over public works in Victoria. Paragraph (*a*) of sub-section (4) of proposed new section 14A provides—

> Notwithstanding anything in any Act or regulation a school committee may obtain and accept offers or tenders for any work approved by the Minister which it proposes to carry out.

The wording of that provision is quite clear. It is intended to over-ride all previous Acts and regulations, and to give school committees the unfettered power to obtain and accept offers and tenders to carry out work within the purview of the Bill.

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:—
>
> . . . . . .
>
> (4) (*a*) Notwithstanding anything in any Act or regulation a school committee may obtain and accept offers or tenders for any work approved by the Minister which it proposes to carry out.
>
> (*b*) Where the cost of any such work is estimated by the school committee to exceed One hundred pounds the school committee shall invite tenders therefor by advertisement published in a newspaper circulating generally in Victoria and in at least one newspaper circulating in the neighbourhood of the school where the proposed work is to be carried out and the work shall be carried out under such supervision as the Minister directs.
>
> (5) Where a school committee enters into a contract for any work at a price not exceeding One hundred pounds the school committee may supervise the carrying out of that work.

The Hon. L. H. S. THOMPSON (Minister of Housing).—The Government proposes to make three amendments to clause 2. As was suggested earlier, the main objective of the Government is to encourage greater decentralization of administration in the field of school maintenance and improvement works. At the same time the Government is desirous of placing the activities of school committees on a strictly legal basis. In order that school committees will be able to carry out work, the cost of which is estimated at

less than £500, without calling for tenders, I shall now move two amendments. First, I move—

That, in paragraph (*b*) of sub-section (4) of proposed new section 14A of the principal Act, the word "One" where first appearing be omitted with the view of inserting the word "Five."

The amendment was agreed to.

The Hon. L. H. S. THOMPSON (Minister of Housing).—I move—

That, in sub-section (5) of proposed new section 14A of the principal Act, the word "One" be omitted, with the view of inserting the word "Five."

The amendment was agreed to.

The Hon. L. H. S. THOMPSON (Minister of Housing).—The next amendment I shall move will have the practical effect of enabling school committees to supervise work where the contract exceeds the amount of £500. The Statute Law Revision Committee tentatively recommended a limit of £100. It is considered that school committees could well supervise in a proper manner a number of jobs whose cost is within the range between £100 and £500. There are certain jobs within that range and even jobs costing less than £100, in which it is desirable that a degree of departmental supervision should be exercised. It may be a difficult electrical wiring job or the work may cut across some future planning for the school. The safeguard provided in the amendment will enable the Minister to intervene and decide whether, for certain reasons, the Public Works Department should supervise the job. I move—

That, in sub-section (5) of proposed new section 14A of the principal Act, the following words be added "unless the Minister either generally or in particular cases otherwise directs or the regulations otherwise provide."

The amendment was agreed to, and the clause, as amended, was adopted, as were the remaining clauses.

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

COMPANIES BILL.

The debate (adjourned from November 28) on the motion of Sir Arthur Warner (Minister of Transport) for the second reading of this Bill was resumed.

The Hon. J. W. GALBALLY (Melbourne North Province).—This is a most interesting measure, which contains nearly 400 clauses and a number of schedules. In case the House has taken a rather poor view of an earlier statement I made, let me reassure you, Mr. President, that my remarks will be only very general indeed and that we are raising no objections to the Bill. It is interesting to reflect just how far we have come with limited liability. The foreword to this Bill says that the two objects of the new measure are to simplify the legislation so as to facilitate legitimate business and to strengthen the provisions designed to safeguard the public from fraudulent practices. The foreword states with almost disarming frankness that these two objectives are largely irreconcilable.

The history of the companies legislation since Gladstone's legislation in 1844 shows a competition, as it was described in those early days, between the rapacity of business tycoons and the ingenuity of parliamentary draftsmen, with the parliamentary draftsmen almost invariably losing.

Sir ARTHUR WARNER.—I think they are winning now.

The Hon. J. W. GALBALLY.—As a matter of fact, when the "Bubble" Act of 1720 was passed, companies at that time were deemed to be a public nuisance. That was the situation at common law. Indeed, when the question of limited liability was originally under discussion in England in the middle of last century, the *Law Times* called the Limited Liability Bill—the forerunner of this measure—a rogues' charter. The Manchester Chamber of Commerce declared the Bill as so subversive of that high moral responsibility which had hitherto distinguished the partnership laws as to call for its strenuous disapproval. We have come a long way since then. Most people do not appreciate that a company is a separate legal person and that its members are not liable for its debts.

The Hon. R. W. MACK.—Do you say that that is the position to-day?

The Hon. J. W. GALBALLY.—Yes, I am now coming to 1961. To seek the future, search the past. It must be stated first that the system of limited liability has given our economy great flexibility and has enabled it to drive forward. It is that same limited liability which inspires people to risk something but not all in promoting new enterprises. That is a good thing for the community, but I believe we shall continue to have trouble with this conception of limited liability unless we make a step forward. There ought to be some personal limit, which need not necessarily be large. The Minister spoke of the evils of rogue companies. My attention has recently been directed to a number of companies that carry on speculative land development. They work in this way: A number of rogues with no capital, or very little, form a company to undertake speculative land development. I understand that the nature of land speculation is such that a person either makes a lot or loses a lot. These people are so organized that one company is used for one particular aspect of development and another for a different aspect. For instance, one company buys the land, another engages contractors, and so on. If any part of the speculative development is unsuccessful, only one company goes into liquidation, with the result that the unsuccessful company can be treated like a disposable paper cup and thrown away. It is true that the directors present a respectful apology to the creditors, but straightway, or after a suitable respectful interval, they go to a solicitor's office and form another company with the same objects. No one has any redress in such cases, and it is a highly undesirable state of affairs. We are all aware of the activities of some magnificent companies that are a feature of our industrial and commercial development, but why should they be brought down by the activities of some persons who go about their ordinary enterprises in a snide manner?

The Hon. G. W. THOM.—The power of inspection may help to pick up many of those people.

The Hon. J. W. GALBALLY.—Nothing will be accomplished until the practice of putting up only a nominal capital is dealt with.

Sir ARTHUR WARNER.—What do you mean by the words "nominal capital?"

The Hon. J. W. GALBALLY.—I understand that one company was formed with a capital of one halfpenny, divided into two one farthing shares.

The Hon. G. W. THOM.—When was this?

The Hon. J. W. GALBALLY.—Some time ago. The companies' register is full of companies with a paid-up capital of £5 or £10.

The Hon. A. J. HUNT.—Lots of them have a paid-up capital of only £2, which is the minimum.

The Hon. J. W. GALBALLY.—No provision is made in this measure to insist on companies having a proper working capital. That is the real evil.

Sir ARTHUR WARNER.—Your idea is that every invoice and piece of notepaper of a company should disclose the paid-up capital in cash?

The Hon. J. W. GALBALLY.—No.

The Hon. P. V. FELTHAM.—That is a mild enough suggestion.

The Hon. J. W. GALBALLY.—No one wishes to interfere with the large companies, but everybody wants to bring down many of the snide companies that prey on the community. This matter has not been tackled in this measure.

Sir ARTHUR WARNER.—I believe it has.

The Hon. J. W. GALBALLY.—I do not think anything will be achieved until the real heart of the problem is tackled. If a man trades with somebody else as a partner, then he stands to lose the whole of his assets. I do not suggest that this practice should be followed in relation to a commercial enterprise, because that would stultify commercial development. There is no doubt, however, that just as motor cars

have destroyed our manners, the system of limited liability companies has destroyed public commercial morality. I am not referring to companies registered on the Stock Exchange and operating in that way; they have strong safeguards. I do not approve of the practice of registering a company with a capital of £2; if the business goes well, the person concerned takes the profits, but if it goes wrong, he walks out and leaves his creditors lamenting.

Sir ARTHUR WARNER.—The number of companies which adopt bad practices and go out of business is very small.

The Hon. J. W. GALBALLY.—I have spoken for longer than I promised. This measure is an improvement on the existing legislation, but it undertakes no fundamental removal of the evils arising from the principle of limited liability. The provisions with regard to accounts are an improvement, and the proposed penalties are a definite step forward. Our party does not oppose the Bill.

The Hon. P. V. FELTHAM (Northern Province).—Mr. Galbally set an excellent example in debating this extensive Bill in general terms and very briefly. I propose to follow his example and may be even briefer. However, a few things must be said on this Bill by a member of a party other than the Government party. We applaud the work that has been done by the Victorian Attorney-General in company with other Attorneys-General in Australia in an attempt to achieve relative uniformity in the company law. For that reason, this is an important Bill. I thank not only the Attorney-General but also those officers who worked behind him and undertook much painstaking work in order to bring about this measure. I know that Mr. Finemore, the Assistant Parliamentary Draftsman, has played an enormous part, not only in the drafting of the Bill but also in the conferences which led to the achievement of uniformity. The thanks of this House and of the Parliament are due to Mr. Finemore for the great work he put in.

I am not in the habit of thanking the Attorney-General to this extent, but I congratulate him on his proper approach to the legislation when explaining it in another place. His attitude was this: Uniformity is desirable and we will do our best to achieve it. However, we will not sacrifice the sovereignty of the State of Victoria and its right to make its own legislation; let us achieve as much uniformity as is possible, but this Parliament is not asked to sacrifice any principle of Victorian State sovereignty in order to achieve it. I thank the Attorney-General for adopting this attitude. The honorable gentleman further stated that this is not a political Bill and that he would welcome the assistance of anyone who considered that the Bill could be improved in any way. Our party was glad to accept his invitation and made half a dozen suggestions in regard to the contents of the Bill. Some of them were mere matters of drafting and others were matters of substance. All the suggestions that we made to the Attorney-General, with one exception, are now incorporated in the Bill. I thank the honorable gentleman not only for saying that he would welcome co-operation but also for accepting it. The Attorney-General was good enough to circulate an explanatory memorandum on the Bill which set out exactly where the Victorian law was being changed. It is a careful and well-prepared statement. When he introduced further amendments in another place, he again circulated a memorandum explaining precisely what he was doing. We have read those and we are happy with them.

I look forward to a uniform company law in Australia, and I hope that all States will pass their legislation in substantially the same form as this Bill because the commercial community in all parts of Australia will benefit. I cannot agree with Mr. Galbally in the matter he raised relating to limited liability. We have had the principle of the joint stock company in Australia for over 100 years and we cannot turn back now. It has many merits and it also has some demerits. My party is happy to support this Bill, and we

think that whatever else the Liberal party Government has done in Victoria it has done a monumental job in bringing in this Bill and it deserves credit for having uniform company law based on Victorian law.

The Hon. R. J. HAMER (East Yarra Province).—I wish to deal with a point raised by Mr. Galbally, but from a different angle. It may well be, as he suggested, that somehow or other the law should insist that when a person takes advantage of the principle of limited liability he should put in a reasonable stake and risk enough of his own capital to make it look like a real enterprise. Perhaps something along these lines could be worked out, but I am more concerned to find out if something could be done about the individual who "makes hay" with the whole principle of limited liability for his own benefit. This year a number of companies which were weak or tottering have in fact fallen and there has been a good deal of malpractice of one sort or another, but not such as to enable the people concerned to be prosecuted for defrauding creditors who placed their faith in the companies. The promoters, having once failed, are now setting up again in similar enterprises. This has been mentioned in regard to land subdivision, but I believe it applies more in the building industry where there have been many failures.

There is no doubt that in some cases the people concerned should in all conscience be disbarred from again exploiting this principle and being enabled to defraud their creditors. This Bill, for the first time, makes an advance in that direction. In clause 122 there are some provisions which are fairly new and which automatically disqualify from being a company director or a company promoter anyone who has been convicted of fraud and imprisoned or who has been convicted in connexion with the promotion of firms or management of corporations. This is a step in the right direction, but it does not completely fill the bill.

In other clauses there are provisions which enable a director who has carried on a company in a fraudulent manner to be made personally liable for the debts of the corporation, but the court cases show that it is necessary to prove a great deal in order to make such a director personally liable. It is not enough to show that he was carrying on a business knowing that it was failing and that he was merely enriching himself at the expense of the creditors. It has to be shown that he had deliberate intent to defraud the creditors. If that can be proved, the director concerned can be made personally liable. Even if that is proved under the present Act the director is not automatically debarred from forming another company when the creditors have been left bewailing in the first instance.

The Hon. P. V. FELTHAM.—Even if he forms a company to pay off the creditors in the first instance.

The Hon. R. J. HAMER.—That would be a start. When the next conference of Attorneys-General takes place, I suggest that some attention be given to this matter and not to confine the restriction to cases where directors have been convicted of offences, but to extend the exclusion provision to cases where the court is satisfied that they have acted in a fraudulent manner. Something along those lines might be more effective than trying to tinker around with issued capital and the other things which Mr. Galbally suggested.

The Hon. G. W. THOM (South-Western Province).—I join with other speakers in congratulating the Attorney-General, the Parliamentary Draftsmen of other States and our own Draftsman, Mr. Finemore, for the work that has been put into the preparation of this Bill, which is a new experiment in uniform legislation. The point that commends it to me is that we have preserved our sovereignty and it depends on whether we can reach agreement on necessary amendments whether uniformity will remain for years to come. The amount of work that has been put into this Bill has been worth while.

It would be almost impossible to consider in detail many of the matters raised in the Bill, although I think we in Victoria are fortunate because this

measure departs very little from our 1958 Act. Again, we should pay a tribute to those who in 1958 put so much work into the consolidation of our companies legislation because it laid the pattern for this new Bill. During the Committee stage I think attention should be directed to the major changes which have been made so that the commercial community might be assisted in its understanding and interpretation of this new legislation.

In regard to the matter mentioned by Mr. Hamer about people against whom convictions have been obtained, it is provided in this Bill that if the offence occurred either in Victoria or in any other part of Australia the person concerned will be prohibited from taking part in company management, and that is a desirable condition. I should like the opportunity during the Committee stage of speaking in more detail on the clauses.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Commencement).

Sir ARTHUR WARNER (Minister of Transport).—On the question raised by Mr. Hamer, the majority of losses occasioned by creditors of companies are in relation to proprietary companies. I imagine that 95 per cent. of those losses are brought about by errors of judgment, optimism, ignorance and stupidity, rather than by fraud. Perhaps I should place optimism first, followed by ignorance and stupidity. I do not think it is possible to restrict the operations of companies in a reasonable manner to take care of this factor. Creditors should be expected to have some restraint in their business judgment and in giving credit to other people. It is usually fairly obvious when it is examined. If we try to avert all these things we will make life more unbearable for those persons who are trying to run businesses.

The clause was agreed to, as were clauses 3 to 73.

Clause 74, providing, *inter alia*—

(6) 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 10 per centum of the voting power of the corporation.

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

That sub-clause (6) be omitted with a view to inserting the following:—

( ) Notwithstanding anything contained in sub-section (5) of this section, that sub-section shall not prevent a corporation (in this sub-section called "the trustee corporation") that is, or is deemed by virtue of sub-section (5) of section six to be related to—

(*a*) a banking corporation;

(*b*) a corporation authorized to transact life insurance business under the law of the Commonwealth relating to life insurance; or

(*c*) a corporation authorized by the law of a State or Territory of the Commonwealth to take in its own name a grant of probate or of letters of administration of the estate of a deceased person—

from being appointed, holding office or acting as trustee for the holders of debentures of another corporation (in this sub-section referred to as "the other corporation") by reason only that—

(*d*) the other corporation owes to the trustee corporation or to a corporation that is deemed by virtue of sub-section (5) of section six to be related to the trustee corporation—

(i) Moneys that (after deducting therefrom moneys referred to in sub-paragraphs (ii) and (iii) of this paragraph) do not exceed, at the time of the appointment or at any time within three months after the debentures are first offered to the public, one-tenth of the amount of the debentures proposed to be offered to the public within that period and, at any time after the expiration of that period, one-tenth of the amount owed by the other corporation to the holders of the debentures;

(ii) moneys that are secured by, and only by, a first mortgage over land of the other corporation, any debentures issued by the other corporation to the public or any debentures to which the trustee corporation, or the corporation so deemed to be related to the trustee corporation, is not beneficially entitled; or

(iii) moneys to which the trustee corporation, or the corporation so deemed to be related to the trustee corporation, is entitled as trustee for holders of any debentures of the other corporation in accordance with the terms of the debentures or of the relevant trust deed; or

(*e*) the trustee corporation, or a corporation that is deemed by virtue of sub-section (5) of section six to be related to the trustee corporation, is a shareholder of the other corporation in respect of shares that it holds beneficially if the shares in the corporation held beneficially by it and by all other corporations that are deemed by virtue of sub-section (5) of section six to be related to it, do not carry the right to exercise more than one-tenth of the voting at any general meeting of the other corporation.

It is generally felt undesirable that a company should act as a trustee company for debentures or for other matters relating to a holding company if it has a fairly substantial interest in that company. The present provision states that no company may so act if it has a 10 per cent. interest in the company for which it is to act as trustee. The amendment provides that associated companies of the holding company shall not hold more than a 10 per cent. interest in it. That really implies a further restriction because otherwise each one of a number of companies could have a 10 per cent. holding and between them they could have a 40 per cent. holding and still act as trustees in companies in which they are interested.

The Hon. P. V. FELTHAM (Northern Province).—The Government was good enough to circulate a copy of this amendment before it was introduced. The original provision did not say what was intended, but the amendment clearly sets out the intention of the Government and, I think, the intention of the Attorney-General. We have examined it carefully and we are happy with it.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 75 to 113.

Clause 114 (Directors).

The Hon. G. W. THOM (South-Western Province).—I wish to direct attention to the increase in the minimum number of directors required for a public company. Three are now required instead of two. So far as proprietary companies are concerned, the requirement still remains at one.

The clause was agreed to, as were clauses 115 to 120.

Clause 121, providing, *inter alia*—

(6) Notwithstanding anything in this section a person of or over the age of seventy-two years may by a resolution of

which no shorter notice than that required to be given to the members of the company of an annual general meeting has been duly given, passed by a majority of not less than three-fourths of such members of the company as being entitled so to do vote in person or, where proxies are allowed, by proxy, at a general meeting of that company, be appointed or reappointed as a director of that company to hold office until the next annual general meeting of the company or be authorized to continue in office as a director until the next annual general meeting of the company.

The Hon. P. V. FELTHAM (Northern Province).—I move—

That the following sub-clause be inserted, to follow sub-clause (6):—

( ) Nothing in the foregoing provisions of this section shall apply to the re-appointment of any person as a director of a company who immediately before the commencement of this Act—

(*a*) was a director of the company; and

(*b*) was over the age of sixty-five years—unless and until three members of the company have lodged with the company and the Registrar a notice requiring the said foregoing provisions to apply to all appointments and re-appointments of the person named in the said notice as a director of the company.

This Bill introduces a new principle into the Victorian Companies Act, namely, that if a director is of or attains the age of 72 years, notwithstanding any arrangement he may have regarding the term of his appointment, he shall automatically come up for election at the next annual meeting. Appropriate notice must be given to all shareholders, that he has reached the age of 72 years, and that consequently he has to be affirmed in his directorship by a majority of three-quarters of the votes of the shareholders. My party accepts the principle that when a director reaches the age of 72 years the shareholders should have a second look at him to see if they wish him to continue in his office. However, some companies which have directors approaching the age of 72 years will find that a particular director of that age is the mainstay of the company.

I hope that Sir Arthur Warner will permit me to cite him as an example. Suppose some twenty years hence he is nearing the age of 72 years and the other directors of his company or companies are praying nightly when they go to their devotions that he will stick along with them, but Sir Arthur is not too keen as he is getting a little tired because of his political activities, his harassment by other political parties and his worries about his farming problems. So he thinks that he would like to get out and give it all away. The best way of getting rid of this most valuable director would be to say to Sir Arthur, "Look, old chap, at the next annual meeting we will have to announce the fact that you are 72 years of age and that you throw yourself on the mercy of the shareholders to obtain a three-quarters majority of their votes." Probably the shareholders would be horrified at the thought. All that my amendment seeks to do is to ensure that the principle of a person submitting himself at the age of 72 years to a vote of the shareholders does not operate automatically. The proposal is that a limited number of people, just three members of a company, can ask that the provisions of this section about re-submission to election shall apply. If such a request is made, then the need for election by three-quarters of the shareholders votes will apply. The idea is to prevent the need for automatic submission if no shareholders require that procedure to be adopted.

The amendment was agreed to.

The Hon. G. W. THOM (South-Western Province).—What will be the position under the age limit provisions of clause 121 in the case of a normal re-appointment proposed for two years on the rotation of directors?

The Hon. P. V. FELTHAM.—Under the terms of clause 121 a director who attains the age of 72 years is out at the next annual meeting no matter what the arrangement is.

Sir ARTHUR WARNER (Minister of Transport).—If a man was appointed for two years he would not normally come up for election and so his office would not become vacant.

The Hon. G. W. THOM (South-Western Province).—It is stated that he shall hold office until the next annual general meeting.

The Hon. P. V. FELTHAM.—I suggest that the provisions of sub-clause (2) of clause 121 should be studied.

Sir ARTHUR WARNER (Minister of Transport).—Sub-clause (2) does seem to be fairly clear, although I would appreciate more time to study it. It provides, *inter alia*—

> The office of a director of a public company or a subsidiary of a public company shall become vacant at the conclusion of the annual general meeting commencing next after he attains the age of 72 years. . . . . .

That means that he must come up for election.

The Hon. G. W. THOM.—Therefore, the normal rotation would not apply?

Sir ARTHUR WARNER.—That is so, the normal rotation would not operate in his favour.

The clause, as amended, was adopted, as were the remaining clauses and the schedules.

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

RAILWAY LOAN APPLICATION BILL.

The debate (adjourned from November 30) on the motion of Sir Arthur Warner (Minister of Transport) for the second reading of this Bill was resumed.

The Hon. J. M. TRIPOVICH (Doutta Galla Province).—This Bill authorizes the expenditure from loan funds for railway purposes of £11,000,000 for the period from the 17th September, 1961, to the 30th December, 1962. It is the usual type of Bill indicating to Parliament what capital works are being undertaken by the Railway Department. I do not wish to say a great deal on this measure, as most of the remarks I desire to make concerning the Railway Department will be made when another Bill is under consideration. I am delighted to see some of the major works listed in the schedule, and I believe their completion will allow the railways to engage in more effective competition with road transport. With the completion of these projects, together with the implementation of the other measure which the Minister of Transport has been privileged to introduce, the railways will be placed on a very good footing.

