

place on record that I hope portion at least of the sum being provided under item No. 83 of the Supply schedule will be devoted to this urgent and necessary work, and that in future summers the Bellarine Peninsula will be free of water restrictions.

Progress was reported.

ADJOURNMENT.

Mr. DARCY (Minister of Water Supply).—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 10.5 p.m. until Tuesday, April 5.

Legislative Council.

Tuesday, April 5, 1966.

The **PRESIDENT** (the **Hon. R. W. Mack**) took the chair at 4.51 p.m., and read the prayer.

DEATH OF SIR ARTHUR WARNER.

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

That this House places on record its deep regret at the death of the Honorable Sir Arthur George Warner, K.B.E., a former member of this House, and its keen appreciation of the long and valuable services rendered by him to the Parliament and the people of Victoria as a member for Higinbotham Province, a Minister of the Crown, and Leader of the Government in the Legislative Council.

Sir Arthur Warner died on Sunday last, the 2nd April, in the Seymour District Hospital, following a severe heart attack while he was on his property at Yea. He was 66 years of age. Sir Arthur was first elected to the Legislative Council on 15th January, 1946, as a member for Higinbotham Province, and he served continuously until his retirement on 20th June, 1964.

During the period of his membership of the Legislative Council, Sir Arthur held a number of important portfolios. He was Minister in Charge of Materials and Minister in Charge of Housing from 20th November, 1947 to 7th December, 1948; Minister in Charge of Housing, Minister in Charge of Materials and Minister in Charge of State Development from 7th December, 1948, to 15th December, 1949; Minister in Charge of Housing, Minister in Charge of Materials and Minister in Charge of Electrical Undertakings from 15th December, 1949, to 19th June, 1950; Minister in Charge of Housing and Minister in Charge of Materials from 19th to 27th June, 1950; and Minister of Transport from 7th June, 1955, to 4th September, 1962, when he relinquished Ministerial office for health reasons. In 1954, he was appointed Leader of the Liberal Party in this House. In 1956, he was created a Knight Bachelor, and in 1962, the additional honour of Knight Commander of the Order of the British Empire was conferred on him.

Sir Arthur Warner was born in London in 1899, and was educated at Monarch Grammar School, Chingford, and the University of London. During the first world war, at the age of seventeen, he interrupted his science course at the London University and served with the Royal Navy as a flight-lieutenant. Following the war, he migrated, in 1920, as a soldier-settler to Tasmania. In addition to his farming pursuits, he undertook further studies and became a Fellow of the Australian Institute of Accountants, transferring to Melbourne as a consulting accountant.

Sir Arthur became interested in radio. This was the start of a meteoric career in the industrial world and led to his becoming chairman of International Insurances Ltd., managing director of Electronic Industries Ltd. and Radio Corporation Pty. Ltd., and to association with numerous other companies. He was a member of the Victorian Chamber

of Manufactures, the Chamber of Commerce, the Economic Society of Australia and New Zealand, the Council of the Institute of Public Affairs, and many other bodies. He was a Fellow of the Institute of Industrial Management, and a Companion of the Institution of Radio Engineers.

Sir Arthur was early in the field of television, and in 1954 applied to the Commonwealth Government for Australia's first television licence. When television was introduced to Australia in 1956, he became chairman of General Television Corporation Pty. Ltd.—GTV-9, Melbourne—with his company having a majority shareholding in the station. During the second world war, he served in an honorary capacity with the Commonwealth Government as Controller of Finance in the Ministry of Munitions, Finance Director of the Board of Area Management of the Department of Munitions, and chairman of the Business Advisory Panel to the Army.

Despite his busy political and commercial life, Sir Arthur found time for relaxation and enthusiasm with his yachts—the *Winston Churchill* and the *Astor*—and was a regular, active competitor in ocean races, particularly the Sydney to Hobart annual event.

Mr. President, this is another of those sad occasions when a motion of this nature is before the House. Probably, never in the history of this very important Chamber has there been a more able, more thorough, and more conscientious member and Minister than our late friend. Following the death of our late friend, Sir James Kennedy, I had the privilege of nominating Sir Arthur Warner to be Leader of the Liberal Party in the Legislative Council. Every member had the greatest admiration for Sir Arthur's outstanding ability, vision, initiative, and drive. One had only to work close to him to appreciate his calibre. All honorable members will agree

that as a debater he was fair, keen, and able. After a keen debate, he carried no ill feelings whatsoever. It did not matter how fiery a debate was, even though feelings, might have become a little frayed when it was over, any bad feeling was not even a memory with him; it was immediately forgotten.