I am pleased to see that great progress has been made on the construction of the standard gauge line from Albury to Melbourne, probably the greatest step forward in transport improvement in the State this century. Provision is made for a new diesel electric locomotive depot at Dynon to replace the North Melbourne establishment, and goods terminal facilities are also to be constructed at Dynon. This is most necessary expenditure and shows that the Department is looking to the future. An allocation is also made for the replanning of Spencer-street station, a work which all members have been awaiting with interest. We commend the Government for going ahead with this plan. Another major job is the construction of a flyover at North Melbourne. I have had some experience of the conditions there, and I am aware of the time wasted in attaching and detaching engines to and from country passenger trains in that area and the delay involved in getting across the metropolitan lines. The expenditure envisaged is undoubtedly very necessary.

It is also of interest to see funds made available for line duplication work between Flinders-street and Burnley and on the Glen Waverley line. The Minister of Housing and myself reside in that area, and we know the rapid development that has taken place there. This duplication is needed if citizens of that locality are to be adequately served. Provision is also made for the alteration of certain air-conditioning plant from direct to alternating current, and, strange to say, funds are made available for converting some cars from gas-lighting to electric-lighting, which is still going on in these days. I am pleased to see that the broad-gauge conversion on the Belgrave line is going ahead. I must say that I do not share the pessimism of a member in another place who estimated that the Melbourne underground would not function until the year 2062. I share the view expressed by the Minister in a recent

statement respecting a betterment rate for the building of the underground system. Members of our party commend the Bill and are glad to see that progress is being maintained in essential railways services.

The Hon. I. A. SWINBURNE (North-Eastern Province).—We appreciate that the standard gauge line from Melbourne to Wodonga is a national work which this week, after about two years, reached a stage when the first train—a ballast train—operated over the line. The most contentious matter associated with the reconstruction is the siting of overpasses and underpasses. Negotiations are still going on with respect to some of the works. I understand that an official party including all the "VIP's"—the local members being excluded—went on a tour last Sunday from Melbourne to Wodonga, hearing deputations, making inspections and so on. I could say something in criticism of that tour, which was no doubt planned by the Railways Commissioners, but which was arranged in a way that was against the customary procedure with parliamentary visits of inspection.

In view of the fact that many people have become involved as a result of the construction of overpasses and underpasses, I feel that some form of adequate compensation is long overdue. Throughout the country various State activities are carrying out works of a national nature which nevertheless are very detrimental to certain people. I know that there are compensation rights which in certain circumstances give a fair and equitable return to persons displaced from their properties or in other ways disadvantaged, but it is evident that in the construction of overpasses and underpasses along the line from Melbourne to Wodonga many individuals have suffered heavily. We have only to visit Craigieburn to see the present condition of what has been a lucrative garage and service station. Now, as one crosses the overpass the proprietor of the business can be seen sitting like a shag on a rock, solitary, his business having disappeared.

Sir ARTHUR WARNER.—The same has occurred at Tallarook.

The Hon. I. A. SWINBURNE.—Yes, and at Glenrowan. There has been a development at Wangaratta since the construction of an underpass there. Houses from one end of the underpass to the other have been shut off in a little alley and the values of those properties must have depreciated materially. All these works have been carried out with no concern for the individual since they have been performed in the national interest. On another side of the line where an hotel is situated at a street crossing, the proprietor now finds himself out on an island, completely isolated, all because of a national project.

Surely we have not reached the stage at which some basis for reasonable consideration of the people affected cannot be provided. I am aware of the position under the terms of the relevant Act. I am aware that the Minister has no power and that there is no provision in the Commonwealth legislation for proper compensation. Yet many people have been put to much loss, not to mention inconvenience, because of a national project to which we all subscribe. If the Education Department, in erecting a school, dispossesses some person of his land or home, that person receives compensation. If land is swamped by the construction of a weir the owner is granted compensation which more or less covers the loss sustained. It appears that my property may be swallowed up by the construction of a weir and perhaps I may be one who, being on the confines of such work, will not receive adequate compensation.

Many people between Melbourne and Wodonga have been crushed by the requirements of a national project. If any further works are to be carried out involving people in losses, the State should begin to show some consideration for every individual case.

The Hon. D. J. WALTERS (Northern Province).—Our party is pleased to support the Bill. It is gratifying to know that there appears to be a great improvement in the attitude of the people of Victoria to the railways and in the attitude of the railways to the people. Having passed through the Spencer-street station over a period of many

years without seeing any improvement being effected, it is pleasing now to see what is being done at that terminal. After the completion of the new line carrying the public direct to Sydney, it will be the busy centre of a profitable undertaking.

I express commendation of the policy of the Department in putting on air-conditioned carriages with tilted seating of the aeroplane type, thus providing very comfortable travel. It is pleasing that the effect of these improvements has been to get some of the traffic back to the railways. I feel sure that, with a further extension of modern amenities, still more of the travelling public will go by rail and relax as the Department advises.

I was rather disappointed to receive a letter from the Minister of Transport stating that the line to Murrabit, a little township in which I live, is about to be closed. It is a great disappointment to the people of the district that for some weeks now work has progressed on dismantling the line to Stony Crossing, which comes under the border railway agreement. I have always understood that an Act of Parliament is required to close a railway line.

Sir ARTHUR WARNER.—Is that line not in New South Wales?

The Hon. D. J. WALTERS.—It is. I suppose it comes under the border railway agreement and that therefore there is power to close it.

Sir ARTHUR WARNER.—It is being closed with the consent of the New South Wales Government because it regards the prospects as hopeless.

The Hon. D. J. WALTERS.—I am inclined to agree that it is hopeless. The line would not, in the foreseeable future, operate profitably. At one time this line was used every week and the trains that operated, carrying stock and other goods, included some of the longest I have ever seen in Victoria. For some reason the traffic has disappeared. The line I was interested in has been closed owing to the breaking of the bridge, and I suppose that position must be accepted. There is a strong rumour circulating in the Kerang district that the Railways Commissioners propose to close the Koondrook line, which parallels the Murrabit line at a distance of about 14 miles.

Sir ARTHUR WARNER.—I do not think that is correct. If Mr. Walters writes to me, I shall check on that point.

The Hon. D. J. WALTERS.—I thank the Minister. Recently, the Develop Victoria Council made seven recommendations to the Government for improvements in road and rail transport. Some of them are acceptable, but I trust that the Government will not adopt the recommendation that the Railways Commissioners should be free from direct political control. For many years it was fashionable to assert that State undertakings should not be subject to political control. The persons who made such assertions lost sight of the fact that if there is no political control there is no control at all. A company is controlled by directors who, in turn, are controlled by the shareholders. In the same way a Government should be controlled by Parliament, through the Ministers.

Sir ARTHUR WARNER. — Has Mr. Walters read my reply to the council?

The Hon. D. J. WALTERS.—No. The longer I remain in Parliament and the older I become, the more I realize that Government instrumentalities must be subject to some control, and the only way in which they can be controlled effectively is by Parliament, through the Ministers.

Another recommendation made by the Develop Victoria Council was that the Commonwealth should accept financial responsibility for the transport of goods for export when carried at a loss by the railways. The Railway Department reduces the freight on goods exported outside the Commonwealth. I think the rate which applies is the same as for grain, but the goods must be in truck loads. I do not think the railways suffer any great loss in this regard, but, if a loss is incurred in helping to obtain our export income. I see no reason why the railways should not

be recompensed. Under instructions from the Government, the Railway Department grants concessions to pensioners, school children, and others. These concessions do not cost the Government anything; they either represent a loss to the railways or the railway users carry the burden. There is no reason why an undertaking such as the railways should subsidize concessions which should really come under the heading of social services.

In the past we have criticized the Railway Department on many occasions and will no doubt continue to do so, but there now seems to be a better and busier outlook in the Department. The Government is to be commended on its decision to relieve the Department from paying interest charges on debts. Although the Minister of Transport held a different view when he first assumed office, he has evidently come to the conclusion that the various people who investigated the railways and members of our party who have advocated this move for many years had the right idea. Our party supports the Bill. We congratulate the Railway Department on the new standard gauge line between Sydney and Melbourne which I am sure will prove of great benefit not only to the Department, but also to the State.

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 money from Loan Fund for railway purposes).

Sir ARTHUR WARNER (Minister of Transport).—I have checked with the chairman of the Railways Commissioners in regard to the Kerang–Koondrook line, and he informs me that he has not heard of any suggestion to close the line.

The Hon. D. J. WALTERS.—It is a strong rumour.

Sir ARTHUR WARNER.—I cannot stop rumours. In regard to the proposals advanced by the Develop Victoria Council, I shall make available to Mr. Walters a copy of my reply to the council. I think I have covered all questions in a way which will meet with his full approval.

Mr. Swinburne raised a matter which is close to my heart, namely that Departments adopt different bases of compensation. I do not think that is quite accurate. Each Department has a general compensation basis so that, where land is acquired or taken away, compensation is payable. Where land is disadvantaged by something that is done in its vicinity, there is no provision, so far as I am aware, in any legislation for the payment of compensation. Of course, this is becoming a tremendous problem in Victoria. Because of the rapid development of the State, the works associated with councils, railways, waterworks, town planning, zoning, and a number of other activities, have increased. These works are for the general good of the community and a great number of people enjoy a considerable enhancement in the value of their properties, although they are not in the compensation area or in the arena of the particular works.

In a number of other instances—I have one in mind—there may be two farmers whose properties are adjacent. The property of one farmer could be rezoned as a park, in which case the value of his land would drop from £200 to £50 an acre. In the case of his next door neighbour, the land may be zoned for industrial purposes, which could increase its value from £200 to £4,000 an acre. In other cases, as Mr. Swinburne pointed out, because the railways deviate the line in an area, a garage owner could be almost disfranchised, if I may use the expression, but, at the same time, the works could bring business to another garage proprietor. In the one case, the garage owner could lose all his goodwill, and in the other case. the garage proprietor could gain goodwill.

Tremendous injustices of this type are prevalent in the community because of zoning, town planning, alterations to railways, reorganization of roadways,

grade separations, and all those matters which relate to the rapid growth of the State. These matters were not so noticeable when the State was growing slowly, but now that it is developing rapidly, they are being "thrown on my plate" almost every day. I have encountered some very involved and bad cases. I am not speaking now as the Minister in charge of these matters, because I am not in charge of them—a number of Ministers and Departments are also involved. Until Parliament is prepared to accept the general basis that there should be some form of betterment rate to take from those who derive benefits from works of the type envisaged, and to give to those persons who are disadvantaged by the works, nothing can be done to improve the unsatisfactory situation.

The Hon. D. J. WALTERS.—Is there not a betterment rate applicable in some areas now? From memory, I think such a rate applied when the Murrabit railway line was constructed.

Sir ARTHUR WARNER.—There are odd betterment rates, but most of them have been discarded. I am not saying that such provisions do not appear in some of the old Acts of Parliament. In fact, at one stage, such a provision applied to the works associated with the Glen Waverley railway line, but it was later dropped. Generally speaking, in connexion with zoning, town planning, grade separations, waterworks, railways and almost every major project in the State, the broad principle of paying compensation to the person whose land is acquired is applicable, but in cases where land is not acquired, there is no broad basis on which the person concerned can be compensated and, in fact, there are no funds with which he could be compensated.

In view of the great damage that has been done to many people, I should not think it would be possible to provide a compensation fund out of the State's short supply of finance unless there was some means of collecting from those persons who derived advantages from works of the type envisaged. If honorable members examine the principle which has been established in connexion with the proposed underground railway system, they will realize that the Government will obtain for the people at large some contribution from those persons who will be advantaged by the project. We tried with reasonable success to see that that charge or betterment rate was graduated in the terms of the improvement, and we have adopted the basis of revaluing properties every three years to ascertain the effects of it.

If Mr. Swinburne desires to do so, he may submit a proposal for compensation, but it cannot be based simply on the principle of giving to those persons who suffer—there must be embodied in the proposal the principle of collecting from persons who derive advantage from whatever scheme is under consideration. Plenty of people are prepared to take and accept State funds, but we must find a means of charging those persons who obtain advantages from major projects. It should not be an insoluble problem and Parliament should give some consideration to it.

The Hon. I. A. SWINBURNE (North-Eastern Province).—I thank the Minister of Transport for the nice manner in which he dodged the issue, although he may not have dodged it deliberately. The point I raised related to national projects.

Sir ARTHUR WARNER.—They are all national projects.

The Hon. I. A. SWINBURNE.—That is so. I had in mind the type of situation that arises when a new railway line is constructed. Many years ago, my family paid rates towards the cost of constructing the Whitfield railway line, which has since been closed. When the line was closed down, I contended that the money that had been collected from various landholders should be paid back into the district for the betterment of the district. In that case, all of the landholders who were required to pay towards the project were disadvantaged. In connexion with the standard gauge railway line between Melbourne and Albury, which is an important national project, all of the benefits that will be derived will apply to interstate traffic.

Sir ARTHUR WARNER.—That is true.

The Hon. I. A. SWINBURNE.—In other words, the standard gauge line will provide no benefits to those persons who live at intervening towns between Melbourne and Albury; it will be a great liability to them, and no one can deny it. The people who have been "pushed around" considerably, have suffered greatly and, if anything, the existing service will deteriorate. In other words, they derive no benefit from the project, and how a betterment tax could be applied to a national project of that type, I do not know.

As already stated, many persons have been treated badly in connexion with the new standard gauge line and, in future, many more will receive similar treatment. I am amazed at the manner in which the people have accepted this treatment. Honorable members who represent the areas in question appreciate what is going on, and they know that many people have been deprived of valuable assets. In some cases, businesses have been closed down almost overnight because with the construction of the new line, their customers have been taken away from them. Unfortunately, they can do nothing about this situation. The State Rivers and Water Supply Commission pays compensation to those persons who are displaced from their properties. When the Tallangatta township was moved to facilitate the construction of the Hume weir and also in connexion with the Eildon reservoir, when certain land was acquired at Bonnie Doone, the landholders concerned were paid certain compensation. In connexion with these schemes, the Commission acquired land a certain distance back from the actual scheme, and thereby it eliminated as much as possible the person who was at a disadvantage.

Sir ARTHUR WARNER.—That was done by acquisition.

The Hon. I. A. SWINBURNE.—It was done by a form of acquisition but under a scheme that would not deprive someone of fair and equitable compensation. As the standard gauge railway line is a national project, it provides no benefit to the local individuals and the people who have been crushed by it. Many persons find themselves with houses which have depreciated in value by 50 per cent. or more, but they have no value or consideration given to them. When projects of this kind are inaugurated, a closer examination should be made of them. In my opinion, there is no betterment rate that can be applied. I realize that in connexion with the Melbourne underground railway system there is a case for imposing a betterment rate. When a spur railway line is provided in a country area, a similar situation applies, because some people are brought closer to the railway service. I cannot understand how on a national project, and particularly one that provides no advantage to country towns, a betterment rate can apply. In fact, many country towns have suffered disadvantages because in some cases access has been lost to railway stations. Yet, the man who is crushed gets nothing.

Sir ARTHUR WARNER (Minister of Transport).—I realize that most of what Mr. Swinburne has said is substantially true. Unless some way is found of establishing and building up a fund, all of what Mr. Swinburne has said passes away as words good for local consumption but of no material value.

The Hon. I. A. SWINBURNE.—The money should have been provided originally when the agreement was made, but I am not growling about that because we can do nothing about it. However, do not let us make the same mistake again.

Sir ARTHUR WARNER.—It is possible that a standard gauge railway line will at some later stage be built through Ballarat and across to South Australia. If the Commonwealth Government adopts it as a standard basis that it will pay for the standardization but not for improvements or for any charges in a State that result in disadvantages of the form referred to by Mr. Swinburne, there is nothing the State can do about it. If we established a fund we would

be in the old position of taking loan funds from schools and sewerage works to pay compensation. Generally, all I can say is that my experience is that once people are paid compensation for disadvantage occasioned by a national works it boils down to the same broad principle. If the State is to be responsible for disadvantages to people—I am not talking obout acquisitions—because of a national project it must establish a fund from which this compensation can be paid. If that is not acceptable to Mr. Swinburne, I can offer no further suggestions because the attempts I have made to obtain more money have not succeeded.

The Hon. I. A. SWINBURNE (North-Eastern Province).—I wish to correct two points. I made it clear at the outset that I was not trying to gain political capital out of my remarks. A great deal of the standard gauge railway line travels through country that is not in my province. I raised this matter as one of principle and I believe the Federal and State Governments fell down on the issue when the project was started. It is all right to talk about betterment taxes for town and country planning and for the underground railway——

Sir ARTHUR WARNER.—There is no betterment tax for town and country planning.

The Hon. I. A. SWINBURNE.—A rate could be levied.

Sir ARTHUR WARNER.—Only for acquisitions, and that is a different point.

The Hon. I. A. SWINBURNE.—Where a national project is being constructed, I consider that there is a reasonable case for compensation. I think honorable members generally agree that a mistake has been made. We should do something to correct it in the future. If the Minister says that nothing can be done to correct the position, we should try to remove him and get someone else to do the negotiating.

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.

RAILWAYS (FUNDS) BILL.

The debate (adjourned from November 30) on the motion of Sir Arthur Warner (Minister of Transport) for the second reading of this Bill was resumed.

The Hon. J. M. TRIPOVICH (Doutta Galla Province).—This Bill creates a new departure from what has been the practice in regard to providing for replacement of railway rolling-stock, and it introduces the question of balancing profits against losses and relieving the railways from interest. In other words, it is an attempt to put the Victorian railways on a businesslike footing. The Railway Renewals and Replacement Fund has operated for a number of years, and reference was made to it in this House recently.

Sir ARTHUR WARNER.—This Bill has nothing to do with that fund.

The Hon. J. M. TRIPOVICH.—I know that. The only point I want to make is that this is a question of putting the railways on a better business basis. The fund to which I have referred will continue to operate. On another occasion, it was stated that in 1945 a Labour Government inherited a nest egg amounting to more than £6,000,000.

Sir ARTHUR WARNER (Minister of Transport).—I rise to a point of order. The purpose of the Railway Equalization Account is to balance the profits and losses of the railways. It has nothing to do with loan funds, nor with funds set up for replacement purposes. If Mr. Tripovich wishes to pursue the matter to which he has been directing attention, I suggest that he could more appropriately do so during the debate on the Appropriation Bill.

The PRESIDENT (Sir Gordon McArthur).—Order! Mr. Tripovich is out of order because the Standing Orders provide that no member shall allude to any debate of the same session upon a question or Bill not being then under discussion.

The Hon. J. M. TRIPOVICH (Doutta Galla Province).—I apologize, Mr. President. The Labour party supports

the Bill, which is regarded as a move in the right direction. I do not wish to use the word "faking," but it is considered that there has been a manipulation of accounts to show a profit on operating costs by the Railway Department. The Bill provides for the establishment of a Railway Equalization Account, into which any excess of income over expenditure will be paid, and funds thus accumulated will be used to balance any deficits that may be incurred. Superannuation and retiring benefits will be taken into consideration. The Bill has been fully discussed by the Labour party, which supports it in principle. Arguments that I wish to advance in relation to the other account will be presented at the appropriate time.

The Hon. R. W. MAY (Gippsland Province).—The Country party supports the Bill, but probably for a different reason from that advanced by Mr. Tripovich. A Country party Government transferred a big proportion of the capital debt from the Railway Department and thus relieved it of the payment of a considerable amount of interest. This Bill envisages relieving the Department of an interest burden in respect of loan moneys, and the Minister of Transport is acting soundly. I congratulate him upon reversing a decision he made when he assumed his portfolio. Since then, he has doubtless "seen the light," and we welcome the change of policy. The Railway Department will be in line with the practice which is followed in New South Wales, where the railways have been relieved of a financial burden totalling £73,250,000. Although the action now being taken by the Government is belated to the extent of six years, we welcome it. The Country party supports the measure and congratulates the Minister of Transport on his progressive step.

The motion was agreed to.

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

RACING (OFF-COURSE DOUBLES TOTALIZATORS) BILL.

The debate (adjourned from the previous day) on the motion of the Hon. R. W. Mack (Minister of Health) for the second reading of this Bill was resumed.

The Hon. G. J. O'CONNELL (Melbourne Province).—The purpose of this Bill is to amend the Racing Act 1958 to provide for off-course doubles totalizators, and for other purposes. The Racing Act 1958, as amended by the Racing (Totalizator Extension) Act 1960, set up a statutory authority consisting of eight members to be appointed by the Governor in Council upon nomination of bodies governing racing throughout the State. The Victoria Racing Club, the Victoria Amateur Turf Club, the Moonee Valley Racing Club, the Melbourne Racing Club and the Trotting Control Board were each to nominate one member. Two members were to be persons resident outside the metropolitan area and appointed upon the joint nomination of the governing bodies of the Northern, North-Eastern, North-Western, Gippsland, South-Western and Ballarat District Racing Associations. One was to be a person resident outside the metropolitan area appointed upon the nomination of the Trotting Control Board, to represent trotting clubs outside the metropolitan area.

The function of this Board is to organize and control the reception of off-course bets and transmit them to the racecourse and, upon the declaration of the dividends, to pay those dividends to successful punters betting through the agencies of the Board.

One of the chief purposes of this Bill is to provide for off-course doubles totalizators. The measure, if enacted, will empower the Totalizator Agency Board to conduct doubles on any two races selected by the Board on any one programme. Further, it makes provision for the Board to conduct doubles on any feature races, such as the Caulfield Cup and Melbourne Cup, Newmarket Handicap and Australian Cup, Grand National Hurdle and Grand National Steeple.

It seems that the Board now conducts a daily double on the system of placing the winnings of the first leg all up the second leg. This is known as an "all up" bet. However, it means that the bettor has to meet the totalizator 12 per cent. deduction twice, just as if he were placing two separate bets. The Bill seeks to remove this anomaly. In the old days of starting price betting a limit of odds of 50 to 1 operated in the case of "all up" bets. If a punter placed a bet of £1 on one horse, all up another, he could not receive more than £51 for his outlay.

Doubles betting is very popular on the course and I noticed in the *Sun News-Pictorial* of 4th December, 1961, that the doubles and quinella transactions amounted to the sum of £54,212, while the win and place amounted to £76,636 for on-course betting. The off-course figures amounted to £122,590 win and place, and the quinella, £6,271, which gave a total of £130,348 on-course and £128,861 off-course, making a grand total of £259,209. These off-course figures go to show that the Totalizator Agency Board offices are getting very good support from off-course bettors, who for reasons of their own cannot or do not want to attend race-meetings.

I congratulate the Totalizator Agency Board on the manner in which its premises are conducted. There is no congestion and no betting shop atmosphere. I inspected two offices of the Totalizator Agency Board on Saturday last and again on Monday. The activities of the Board have done a lot to suppress illegal betting, especially around the suburbs of Melbourne. Before the Board commenced operations it was usual to see many people betting up lanes and in other places. The figures for the on-course totalizator, where doubles are conducted on all races except the last, show how popular doubles betting is.