Sir Arthur was a kind man. There are a number of members of this House and of another place, and other people associated with Parliament, who thanked Sir Arthur for many kindnesses. As his deputy for a long period, I can say that it was a pleasure to serve under him. He set an example for all to follow in the way he handled the Bills of which he was in charge in this House. Victoria and Australia are poorer for his passing.

Sir Arthur is survived by his wife and two sons. Our sympathies go out to Lady Warner who, over the years, was such a wonderful partner to Sir Arthur. She is a fine, gentle soul, almost the opposite in makeup to Sir Arthur. Lady Warner had a tremendous influence on and was an inspiration to Sir Arthur. I express my personal condolences to Lady Warner, Graham and Peter, and I am sure all members of this Chamber support my remarks.

The Hon. J. W. GALBALLY (Melbourne North Province).—Mr. President, there can be no question that Sir Arthur Warner was a remarkable man, whichever way one regarded his wide and varied activities. It is a source of wonder that he was able to crowd so much into his life. We learnt a lot from him in this Parliament. He brought to this House a rare gift—the power to analyse a problem quickly, to discard the irrelevancies, and to come to the heart of the matter. All his speeches were of great clarity and were listened to eagerly—almost greedily—by members. Sir Arthur was never boring—in fact, he was never bored. Life to him was an adventure, something to be conquered.

In all the years that I knew him in this House, no matter what happened in a debate, I did not hear him afterwards complain or whimper. If something was wrong—it frequently was—he did not sit down and lament his fate; he set about finding the solution. Of course, he did not always find it, but that was the type of man he was. Sir Arthur did not know the meaning of fear; he was not fearful of anybody or anything.

I saw a good deal of Sir Arthur, both when he was a member of the Opposition and a Leader of the Government party. He reached his greatest heights as Leader of the Government in this Chamber. For eight or nine years we had to arrange the business of the House. I claimed Sir Arthur as a personal friend, and I know he considered that I was one of his friends. In fact, on one celebrated occasion, when he could have remained silent—it was not in this Chamber—when someone said something concerning myself that he thought was not quite correct, he rose to defend me. One could not have had a better advocate. On one occasion, he told me that he had always been interested in the law and would have liked to be a barrister. It seems that he liked to be many things, and he did all things well.

Sir Arthur was a splendid fellow to deal with, but for a number of years in personal dealings with him I always had the feeling that I did not quite know what he was up to, and, by the look in his eye, he quite wrongly had the same feeling about me. One of my terrible nightmares was finding myself out in Bourke-street, dispossessed of my seat and everything else, and not knowing how Sir Arthur had managed to do it to me.

This is neither the time nor the place to mention all of his other activities, but I remember on one occasion, about five years ago, watching the start of the Sydney to Hobart yacht race. Sir Arthur was then by no means a young man; he

had suffered a heart attack, but there he was at the helm of the *Winston Churchill* looking absolutely magnificent. The adventure on which he was embarking was really for a young man, but he was undertaking it. I could not help thinking what a magnificent buccaneer he would have been in the first Elizabethan era. He would have out-sailed Drake and Raleigh and the others, and who in this Chamber would challenge me if I say that he would have come back from the Spanish Main with more booty than the lot of them put together.

Sir Arthur Warner was a relatively young man when he died, but I am consoled by the fact that he was still extremely active. Indeed, I met a friend this morning who told me that he had been staying with Sir Arthur a short time ago. Sir Arthur was active on his property and active in business and was in possession of all his faculties. The thought that he did not suffer a long illness or was not deprived of his powers, great as they were, may afford his widow and family some small comfort.

Not all members, perhaps, remember those halcyon days of the past when Sir Arthur Warner took part in many lively debates in this House. I well recall Lady Warner sitting in the gallery with imperturbable calm—and charm—when we were saying things about Sir Arthur that would have made a sailor blush. I have many happy memories of Sir Arthur. He contributed much to the public life of this State and to this House. It was always refreshing when Sir Arthur was here and speaking, because he was a man who suffered no cant; he always spoke fearlessly and to the devil with the consequences.

The members of the Labor Party join with the Leader of the House in saying to Sir Arthur's widow and family that he has left a remarkable impression on the public life of this State.

Sir PERCY BYRNES (North-Western Province).—My colleagues and I of the Country Party join with the Leader of the House and Mr. Galbally in paying tribute to Sir Arthur Warner, for whom we had a sincere admiration, not only for his great ability but also for his many other virtues. The Leader of the House mentioned Sir Arthur's qualities, but he omitted one—humanity. Sir Arthur was a person of great humanity; he enjoyed life and meeting people. I first came into contact with Sir Arthur when we were both members of the composite Government of 1948. Unfortunately, that Government was not in office for more than about twelve months. However, I sat between Sir Arthur Warner and Sir James Kennedy, both of whom were great men. I came to admire Sir Arthur and formed a close friendship with him. In a debate around the Cabinet table, Sir Arthur was equally capable of flaying friend or foe. He brought to Cabinet discussions the same attributes that he applied in running his business.