This measure also ensures that investors on the totalizator will receive a minimum dividend of 5s. I congratulate the Minister on his fine effort in clearly explaining how this proposal will operate. It will remedy another anomaly about which many punters have been most irate. Most punters claim that if they back a winner they should not lose money. Perhaps this proposal will make the win totalizator even more popular with racegoers. At present, the majority of punters like to bet with bookmakers, as they like to "beat the odds." When prices are fluctuating, they obtain great pleasure in placing their bets at 5 to 1 if subsequently the price goes down to 3 to 1. That is what makes betting with bookmakers so popular with many punters. Nevertheless, other punters would like to see all betting conducted on the totalizator, and bookmakers abolished. I do not think this will happen in Victoria for a long time yet.

The Bill also gives legal sanction to the administrative practice of treating the Werribee and Cranbourne Racing Clubs as country clubs for the purpose of allocating the commission deduction from totalizator investments. It would appear that under existing legislation these clubs should deduct only 5 per cent. and not 10 per cent. I agree with the Minister that they need additional revenue, and so I approve of the proposal.

Clause 10 will allow an increased payment to the Trotting Control Board from the proceeds of the bookmakers' turnover tax. Instead of one-eighth, as now in the Act, one-quarter will be paid. This will, no doubt, help the Trotting Control Board in a difficult time, and with the falling off in attendances, due to various reasons, it needs all the help it can be given to keep the sport going. I congratulate a former member of the Legislative Assembly, Mr. Russell White, for his work as chairman of the Trotting Control Board. He is doing a very good job.

I now wish to make reference to the following statement at page 22 of the second-reading notes supplied by the Minister of Health:—

> Secondly, the Government is concerned at the decision of the racing clubs to prohibit the broadcasting of totalizator dividends after each race has been run. These details are being given by the Trotting Control Board, and the Government believes that the Board is thereby providing a service to the small investor. For some reason the racing clubs are

reluctant to take this action, despite the fact that the amending legislation which set up the Totalizator Agency Board contemplated that they would do so. It is proposed to discuss this matter further with the racing clubs before some of the concessions which they are seeking in this legislation are brought into effect.

I do not know whether the Minister of Health is in a position to furnish further information on that point. So far as I am personally concerned, I would welcome the broadcasting of prices as I think this service is badly needed. When starting-price bookmakers were operating freely, all facilities were provided for punters. They had a choice of three different sets of odds and were paid five minutes after a race was run.

I wish to pay a tribute to those responsible for the administration of racing in Victoria. Most of the clubs are run along good lines, and our administrators are very good men with a vast knowledge of racing. I pay a special tribute to Mr. Cox of the Moonee Valley Racing Club who, in my opinion, is the finest administrator of racing in Australia. We do not oppose the Bill.

The Hon. D. J. WALTERS (Northern Province). — I congratulate the Minister of Health for the excellent way in which he explained this Bill. That is his usual custom with all the measures he handles. Mr. O'Connell understands racing thoroughly and we respect his knowledge. The purpose of this Bill is to tidy up legislation covering racing and totalizator operations, and we hope it will be of benefit to the race clubs and to the Totalizator Agency Board. I was rather intrigued with the statement Mr. O'Connell read concerning the broadcasting of totalizator dividends. The Trotting Control Board is allowing the odds to be given, but the racing clubs, or some of them, are opposed to that practice. It is obvious that people interested in betting off-course would like to know the odds and how they stand in their betting transactions. I think the racing clubs have been standing out against the wishes of the Government. This is an amazing statement—

It is proposed to discuss this matter further with the racing clubs before some of the concessions they are seeking in this legislation are brought into effect.

I am surprised that a responsible Government should make a threat—some people might call it blackmail—in that way. The Government is saying, "We are going to give you something, but if you do not do what we want you will not get it."

The Hon. SAMUEL MERRIFIELD.—It is using Parliament improperly, too. If the Government does not intend to proclaim the Bill it should not be put through Parliament.

The Hon. D. J. WALTERS.—That is another and more serious aspect. Of course, we live and learn in this Parliament, and I can see that occasionally the Government is not averse to using tactics which would be frowned on if they were used in the business world.

The Hon. ARCHIBALD TODD.—Sometimes you must consider the people with whom you are dealing. They get arrogant, too. I am referring to the Victoria Racing Club.

The Hon. SAMUEL MERRIFIELD.—It is a question of an irresistible force meeting an immovable object.

The Hon. D. J. WALTERS.—I do not know which is which. My party supports the Bill, and hopes that the Government's strong attitude on the matter will bring these racing clubs to heel.

The Hon. W. P. MAIR (South-Eastern Province).—I do not propose to be drawn into a debate on the rights or wrongs of the action of the Government or the racing clubs. I noticed an announcement in the *Herald* recently to the effect that the Chief Secretary and the representatives of the principal racing clubs had had a lengthy conference. I shall leave the matter at that. I suppose the main purpose in the Bill is to tidy up matters relating to the off-course totalizator. The aim is to make that service more comprehensive and useful to those who wish to bet off the course. Parliament has accepted the principle that it is reasonable to offer such facilities to both the small and the large bettor. Therefore, it is proper to develop the service by providing more and more facilities which are found to be justified and reasonable.

I am particularly interested in clause 11 of the Bill, which reduces the area generally known as the metropolitan area under the legislation to cover places within 20 miles of the General Post Office, Melbourne, instead of 30 miles. Two racing clubs are definitely affected by the amendment—the Werribee and Cranbourne clubs. I believe both of those clubs have suffered disabilities over the years by being just inside what was termed the metropolitan area. The Bill will correct what I consider to have been an anomaly. In future the Werribee and Cranbourne racing clubs will function outside the area defined as the metropolitan area.

The Hon. D. J. WALTERS.—Will that give them the right to extra week-end racing?

The Hon. W. P. MAIR.—By removing the figure "6" from the Second Schedule to the principal Act, as is effected in paragraph (*c*) of clause 11, it will be possible for the Race-courses Licences Board to grant racing dates to these clubs without their being subject to a limit of six meetings a year each.

The Hon. G. J. O'CONNELL.—Prior to the Act being amended, those clubs had only four meetings each a year.

The Hon. W. P. MAIR.—I shall deal with that point. It is a matter for the Race-courses Licences Board to determine whether the two clubs will be permitted to conduct more than six meetings a year. I imagine the Board will be influenced by the attitude of the clubs, and that if they are prepared to do the job the Board will give them the opportunity of conducting more meetings. Personally, I hope they are granted extra dates.

The Hon. ARCHIBALD TODD.—Would they not have to be taken from some other clubs?

The Hon. W. P. MAIR.—That is a matter for the Race-courses Licences Board to work out, with the object of giving the greatest advantage to the racing public. What Mr. O'Connell said, by way of interjection, is true. I cannot speak for the Werribee club, as I do not know the course very well, but I know the Cranbourne course and the persons associated with that club very well. The limit of four meetings a year, which previously applied, placed them at a disadvantage. They wanted to provide good racing and better stakes, and to raise the standard of their meetings as high as possible, but four meetings a year did not permit the club to meet its costs and to provide it with some funds to plough back into improvement of the course and its amenities. Of course, if one of the racing days was ruined by bad weather, the club did not even have a chance of breaking even.

I was closely associated with the representations as a result of which the club was granted six meetings a year. The committee of the club assured me that if the extra dates were granted I would be surprised at the improvement that they would make to the course and to the stakes. Their predictions have come true. The Cranbourne Turf Club conducts its meetings on Crown land on an area designated as a racecourse and recreation reserve. The ground is under the control and management of a recreation ground committee. As well as horse-racing, provision is made—not necessarily by the race club—for the cricket, football and other general sporting requirements of the Cranbourne area. The club operates under an agreement with the committee of management, and pays to that committee a sum of money based on the number of days on which it uses the ground. I do not know the amount, but I understand that it is a reasonable figure.

The Hon. SAMUEL MERRIFIELD.—Is that a long-term or yearly agreement?

The Hon. W. P. MAIR.—It is a long-term agreement. The club has reasonable security, provided that it complies with certain requirements. The club is responsible for providing all facilities for racing and receives no other contribution. Three years ago in the summer time one could not see a green track at Cranbourne but the position has now changed. The club has spent several thousands of pounds in providing water.

The Hon. G. J. O'CONNELL.—A lot of training goes on there.

The Hon. W. P. MAIR.—That is so. The club has installed a tower for the photo-finish equipment and has provided starting gates, as well as redesigning the saddling paddock and much of the accommodation for the public. Last financial year the club spent £13,000 on improvements to its course.

The Hon. SAMUEL MERRIFIELD. — Nearly as good as Albert Park!

The Hon. W. P. MAIR.—That was not all money from revenue. With six meetings a year, those concerned would be doing very well if they could meet their costs and still find £13,000 to plough back. Quite a percentage was loan money raised by the personal guarantee of members of the committee. That indicates the confidence they have in their own club and, because they have spent their money to provide the facilities, I hope they will be successful in gaining extra meetings.

Another amendment has the effect of enabling the recently formed Cranbourne Trotting Club to function. It will operate on the same ground, although not on the same track.

The Hon. G. J. O'CONNELL.—It will be a very welcome addition to trotting. I think the nearest course is that at Warragul.

The Hon. W. P. MAIR.—I am glad to hear that comment. Members of the Cranbourne Trotting Club have themselves raised £6,000 towards the initial layout. The Cranbourne Turf Club has granted the use of its facilities to the trotting club, free of charge for the first year. Thereafter, the latter will have to make its own arrangements with the committee of management and will come to some agreement for the holding of meetings.

I am not a punter, but it is possible that I shall now be tempted to try some of these doubles as the type dealt with in the Bill will be better from the point of view of investment if the punter is lucky enough to win. It is the responsibility of Parliament to pass legislation to control and regulate racing and trotting by seeking to set high standards. Where people are endeavouring to reach those standards, it is right that they should be encouraged by legislation to do so. I am very satisfied with the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1, providing, *inter alia*—

(3) The several provisions of this Act shall come into operation on a day or the respective days to be fixed by proclamation or successive proclamations of the Governor in Council published in the *Government Gazette*.

The Hon. R. W. MACK (Minister of Health).—Both Mr. Walters and Mr. O'Connell referred to the matter contained in clause 1, which deals with the proclamation of this legislation, and I feel that I should give what information I have on it. The Government did not introduce the Bill without the intention of proclaiming it. It was intended always that the Bill should be proclaimed, and certain parts at least will be proclaimed as soon as the measure receives the Royal assent.

The Hon. ARCHIBALD TODD.—That is right. Look after the punters!

The Hon. R. W. MACK.—And it is a matter of looking after the facilities for the public. Yesterday, certain conversations took place between the Premier, the Chief Secretary and the persons who control the Totalizator Agency Board. I am sure that what was said to those gentlemen by the Premier and Chief Secretary has been endorsed to-day by what Mr. O'Connell and Mr. Walters have stated in this House. So far as I am aware, no finality was reached yesterday, but talks are continuing and, I hope, will be quickly brought to a satisfactory conclusion from the viewpoint of the Government.

The Hon. D. J. WALTERS.—Is there not another point of view?

The Hon. R. W. MACK.—I have the same point of view as Mr. Walters and Mr. O'Connell, and I think the views of the Government are strengthened by the remarks from all parties in this House. I hope that the whole of the Bill will be proclaimed in the very near future.

The clause was agreed to, as were clauses 2 to 7.

Clause 8 was verbally amended, and, as amended, adopted, as were the remaining clauses.

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

THE CONSTITUTION ACT AMENDMENT BILL.

The debate (adjourned from November 22) on the motion of the Hon. L. H. S. Thompson (Minister of Housing) for the second reading of this Bill was resumed.

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—This is a Bill to amend The Constitution Act Amendment Act. The law relating to order, control, and administration in all its forms springs first from The Constitution Act. The Constitution Act Amendment Act flows from The Constitution Act and therefore plays a great part in the proper control of the community. Any amendment to The Constitution Act Amendment Act is always approached with great care. Much is said of democracy and the preservation of civil liberties, and therefore this legislation, which to a degree will control those processes, is more important than a specific Act may be. This measure is designed to achieve several objects. The first relates to the ability of new Australians to become candidates at elections of the Legislative Council or the Legislative Assembly. The existing provision provides that naturalized subjects desirous of standing for election must be resident in Victoria for a period of two years and must have been naturalized for a period of five years. This provision is to be amended so that any migrant who has become naturalized in this country will have equal opportunity with other citizens of becoming eligible to be elected.

Although this measure removes that disability to which migrants have been subjected in the past, it still appears in many other Acts. The Supreme Court Act provides that the choice of a Supreme Court Judge is limited to persons who have been eight years a barrister of the court or eight years practising as a barrister in England, Ireland or Scotland. I do not know whether there are amongst new Australians men who would otherwise be capable of becoming Supreme Court Judges, but there is a bar against persons from other than the three countries mentioned. A similar provision relates to the appointment of Judges of the County Court, but the eight-year period in the case of the advocate of England, Ireland or Scotland is more limited, and the person concerned must have practised as a barrister and solicitor in Victoria for a period of seven years. In recent times the Medical Act has been amended to provide for the registration of alien practitioners. The Land Surveyors Act contains provisions relating to the issue of certificates to naturalized persons. A reciprocal arrangement for surveyors operates within the British Dominions whereby we accept certificates from other Dominions and they in turn recognize our certificates. In the case of naturalized persons, we do not necessarily recognize any certificate or training obtained in other countries.

One of the most important provisions of the Bill relates to the vexed question of propaganda at election time. I do not contend that any particular party is guilty of malpractices, because it has been my experience that the offender is usually an irrational person who happens to be connected with a particular party. I have participated in elections for approximately 40 years. The individual is protected by the law from defamation and libel. Therefore, the body of law gives some protection to him if he is either defamed or libelled. I do not know how one could protect an unincorporated body, which consists of persons of many viewpoints, and what might be said about one person in the party might not necessarily be true of many other persons. It is always difficult to lay down a code which can properly apply to comments relating to political parties.

The more vexed matters of untrue statements, or statements intended to mislead and pervert the minds of the electors so far as their votes are concerned, is dealt with in sub-section (1)

of new section 261A, as contained in clause 3 of the Bill. Paragraph (*c*) of the sub-section provides that every person who publishes, prints, issues, circulates or distributes an electoral advertisement, notice, handbill, or such like, having thereon any directions intended or likely to mislead or improperly interfere with any elector in or in relation to the casting of his vote shall be guilty of an illegal practice. Similarly, under paragraph (*d*), any person who publishes in an advertisement, notice, and so on, any untrue or incorrect statement intended or likely to mislead or improperly interfere with any elector in or in relation to the casting of his vote, shall be guilty of an illegal practice. The expressions used in these provisions are extremely wide. Probably, the interpretation that would be applied to electoral matter would vary with the eye of the beholder. In other words, it would depend on whether the person in question was sympathetic or antagonistic towards the alleged criticism.

In these cases, a great deal of importance would rest upon the interpretation of the expressions to which objection was taken. Who is to be the unprejudiced party who will judge such matters? Frequently, expressions could convey some narrow implication, or they could be partly true, but someone will be required to judge whether they would produce the effects envisaged in the Bill. The Labour party considers that the expression "intended or likely to mislead" should be limited to some extent and, during the Committee stage, we propose to move certain amendments designed to achieve that end. How election material that is handed out or placed in a letter box could "improperly interfere with any elector" would be very difficult to determine. At this stage, the Government would be safer and wiser to confine the scope of the legislation until we have had more experience of these matters.

The Hon. P. V. FELTHAM.—In what way do you suggest the legislation should be confined?

The Hon. SAMUEL MERRIFIELD.—We suggest that the expression "likely to mislead or improperly interfere with" should be omitted with a view to inserting the expression "to mislead." The operative part of the clause would then be the words "intended to mislead." It would be safer to adopt the suggested expression for the time being.

The Hon. L. H. S. THOMPSON.—It would be very difficult to prove that a person had "intended to mislead" an elector.

The Hon. SAMUEL MERRIFIELD.—I shall deal with that aspect shortly. This Bill has originated as a result of events at the recent State elections. However, there have been elections in this State for the past 110 years, which averages about one election for each House every two years, but there has never been any great agitation concerning these matters. When the matter arose suddenly, the Government introduced this extremely drastic legislation. It would be better to limit the measure as I have suggested and, if any further abuses occurred, further legislation could be enacted. Possibly, a person's intentions might be innocent and he could be ignorant of the real facts when publishing advertisements of the type envisaged. The great majority of people outside this institution including even those persons who are interested in electoral matters on behalf of political parties, would not be as conversant with the closer body of political material as are members of Parliament. Possibly, a person in one of these parties through not being conversant with the facts, could innocently be responsible for illegal subject-matter being published.

By way of interjection, the Minister of Housing said that it would be very difficult to prove that a person had intended to mislead an elector. That is true, but it does not necessarily disprove my argument. In other Acts of Parliament, the expression "intended to mislead" is used. Parliament has accepted that expression as a reasonable yardstick to be used in the determination of intention, and in the final analysis the court would be the interpreter of what has been deliberate intention or innocent intention. There have been very few

cases in which serious abuses have occurred. If this measure is passed, it will be difficult to retrace our steps; therefore, the Government should limit the legislation as I have suggested, and Parliament could watch its working in practice.

The Constitution Act Amendment Act contains provisions covering the ordinary election material relating to Legislative Council and Legislative Assembly elections issued by parties or by individuals. The Liberal and Country party does not issue an election bill which is used over the whole of the State. Although it provides a general format for the layout of party policy, the actual material varies from electorate to electorate. Consequently, if a bill was offensive, it would probably extend only over a single electorate. On the other hand, the executive of the Labour party prepares a small bill which is made available to every political candidate in every seat that is contested. This consists of material which is suitable for distribution everywhere in the State. I have never heard of any matter which our party has published in that way being the subject of contention. The matters which are contentious usually result from the action of some individual who has been over-enthusiastic or irrational. If it is alleged that statements issued in this way are damaging to a candidate or are likely to mislead an elector, how much more damaging is material which is printed in newspapers and which therefore has an impact on more than one electorate? For example, the metropolitan press can have an impact on every electorate in the State. Surely something that is untrue, that is likely to mislead, or that is improperly interfering with an election is more damaging than a handbill distributed in one electorate.

The only provision in respect of printed articles is contained in subsection (2) of section 267 of the principal Act, which provides that an article reflecting on an electoral matter, party or candidate at the time of an election, must be authorized. However, there is no provision for an offence. If the Government intends to make an offence out of the issuing of a single handbill, why exempt newspapers which may damage the whole body of public minds throughout the State? The members of my party cannot understand the logic of the Government's proposal which is to impose a limit in a narrow field and not cover those media which are far more damaging. If the first amendment that is moved by my party is accepted, it will then be possible for the Government to accept the amendment regarding newspapers. The term "likely to mislead or improperly interfere with any elector" is fairly wide, but if the whole impact of the Bill is reduced to a deliberate intention to mislead, then why should newspapers publishing untrue material and material intended to mislead be exempted when the person who might be engaged in distributing or printing electoral matter is not? It is proposed to move an amendment to proposed new section 261A, as contained in clause 3, which will require the imposition of the same conditions on newspapers. We have gone as far as we believe is proper, and we are prepared to protect the newspapers if necessary. However, there is no more justification for a newspaper to print untrue statements or information intended to mislead the public than there is for an individual person to print similar material. So, during the Committee stage, we propose to move an amendment with a view to having an appropriate provision inserted in the Bill.

The next matter referred to is that of an injunction by a Judge of the Supreme Court, and I have no comment to make on that. The power to grant an injunction will be extended to some extent, and the existing provision will be strengthened. Penalties for illegal practices are being increased to imprisonment not exceeding six months or a fine of not more than £200. Those increases are in line with the higher penalties generally to keep pace with the decreased value of money. A stricter view is being taken of these offences, and that is all the more reason why everybody should be included and why we should not make fish of one and flesh of another.

The Hon. D. J. WALTERS (Northern Province).—I am pleased to be able to support this Bill on behalf of the Country party. The provision which permits naturalized persons to stand for Parliament is an excellent one. One of the things told to these people at naturalization ceremonies is, "Now you are an Australian and you have all the rights and responsibilities of an Australian." Sometimes they are told, "You are a citizen and we have no second-class citizens." That means that they have the same rights as natural-born Australians. Nevertheless, up to date they have not been permitted to stand for Parliament until a certain time has elapsed. I should not imagine that any of them would stand for Parliament until they had been here for some years. I am pleased to note that this slur on our new citizens is being removed.

I am particularly interested in paragraph (*c*) of proposed new clause 261A. Mr. Merrifield commented on that paragraph and appears to believe that it is too strong. He suggested that he will move an amendment to water it down a bit. I cannot speak for our party as to the proposed amendment, but I, personally, would be opposed to it. My reason is based on something which I have spoken about in this House and which has been concerning my party for many years. I refer to the name that the Liberal party goes under in Victoria, and in Victoria only.

The Hon. SAMUEL MERRIFIELD.—That would still be covered by my amendment.

The Hon. D. J. WALTERS.—I do not want to weaken the provision in the Bill. This amendment was introduced mainly because of a case that occurred at Prahran where what was purported to be a Liberal and Country party ticket was distributed. I do not know whether it was distributed by the Australian Labour party or the Democratic Labour party.

The Hon. A. J. HUNT.—It was authorized by the endorsed Australian Labour party candidate.

The Hon. G. J. O'CONNELL (to Mr. Hunt).—Who said it was authorized by him?

The Hon. A. J. HUNT (to Mr. O'Connell).—He was in court on it.

The Hon. D. J. WALTERS.—It was a deliberate misrepresentation, and the Liberal party rightly took the matter to court. This Bill has been brought in with the object of overcoming that sort of thing. There is no doubt about the meaning of paragraph (*c*) of sub-section (1) of proposed new section 261A, which is in the following terms:—

> any electoral advertisement notice handbill pamphlet or card containing any representation of a ballot-paper or any representation apparently intended to represent a ballot-paper and having thereon any directions intended or likely to mislead or improperly interfere with any elector in or in relation to the casting of his vote; or.

If the members of my party named themselves the "Legitimate Country party" and issued pamphlets stating, "Vote L.C.P.", would we be issuing voting cards likely to mislead? I should think we would. The Liberal party itself issues misleading propaganda. Members of my party can rely on Mr. Feltham to give us advice, and if we had substantial grounds I would be willing to pay my share of the expenses involved in taking the Liberal and Country party to court on this matter. Mr. Merrifield fears that the provision is too wide; I consider that it is not wide enough. In my opinion, the Country party has grounds for saying that the Government party is doing the very thing that it professes to be trying to avoid.

Many troubles that appear at election times could be overcome. If how-to-vote cards were abolished, much expense would be saved, brawls would be prevented, and ill feeling curbed. The cards cost a lot of money to produce and a good deal of labour is involved in their distribution. I do not think the handing of a how-to-vote card to an elector makes any difference to the manner in which he casts his primary vote, but it makes a big difference as regards the allocation of preferences. All political parties have pleaded with the public not to cast informal votes at next Saturday's Federal election. At both the last Federal and State elections large numbers of informal votes were cast, some

deliberately but many inadvertently. Despite all the advice that is issued, informal votes are cast.

Two courses of action are open. The names of the political parties could be placed opposite the names of the candidates on the ballot-papers. One of the reasons advanced against this suggestion is that responsibility must be accepted by someone for describing a candidate as a Labour party representative or a Country party representative, and so on. However, a representative of each party could be appointed to instruct the electoral officer of the party name to be printed against the name of the candidate representing that organization. For example, a candidate could be described as "Official Labour party" or "Official Country party." Others could be described as "Independent Labour party," "Independent Country party," "Democratic Labour party," "Communist party," and so on. If this suggestion were adopted, electors would know for whom they were voting. There is no valid reason why the names of the parties should not appear on the ballot-papers.

How-to-vote cards are issued with the object of inducing electors to vote the ticket, which is important. The Government could introduce a Bill designed to prohibit the issue of how-to-vote cards or any literature outside polling booths. Elections would become less interesting and exciting, but a good deal of trouble would be overcome and much expense avoided. Placards could be erected on the walls inside the polling booths giving complete information concerning the candidates and the parties they represented. This would help people in marking their ballot-papers. All placards for the different parties could be of the same size, printed in black and white, and they could be arranged in alphabetical order or in any other order decided by lot. Little is achieved by the issue of how-to-vote cards outside the polling booth except for the allocation of preferences. I seriously suggest that the Government consider the printing of the names of the parties on the ballot-papers, the displaying of information in booths, and the prohibition of how-to-vote cards.

The Hon. D. J. Walters.

The Country party supports the Bill. I cannot say at the moment whether we will support an amendment along the lines foreshadowed by Mr. Merrifield. I do not favour limitation, because I should like the issue to be as wide as possible with the view of "catching" our friends who have for years been issuing misleading political propaganda.

The Hon. J. M. TRIPOVICH (Doutta Galla Province).—I wish to mention a "stumping horse" of mine, which is an amendment that I should have liked to see in the Bill. I suggest that a box should be placed in the returning office into which people who wish to record a postal vote prior to an election could place their vote after collecting the prescribed form, instead of having to use a 5d. stamp to post it back. Apparently the only thing that arrangement does is to assist the Treasurer to raise money for the post office. I do not think the Minister or his Department would disagree with my idea, and possibly it is only through an oversight that such a provision has been omitted from this amending Bill.

Mr. Walters spoke about the Liberal party using his party's name. This legislation may have arisen from an incident which occurred at Prahran. I do not wish to go into the matter at length, because if one starts to accept or place responsibility, telegrams and other things could be mentioned. The Labour party does not accept responsibility for certain things that have happened at Prahran. If that was the reason for this Bill being introduced, the Government should have done something in 1956. The Labour party had great difficulty in this direction in both the 1955 and 1958 elections. The present position in Labour affairs is a little more honest because there is a distinguishing mark between one party which claims to be Labour and is not, and the Labour party. I remember the Liberal party having some problems in the 1952 election. Some persons who were standing outside the Prahran voting centre were trying to convince electors as they came along which was the Liberal party candidate and which was the Liberal and Country party candidate.

Undoubtedly the Bill has some good features. The matter of preference voting is worthy of consideration. When people are told they must put a number in every square, some of them say, "I am not going to vote for a communist." They consider that if they have to put a number opposite a candidate's name they are giving him a vote. Some of them refuse to do so. That is overcome by providing that in cases in which all the squares except one have been filled in the vote is formal. However, in the Senate elections three squares might be left open. For many years optional preferential voting was a policy of my party. Generally speaking, a person wishes to vote for one candidate. I can see no reason why he should have to allot preferences. When people are forced to indicate a second and third preference, they do not necessarily give any due consideration to the matter. In addition, the present arrangement of showing preferences on a how-to-vote card places a bargaining power in the hands of a splinter group which can destroy the aims of democracy.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Qualifications for Member of Council and Assembly).

The Hon. L. H. S. THOMPSON (Minister of Housing).—Mr. Tripovich raised a general point concerning the alteration of postal voting forms. The Government agrees with his submission. It has consulted the Chief Electoral Officer and hopes that the necessary machinery alterations can be introduced during the next session. I thank Mr. Tripovich for his suggestion.

The clause was agreed to.

Clause 3, providing, *inter alia*—

(1) After section 261 of the principal Act there shall be inserted the following section:—

"261A. (1) Every person who or the directors of any body corporate which on or after the date of issue and before the return of the writ for any election for the Council or the Assembly wilfully prints publishes issues circulates or distributes—

. . . . .

(*c*) any electoral advertisement notice handbill pamphlet or card containing any representation of a ballot-paper or any representation apparently intended to represent a ballot-paper and having thereon any directions intended or likely to mislead or improperly interfere with any elector in or in relation to the casting of his vote; or

. . . . .

shall be guilty of an illegal practice:

Provided that nothing in paragraphs (*c*) and (*d*) of this section shall prevent the printing publishing or distribution of any card not otherwise illegal which contains instructions how to vote for any particular candidate or candidates so long as those instructions are not intended or likely to mislead any elector in or in relation to the casting of his vote.

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

That, in paragraph (*c*) of sub-section (1) of proposed new section 261A, the words "or likely to mislead or improperly interfere with" be omitted with the view of inserting the words "to mislead."

I explained the reasons for this amendment during the second-reading debate. We consider that many innocent statements could be deemed to be likely to mislead. Almost every form of leaflet would have to be so circumspect that it would lose any electoral value. For instance, it might be stated that Joe Blow is the best candidate. Who would determine whether or not that statement was likely to mislead? All sorts of minor statements, which could be quite proper electoral propaganda, could be deemed to be an offence. Mr. Walters has said that he wants a fight about certain words being in a party's name. That is all very well, but other innocent people should not be "caught" for using advertisements which might contain such a word but have no malevolence in them. I think the Government would be wise to agree to the amendment.

The Hon. L. H. S. THOMPSON (Minister of Housing).—For the reasons hinted at by Mr. Walters, the Government is not prepared to accept an amendment of this type. The Government is not anxious to make it easier for a person indulging in this type of practice to evade the law. At the next

election Mr. Merrifield might be confronted with tickets labelled "A.L.P." giving first preference to Liberal candidates, and when the man handing out the cards is asked what he is doing, he may say that he represents the "absolutely lost" party or the "Australian Legion of Pawnbrokers." That type of thing might be easier to deal with under the provisions in the Bill. It would be exceedingly difficult in the case of various types of misconception to prove that the intention of the author was to mislead. Mr. Merrifield said that he thought the present provision would have a detrimental effect on the type of advertising indulged in and that people would not be able to say what they thought was the truth. I cite the following provision, which has been in the Commonwealth Electoral Act since 1953. Section 161 provides, *inter alia*—

> In addition to bribery and undue influence the following shall be illegal practices:—
>
> (*d*) Printing, publishing, or distributing any electoral advertisement, notice, handbill, pamphlet or card, containing any representation apparently intended to represent a ballot-paper, and having thereon any directions intended or likely to mislead or improperly interfere with any elector in or in relation to the casting of his vote.

Another major reason for the proposed provision is to bring the State electoral law as closely as possible into conformity with the Federal law.

The amendment was negatived.

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—In view of the Committee's decision, I shall not persist with two similar amendments which have been circulated, but I shall move my last amendment. I move—

> That the following sub-section be added to proposed new section 261A:—
>
> "( ) Where any leading article or other article or paragraph purporting to express the political policy or views of the newspaper or of the proprietor thereof or any advertisement is published in a newspaper and contains any untrue statement intended to mislead any elector in or in relation to the casting of his vote for any election, the printer publisher and proprietor of such newspaper shall be guilty of an illegal practice."

Let us suppose, as Mr. Walters did, that "vote thus" cards are eliminated. They are the last opportunity that exists for people to influence an elector. The Act already requires persons handing out such cards to remain a certain distance from the polling booth. If the cards are banned how much further away from the polling booth could such material be distributed? What would be the limitation of time in regard to their distribution? They might be put in letter boxes the day before the election. There are all sorts of ways in which the cards could be distributed. The handbill that my party sends out to all electors about a week prior to an election contains a replica of the ordinary ballot-paper. Once these things are banned, where will the limit be drawn? More and more weight would be given to mediums of publicity, such as the press, which influence the public. If all parties are to be treated fairly, the press should be controlled to ensure that its statements are not untrue or intended to mislead. The amendment which I have moved is intended to give everyone an equal chance, properly and fairly, and to stop newspapers publishing untrue statements about a party perhaps on the eve of an election. If the individual, the candidate or the party is to be subject to control in respect of untrue statements, the press should likewise be controlled.

The Hon. L. H. S. THOMPSON (Minister of Housing).—The Government has had an opportunity of considering this amendment because a similar one was moved in another place. The Government believes that at this stage it would not be justified in interfering in any way with the freedom of the press. It will probably be argued that it is not a freedom to tell lies and to mislead people. However, section 267 of The Constitution Act Amendment Act regulates, to a degree, the behaviour of the press during an election campaign. Newspapers are covered also by the general laws of libel, so that if they publish untrue statements they may be subject to court action. The Government believes there has been no happening in recent years which would justify the step proposed in Mr. Merrifield's amendment. . . .

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—Nothing is further from the truth than the Minister's statement that nothing has happened in recent years which could give rise to the necessity of my amendment. Throughout the years the behaviour of the press has warranted some measure of control over its publication of untrue statements. Members of this House periodically suffer from the publication of distorted versions of their statements, and even statements made in this House are not sacrosanct so far as the press is concerned. If the Government rejects my amendment because of the view it takes of the recent behaviour of the press, it does so on the poorest possible ground.

The Minister stated that there is already power in The Constitution Act Amendment Act to control newspapers. That is true to some extent, but section 267 only requires that a statement should be authorized. That is not full control. I am aware that the press already authorizes much of the material published, but that does not stop it from making untrue statements. The Minister also referred to libel actions. As I said previously, this applies only to the individual and not to the party, and it is the party which suffers from untrue statements. Under our electoral system a candidate is only a name on the ballot-paper representing the party. If he were John Blank, a blackfellow, and had a party designation attached to him in the public mind, he would probably receive almost the same number of votes as any other candidate. Untrue statements which reflect on a party carry more weight in determining the result of an election than untrue statements made against an individual. I am afraid I cannot accept the Minister's weak arguments.

The Hon. J. M. TRIPOVICH (Doutta Galla Province).—I support Mr. Merrifield's amendment. I have previously heard the argument advanced by the Minister, and I accept it. A party which puts an advertisement in a newspaper must put the authorization underneath it. I have no argument with that provision. If a committee of businessmen or housewives or any other organization cares to insert a political advertisement in a newspaper, it, too, must put the authorization underneath. In the course of the last two or three elections, we have seen something new in relation to unauthorized advertisements, because the *Herald* and the *Sun News-Pictorial* have inserted front page advertisements in ten or twelve-point bold type informing the people what they ought to do, but this is done without any authorization.

The Hon. L. H. S. THOMPSON.—Such action would be covered under paragraph (*c*) of sub-section (1) of proposed new section 261A.

The Hon. J. M. TRIPOVICH.—I trust that the Minister will take that view in future in relation to these so-called leading articles which are, in effect, advertisements.

The Hon. W. R. GARRETT.—They are not paid advertisements.

The Hon. J. M. TRIPOVICH.—That is true, but I suggest that they should be authorized because they reflect the opinion of the proprietors or the interests that sponsor the newspaper. This opinion may not always act against our party. I wish to ensure fairness to all. If a newspaper editor publishes a leading article in bold type on the front page, taking it out of its editorial context, I suggest that it is an advertisement and should be authorized.

The Hon. L. H. S. THOMPSON.—You are referring to editorial comment?

The Hon. J. M. TRIPOVICH.—What we have witnessed over the past few years has been, not editorial comment but straight-out advertisement. When reference is made to the Federal Government, it is said that a composite Government is quite in order, but in the eyes of the press it would be tragic so far as the State of Victoria is concerned. A composite Government cannot be good in one sphere and bad in another. The editorials to which I refer are sheer propaganda and advertisements, and as such I believe there should be some authorization of them because they are intended to mislead.

The Hon. L. H. S. THOMPSON (Minister of Housing).—The type of article to which Mr. Tripovich refers is dealt with in sub-section (2) of section 267 of the Constitution Act Amendment Act which states, in effect, that this sub-section, being one of authorization, shall not apply to a publication in a newspaper of a leading or other article purporting to express the political views of the newspaper or the proprietor thereof. If we interfere with that provision, we will have gone a long way to interfering with one of our most cherished freedoms—the freedom of the press.

The Hon. J. M. TRIPOVICH.—Could the Minister inform me where freedom ceases and licence commences?

The Hon. L. H. S. THOMPSON.—That is a moot, academic point, on which we could argue for many hours. To make any move in that direction would be to interfere with the right of a newspaper to express a personal opinion, and in doing so we would interfere with one of the bases of our British form of democracy.

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—On two occasions the Minister has put up the old story about the freedom of the press and the justification for preserving it. No person would challenge the freedom of the press any more than he would challenge freedom of speech. This measure is limiting the possibility of freedom of speech so far as expressing that freedom in a handbill is concerned, but the Government does not wish the same control to apply to the press. If the press is protected in the publication of material, why should not the same protection be extended to cover pamphlets, handbills and so on?

The Hon. G. W. THOM.—Has Mr. Merrifield examined some of the Labour newspapers which are circulated?

The Hon. SAMUEL MERRIFIELD.—I take it that Mr. Thom is making a complaint.

The Hon. G. W. THOM.—I do not complain; they are quite entitled to put their point of view.

The Hon. SAMUEL MERRIFIELD.—I believe the freedom of the press should be preserved but that it should not be a licence for the press to act as it wishes and it should not be confined to the press only. The fact is that the Government is proposing freedom to the press and giving it the opportunity to print untrue statements but limiting that freedom as far as everyone else is concerned.

The Hon. L. H. S. THOMPSON.—This Bill does not change the law in relation to the press.

The Hon. SAMUEL MERRIFIELD.—I realize that, but the Minister of Housing has made a great pretence of saying that it is desired to strengthen the law in order to remove malpractices that occur at election times. It is proposed to eliminate malpractices in one sphere but not in another. Newspapers have far more influence than election leaflets, but, because the newspapers favour the Government party, the Government does not wish to take any action against them. The Minister should not speak of freedom of the press when the Government is deliberately limiting freedom of expression so far as individuals are concerned.

The Committee divided on Mr. Merrifield's amendment (Sir Ewen Cameron in the chair)—

Ayes	5
Noes	16
Majority against the amendment ..	11

AYES.

Mr. Todd	*Tellers*:
Mr. Tripovich	Mr. Merrifield
Mr. Walton.	Mr. O'Connell.

NOES.

Mr. Byrne	Mr. Mair
Mr. Byrnes	Mr. Mansell
Mr. Chandler	Mr. Swinburne
Mr. Dickie	Mr. Thom
Mr. Feltham	Mr. Thompson.
Mr. Gross	*Tellers*:
Mr. Hamer	Mr. Garrett
Mr. Hunt	Mr. Walters.
Mr. Mack	

PAIRS.

Mr. Elliot	Mr. Grigg
Mr. Galbally	Sir Arthur Warner
Mr. Machin	Mr. May
Mr. Smith	Mr. Bradbury.

The clause was agreed to, as were the remaining clauses.

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

HOUSING (COMMONWEALTH AND STATE AGREEMENT) BILL.

The debate (adjourned from November 22) on the motion of the Hon. L. H. S. Thompson (Minister of Housing) for the second reading of this Bill was resumed.

The Hon. G. J. O'CONNELL (Melbourne Province).—This is a Bill to ratify and approve the execution for and on behalf of the State of Victoria of an agreement to supplement the Commonwealth and State Housing Agreements of 1945 and 1956.

The Labour party does not oppose this measure but declares that the loan allocation for Victorian housing purposes is much too low, that the interest rates are too high, and that the Commonwealth Government has evaded its responsibilities by not providing sufficient funds for housing for the lower income groups.

At the present time the Housing Commission of Victoria is about the only body that is building homes for tenancy for the lower income groups. Whereas 25 or 30 years ago financial institutions and private enterprise were erecting homes for tenancy, that position no longer obtains in Victoria to-day, and for many reasons. One of the principal reasons is the higher interest rates in the field of hire-purchase. Honorable members generally are aware of the great importance of providing good and adequate housing for our people. Although home ownership is desirable and should be encouraged by every means possible, it must be realized that there will always be a large number of persons who need rented housing. Many people either are unable to purchase their homes or do not want to do so. Many cannot afford the necessary deposit, whilst others are without settled and permanent employment. Some are of an age which renders it difficult if not impossible for them to pay off a mortgage within the remainder of their working lives. It was with this in mind that the Chifley Labour Government introduced the first Commonwealth-State Housing Agree- in 1945. Prior to 1945—from 1939 to 1945—only 2,022 units were built by the Housing Commission in Victoria under the State scheme—1,772 in the city, and 250 in the country.

It is interesting to note the great progress in home building by the Housing Commission of Victoria under the Commonwealth-State Housing Agreement of 1945. Figures show that, in the period between June, 1946, and June, 1956, 30,183 units were built—17,132 in the metropolitan area, and 13,051 in the country. A matter of interest to country members is that in 1952 and 1953, more units were built in the country than in the city. In 1952, 1,428 were built in the city and 1,542 in the country, and in 1953, 1,573 units were built in the city, while 1,665 were built in the country. Under this agreement, which terminated on 30th June, 1956, the rate of interest was 3 per cent. and funds were repayable over 53 years. The loan allocation was approximately £10,000,000 per annum.

In 1955, a further agreement was entered into whereby conditions contained in the 1945 agreement relating to the sale of houses were modified to provide for the sale of a dwelling on terms prescribed by the State. Conditions were included in the agreement setting out the minimum deposit provision for allowance to the purchaser as part of the purchase price—price of amortization—which had been included in rental payments as a tenant. The agreement also stipulated the rate of interest chargeable and the terms of purchase, and provided for the payment by the State to the Commonwealth of cash received for cash sales and as deposits on terms sales. Advances were to be repaid to the Commonwealth over 53 years and, as the Minister has stated, the actual rate of interest charged from 1st July, 1956, to 21st February, 1961, was 4 per cent., and 4⅜ per cent. from 22nd February, 1961, to 30th June, 1961. The total advances were divided into two parts—one for erections of dwellings by the State and the other for the

provision of finance for home building by means of loans to State building societies.

In 1956-57, the State was required to allocate to co-operative housing societies not less than 20 per cent. of the total Commonwealth allocation and, for the following 3 years, 30 per cent. Provision was also made for the State to set aside 5 per cent. of the allocation received each year for serving members of the forces. In 1955-56, the last year in which the first Commonwealth-State Housing Agreement operated, the Housing Commission received from the Commonwealth, under the agreement, the sum of £10,800,000 and built 4,152 units. In the year 1960-61, the Commission received £7,200,000 and built 2,217 units—the lowest number since 1948. In fact, from 1st July, 1956, to 30th June, 1961, only 12,378 units were built by the Housing Commission.

The figures for Victoria clearly illustrate what has happened in the period from June, 1956, to June, 1961, and the chief sufferers are the people in the low income groups. Although the allocation for 1961-62 is a good deal more than last year, the position still obtains, as the co-operatives will receive 30 per cent. of the allocation for the five-year period of the agreement. I have nothing against co-operative housing societies, which I consider are doing good work. However, I am of the opinion that they should receive an independent allocation from the Commonwealth and that the amount received should not be at the expense of the Housing Commission.

I have abundant support for that opinion. In the annual report of the Housing Commission for the 1959-60 financial year, there appeared the following interesting statements:—

> The ensuing year is the last year of the current Commonwealth–State Housing Agreement, and during this period a new Agreement must be formulated. It is essential that discussions should take place early enough to allow the Agreement to be completed before the expiry of the present Agreement and thus allow for continuity in planning and construction.
>
> In any new Agreement there should be no diversion of funds to Co-operative Housing. The diversion of funds in the current Agreement has not produced the desired result. These funds were intended to be supplemental to funds derived from private sources, but instead private funds have diminished roughly in proportion to the increase in Agreement funds diverted. Additional finance for the Co-operatives should not be at the expense of the Commission. The Commission needs the whole of the funds being provided under the Commonwealth–State Agreement to provide housing for rental and for sale on low deposits for those persons in the community not able to afford high rents or to finance their housing through other financial sources because of the high initial deposits required.

I believe that, so far as Victoria is concerned, the financial allocation from the Commonwealth has never been high enough to meet our housing requirements.

I propose now to quote from a booklet entitled, *Housing Priorities,* issued by the Brotherhood of St. Laurence in November, 1960. The booklet, which deals with the plight of the low-income group, states, *inter alia*—

> The interests of the housing society member certainly should not be overlooked or ignored, but what has tended to happen under the Commonwealth's policy is that by robbing the housing authorities of money and channelling it into housing societies, the Commonwealth has encouraged non-Government sources of finance to withdraw some of their support for housing societies, at least in Victoria. For instance, according to the Victorian Minister of Housing, Mr. Petty, in the past three or four years the Commonwealth Trading and Savings Banks have both decreased their loans to housing societies.
>
> Further evidence of this trend is the statement by the Federation of Housing Co-operative Societies in Victoria. In a report issued in October, 1959, and in referring to direct aid for the Commonwealth, the Federation said: "The advent of this system of Government lending has been accompanied by a diminishing of funds from private sources."
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> From these statements it is clear that the Commonwealth Government's policy has had definite side effects—it has not only helped one type of home seeker at the expense of another group whose financial resources are more limited than the first group, but it has also caused a dwindling in the funds provided for housing societies from other sources.

These statements could be proved. As at June, 1956, there were 11,000 applicants on the waiting list for Commission homes. At 31st August, 1961, because of the Commonwealth Government's policy of reducing its financial

allocation to the Housing Commission, the waiting list had increased to 14,870 dissatisfied applicants. I have been informed—the Minister of Housing may be able to say whether the information is correct—that, since then, the number of dissatisfied applicants has increased to more than 15,000.

I understand that the total number of units planned for erection by the Housing Commission for the year ending 1962 will be only 2,333, of which 1,000 will be for sale, 1,222 for rental to wage earners, and 111 for rental to the low-income group of pensioners. I have in my possession a booklet dealing with the needs of the low-income group and published by the Victorian Council of Social Service. The booklet contains an interesting article written by Mr. D. Scott of the Brotherhood of St. Laurence. The article states—

Who are they? Age, invalid and widow pensioners, low-income families with insufficient capital for deposits for home ownership.

What are their problems? Private low-rental accommodation is gradually disappearing. The Victorian Housing Commission is the only supplier of new housing for low-income groups.