Sir Arthur was only seventeen years of age when he joined the Royal Navy in the first world war. Those of us who took part in that war realize that in those days England had her back to the wall and many youngsters of sixteen and seventeen years of age gave outstanding service in the Army or the Navy. The period of the first world war was a ghastly era when young men were called upon to do the work of mature men, and they did it extremely well. I have no doubt that every one of those young men who took part in the fighting suffered some consequences in health which affected them for the rest of their lives. Possibly Sir Arthur's life was shortened as a result of his service, although one could detect no sign of it.

On the occasion of Sir Arthur's retirement from this Parliament, he spoke to us about the role of this Chamber. I have frequently circulated extracts from Sir Arthur's speeches which give a clear picture

of what this Chamber and this Parliament stand for. Sir Arthur was not only a politician; he was also a statesman. Whatever activity he undertook, he did with all his might. Sir Arthur served this Parliament in the immediate post-war period when conditions were not as easy as they are to-day. The present Government skates along in the clouds and has a wonderful time; it is happily entrenched on the Treasury bench. Immediately after the war years, much had to be done to bring the country back to ordinary civilian life. Sir Arthur Warner was a leader in the war effort of this State and the Commonwealth, and he also led in the rebuilding of the industrial side immediately after the war.

Much is said to-day about the country being flooded by overseas capital and Australia allowing overseas capitalists to take over. Sir Arthur Warner was not a man to be "taken over" by anyone. Although at times it appeared that he was ensconced behind overseas capital, it was not long before he was back running the show again and bringing his business back into the top bracket. There was no question of taking over Sir Arthur or of pushing him out. He built an Australian company in an Australian way, although he was born a Londoner. I had a great personal admiration for Sir Arthur, who was a great credit to this country.

On one occasion, I visited him at Electronic Industries to buy a wireless set. He took me around, and although he was the biggest businessman in Melbourne, he was also a born salesman and tried to sell me all sorts of articles. Sir Arthur's aim in business was to do the best he possibly could for Victoria and for his employees, as well as for himself and his shareholders. We should thank the Lord for men like Sir Arthur Warner who put their minds and souls into doing the best they possibly can towards building this Australian

community. I appreciate what has been said about Lady Warner. During her visits to Parliament, which were not so frequent in later years, she sat and listened to the debates, and I am sure that she thoroughly enjoyed the clashes between her husband and other honorable members.

The late Sir Arthur owned a farm at Yea. He enjoyed being on this property. He used to say to members of the Country Party that he should have been in the "racket" before, adding that he envied those members who were able to get away from the hurly-burly of things. He spent a good deal of money in bringing his property into first-class shape, and it would have been a credit to anybody. He thoroughly enjoyed the times of relaxation he spent there. Members of the Country Party, who appreciate the great work of this man and the valuable service he rendered to Parliament and to the State, extend their sincere condolences to Lady Warner, her two sons and their families.

The Hon. L. H. S. THOMPSON (Minister of Housing).—I should like to support the motion concerning the late Sir Arthur Warner, with whom I was associated as a member of the Higinbotham Province for about nine years. To me, Sir Arthur had four outstanding personal attributes. First, he possessed outstanding mental ability; secondly, he had great personal drive; thirdly, he had a wonderful sense of humour which endeared him to his colleagues; and, fourthly, there was a kindly and humanitarian side to his character which not everybody in the outside world was able to appreciate.

Sir Arthur had the great mental ability and personal dynamic drive of the men who have helped to shape the history of the world. In his own way, he made a significant contribution to our history in the fields of economics, electronics and public administration. His personal drive and energy were almost beyond belief. I recall visiting Sir Arthur in hospital following his first heart attack in 1960. When I asked him how he

was, he replied, "I am fine, except that my doctor feels I should knock down my working week from 80 hours to 60, and I am seriously thinking about it." For many years, the late Sir Arthur maintained a terrific working pace, and no doubt this made some contribution to his untimely departure. It is difficult to visualize that a man of Sir Arthur's vigour, life and vitality is no longer with us.

Sir Arthur's sense of humour was well known, and his vigorous and witty verbal exchanges with the Leader of the Labor Party in this House and other honorable members are features that I shall always remember, as will other members. Finally, Sir Arthur had a very kindly side to his character, which I came to discover by chance, because he did not talk about his deeds. As a representative of the same province as Sir Arthur, and later as his successor as a Minister of Housing, I have met a large number of elderly people whom he had assisted with advice or financial aid.