Resources of the Housing Commission. The Commission builds homes with Commonwealth loan money for rental or for sale on low deposits of £200.

The form of the 1956 Commonwealth-State Housing Agreement, which provided that 20 per cent. and then 30 per cent. of Commonwealth money must go to housing societies, substantially reduced the building capacity of the Housing Commission. Figures show the trend—

	Applicants.	Commonwealth Loan Money.	Number of Homes Built.
1955-56	11,000	£10,800,000	4,152
1960-61	17,500	£7,500,000	2,300

The figure of 2,300 homes built was not achieved.

Future Needs: More finance is required from the Commonwealth Government. If the Victorian Housing Commission is to be restored to its 1955-56 position, it requires at least £11,000,000 a year for the next few years to enable it to reduce the backlog and be prepared for the increasing demand for homes that will take place with higher marriage rates.

It goes on to say—

What is the central problem? Finance!!!

More money available on long-term loan and low interest rates to encourage home purchase.

More money available to co-operative housing societies.

More money available from Commonwealth loan funds to enable adequate building of rental homes for those who cannot buy.

We are getting even further behind in the provision of housing. With the intake of more than 25,000 migrants each year and the natural marriage increase, more dwellings must be provided. This is a national problem and must be tackled in a national way. The Commonwealth must provide bigger allocations to the State for the Housing Commission. More finance must also be made available for slum reclamation, and an independent allocation should be made to the co-operative housing societies so that the work of the Housing Commission will not be frustrated.

The Government goes cap in hand to Canberra, and this year it received an extra £1,000,000 for housing purposes, but that sum will not go far in the provision of homes for the lower-income groups. The Labour party does not oppose the Bill, but we trust that when the Government next approaches the Commonwealth it will not be a "tame cat" but will pursue a vigorous attitude and try to get a bigger allocation of funds for the provision of homes in Victoria.

The sitting was suspended at 6.23 *p.m. until* 7.53 *p.m.*

The Hon. I. A. SWINBURNE (North-Eastern Province).—The measure before the House seeks to ratify and approve a Commonwealth-State Housing Agreement which covers a period of five years. The first housing agreement between the Commonwealth and the States was entered into in 1945 for the purpose of overcoming a shortage of housing in various parts of the Commonwealth. Victoria, as a partner in that original agreement, was enabled, through the Housing Commission, to build houses for rental by persons who were in need of such accommodation, and certain tenancy conditions were laid down including a limit on a prospective tenant's income. Despite the substantial sums made available, it has been found

over the years that never at any time has the demand for Commission homes in this State been satisfied.

In 1956, a second agreement was entered into, and now we are considering a third. Yet we are still in the same position. According to the latest reports of the Housing Commission, it has a waiting list of approximately 14,000 or 15,000. In the period between 1950 and 1960, a stage was reached when this list contained as many as 17,000 names, but it has fluctuated around the 13,000, 14,000 or 15,000 mark for most of the period of the agreements. During the currency of the agreements the Commission has built houses in the metropolitan area and in the country area in varying proportions. Possibly the political persuasion of the Government in office has intensified development in certain parts of the State at certain times, but in the main the proportion has been 55 per cent. in the metropolitan area and 45 per cent. in the country.

Before the 1956 agreement was entered into, the spokesman for the Victorian Government, in a policy speech before an election, advocated that one-third of the finance obtained under the Commonwealth-State Housing Agreement should go to the co-operative housing societies and two-thirds to the Housing Commission. After the election, the Commonwealth Government quickly seized that bait, and provision was made in an agreement to last for five years for 20 per cent. of the funds to be paid to co-operative housing societies for the first two years of its currency and 30 per cent. for the remaining three years. Whilst I am a great advocate for co-operative housing, I believe the decision to take finance from the Housing Commission was the first mistake made in our efforts to overcome the shortage of houses in the State of Victoria.

I had the pleasure of attending a conference, convened by the former Minister of Housing, Mr. Petty, at the South Melbourne Town Hall early this year, to consider the problem of slum reclamation or the rebuilding of the inner suburbs of Melbourne. Several speakers addressed the meeting, and then it was thrown open for general discussion. At that time, one of the most important statements made was uttered by the Registrar of Co-operative Housing Societies, Mr. Ebbels, who said in effect that co-operative housing societies funds were never subject to Loan Council control. Since then I have thought about that statement. I tried to get a copy of the report of the meeting shortly afterwards but, unfortunately, officers of the Housing Commission misunderstood what I was after and sent me the wrong booklet. That mistake has now been rectified, but I have not the copy of the report with me at the moment. The crux of the problem is that the Housing Commission is subject to Loan Council control. Our Home Finance Trust has also found its funds limited because the Loan Council felt that it was acting contrary to the spirit of Loan Council allocations.

According to the statement that was made, which the Minister of Housing has not contradicted, funds available for co-operative housing, irrespective of their source, are not subject to control by the Loan Council. Although this agreement will operate for five years, the Government should start thinking about this matter now. Why should loan funds be used for this purpose when money could be obtained from other sources outside Loan Council allocations? For the next five years, 30 per cent of the loan funds provided for housing, amounting to about £11,000,000 a year, will be allocated to co-operative housing.

The Hon. G. W. THOM.—A lot more comes in as a result of that.

The Hon. I. A. SWINBURNE.—I agree that it is an easy method of obtaining £17,000,000 over a period of five years. Before money was allocated in this way, almost as much money was obtained for co-operative housing from other sources. I have not the figures, but I doubt whether the yearly totals were £1,000,000 less than the current allocation. I had some experience, in conjunction with the Premier and Treasurer of the day, in seeking funds from various financial institutions and sources

for co-operative housing. Not long ago arrangements were made for about 30 new societies to be formed, by making trust fund money available to those societies before funds allocated under the new agreement became available. The Government stated that it wanted to get the new societies going, but I believe that particular legislation was brought forward as propaganda to indicate to the districts where the societies were formed and the building of houses was commenced what a great Government we had.

The Hon. G. W. THOM.—It was not just propaganda. It was backed up by facts.

The Hon. I. A. SWINBURNE.—As the money has been mortgaged, the societies will run out of money before more becomes available. That always happens when one mortgages the future.

The Hon. G. J. NICOL.—Did it not contribute to employment?

The Hon. I. A. SWINBURNE.—Without knowing when the buildings were commenced, I could not answer the honorable member's query.

The Hon. L. H. S. THOMPSON.—I think some people obtained their houses more quickly than they would have otherwise.

The Hon. I. A. SWINBURNE.—I doubt whether it made more than a month's difference in commencement in any case. The House must accept the principle that 30 per cent. of the housing loan funds which should have gone to the Housing Commission is being diverted to a purpose for which money could have been obtained from sources outside the jurisdiction of the Loan Council. That will amount to a considerable sum over the period of the agreement. It is contributing to the fact that at present 14,000 applications for tenancy are outstanding. The Housing Commission builds houses at a reasonable cost, and those of us who have been associated with it look back with satisfaction and pride to the estates it has developed throughout the State. Tenants who are able to do so, readily buy these dwellings, and sales are continuing. That is all to the good, as more people will own their own homes. The conditions of purchase have been made attractive.

The first proposal to sell Commission homes on a very low deposit with long term repayments and the provision of certain benefits was advanced by the then Minister of Housing in Queensland, Mr. Hilton, at a conference in Hobart in 1951. With the agreement of the Commonwealth, his idea was adopted, and probably the conditions have since been improved. The House must agree to ratify the new agreement, which has been signed, sealed and delivered. One of the problems is the increase in interest rates, which will result in tenants having to pay between 8s. and 10s. a week more rent, according to the type of house.

The Hon. L. H. S. THOMPSON.—It will be higher than that.

The Hon. I. A. SWINBURNE.—In the latest report of the Commission, it is stated that the most recent rents range from £5 4s. to £6 5s., which the Commission admits is beyond the means of Commission applicants. There is only one answer, namely, to step up the sales of houses. If people are able to purchase these houses they will be safeguarding their future, and it may be more economic for them to do so. If they have to pay £6 5s. a week rent after complying with the conditions of tenancy, their economic situation will be completely out of balance. It would not be possible for them to reach an economic position in the future if they had to continue to pay £6 5s. a week for a Commission house until they could see their way clear to buy it.

I also desire to refer to the slum reclamation programme. I was rather concerned, when reading the report of the Housing Commission, to find that despite the fact that in 1951 the then Premier decided to make available the sum of £500,000 for the commencement of a State programme of slum reclamation, the allocation has not been increased. Last year Mr. Thompson, who is now Minister of Housing, told a great story in this House of how the slums were going to be re-built in ten years, so many acres to be dealt with in each year.

But there is no more money available to-day. We know that costs associated with reclamation have increased since 1951, so I cannot see how all the slums are to be re-built in ten years. Now that Mr. Thompson is in the position where he has access to inside information he may perhaps be able to tell us how it is to be done.

This measure will enable the Commission to build high-density flats. In the circumstances I fear that the ten-year period referred to by Mr. Thompson may grow rather out of proportion to his forecast. One point that concerns me is the building of four-story walk-up flats. Some years ago I had the pleasure of inspecting flats being erected in Sydney by the Housing Commission of New South Wales. It was then recognized that unless buildings could be erected on rising ground so that tenants could walk on to the second or third floor, it would not be in their interests to build beyond three stories. Despite the fact that under modern conditions buildings might be put up to a height beyond three sets of stairs, it was considered that any height over and above that would not be reasonable. If a building is carried to extensive heights, provision must be made for the installation of lifts and other services, all of which add to the rental value and so place them beyond the means of the normal tenant seeking a Commission home.

The terms of the present agreement have been changed from those operating under the 1945 agreement. The only problem about which we feel some real concern is the increase in the interest rate, which will have the effect of putting available homes beyond the reach of people for whom the Commission originally provided houses. Many of the homes will have to be sold under the agreement basis as set out in order that the terms of a transaction may be made reasonable. For the reasons I have stated, I trust that the Government will press the Commonwealth authorities for a review of the agreement so that the matter of interest may be re-examined. It is not possible for the Victorian Housing Commission to carry out the functions with which it was charged while the interest rate remains at the present level.

The Hon. G. W. THOM (South-Western Province).—I wish to make a few brief points on the aspect of allocations that are made to co-operative housing societies. It is perhaps not generally recognized how the allocated money snowballs, resulting in a great many more houses being built much more quickly. Taking Geelong as an illustration, an amount of approximately £1,200,000 has been allocated to the societies in that area. Where the money was made available for five years, each society was able to secure a bank advance against the next year's allocation. That meant that people who received a first and a second-year allocation could commence their building immediately, and this resulted in a very considerable impetus to employment.

In June, when all the societies held their meetings, members lodged their allocations. There are two types of temporary finance available, one being from the banks, which will give loan money on a guarantee that the next year's allocation is paid to them. People intending to build in the fifth year were able to get short-term money from their institutions and other sources, and that had a tremendous snowballing effect.

The Hon. SAMUEL MERRIFIELD.—At what rate of interest?

The Hon. G. W. THOM.—The rules of the societies provide that money cannot be borrowed in excess of 7 per cent. I refer to temporary loans upon which the societies may give an undertaking to take over the mortgage when the money becomes due. This has a tremendous snowballing effect which I do not think is generally realized. In the early days, co-operative housing societies received the major portion of their finance from the Commonwealth Bank and the State Savings Bank, but those sources have largely dried up—not through lack of pressure. I think the experiment is worth while, because it is a means of obtaining further moneys for housing purposes.

The Hon. J. M. TRIPOVICH (Doutta Galla Province).—I endorse the remarks of Mr. O'Connell who, I believe, made a sound submission in regard to housing problems. I subscribe to the views expressed by Mr. Swinburne, but first I would like to congratulate the Minister on his appointment as Minister of Housing. Four Ministers in this House now hold full portfolios, and I am sure that Mr. O'Connell and other members will take advantage of having the Minister of Housing in this Chamber. At this stage we do not criticize him, but perhaps in twelve months' time he could become the *pièce de résistance*. I attribute Victoria's housing problems to the actions of the Commonwealth Government. Its attempts and ultimate success in getting the Victorian Government to agree to an allocation from the funds made available for housing purposes to co-operative housing societies did not increase the number of houses constructed in this State. I believe, as Mr. Swinburne has pointed out, that the effect of the agreement has been to limit co-operative housing societies to a loan allocation. As a result, the societies are not searching for money, but if they do they are often told that they receive an allocation from loan moneys and therefore none is available.

I am a member of the Victorian Fabian Society, some members of which are capable of making surveys and reporting on certain matters. In 1956 they reported on the question of housing finance on an Australia-wide basis. The result may surprise even Mr. Thom. The War Service Homes Division accounted for 10 per cent. of the number of houses built; the number constructed under the housing agreement, which had just been concluded, accounted for 14 per cent.; the Commonwealth Bank made available sufficient finance to build 4 per cent.; the State banks, 3 per cent.; the savings banks, 4 per cent.; the major trading banks, 3 per cent.; and other banks, 1 per cent. It can be seen that all the banks combined contributed 15 per cent. State authorities provided 3 per cent., permanent building societies 3 per cent., co-operative societies 5 per cent., and life assurance societies 4 per cent. Individuals and minor finance institutions contributed 46 per cent. The former Minister of Housing has made many statements in condemnation of actions taken by the Federal Government, and I could spend half an hour reading his comments in relation to the housing situation. The 46 per cent. to which I referred as being provided by individuals and minor finance institutions, included the owners' equity on loans provided.

Two-thirds of the homes constructed to-day are financed by what might be called the public sector, whilst the private sector contributes only one-third. The Federal Government acts as a jovial host and attempts to make itself popular overseas by saying, "Come to our place to live." When immigrants come to Australia, the Commonwealth Government hands over to the States the responsibility for housing, hospitalizing, educating and generally looking after them. In view of this fact, the Commonwealth Government should render greater assistance to the States. I take strong exception to the fact that the State's indebtedness is growing year by year while the Federal Government's indebtedness is decreasing. That is an unfair situation. Sometimes I question the wisdom of the Victorian Government attending meetings of the Loan Council because, before the meeting is held, the "cake" has already been cut. If the States hold out—as they are entitled to do, in view of the migration scheme—for extra assistance and say that they desire £250,000,000, the Commonwealth, even with the six States voting against it, as happened on one occasion, can say, "You are going to get only £180,000,000."

The Hon. L. H. S. THOMPSON.—Would you support greater independence for the States?

The Hon. J. M. TRIPOVICH.—I would, and on one occasion I, privately and in another capacity, supported the Victorian Government with this end in view. However, the present Prime Minister will not hand over any taxation rights to the States.

The Hon. L. H. S. THOMPSON.—The States which have Labour Governments in office do not wish their taxation rights to be returned to them.

The Hon. J. M. TRIPOVICH.—South Australia has not a Labour Government, and it does not desire its own taxing rights. Queensland, South Australia, Western Australia and Tasmania, which are subsidized, do not desire that the present system be altered. New South Wales and, particularly, Victoria are suffering because of the parsimonious attitude of non-Labour Governments which formulated the basis on which uniform taxation was introduced.

The Hon. G. L. CHANDLER.—Labour Prime Ministers have adopted the same attitude as the present Prime Minister.

The Hon. J. M. TRIPOVICH.—That is true. I do not believe the principle of uniform taxation is entirely wrong. I will concede certain points, but it is the way in which the legislation is administered that is wrong. The present Commonwealth Government has not administered the uniform tax scheme in the spirit that was intended by previous Labour Administrations. In 1955, New South Wales received a housing allocation of £10,800,000, which increased to £13,000,000 by 1960-61, and to £14,600,000 in 1961-62. In Victoria, the allocation was £10,000,000 up to 1958-59, when it increased to £10,300,000, and the present allocation is £11,600,000. Out of its allocation, doubtless because of the alteration in the cost structure of prices and wages, fewer homes were built last year than for many years. Last financial year, the Housing Commission completed 2,217 dwellings, including flats and houses, and in 1948, the number completed was 2,179. With its allocation of £10,000,000 and with lower wages and costs, a Labour party Government built 4,000 homes a year. Of this year's allocation, £7,250,000 is to go to the Housing Commission and £3,500,000 to co-operative housing societies.

This is an important measure. I commend to honorable members the fact that reports of the Housing Commission reveal that there are 14,000 families urgently in need of housing in this State. I suggest again that any person who is required to pay £6 5s. a week rent to the Housing Commission, is entitled to be receiving £31 5s. a week in wages, on the basis of rent being one-fifth of income, in order that he may live at the desired standard. Of course, that does not worry Mr. Dickie. He is not concerned if some workers have to pay £8 a week rent out of a weekly wage of £14. He aims at ensuring that every worker gets the minimum wage.

The Hon. V. O. DICKIE.—When did I say that?

The Hon. J. M. TRIPOVICH.—Mr. Dickie is on record as having said it at least twice in this House. There are three aspects to the housing situation. The person who can afford to buy a house at the present time is not faced with any particular problem because, by sub-contracting, a great deal can be saved in costs. One instance I can cite relates to a man who built a 21-square home under the sub-contracting system for £5,500. The nearest contract price was £8,000. So, there is no difficulty in that regard so long as finance is available, but when finance cannot be obtained, trouble is encountered. The average loan made by co-operative housing societies last year was £2,900, which means that there was an average equity of about £1,400 held by the members of the societies. Therefore, before a person can hope to own his own home, it is essential that he have at least that amount. Unfortunately, the average man gets married before he has been able to save £1,400, or, alternatively, the average couple have children before they have saved that sum, and the result is that they never have an opportunity to own their own home. That has been found by various Commissions that have investigated the position to be one of the greatest disabilities associated with housing. Therefore, in its dealings with the Commonwealth Government, this Administration should ensure that it gets justice.

Mr. Swinburne dealt adequately with the matter of interest rates. This Government receives from the Commonwealth Government an allocation of £11,600,000 for housing, but why can it not get more? The Minister of Housing has stated that an interest rate of 1 per cent. on the average housing loan is

equivalent to 16s. a week, so presumably 7 per cent. would amount to more than £5 a week. When that cost is added to the cost of rates, taxes and general depreciation, there is a clear indication that either cheaper interest rates should be provided or the workers should receive greater remuneration. I wish the Minister of Housing well in his portfolio, and I assure him that if he will make every effort to fight the Federal Government to obtain more money for housing for Victoria he will receive full assistance from the Labour party and the wholehearted support of the House.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Ratification and approval of Commonwealth and State Housing Agreement 1961).

The Hon. L. H. S. THOMPSON (Minister of Housing).—I thank those honorable members who have contributed to the debate. I intend not to cover all the points that have been raised but to comment briefly on two aspects. It is true that the total number of houses built by the Housing Commission has declined in recent years, and the reason for that was pointed out by Mr. Swinburne when he stated that since 1956 allocations to the extent of £2,000,000 or £3,000,000 a year have been made to co-operative housing societies. The Government makes no apology for supporting that movement. This allocation has led to an increase in the number of societies from 265 when this Government took office to over 660 at the present time. Mr. Thom pointed out how money channelled into the co-operative housing movement "snowballs" and that every £1,000 that is spent by the Commission is equal to £1,250 spent in the co-operative housing field. In other words, money used in the co-operative housing field goes from 25 per cent. to 30 per cent. further than that expended by the Housing Commission. The reason for this is obvious. When buying homes under the co-operative movement, purchasers must find the requisite deposits, with the result that the finance used initially is less than in the case of the Housing Commission, which must find the full cost of construction.

Although the total number of houses erected by the Housing Commission has decreased, the total number of homes being erected each year has remained at a steady level, consistent with the increase in the population of the State. In 1952-53, 21,000 units were completed; in 1955-56, 22,600 units were constructed; and in each of the years 1958-59 and 1959-60 more than 24,000 homes were provided.

The clause was agreed to, as were the remaining clauses.

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

TOWN AND COUNTRY PLANNING BILL.

The debate (adjourned from November 25) on the motion of the Hon. G. L. Chandler (Minister of Agriculture) for the second reading of this Bill was resumed.

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—This is a Bill both to amend and consolidate the law relating to town and country planning. The principal town and country planning legislation, which was enacted in 1944, has been amended on a number of occasions during recent years. Obviously, with the increased experience that we are gaining in the problem and the need to resolve perhaps the niceties as they occur, our town and country planning legislation is multiplying from time to time. Our legislation has not yet reached the stage of the Town and Country Planning Act in England. The English Act is voluminous and, at the same time, it enters into matters of detail to a far greater degree than our town and country planning authorities ever envisaged. Certainly, with the experience we are gaining, there is a tendency for more and more detail to be included in our legislation.

It is true also to say that the Melbourne and metropolitan planning scheme has, at this stage, provided us with the greatest amount of experience concerning all the problems within the sphere of town planning in so far as we have experienced them in Victoria. Therefore, the fact that, at this stage, we have contained all the problems of town and country planning within the Bill which is now before the House is, I suppose, some source of satisfaction.

The Bill is a mixture. First, it contains most of the provisions of the old Acts and subsequent amendments. It also re-arranges the various provisions into better order and makes them easier to follow. Furthermore, a number of the former provisions have been redrafted. When I, as a layman, examine certain clauses in some of our Bills, I wonder just what they mean. I suppose the measure, as a whole, is understandable to the Parliamentary Draftsman, and to those who are professionally engaged in reading the legislation, and I can only assume, therefore, that it satisfactorily covers what is intended.

The Bill contains much new material. Some of the proposed amendments are minor but others involve matters of substance, and expression is given to certain new policies. Parts of the old Act have been omitted. It is a difficult task to weigh, analyse, and put all this material into its right perspective, even with unlimited time. It is impossible to attempt to do that in the circumstances in which the House is considering the Bill. The measure contains 61 clauses and three schedules, and many of the provisions could be debated at length. However, I suppose there would be almost a riot among members of both Houses if we attempted to go through the measure fully and do justice to it, so one must curtail one's remarks.

The importance of planning in our way of life is undoubted, although most members of Parliament have been extremely suspicious of it. When the first legislation dealing with town planning was brought in, many did not know a great deal about the subject and could not conjecture what might lie ahead; they were deeply suspicious of its implications. There are still unresolved problems in connexion with planning, and I am not certain that Parliament will be able to dispose of them.

Who is to plan? The 1944 Bill was introduced by a member of the Liberal party, the late Hon. Trevor Oldham, who was then a member of a composite Government. When he explained the measure in another place, he emphasized that town planning was essentially a function of local government, and that was the theme upon which the legislation was launched in this State. Departures from that principle have been made, and many municipalities have failed to plan. In the metropolitan area, where signs were developing of the problems that were to arise in later years, there was trouble concerning the oppointment of a chairman of the Town and Country Planning Board before the Act could be implemented. Mr. A. J. Brown, of Sydney, was appointed by a Government headed by the late Sir Albert Dunstan, but he did not take up the post, and as a result a delay of a year or two occurred.

When the original Town and Country Planning Act was proclaimed, there was no sign that metropolitan municipal councils and, for that matter, many others, were greatly interested. Consequently, planning for Melbourne lagged. The Liberal Government of 1949 brought in a measure which vested planning for the metropolitan area in the Melbourne and Metropolitan Board of Works and I shudder to think what would have happened to Melbourne if the Board had not been charged with this responsibility during the past ten years of intense development. Conditions were bad enough before 1955, when an interim development order first came into existence, but since then they have worsened. Mr. Thom knows that Geelong has had a planning committee for a longer period than Melbourne. I went to Geelong to hear one or two appeals.

The Hon. G. W. THOM.—We appreciated the commonsense attitude that you adopted.

The Hon. SAMUEL MERRIFIELD.—I hope I always adopt such an attitude. The Melbourne and Metropolitan Board of Works may be described as a super form of local government authority, and probably that is why it has been entrusted with the preparation of the metropolitan planning scheme. However, more and more departures are being made from the principle of local government planning, and more governmental forms of planning are being developed. This may be partly due to the easy-going attitude of local governing bodies, many of which have failed to develop their own planning schemes. On the other hand, there has been a centralization of outlook and power under the Governments of more recent years.

Planning is now developing more and more as a centralized subject in the hands of the Minister for Local Government. I do not wish to accuse any person of impropriety, but I think one man can often be influenced more easily than a Board consisting of several persons. It seems to me that the centralization of planning under the control of one individual will bring to light any weaknesses that may exist. Great powers as regards planning are vested in the Minister, and I consider that this is a retrograde step.

Part I. of the Bill relates to the Town and Country Planning Board, which consists of a full-time chairman and two part-time members. When I was the Minister of Public Works six long years ago, the Board was overloaded with work and now 61 schemes have been approved in this State, so greater control must be exercised. The Government has placed on the Board more responsibility for the actual preparation of schemes. Its duties have increased and I am no longer satisfied that a Board of one full-time member and two part-time members can cope with the work required of it. I have every respect for the two part-time members, Mr. Kemsley and Mr. Collins, and one cannot find fault with their attitude to the problems that arise. However, I consider that the stage has been reached when a full-time Board should be appointed, and unless this is done the work of planning will suffer.

The Board is not a corporate body. It is empowered to offer scholarships with a view to attracting new staff or encouraging existing employees to undertake courses which will enlarge their outlook, increase their knowledge, and make them more valuable members of the staff. I have been puzzled how the Board will be able to enter into an agreement if it is to be of a contract form and how it will execute it or, if necessary, impose a penalty upon an individual if there is a breach of the agreement. As the Board is not a corporate body, there seems to be a little weakness there.

I consider that a stage is being reached when far too much authority is being granted to the Minister. In so far as orders of the Town and Country Planning Board are concerned, he hears all appeals and determines them. He overrides by-laws, amends claims, obtains reports on objections already determined by a responsible authority, inserts whatever amendments he chooses in a scheme, and he can revoke a scheme in whole or in part. I believe that it is wrong in principle to revoke a scheme in part, although I acknowledge that on some occasions it may be necessary. However, on most occasions when a scheme is revoked for anything of a particular character, I view the matter with a great deal of suspicion. One man can become the subject of a great deal of pressure, and a scheme can be revoked because of a single purpose or circumstance.

When the Labour party formed the Government six years ago its members were extremely suspicious of spot zonings. Municipalities regularly sent in requests for amendments to planning schemes for the sake of one property here, one property there or another in some other place. If town and country planning is to be dealt with in a piecemeal fashion as a matter of particular circumstances or availability of money at the time, in effect there is no planning at all, and we might as well get back to the old municipal arena wherein councils could review or refuse permits at their own sweet will. I condemn spot

zoning and greatly fear the power which is being placed in the hands of the Minister.

There has been a demand by the Board for power over subdivisions. Probably it is true that there has been a great deal of municipal laxity in quite a number of ways in regard to subdivisions. When I was a member of the Public Works Committee it had to consider subdivisions at Chelsea. Some of those which had been approved were appalling. One was literally in a lake when we inspected it and there was a house standing in the middle of the lake, which was at least 500 feet in diameter. It just happened to be the one house erected on the subdivision. Roads disappeared into the lake on one side and emerged on the other, and one had to visit the property in a boat. The council at that late stage required the owner to build up foundations of the house to a certain level. Obviously, the situation was a farce and represented a great danger to health. People bought blocks of land in this area in the summertime without knowing the conditions, and after experiencing a winter season, sold the blocks of land as soon as the area dried up.

I believe it would be impossible to implement this proposal to give the Board power over subdivisions. I have not examined the figures obtainable from the Titles Office, but I should estimate that in a normal year approximately 1,200 or 1,500 subdivisions would go through that office. Can one imagine the present Board, with its already gravely depleted staff, attempting to approve plans of subdivisions? First, it would be necessary for officers to obtain knowledge of land relationships adjacent to the subdivision. This would mean inspectors traversing the State, and I fail to see how the necessary staff would be obtained. Such a scheme would become completely unwieldy, and consequently I have never supported it.

I admit that there is some justification for proposals to stiffen municipal administration in regard to subdivisions, but it seems to me that the correct procedure would be to amend the Local Government Act to provide greater powers for municipalities to refuse to seal subdivisions in the public interest. There is a general power in the Act at the moment, but it is not adequate in a number of circumstances.

Clause 23 of the Bill contains references to interim development orders and planning schemes throughout, and in one part refers to "the first-mentioned order." It might have been intended to include the word "scheme" there too, in order that the expression might conform with the rest of the clause. Clause 24 is a provision for the revocation or modification of permits upon the authority of the Minister. It is largely a new provision. A number of cases have arisen where planning authorities have encountered difficulties in attempting to enforce conditions of permits upon people who have breached them. Instances have occurred in my district where great trouble has occurred, and I support the power to be granted. Other members may have queries regarding details and the use of certain words, but I shall not steal their thunder.

Clause 26 deals with the revocation of interim development orders. Trouble has been experienced in New South Wales in relation to buildings. In Victoria, difficulties have arisen in two metropolitan municipalities, one in the north and one in the south, where permits have been granted in conflict with uniform building regulations. I do not know what will happen, but it appears that in many cases under existing by-laws, municipalities are granting permits in conflict with the uniform building regulations. It seems to me that there will be difficulty in policing day-to-day decisions of municipalities. Once persons are given permission to build by a council, I am not too sure how far another authority will go in taking action to prevent a continuation of what is being done. Clause 27 relates to permits under planning schemes and appeals. Much of the clause is the same as the previous provision on this aspect, but in some instances different words have been used. A number of new

terms are used in clause 29, which modifies certain provisions of the earlier Act.

In the notes circulated by the Minister, it was stated that, by sub-clause (5) of clause 32, the Governor in Council would be empowered, when revoking a scheme or any part of a scheme, to prohibit, except with the consent of the responsible authority, the use or development of land affected by the revocation until a new interim development order was made. I do not know what lapse of time is envisaged between the revocation of the scheme and the passing of a new interim development order, but in my view the principle of revoking a part or parts of a scheme before a new scheme has been developed is wrong. At least the amending scheme should be partly developed before the original scheme is revoked. It seems to me that the power of revocation will be regarded as fairly easy to exercise, and that it will be possible for any Tom, Dick or Harry to make a request for this, that or the other thing.

I think the Government is unwise in making revocation too easy. It should be used only as an emergency measure. The procedures of the Act relating to amending schemes should be allowed to proceed so that anything in the earlier scheme which is in conflict can be adopted. Clause 33 relates to inconsistencies between planning schemes and by-laws or regulations. I believe that these provisions for the over-riding of by-laws are wrong. At present it is provided that a planning scheme shall over-ride municipal by-laws to the extent that they are in conflict. They may not be only zoning by-laws; by-laws relating to quarrying and other subjects may be affected. The Minister will have power to over-ride such by-laws on appeals and to invalidate them to the extent that they are inconsistent with his decision. I am strongly opposed to that situation. Zoning by-laws made under section 197 of the Local Government Act are made by Order in Council, and it is a serious matter when, by an individual decision on an appeal, a Minister is empowered to over-ride such an Order in Council, apart altogether from what flows from the decision itself. I have expressed my views on this subject on other occasions.

Other clauses in the Bill are designed to remedy certain deficiencies in the metropolitan planning scheme. I think some of the reserve rights which the authority was keeping to itself under the ordinance were outside the ambit of the legislation. Everyone has agreed that probably it is not always wise to make zonings cast iron, and the case of a funeral undertaker was cited as a classic example where some flexibility should be provided. I should have thought that such a case would possess one of the least justifications for this action. I do not think anyone would be anxious to have funeral parlours in a residential area. Some of the justifications which are related to the metropolitan planning scheme ought to be applied with great discretion.

Just because Joe Blow comes along and applies persuasive eloquence on someone is no reason why all the procedure laid down in the legislation, including the exhibition of schemes, the hearing of objections, and the making of determinations by authorities in the light of local conditions, should be thrown overboard for his benefit. The Bill will provide opportunities for objections to be made in many instances where formerly this would not have been applicable. I am afraid that in many instances the objections will be useless because the matter may have been determined before that stage is reached. Opportunities to " muscle in " should not be granted lightly.

Clause 43 excludes from the compensation provision certain claims for compensation, including those which are due to access. The main reason is that one could not appeal to the Minister for a permit if one was merely deprived of access, because then there would be nothing for which a permit could be granted. It would not be a case of a right that could be subject to compensation being taken away.

I could deal with the clauses at great length, but I do not intend to do so. One or two clauses could be the subject of lengthy discussion. Some clauses are

new and others are old provisions redrafted. I might have been responsible for some of the old provisions myself, and therefore it might be difficult for me to support a case for their amendment. However, time marches on, and it does not necessarily follow that because we viewed things in a certain light in earlier years we should look at them in the same way now. From time to time we may have sought amendments of some of the provisions which the Government has adopted from the original legislation.

The Second Schedule to the Bill tidies up changes in designation of certain municipalities which were formerly shires but are now cities. The Third Schedule relates to matters which may be provided for in schemes, and varies greatly from the earlier legislation. It has been completely redrafted and the matters it contains are so wide that they could be open to unlimited discussion. I would not object to some of the provisions, although I am somewhat hesitant as to how they could be exercised. For example, clause 4 of the Third Schedule, which relates to matters that may be provided for in schemes, is in these terms—

> Prescribing areas in which land or buildings are to be used for specified purposes, or prohibiting restricting or regulating the erection of any buildings or works or the use of land or buildings in such areas for specified purposes, and prescribing within such areas the minimum size or dimensions of allotments into which land may be subdivided and the portions of such allotments which may be built over by any buildings which may be prescribed or permitted in such areas.

Most of those matters are covered in the Uniform Building Regulations. It may be true that they are included as an omnibus provision to cover the subject fully, but nevertheless that clause goes over the head, so to speak, of the provisions of the Uniform Building Regulations. What is to happen to those regulations? If a scheme is approved, I suppose it will supersede them. I am a little hesitant about having omnibus powers like this which could be used in separate schemes, whereas the Uniform Building Regulations were drafted with the exercise of a good deal of wisdom to apply throughout the State or to those municipalities which adopt them. It seems to me that, in principle, clause 4 of the Third Schedule is surmounting the Uniform Building Regulations.

Clause 7 of the schedule covers drainage, fuel, light and power production and supply, sewerage, water supply, transport, and other utility service structures or works. Obviously it is intended that provision for lay-outs of anticipated schemes should be included. I am wondering whether inclusion of the words "other utility service structures or works" is to give the authority some jurisdiction over those particular types of works. Of course, the Third Schedule flows from clause 9 of the Bill, which is fairly general. The matters dealt with are those which may be provided for in planning schemes. The whole thing is very wide. In the metropolitan area water and sewerage are dealt with by the same authority as is the planning scheme, which is fortunate.

In its use of interim development orders, the Board in some instances, quite improperly, attaches conditions to the issue of permits under the orders to satisfy other branches of its own undertaking. An instance is at Rosanna where permits have been issued subject to roads being constructed, and water supply, sewerage and so on being provided. I do not think it was ever intended that subdividers should be blackmailed before permission is granted, which should have been granted as a right, in appropriate circumstances. However, that is by the way.

In addition to sewerage and water supply, other public authorities are concerned, and I do not know how wide the expression "transport" would be interpreted. For example, would the railways be told that whether they should or should not run a spur line from here to there; would the Tramways Board be told not to lay a tramline down a certain street; and would the Transport Regulation Board be denied the opportunity to approve a certain bus route? In my view, the method of drafting leaves the whole question of

what a planning scheme is intended to be fairly wide. I am not quite sure whether rights are not being taken from other authorities which should properly belong to them. I do not think these things should be done too lightly.

I suppose most honorable members are wondering when I shall finish, but this is a very important measure and I do not think we are doing justice to it in the circumstances in which the House is asked to pass the Bill. It contains 61 clauses and they could be discussed minutely to great advantage. Under these conditions, Parliament is not having a proper opportunity to weigh and determine and assess the relative merits of the provisions which are contained in this important piece of legislation. It is true that the Companies Bill was a voluminous measure and that at this late stage in the session the niceties of it were not considered fully because honorable members did not want to unduly delay its passage. Parliament is not treating itself fairly under these conditions. In many respects, this Bill is an important improvement on the existing law and I have no doubt it will assist town planning in this State. I have reservations on it in some respects, but I am not going to bother myself at this very late stage, under the conditions in which we are required to consider the Bill, to deal with them at greater length.

The Hon. R. W. MAY (Gippsland Province).—Like Mr. Merrifield, I am a little concerned, as is the Labour party and my colleagues, that a measure of this nature should be brought before Parliament at this late stage in the sessional period. We are also concerned that in a Bill of this type, which is to consolidate the law relating to town and country planning, there should be included a number of amendments of that legislation. My party is not particularly happy with the Bill. We feel that we have not had sufficient time in which to study certain aspects of it nor to obtain particular answers that we should like to assist us in our consideration of it. The Minister in charge of the Bill agreed to meet us and discuss various aspects of the Bill with us, and we are most appreciative of that action.

My colleagues and I, as a party, feel that we should not let this Bill go through. We realize that the Government wants the measure passed. Consequently, it must accept all the consequences that are associated with it. We are not unmindful of the position in this State in regard to its development, and the need for a planning scheme to clear up a situation in which things have been allowed to grow like "Topsy." The Government requires certain powers and certain amendments of the legislation to tidy up a position which has arisen. Clause 9 provides that a planning scheme may be made in accordance with the provisions of this Act with respect to any land. Clause 33 enables a planning scheme to be put into effect notwithstanding any by-laws of a municipality to the contrary. As Mr. Merrifield pointed out, the ramifications of the Third Schedule are far-reaching, particularly clause 13 which relates to the levying of a betterment rate.

The Hon. G. L. CHANDLER.—That provision was introduced by the Dunstan Government many years ago, so it is not new.

The Hon. R. W. MAY.—It is a far-reaching provision, nevertheless. The provisions of clause 36 of the Bill caused the Country party great concern. However, we have discussed the matter with the Minister and have arrived at a satisfactory arrangement. The clause relates to the setting back of buildings to provide car parking accommodation. This land will become dedicated to public use, but the landowner will receive no compensation although he is required to construct the surface to a standard equal to that of the adjacent roadway. Once this land becomes dedicated for public use, a municipality may install parking meters on the area. The Country party believes this is a bad principle. After considerable discussion with the Minister, an agreement has been reached along certain lines and in Committee appropriate amendments will be moved to clause 36 and also to clause 43 which relates to the payment of compensation. As the Government is desirous of passing this legislation, the Country party does not wish to

delay the Bill at this late stage. I direct attention also to clause 6 of the Third Schedule which states—

> The provision of accommodation for parking, loading, unloading and fuelling vehicles upon any land and the specifying or enabling to be specified the extent to which and the situation in which such accommodation is to be provided including the setting back of the buildings or works thereon from any boundary of the land abutting on any street or road.

That is a stringent provision. With the reservations I have mentioned, our party supports the Bill.

The Hon. G. W. THOM (South-Western Province).—This is an historic occasion, because when town planning was first embarked upon in this State, it was somewhat in the nature of an experiment. In view of the tremendous development that has taken place, if that original legislation had not been enacted, the development of Victoria would have been completely out of hand. Therefore, a tribute must be paid to the efforts of town planning authorities throughout the State. Naturally, since town planning has been in vogue, many of the original conceptions have changed and many shortcomings are evident in the procedures adopted. This consolidation of the legislation is much more logical and in sequence than the original Act. That is only to be expected, because a tremendous amount of work has gone into its preparation. Admittedly, there are some new conceptions, but most of those have been born out of experience.

One of the major principles which is maintained is the responsibility of Parliament by means of appeals to the Minister. There are two schools of thought in relation to persons who are refused a permit or are restricted in some way. One school of thought believes that he should be given an opportunity to appeal to the court. However, I think it was clearly stated at a conference this morning that Parliament, or the Minister acting on behalf of the Government, provides possibly a more equitable way of resolving problems by investigation on the commonsense basis rather than on a legal basis. I believe that line of thought is appropriate to town planning operations throughout the State.

Our conception of town planning has changed over the years. Originally, we had the idea that a zone once decided upon would not be changed and that a green belt around Melbourne or Greater Geelong would be restricted to the original area. We now realize that, if it is to be effective, there must be continual adaptation and alteration of the plan. This legislation simplifies the procedure for making amendments and modifications to the original plan, and that is an important point. In Melbourne, an impossible situation would have existed if an overall planning authority had not been established. To a lesser degree, the same applies in Geelong where eight councils combined to form the Geelong Town Planning Authority. When the town plan is approved, as it will be shortly, my concern is that the authority for its administration will be vested back to the councils, and I am afraid that those eight individual councils will not reach the same degree of uniformity which has applied during the twelve years in which the plan has been in course of preparation.

I do not think I need say any more. Most of the major matters have been mentioned by Mr. Merrifield and Mr. May. However, another point that occurs to me is the provision whereby the plan overrides the by-laws of any public authority. We may have to examine that provision, but I think in practice there is a great deal of co-operation and the problem may appear to be greater than it is.

I commend the Bill and I pay a tribute to those who have spent so much time and energy in preparing it. It has not been an easy job, but all points of view have been thoroughly canvassed and this consolidation and modernization of the law will assist the State in town planning which is accepted generally as the only way in which to control the tremendous development which has been and is still taking place.

The Hon. J. W. GALBALLY (Melbourne North Province).—Town planning when it was first introduced was a small job, but the position is different now because it pervades the life of many citizens in the community. This is an important measure, consolidating and amending as it does the law relating to town and country planning. I should think it is the most important measure that this House has had to debate this session. In the years that have passed since town and country planning was introduced, several weaknesses in the legislation have emerged and I have been inundated with complaints from the legal profession. The principal reason for complaint, and one which I adopt, is that there is no power for a citizen to go to a court. The Minister is the arbiter between the citizen and the other party to the dispute. It has always been a feature of our system of Parliament, executive government and judiciary that the courts are open to people who seek redress. In the early stages, it might have been thought that it would not be much work for the Minister and that nobody would be affected, but that is not the situation to-day. I have been told by the Minister for Local Government that the hearing of appeals occupies a considerable amount of his time. I have never thought it was a proper function of a Minister to undertake that work. It places him in an invidious position and it certainly is not calculated to repose any confidence in the litigant, whoever the Minister may be. I believe the present incumbent of that position would carry out his duties sincerely, honestly and to the best of his ability, without fear or favour and without partiality.

I believe that if people's rights and property are affected, and I am told that questions arise affecting property worth many thousands of pounds, a closed court in those circumstances is wrong in principle. As Mr. Merrifield has stated on behalf of my party, this measure should be carefully considered. That cannot be done to-night, so we think the Government should hold it over until the next sessional period. It has been introduced, so let us consider it carefully. Is the planning scheme of such urgency? I should not think it is. This House will be meeting again at the latest in March.

My party cannot accept any responsibility for this measure because every clause ought to be weighed and considered. I certainly cannot do that now, nor would I suggest the House would expect me to, or even to tolerate a detailed analysis at this stage. It is said by some people who know a great deal about the workings of this measure that the whole of the planning scheme is illegal. It is said also that the Government is anxious to have this Bill passed to cover up any blemishes. Maybe the Minister will answer those points. However, I am assured by competent people that that is the situation, and under those circumstances it is not proper for a Department to be pushing this Bill and wanting it to be passed. If we are going to agree to that kind of situation, what is the use of having a Parliament at all?

The Hon. L. H. S. THOMPSON.—What is the basis of the illegality?

The Hon. J. W. GALBALLY.—I do not think it would be proper for me to say that here because people's rights are affected.

The Hon. SAMUEL MERRIFIELD.—Other consolidations have been referred to the Statute Law Revision Committee.

The Hon. J. W. GALBALLY.—That is so. I must protest at being asked to deal with this important measure, touching as it does the rights of thousands of citizens. The real difficulty about it is that nobody understands it.

The Hon. G. J. NICOL.—I take it that Mr. Galbally is speaking for himself.

The Hon. J. W. GALBALLY.—I include myself in that statement. Little is known about the workings of town and country planning. As we get farther along the track great blemishes and gaps emerge. If the town and country planning legislation is to be consolidated, let us do the job properly.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 (Short title, commencement and division).

The Hon. G. L. CHANDLER (Minister of Agriculture).—It would be proper for me during the consideration of this clause to reply to Mr. Galbally and point out that the Government has no intention of trying to "rush through" this measure hurriedly. The Bill was introduced in another place two months ago and, after the Minister for Local Government had delivered his second-reading explanatory speech, a long adjournment of the debate was permitted. Very few members participated in the ensuing debate, and no amendments were moved to the Bill. I made my second-reading speech on the measure in this Chamber on Tuesday, 28th November. Quite a number of amendments will be moved to various clauses during the Committee stage. I should like to point out that the amendments which are proposed to clauses 36 and 43 will be moved by Mr. May, although the roneoed list of amendments, as circulated to honorable members, indicates that they will be moved in my name. The amendments in question were agreed upon at a conference which was held prior to the resumption of the second-reading debate on this Bill.

In view of the fact that a number of amendments are to be moved, I believe it is desirable that further consideration of this Bill should be postponed until Tuesday next. If my suggestion is adopted, honorable members will be enabled to familiarize themselves with the proposed amendments. At no time could the Government be charged with having tried to rush this legislation through without the House knowing what it was doing. Consequently, I suggest that progress be reported.

Progress was reported.

APPROPRIATION BILL.

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

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—This is the Appropriation Bill for the current financial year. The balance remaining will complete the governmental requirements for the year, with the exception of what might prove to be Supplementary Estimates. The Government's total requirements for the year amount to approximately £134,000,000 included in which total are the amounts already granted in two Supply Bills which were passed earlier in the session. Generally, the larger amounts that are provided covering all the services for the financial year are included in the Appropriation Bill. The debate on a Supply Bill provides honorable members with an opportunity of expressing their feelings on a wide variety of subjects.

Sir ARTHUR WARNER.—It could be termed the "bleat" session.

The Hon. SAMUEL MERRIFIELD.—I do not know why the Minister of Transport used the word "bleat" because, to me, the provision of the financial sinews of the Government is probably one of the most important matters dealt with during the year. I do not know why members who desire to speak to the measure should be accused of bleating. The Minister of Transport once stated that four-fifths of the members did not know how to read the financial statements presented to Parliament.

Sir ARTHUR WARNER.—I had you in mind.

The Hon. SAMUEL MERRIFIELD.—In making that statement, the honorable gentleman reflected on most of his own colleagues. I have had experience as a member of the other House, which debates the Estimates fully, and I cannot understand why the Minister should adopt the attitude he has taken when I show interest in public documents in this place. I deplore the Minister's outlook.

So far as I can see, the Bill contains nothing of outstanding interest. I regret the absence of Mr. Nicol, who made derogatory remarks concerning the State School Committees' and Councils' Association. In reply, that organization addressed an open letter to him and sent copies to all members. Mr. Nicol was given the opportunity of replying to that letter or to back up his earlier statements, but he remained silent.

Early in the year, Mr. Nicol attacked a member of the staff of the University of Melbourne, and in an answer to a question on notice on Tuesday the Minister of Transport supplied a reply to Mr. Nicol's allegations. Mr. Nicol made certain statements about a Mr. Harold Carter, who replied to them, and each member of the House received a copy of that reply. Again the wise Mr. Nicol refrained from saying anything further.

It is time Mr. Nicol took stock of himself. He has butted his nose into matters which apparently he knows nothing about, and has tended to defame people. Members of the State School Committees' and Councils' Association are largely well-intentioned persons. It is true that they may have different outlooks politically, in matters of religion, and possibly other subjects, but they should not be subjected to defamatory statements. In indulging in continual attacks on people who have no means of redress, Mr. Nicol has tended to lower the dignity of Parliament. Mr. Nicol is a supporter of the Government, which should take its members in hand and see that some semblance of decency is observed.

Funds are the sinews of war to a Government, and when the Bill is passed the House can go into recess. It may last only until March, although the reassembly of the House could be further delayed if the Government wished. I have no doubt it is the intention of the Government to hold an autumn sessional period, and on that occasion members will have opportunities to debate subjects of public interest. A variety of Bills, covering a number of subjects, have been passed during the current sessional period. Some have been unsatisfactory to the Labour party and many have not covered vital issues of the day.

The manner in which land speculation has developed is no credit to the Government, and the little control that has been exercised has flowed from economic action taken by the Federal Government. One of the newspapers contends that land speculation is again rampant and that in a short time there may be a return to boom conditions. In the haven of recess, the Government might apply its devious mind to this subject with the object of taking action against people who batten on the community and who, in many instances, fleece the sections of the public least able to protect themselves. The Government might gird up its loins in this matter, display some courage, and tackle some of the people whose undesirable activities have been unrestricted.

Other subjects could be discussed. In the field of hire-purchase, the Government has allowed the interests of the ordinary people to be considered last. Voracious financial interests have been allowed free rein under the Government's philosophy of spoils to the victor and to the big people of the community. It is obvious that the big people are getting more and more of the fruits of the earning capacity of the country and the little people are getting less and less. I do not know whether it is too much to ask the Government to examine its conscience in the matter, but it could show signs of interest in the public welfare.

In the refuge of the recess, when it may be free from worry regarding statements that members of Parliament may make, the Government might consider protecting the public interest and introducing appropriate Bills when Parliament reassembles. The Labour party has not sufficient numbers to do anything about the Appropriation Bill, and I suppose it will follow the course which one would expect it to follow in the circumstances.

The Hon. P. T. BYRNES (North-Western Province).—The Appropriation Bill comes before the House more or less as a matter of form. Because of inflation, the increase in the population of the State, and the immense amount of work now undertaken by Government Departments, the annual appropriation from Consolidated Revenue grows rapidly year by year. Victoria is not exactly a welfare State but it has gone a considerable distance towards that goal; I do not know whether it is a desirable one or not.

The total amount to be appropriated for the year 1961-62 is £144,526,107, which shows that the

business of the State is increasing. The amount applied for the purposes of the Department of Agriculture is £2,619,736. The Department is doing a great deal of work, and I congratulate it. It does not receive much publicity as it is not what one would call a glamour Department. Nevertheless it is undertaking important research work throughout the State. It controls a State Research Farm at Werribee, a research station at Rutherglen, a potato research station at Healesville, an irrigation research station at Kyabram, a tobacco research station at Myrtleford, the Mallee Research Station at Walpeup and several crop and pasture experimental areas. I know that the Department is experiencing difficulty in recruiting trained staff, and now that a second university has been established it may be possible to recruit a greater number of graduates than has been the case in the past to further this valuable research work.

Although I have not been able to verify this, one of the complaints I have received has been that those students who obtain degrees and then join the Victorian Department of Agriculture find that the range of salaries applicable to the positions to which they are appointed is not as high as ranges of salary offered in other States, in the Commonwealth or in private enterprise. Some young men who are devoting their lives to this type of work are most capable, but whilst they are working for the Victorian Department the thought is always at the back of their minds that the job is not sufficiently attractive financially to keep them there for the rest of their working days. Consequently, they are likely to use the Department as a stepping stone to something more lucrative. I leave that thought with the Minister of Agriculture, although I know that he is doing his best to attract more professional men to the Department. I strongly urge that the salary position should be reviewed.

A Department which was once the Cinderella of the State has grown considerably in recent years. I refer to the Department of Health, the expenditure of which this year will exceed £20,000,000. Grants to the Hospitals and Charities Fund, which helps finance our main hospitals, amount to £9,000,000. I presume this sum is for maintenance and not for capital works.

The Hon. R. W. MACK.—Yes, it is for maintenance, and not for capital works.

The Hon. P. T. BYRNES.—It is a big item, but I know that the money will be well spent. If it were not for the assistance given to hospitals from this fund those institutions would not be able to carry on.

The Hon. R. W. MACK.—The Government contribution amounts to 60 per cent. or more of their income.

The Hon. P. T. BYRNES.—I wonder whether we, as a State, are not being forced into doing work in this field that the Commonwealth should be undertaking. Recently, I have been examining health and social service benefits paid in New Zealand and in England. I have done this more or less as a hobby but when I gather all the material I am seeking I shall produce a statement which could be used in the right quarters. I am sure some amazing things will be revealed. We are inclined to think we are doing a great deal so far as health benefit payments are concerned, but we should not be proud of the financial contributions that are being made towards the treatment of mental patients. In New Zealand the entire treatment and maintenance of mental patients is borne by the Government.

The Hon. R. W. MACK.—That is the case here, as Victoria receives no Federal help in that field.

The Hon. P. T. BYRNES.—Of course, in New Zealand there is no division between State and Federal Governments. There is one taxing authority for all types of taxation. The care and treatmen of mental patients is part and parcel of the health benefits scheme in New Zealand. The Commonwealth Government has not increased health benefit payments for a number of years, and any increased benefits individuals receive are provided by voluntary organizations.

Sir EWEN CAMERON.—We have been telling the Commonwealth Government that for years.

The Hon. P. T. BYRNES.—I shall acquaint the right political organizations with all of these facts when I have them collated.

Sir EWEN CAMERON.—I think the Minister of Health will be glad to help you because he has a great deal of this type of information at his disposal.

The Hon. P. T. BYRNES.—I received a lot of information from the New Zealand High Commissioner, from the Federal Government and from quarters in England regarding social services and health benefits payments.

The Hon. R. W. MACK.—You may be interested to examine the Canadian figures, which are well worth perusing.

The Hon. P. T. BYRNES.—I shall be glad to do so. I consider that the Commonwealth Government is getting out of the position very well, and to illustrate the point I shall quote one example. The highest rate of contribution to a voluntary medical and hospital benefits organization to cover a man, his wife and children under the age of sixteen is 8s. a week or £20 16s. a year. If a contributor enters hospital for treatment the payment from the voluntary fund is £3 a day and the Commonwealth Government contributes £1 a day—one-quarter of the cost for a limited time. The change in the method of treatment of sick people in this country is something that has to be carefully studied.

I asked the Hospitals and Charities Commission to be good enough to provide me with a list of services available at a number of respective hospitals and the charges imposed. I was also provided with a list of the medical specialists who operate in Victoria. The days of the old general practitioner are passing and a number of doctors band together to form a clinic or a group. If they cannot diagnose what is wrong with a patient or cannot treat him adequately they send him to a specialist. There are 29 different types of specialists—pathologists, radiologists and so on—treating patients in Melbourne. The charges for their services vary from three guineas up to ten guineas or, in some instances, according to what the traffic will bear. If patients are considered to be well off, sometimes they are charged more than the ordinary fee. The list of charges is somewhat staggering. It is not fixed.

The Hon. BUCKLEY MACHIN.—I think some doctors are very generous to their patients.

The Hon. P. T. BYRNES.—That may be so, but a person who has paid out £10 10s. in medical expenses cannot recover that sum from a voluntary organization of which he may be a member; he can recover only £2 2s. or £3 3s. A person who is unfortunate enough to be ill for an extended period is faced with a tremendous medical and hospital bill, which he cannot afford to pay. Some political organization will have to take this matter up strongly. I feel that it is beyond the realms of politics to introduce a national health scheme in Australia. On the basis of the contributions involved in the British national health scheme—to which both employers and employees contribute—the weekly payments, in Australian currency, would be equivalent to about 24s. I doubt whether the Australian public would be willing to change over to a compulsory scheme under which employed persons would have to pay that sum of money.

There are already in Australia 116 voluntary schemes, the schedules of which vary considerably. Nevertheless, the organizations concerned render very good service. But, if we are to have an effective coverage for persons who become seriously ill, and save them from financial disaster, we must closely consider a scheme of medical benefits that will be more generous than those which now operate. Of course, it will be asked, "Where will the money come from?" At the present time the voluntary organizations are doing their best to bridge the gap by increasing payments to their members, but the burden is becoming very heavy. A representative of the Hospitals and Charities Commission, when speaking at a country hospital recently, said that consideration should be given to this type of service so

that the position would not be reached that the public could not afford to pay for the types of service that are being rendered and which are vitally necessary for the patients concerned.

Not long ago I read an interesting article in a publication which started me on my investigation. In that article it was stated that for a person to become seriously ill in America is a calamity. In that country one simply cannot afford to be ill. The article went on to say that if a woman is about to have a baby it is much cheaper for her husband to send her on a trip to England to have the child, let her spend a month holidaying there, and then return to America. It was stated that the cost involved in so doing would be only about one-half that of being confined in an American hospital.

In Australia the stage has been reached where much of the medical treatment provided is of a specialist nature, and it is quite expensive. The charges involved may not fall heavily on the person who can afford to pay, but there are in the community many thousands of persons who, if they suffer a severe illness, could be placed in debt for a very long time. Accordingly, I am pleased to see that the sum of £9,000,000 is being provided for the Hospitals and Charities Commission to help pay for the costs of hospitalizing patients. After all, it would be very difficult, if not impossible, to recover the full hospital charges from all patients.

Sir EWEN CAMERON.—There are 4,000 free patients to be provided for.

The Hon. P. T. BYRNES.—Quite so. I am not advocating that we change over to a complete national health service. Indeed, one of the reasons advanced some years ago by Sir Earle Page for not introducing such a scheme was the alleged inability to collect contributions from self-employed persons. However, I understand that in England self-employed persons do contribute, but they do not pay as much as other persons because they do not draw unemployment relief benefits.

Sir EWEN CAMERON.—The Commonwealth Parliament turned down a scheme propounded by Sir Earle Page.

The Hon. P. T. BYRNES.—That is true. Nevertheless, we may be compelled to adopt a scheme of that character. Under the present arrangement the Commonwealth gives to this State, from income tax payments, sums of money which are inadequate to provide full medical benefits, and the State is compelled to pay to the Hospitals and Charities Commission the huge sum of £9,000,000 for maintenance purposes and the hospitalization of patients. The Country party supports the Bill.

The Hon. J. W. GALBALLY (Melbourne North Province).—Since livebird trap shooting has been abolished, the Premier has been at a loss to know what to shoot at, so he now pursues the sport of shooting down the reputations of people. A few weeks ago the honorable gentleman tried to shoot down the Bar Council by suggesting that it had a vested interest. Then it was the legal profession, and, following that, he made an attack upon the Leader of the Federal Opposition, Mr. Calwell, in his absence, by saying that Mr. Calwell had defied his party policy concerning the alienation of parklands. The Premier had been at a meeting of trustees which I should have thought would be held in private, and stated that at the meeting Mr. Calwell had said that the Labour party was going to support some measure as yet unseen in Parliament. That, of course, is the kind of statement that the Premier delights in making outside Parliament. It cannot be contradicted by any of us because it arises by surprise, and Mr. Calwell is not available, as he is at an election meeting somewhere in Bondi. This procedure is in accordance with the familiar tactics adopted by the Premier of never using Parliament when he can make a statement to the press.

The Hon. L. H. S. THOMPSON.—To which Department is this relevant?

The Hon. J. W. GALBALLY.—The Department of Lands and Survey. To Mr. Nicol, who is now interjecting, I say that I make my statements in Parliament, and, unlike him, I do not try to damage the reputations of people outside Parliament nor do I, when the actual

facts are brought to notice, find some excuse for not apologizing. Yesterday I made my second-reading explanatory speech on the Public and Recreational Lands Bill, and the Minister of Transport intimated that the Government would consider that measure. The Bill then became the property of the House. It was, of course, competent for the Premier to make a comment upon it if he so desired, but I should have thought that, as Parliament was in session, he would have made a statement in the House, where what he said could be challenged and become the subject of debate. But no, the honorable gentleman rushed into print and said that Mr. Calwell had committed the Labour party to vote on the measure to give additional land to the Melbourne Cricket Club. The Premier must know that the question of the Melbourne Cricket Ground and any extra land has no relationship whatever to my Bill. The honorable gentleman was a member of Parliament in 1951 when Parliament saw fit to give to the Melbourne Cricket Club an extra 1¾ acres for additional accommodation; that was for the purpose of enabling the Olympic stand to be built. The honorable gentleman must be aware that the Melbourne Cricket Club derives its authority and its ground from the Melbourne Cricket Ground Act of 1933. He must be taken to know that Yarra Park, on which the Melbourne Cricket Ground is situated, is land permanently reserved under section 14 of the Land Act. My Bill has nothing whatever to do with that land, as every member of this House is aware. If the Melbourne Cricket Club wants additional land, it must bring that request to Parliament and it will be treated on its merits. Until we hear the Bill, I suggest that it is not proper to decide the matter in advance. The Premier must be aware of that fact. He is a trustee of the Melbourne Cricket Club, and I suppose the matter has been spoken of at club gatherings. He must be aware of what happened a few years ago when the Melbourne Cricket Club required additional land. Yet, he makes statements in the sly fashion that we have come to expect from him. Honorable members will recall what he said about the legal profession, and he did not withdraw his statements—nor did the Minister of Housing.

The Hon. J. M. TRIPOVICH.—What about the white rabbits?

The Hon. J. W. GALBALLY.—The Premier decided that children's pet rabbits had to be taken to the zoo—and they were. Splashed over the front page of the *Herald* were statements to the effect that rabbits had to be handed in, and so on, until the children called a gathering at the Melbourne Town Hall.

The PRESIDENT (Sir Gordon McArthur).—Order! This discussion is not relevant to the Bill.

The Hon. J. W. GALBALLY.—The Premier is very strong in relation to rabbits, dogs, the shooting of black swans, and so on. Allowing for his natural exuberance, his statements in regard to my Bill should be corrected. The Melbourne Cricket Club's application will be brought before Parliament. The measure which I explained yesterday aims at such action being taken in regard to all other parks and recreational areas instead of their being filched away by some Minister.

The Hon. P. V. FELTHAM.—What did the Premier say about your Bill?

The Hon. J. W. GALBALLY.—A year ago he said he would not even bother to read it, so that may account for his abysmal ignorance. Admittedly, the Bill which I introduced yesterday is a different measure, but he has been so busy in the last 48 hours that I do not suppose he has had time to read the second one.

The Hon. D. J. WALTERS.—I wonder whether he has learnt the twist?

The Hon. J. W. GALBALLY.—We have it from his own lips that he is no mean expert at the terpsichorean art, and he enjoyed himself thoroughly the other night; in fact, it was one of the most delightful dancing experiences of his career.

The PRESIDENT.—Order! The honorable member should relate his remarks to the Bill.

The Hon. J. W. GALBALLY.—I have taken the first opportunity of correcting the Premier because, as an ordinary reasonable being, he must be taken to be aware of the provisions in my Bill. Whether his attitude arises out of peevishness, or whether he has had a big year——

The Hon. L. H. S. THOMPSON.—What was said?

The Hon. J. W. GALBALLY.—I have not a copy of the *Herald* in front of me, but he said that he did not know whether Mr. Galbally knew it or not but that Mr. Calwell at a trustees' meeting had committed the Labour party to voting for the extra ground that the Melbourne Cricket Club wanted. That matter has nothing to do with my Bill.

The Hon. L. H. S. THOMPSON.—Did the Premier say it had?

The Hon. J. W. GALBALLY.—If someone will obtain a copy of the *Herald* I will read it.

The Hon. P. T. BYRNES.—Is he accusing you of being on the opposite side to Mr. Calwell?

The Hon. J. W. GALBALLY.—No. In racing parlance, he just wanted to give me a tip. In reference to my Bill he said that he thought I ought to know that Mr. Calwell had committed the Labour party, or something like that. The policy of the Labour party with regard to the alienation of parkland is well known. We are opposed to it, and I suggest that it was quite wrong to attribute that statement to Mr. Calwell. It is easy for a man to say about another man that he made a statement at some private gathering or other. I deprecate that attitude. It would be a different matter if the Premier had produced a letter from Mr. Calwell or referred to some public utterance which he made.

The Hon. P. V. FELTHAM.—Has Mr. Calwell any authority over the Victorian Labour party?

The Hon. J. W. GALBALLY.—Not as far as I am aware; no more authority than I have.

The Hon. G. J. NICOL.—They have authority over you.

The Hon. J. W. GALBALLY.—There is "Mr. Smear" again. I do not wish to detain the House any longer.

The motion was agreed to.

The Bill was read a second time, passed through Committee, and reported to the House without amendment.

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

That this Bill be now read a third time.

The Hon. J. M. TRIPOVICH (Doutta Galla Province).—Mention was made during another debate that the Labour party Government inherited a nest egg in the Railway Renewals and Replacements Fund. I am interested in this fund because I am endeavouring to learn how the various funds operated by the Government work. During the war period more moneys should have been set aside because the railways were making a profit, despite the fact that freight rates had been considerably reduced. However, had freight rates been at the proper level an even greater profit would have been made and the excess could have been transferred to an equalization fund to be used at a later stage.

An annual grant of £200,000 has been paid in to the Railway Renewals and Replacements Fund for years. The fund has also received an annual appropriation, but I do not know where it comes from. This amount varies and in 1941-42 it was £1,300,000 and in 1942-43 it was £1,600,000. The fund also receives amounts representing depreciation on rail motors of varying amounts, interest on investments and so forth. It pays out amounts for renewals and replacements. In 1944-45 an amount of £5,000,000 was standing to the credit of the fund and the whole of that amount was eventually appropriated for renewals and replacements over several years. The amount paid out in 1944-45 was £2,708,611. By 1951 there was nothing left in the fund. I assume that that money was used by the Hollway Government to pursue its policy of railway replacement. So, there was no nest egg in the fund when the Labour party Government took office. It is now proposed to establish an equalization

fund into which will be transferred the excess of profits over working expenses and this money will be used to balance the railway accounts in future years. Of course, the railways would have benefited if proper amounts had been transferred to the fund in the past.

Recently I have asked the Minister of Health several questions in relation to natural therapy. I referred to a Royal Commission which conducted an inquiry in Western Australia. The Government of that State has now gone further and proposes to introduce legislation to recognize certain aspects of natural therapy. I am interested in this matter because I believe it has a lot to offer to the community, but because no attempt has been made to differentiate between properly qualified and unqualified persons some members of the public are suffering. I refer in particular to workers compensation cases where the people concerned are unable to obtain refunds for the amounts they spend on natural therapy. They have to bear the cost of this treatment themselves because there is no provision under the Workers Compensation Act covering natural therapy.

I do not want the Minister to think I have been asking these question wildly or with the intention of pushing the matter one way or another. I know a railway employee who was permanently incapacitated and superannuated. He spent two and a half years in a frame because of a spinal injury but he was put back on to his feet inside fourteen days as a result of spinal manipulation. As a matter of fact, he went on to lead a useful life. Mr. Chandler will know him because he was at one time the shire president of Dandenong. In another instance a chiropractor was treating a person with spinal manipulation for nine months and when this person eventually sought medical attention he was told that he was really suffering from a cancer in the bladder. The position was that one person knew what he was doing and the other did not.

I am sorry that this Bill should have been introduced at such a late stage in the session because I am sure that there are many matters that honorable members would have liked to raise during the debate. However, I commend the Minister of Health to the report of the Royal Commission in Western Australia and I urge the Government not to push this matter of natural therapy aside. Injuries in industry are costing Australia over 170,000 man-hours a year and natural therapy could help to reduce this amount considerably. It could put many of these people who are injured in industry back to work in two or three days, whereas medical science may take months. Therefore, I ask the Minister of Health to examine the West Australian report and to keep in touch with the Government of that State because I believe great relief can be afforded to many people who are suffering. In addition, many people may be saved from needless suffering in the future. Another point is that some people are paying out money for treatment that is useless to them.

The Hon. BUCKLEY MACHIN. — What about physical therapy?

The Hon. J. M. TRIPOVICH.—I refer to natural therapy because it is the wider term and includes osteopathy, physical therapy and various other subjects. I commend the activities of the Western Australian Government to the Victorian Government, despite the fact that the Western Australian Government is formed by a party of a different political colour from my party. Natural therapy can render a service to mankind and save many people from being preyed upon by those persons who are not qualified to give the service for which they are charging. I thank the House for its indulgence.

Sir ARTHUR WARNER (Minister of Transport).—In regard to the war-time reserves in the railways, the position was that the railways, because there was very little petrol and the service was used by the Commonwealth Government for transporting of troops during the war, obtained a great deal of revenue. Profits were put aside to a specific reserve for the purposes of carrying out maintenance work which

could not be undertaken during the war period. The amount of the reserve eventually reached £7,000,000 and after the war it was consumed at a fairly high rate until 1951 when it had been completely used. Because of the lack of maintenance there was a greater deterioration in railway rolling stock. Since that time Governments formed by the various parties have put aside each year an amount of money out of loan funds to be used for the purpose of replacement and renewal of rolling stock. That money has not been charged to the Railway Department as a total debit to its loan borrowings—it has been charged against the loan borrowings of the State and has, in effect, been appropriated direct to the taxpayers. The sum appropriated from 1951 up to date would be approximately £35,000,000, and the average amount appropriated each year would be of the order of £3,000,000.

The motion was agreed to, and the Bill was read a third time.

MEDICAL (AMENDMENT) BILL.

The debate (adjourned from November 14) on the motion of the Hon. R. W. Mack (Minister of Health) for the second reading of this Bill was resumed.

The Hon. BUCKLEY MACHIN (Melbourne West Province).—This Bill represents an attempt to bring the Medical Act into line with modern thinking. At the outset, I point out that I am pleased at the attitude adopted by the Minister of Health in giving an undertaking that, in the near future, he will further examine this legislation. So far as the Medical Act is concerned, our only cause for complaint relates not to what the legislation contains, but to what it does not contain. It is a long time since the medical legislation has been overhauled. I consider it would be wise if the Medical Act were amended to cover the activities of the medical, dental and pharmaceutical professions.

Proposed new sub-section (2) of section 5 of the principal Act, as contained in clause 2 of the Bill, provides that no fees shall be payable by full-time Commonwealth medical officers. This is a sound proposal. My party also supports the provision which enables Commonwealth medical officers to operate in this State. Persons who are connected with the medical profession will recall the many occasions on which Commonwealth officers served as locums in Victoria, thereby enabling local practitioners to have a well earned rest. We commend the Minister of Health for agreeing to amend the Act accordingly.

Sub-clause (2) of clause 3, which substitutes a new Second Schedule in the principal Act, increases the fees payable by persons who are registered as medical practitioners. The increase in fees is long overdue when it is considered that the fee of £3 3s., which is at present payable was first prescribed in 1906. It is also proposed that, when the name of a person has been removed from the medical register, perhaps because of some misdemeanour that he has committed, a re-registration fee of £10 10s. shall be payable, instead of £1 1s. as at present. If, through carelessness —there is no room for carelessness in a matter of this kind—a practitioner neglects to notify the registrar that he has changed his address, he will be required to pay a fee of £1. I understand that, in the near future, the Minister may also re-examine that aspect.

I am somewhat amazed at the inconsistencies in the medical legislation so far as the payment of fees is concerned. A medical practitioner, who would regard himself as being no less qualified and as not being inferior in ability and standing when compared with dentists and pharmaceutical chemists, is required to pay an initial registration fee of £3 3s., but no annual fee is payable. On the other hand, dentists must pay an initial registration fee of £5 5s., plus an annual fee of £2 2s., whilst pharmaceutical chemists pay an initial registration fee of £5 5s., with an annual fee of £3 3s. The Medical Act bristles with such inconsistencies, and the time is opportune for a complete examination of it.

Sub-clause (1) of clause 4, which substitutes a new section 19 in the principal Act, relates to the qualifications of medical practitioners. A special Board was set up to examine the

qualifications of medical practitioners and, while I am not criticizing that Board, I consider that the personnel should be examined with a view to enlarging it to cover a wider field. A broader cross-section of medical opinion, particularly from the point of view of medical practitioners, could be represented on the Board. When the legislation is thoroughly overhauled, it would be well worth considering the suggestion that alien doctors should serve for a period of time under a doctor who is registered in Victoria. I am not questioning the ability of alien doctors, but they have a good deal to learn, particularly from the aspect of referring patients to hospitals and specialists, and in the general conduct of a practice along the lines adopted by medical practitioners in this State. Honorable members will appreciate that by working continually in a practice with a doctor who is registered here, practitioners would extend their knowledge considerably and they would become familiar with our ways.

Another innovation, which has been tried successfully in other States, is that student doctors, who have finished their university courses, should spend a period on post-graduate work in a public hospital before being allowed to enter private practice. If that principle were applied here, medical practitioners could be of greater use to the community and benefit to themselves.

Section 56 of the principal Act deals with the Dentists' Register and some clarification is needed concerning this matter. Statements have been made about the registration of alien dentists and their rights to practise in Victoria. I do not contend that some have not great ability. Those who have could possibly undertake a twelve months' course at the new dental school and if they then satisfied the examining Board of their competence they could be admitted to practise under the supervision of a dentist on the Victorian register.

Victoria has a high standard in the field of dentistry, and I should not like it to be reduced, but in a sphere where there is a shortage of practitioners I consider that we could, with profit to ourselves and to the persons concerned, allow them to work under conditions similar to those which apply to alien doctors.

Another matter that merits consideration is the extent to which dentists should act as anaesthetists. I think it is a mistake for a dentist to administer an anaesthetic, and I do not know whether all dentists have the necessary training. I know of instances in which something has gone wrong and serious consequences could have resulted. When the legislation is being overhauled again, consideration must be given to defining the extent to which dental surgeons should administer anaesthetics.

Reference is also made in the Bill to the now defunct office of the Registrar of Births, Deaths and Marriages, which has not been in existence since 1959. The work previously undertaken by that office is now carried out by the Government Statist and certain alterations to the principal Act are necessary on this account. I commend the Bill, and I congratulate the Minister of Health for having promised that further consideration will be given to bringing other sections of the Medical Act up to date.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 3 were agreed to.

Clause 4 (Qualification of medical practitioners).

The Hon. BUCKLEY MACHIN (Melbourne West Province).—I propose to cite certain figures relating to medical registrations in Victoria. In 1952 there were 167 registrations from Victoria, 37 from interstate, 34 from the United Kingdom and 6 from various sources other than alien countries. In 1958, 8 aliens were registered; in 1959, 15; and in 1960, 16. Detailed figures for 1960 were — Victoria, 127; interstate, 37; United Kingdom, 65; various, 26; and aliens 16. In the past three years there have been only 16 alien registrations out of a total of 271, 15 out of 251, and 8 out of 247. I favour the policy

of allowing alien doctors to work in conjunction with doctors on the Victorian register so that they can learn our ways of medical practice and become fully competent.

The clause was agreed to, as were the remaining clauses.

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

The House adjourned at 11.11 *p.m. until Tuesday, December* 12.

LEGISLATIVE ASSEMBLY.

Thursday, December 7, 1961.

The DEPUTY SPEAKER **(Mr. Rafferty)** took the chair at 3.11 p.m., and read the prayer.

SHRINE OF REMEMBRANCE.

RESTRICTIONS ON ERECTION OF BUILDINGS.

Mr. GAINEY (Elsternwick) asked the Minister for Local Government—

Whether there are any restrictions on the erection of buildings in the area around the Shrine of Remembrance or in the adjoining area fronting to St. Kilda-road; if so, when these restrictions were authorized and what are the terms of such restrictions?

Mr. PORTER (Minister for Local Government).—The answer is—

The Melbourne metropolitan planning scheme has a zone known as special use zone 8, which covers land on the west side of St. Kilda-road from Coventry-street to Park-street to a depth of 170 feet—the nearest building area to the Shrine of Remembrance.

Under the interim development order made by the Melbourne and Metropolitan Board of Works and approved by the Governor in Council, no building may be erected without the consent of the Board in this zone and the following special provisions apply:—

(*a*) The design of the exterior of all buildings and the layout of all sites shall be approved by the responsible authority and shall be in keeping with the immediate environment of the Shrine of Remembrance;

(*b*) No building or works shall rise to a height exceeding 120 feet above the Melbourne and Metropolitan Board of Works datum;

(*c*) No building or works shall be constructed closer than 10 feet to the boundary of the site which forms the frontage to St. Kilda-road;

(*d*) Shops and cafés where permitted shall be located within the building in such position as may be approved by the responsible authority and so as not to be visible from St. Kilda-road;

(*e*) No car parking building visible from St. Kilda-road shall be higher than the footpath level at the frontage to St. Kilda-road.

An interim development order authorizing these provisions was first gazetted on the 16th March, 1960.

I should like to add that this question was obviously prompted by the desire of the honorable member for Elsternwick to ensure that the environs of the Shrine of Remembrance are, in fact, protected, and, although his question specifically refers to land fronting to St. Kilda-road, the only other land which may in any situation affect the Shrine of Remembrance is the site at present occupied by the Melbourne Grammar School. For the information of the House, it would be as well if I added that, in the event of that land not being required by its existing occupiers it, too, is zoned as a special use zone 1. It could be used only with the permission of the planning authority for educational establishments, home occupation, institutional houses, a recreation reserve, a place of worship, railway purposes, religious instruction, a roadway or a tramway. On that basis, consideration has been given to the protection of the Shrine of Remembrance, in the town planning scheme.

STATUTE LAW REVISION COMMITTEE.

INTEREST ON JUDGMENTS.

Mr. MANSON (Ringwood), chairman, presented a report from the Statute Law Revision Committee upon interest on judgments, together with minutes of evidence and appendices.

It was ordered that they be laid on the table, and that the report be printed.

MOTOR BOATING BILL.

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

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

POLICE REGULATION (AMENDMENT) BILL.

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

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

PUBLIC WORKS COMMITTEE.

Mr. BOLTE (Premier and Treasurer). —I move, by leave—

That the Public Works Committee have leave to sit during any sittings of the House next week.

The motion was agreed to.

PERSONAL EXPLANATION.

STATEMENTS IN DEBATE.

Mr. LOVEGROVE (Fitzroy). — By leave, I desire to make a personal explanation arising from a statement made by the honorable member for Ballaarat South on the 19th September and reported in *Hansard* at page 70, concerning a building trade dispute in Ballarat. I replied to him on the 20th September, and the honorable member made another statement on the 22nd November, which is reported in *Hansard* at page 1462. The honorable member read part of a letter from the Master Builders' Association of Ballarat denying an allegation that I had made to the effect that a Mr. Weir represented it in the dispute.

I want to withdraw the allegation I made and apologize to the Master Builders' Association of Ballarat for making the statement. It was made in good faith on advice from my informants, who were led to believe that the persons in Melbourne with whom they were doing business were representative of the whole of the industry.

I withdraw the statement and I apologize to the association. It is accepted by my informants that Mr. Weir did not represent the Master Builders' Association of Ballarat in the dispute.

Mr. SCOTT (Ballaarat South) (*By leave*).—I appreciate the statement made by the Deputy Leader of the Opposition, and thank him for it. The honorable member was supplied with facts from one source and I was furnished with information from another source, and we both made statements in good faith.

POLICE REGULATION (AMENDMENT) BILL.

The message from the Council relating to the amendment in this Bill was taken into consideration.

Mr. MEAGHER (Minister without Portfolio).—Clause 3 of the Bill as sent to the Council stated—

At the end of paragraph (*b*) of subsection (2) of section sixty-nine there shall be inserted the following paragraph:—

(*ba*) amounts to be deducted for rental in respect of premises when provided for and allocated to any member of the force.

The Council amended the clause by inserting after the words "sixty-nine" the words "of the principal Act". This expression should have been included when the clause was drafted. I move—

That the amendment be agreed to.

The motion was agreed to.

MOTOR BOATING BILL.

The message from the Council relating to the amendments in this Bill was taken into consideration.

Mr. PETTY (Minister of Public Works).—The Council made a number of amendments to this Bill. It inserted an interpretation of "horse-power" in clause 2 following the interpretation of "hire-purchase agreement." It is in these terms—

'"Horse-power" means—

(*a*) in relation to any internal combustion engine—the number determined by squaring the measurement in inches of the internal diameter of the cylinders of the engine, multiplying the number so found by the number of cylinders, and dividing the product by 2.5; and

(*b*) in relation to any other engine (whether operated by electricity steam gas oil or any other power) —the horse-power indicated or certified by the manufacturer or declared by statutory declaration of the owner.'

The Assembly inserted the word "horse-power" in one of the clauses of the Bill as presented to it, but no definition of "horse-power" was included. The definition which is now proposed is similar to that which appears in the Motor Car Act. I move—

That amendment No. 1 be agreed to.

The motion was agreed to.

Mr. PETTY (Minister of Public Works).—Sub-clause (3) of clause 5 of the Bill as sent to the Council stated—

Upon the grant of any such application and payment of any such fee the Authority shall cause a permit in writing to be issued to the applicant in respect of the holding of any regatta, yacht race, boat race, speed trial or other event.

The Council amended the clause by omitting the expression "regatta, yacht race, boat race, speed trial or other event" and inserted the words "such regatta contest sport or activity." When sub-clauses (1) and (5) of clause 5 were amended during the Assembly debate to avoid the necessity for yacht clubs to obtain permits for regattas, the Assembly omitted to make a similar amendment to sub-clause (3). The amendment made by the Council is merely a consequential one to bring sub-clause (3) into line with the others. I move—

That amendment No. 2 be agreed to.

Mr. FLOYD (Williamstown).—The Minister of Public Works supplied the Opposition with copies of the amendments made by the Council. We have no objection to this one. However, I should like to know whether the Minister is happy about the word "activity."

Mr. PETTY (Minister of Public Works).—I think the meaning of the word is quite clear and that it should remain in the Bill.

Mr. LOVEGROVE.—Does it include water ski-ing?

Mr. PETTY.—Boating, swimming, water ski-ing and so on are all part of the activities of a regatta.

The motion was agreed to.

Mr. PETTY (Minister of Public Works).—The third amendment made by the Council is to insert after the word "boat" in clause 21 the following words:—

, unless of a class or type exempted by the regulations from compliance with the provisions of this section,

It was considered that the wording of the clause was too embracing, and that it would cover all racing boats. For example, without the proposed amendment, all the crews of the boats participating in the head of the river would be sculling on the Yarra wearing life-belts. The clause, incorporating the amendment, will read—

Every boat, unless of a class or type exempted by the regulations from compliance with the provisions of this section, shall carry at least one life belt or other similar device as prescribed for each person on board and so placed as to be readily accessible in any emergency.

I move—

That amendment No. 3 be agreed to.

The motion was agreed to.

Mr. PETTY (Minister of Public Works).—Amendments Nos. 4 and 5 made by the Council have the object of exempting from the requirement to carry a fire extinguisher, boats and yachts on which there is no fire risk by reason of a volatile fuel being used as a propellant or in a stove, and so on. The clause, as amended, will read—

Every boat using as fuel for propelling or other purposes any liquid of a volatile nature or any gas shall be provided with such number, type and size of fire extinguishers as may be prescribed. Such fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible in an emergency.

I move—

That amendments Nos. 4 and 5 be agreed to.

The motion was agreed to.

Mr. PETTY (Minister of Public Works).—The sixth amendment made by the Council relates to motor boats speeding close to swimmers or other craft, as regulated by clause 30. As the clause stands, official or private boats used in yachting would not be permitted to

move close enough to the yachts to be effective in their functions and duties. Therefore, the Council has added the expression "or safeguarding" in sub-clause (2) of clause 30, which will then read—

The provisions of the last preceding sub-section shall not apply to the overtaking or passing of boats in waterways not having sufficient width to enable compliance therewith or to the operation of a motor boat within one hundred feet of any boat for the purpose of coaching or safeguarding the crew thereof.

I move—

That amendment No. 6 be agreed to.

The motion was agreed to.

The sitting was suspended at 3.36 *p.m. until* 5.30 *p.m.*

EDUCATION (AMENDMENT) BILL.

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

Mr. BLOOMFIELD (Minister of Education).—I move—

That the amendments be agreed to.

The Legislative Council made three amendments to clause 2 of the Bill, and they are all concerned with the calling of tenders for work to be done on behalf of school committees. The proposal in this Chamber was that where the cost of any work to be undertaken on behalf of a school committee was estimated to exceed £100, the school committee concerned should seek tenders by publishing details in a newspaper circulating generally in Victoria and in at least one newspaper circulating in the neighbourhood of the school where the proposed work was to be carried out.

It has been thought that there may be a considerable number of projects undertaken by school committees the cost of which would be in excess of £100, and the Council has proposed that the figure should be raised to £500. I remind honorable members that in regulations under the Audit Act the maximum expenditure to be undertaken without the calling of tenders is fixed at £250, but I am told that there is a proposal to raise that figure to £500, which is the limit proposed by the Legislative Council in this instance. There are special circumstances relating to contracts let by school committees. The first is that in many cases these committees are dealing with their own money.

Mr. PORTER.—In most cases.

Mr. BLOOMFIELD.—I agree. The next consideration is that contracts for which school committees may be responsible must be approved by the Minister, who can keep an eye on them and see that only in suitable cases are the jobs let by quotation rather than by tender.

Another consideration is that regulations are to be made in this connexion, and in this way there will be a further means of separating the types of contract for which tenders are required from those for which tenders need not be called. These are the considerations which influenced the Upper House, and the Government feels that they are valid.

An HONORABLE MEMBER.—Who was the genius?

Mr. BLOOMFIELD.—The fact is that officers of my Department and of the Public Works Department and the two Ministers got together and supervised the drafting of the original Bill, but between then and the present time the Ministers and their Departments have had another look at the whole matter and now feel that the situation will be better served if the proposal before the House is agreed upon. All these matters are to be subject to departmental approval. In fact, the amendments originated with the Government and were the result of further examination with a view to increasing the authority of the school committees.

The next two amendments relate to sub-clause (5). First, it is proposed that the limit of the amount of the value of a contract which a school committee will supervise shall be increased from £100 to £500. That again is aimed at expediting the work of school committees. At the same time it has been appreciated that there may be some contracts of less than £100—for example, in the installation

and repair or alteration of heating devices—as to which it would be desirable to have the work supervised professionally or by the Public Works Department. So the purpose of the amendments is, in effect, that the limit of the value of work which a school committee may supervise shall be raised to £500 but that if in a particular case there ought to be professional supervision—a matter amounting perhaps to only £50—then there shall be such supervision. Accordingly, I commend the amendments incorporated in the Bill by another place.

Mr. STONEHAM (Leader of the Opposition).—The Opposition feels that the Minister of Education has advanced a reasonable case for these amendments. It appears to me that the new proposals are an improvement upon the original framing of this measure and will prove to be more workable. School committees will find their position more satisfactory. Consequently, we offer no objection to the amendments.

The motion was agreed to.

COMPANIES BILL.

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

Mr. RYLAH (Attorney-General).—I move—

That the amendments be agreed to.

The first of the two amendments is a re-drafting of clause 74 which was amended in this House before the Bill went to the Council, whose amendment now clarifies a defect in drafting. It omits sub-clause (6) and inserts the following sub-clause:—

( ) Notwithstanding anything contained in sub-section (5) of this section, that sub-section shall not prevent a corporation (in this sub-section called "the trustees corporation") that is, or is deemed by virtue of sub-section (5) of section six to be related to—

(*a*) a banking corporation;

(*b*) a corporation authorized to transact life insurance business under the law of the Commonwealth relating to life insurance; or

(*c*) a corporation authorized by the law of a State or Territory of the Commonwealth to take in its own name a grant of probate or of letters of administration of the estate of a deceased person—

from being appointed, holding office or acting as trustee for the holders of debentures of another corporation (in this sub-section referred to as "the other corporation") by reason only that—

(*d*) the other corporation owes to the trustee corporation or to a corporation that is deemed by virtue of sub-section (5) of section 6 to be related to the trustee corporation—

(i) moneys that (after deducting therefrom moneys referred to in sub-paragraphs (ii) and (iii) of this paragraph) do not exceed, at the time of the appointment or at any time within three months after the debentures are first offered to the public, one-tenth of the amount of the debentures proposed to be offered to the public within that period and, at any time after the expiration of that period, one-tenth of the amount owed by the other corporation to the holders of the debentures;

(ii) moneys that are secured by and only by, a first mortgage over land of the other corporation, any debentures issued by the other corporation to the public or any debentures to which the trustee corporation, or the corporation so deemed to be related to the trustee corporation, is not beneficially entitled; or

(iii) moneys to which the trustee corporation, or the corporation so deemed to be related to the trustee corporation, is entitled as trustee for holders of any debentures of the other corporation in accordance with the terms of the debentures or of the relevant trust deed; or

(*e*) the trustee corporation, or a corporation that is deemed by virtue of sub-section (5) of section 6 to be related to the trustee corporation, is a shareholder of the other corporation in respect of shares that it holds beneficially if the shares in the corporation held beneficially by it and by all other corporations that are deemed by virtue of sub-section (5) of section 6 to be related to it, do not carry the right

to exercise more than one-tenth of the voting power at any general meeting of the other corporation.

The second amendment provides a slight concession to directors who are at present over age. It will allow those who are now more than 65 years of age to continue beyond the age of 72 years without complying with the provisions of the Act. The amendment inserts a sub-clause to follow sub-clause (6) of clause 121, which relates to the age limit for directors. It is as follows:—

( ) Nothing in the foregoing provision of this section shall apply to the re-appointment of any person as a director of a company who immediately before the commencement of this Act—

(*a*) was a director of the company; and

(*b*) was over the age of sixty-five years—

unless and until three members of the company have lodged with the company and the Registrar a notice requiring the said foregoing provisions to apply to all appointments and re-appointments of the person named in the said notice as a director of the company.

This is a transitory provision and, I believe, a reasonable one.

Mr. CLAREY (Melbourne).—As the Attorney-General has pointed out, the first amendment is purely technical in that it is a re-drafting of a rather complicated sub-clause. With respect to the other matter, I do not think it is worth arguing upon. Sub-clause (6) of clause 121 states—

Notwithstanding anything in this section a person of or over the age of seventy-two years may by a resolution of which no shorter notice than that required to be given to the members of the company of an annual general meeting has been duly given, passed by a majority of not less than three-fourths of such members of the company as being entitled so to do vote in person or, where proxies are allowed, by proxy, at a general meeting of that company, be appointed or reappointed as a director of that company to hold office until the next annual general meeting of the company or be authorized to continue in office as a director until the next annual general meeting of the company.

That will now be followed by the proviso contained in the Council's amendment. Only a limited number of people will be affected. No vital principle is involved. As the Attorney-General has said, this is merely a kind of transitory provision, and our party raises no objection to it.

The motion was agreed to.

RACING (OFF-COURSE DOUBLES TOTALIZATORS) BILL.

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

Mr. RYLAH (Chief Secretary).—I move—

That the amendment be agreed to.

It is purely a drafting correction, providing a necessary reference to "the principal Act."

The motion was agreed to.

ADJOURNMENT.

Mr. RYLAH (Chief Secretary).—I move—

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

The motion was agreed to.

The House adjourned at 5.57 *p.m. until Tuesday, December* 12.

LEGISLATIVE COUNCIL.

Tuesday, December 12, 1961.

The PRESIDENT **(Sir Gordon McArthur)** took the chair at 4.57 p.m., and read the prayer.

THE CONSTITUTION ACT AMENDMENT BILL.

A message was received from the Assembly transmitting a report from the Clerk of the Parliaments calling attention to a clerical error in this Bill and acquainting the Council that the Assembly had corrected the error.

The Council concurred with the Assembly in the correction of the error.