There is no doubt that right up to the end, Sir Arthur led a full life—he always enjoyed life immensely. At the age of seventeen years, he put up his age to eighteen in order that he might enlist in the Royal Navy. He flew in balloons during the war years of 1917 and 1918—the most hazardous existence that anybody could visualize. Later, when he had all the personal wealth that he desired, he still favoured the venturesome type of existence which others would regard as extremely dangerous. At one stage, it involved his swimming ashore from a shipwrecked yacht near Wonthaggi, when he showed great personal courage. Sir Arthur's description of this incident was a masterpiece of English prose, which revealed his amazing sense of humour.

Perhaps one other quality of the late Sir Arthur Warner should be mentioned. I refer to the emphasis which he always placed on teamwork, not only as a member of the Liberal

Parliamentary Party and Cabinet Minister, but also as a member of the Legislative Council which was clearly revealed in his final speech to us at the President's dinner some two years' ago. Sir Arthur's contribution to this State will not be forgotten. Whether he was acting as Minister of Transport, Minister of Housing, or Leader of the House in a vigorous debate, or managing his farm, he was always producing a 100 per cent. effort. The State of Victoria will miss Arthur Warner; the Commonwealth of Australia will miss Arthur Warner.

The Hon. B. D. SNIDER (Higinbotham Province).—As one who was privileged to succeed the late Sir Arthur Warner as a representative of Higinbotham Province, I feel it is appropriate that I should add a few words to what has already been said in this House to-day. It is difficult to say much because those who have spoken did so eloquently and for the further reason that on such sad occasions one's thoughts must necessarily far outstrip anything that could be said.

It was my privilege to meet Sir Arthur when I was first elected as a member of the Legislative Assembly. Early in my political career, I sought him out for advice. During my nine years as a member of that Chamber, I had many occasions to seek Sir Arthur's assistance not only as a Minister but also as a friend. There was never a time when that advice was not soundly based, and never a time when it was not given with a great kindness of heart. Later, when I first contemplated seeking election to the Higinbotham Province, Sir Arthur was the first person whose advice I sought. It was always a matter of regret that, although I have served in both legislative Chambers of this Parliament, and was a party colleague for many years, I lacked the great privilege and experience of serving with him in the same Chamber.

This is an occasion when the thoughts of all honorable members turn to the personality of the man whose death we mourn. My own recollection of Sir Arthur goes back to the time when I called on him in Cabrini hospital after his first illness. As I reached the floor where he was confined, I wondered how I would go about finding the ward that he occupied, but the problem was quickly solved because his colourful language could be heard right throughout the corridors. The nurses were trying to restrain Sir Arthur from reading his correspondence and attending to his business, which he insisted on doing even while he was in bed.

It is with a sense of obligation and a desire to record my feelings that I rise to pay a personal tribute to the late Sir Arthur Warner. It seems ironic that he should have quit the hurly-burly of politics for the expectation of a longer life which was not vouchsafed to him. However, he made the best of his years. I associate myself with this final tribute, and extend my sympathy to Lady Warner and her two sons, Graham and Peter.

The PRESIDENT (the Hon. R. W. Mack).—Before putting the motion, I should like, on behalf of myself, and indeed all members and the officers and attendants of this Chamber, to express to Lady Warner and her family our deepest sympathy. Arthur Warner was an outstanding personality, a most competent Minister and a Government leader who made his mark in this House. He was no mealy-mouthed middle-of-the-road man; he held strong views on various subjects and in order to express them he was nearly always provocative, but he never wanted anybody to be in any doubt as to what his thoughts or meanings were. Sir Arthur was energetic, vital and altogether a man with a forceful personality. He never neglected his business, but he was so capable and so quick-thinking that he was able to attend to his business affairs and still give 100 per cent. service to the State.

Even Sir Arthur's political opponents have never detracted from his ability as a Minister or an administrator. He was a tough and successful businessman; he was an equally tough and successful member of Parliament, and, with all, he was a kindly man. When we forget the arguments that took place in this Chamber, we will always remember Sir Arthur as an outstanding character, a doughty fighter, and one who, when the battle was over, whether he won, drew or lost, had no ill-will to those with whom he had been in conflict.

The motion was agreed to in silence, honorable members signifying their unanimous agreement by standing in their places.

LABOUR AND INDUSTRY (SHELTERED WORKSHOPS) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. V. O. DICKIE (Minister of Health), was read a first time.

CO-OPERATIVE HOUSING SOCIETIES (AMENDMENT) BILL.

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

LOCH PUBLIC HALL TRUST BILL.

This Bill was received from the Assembly.

The PRESIDENT (the Hon. R. W. Mack).—I have examined this measure, and, in my view, it is a private Bill.

The Hon. V. O. DICKIE (Minister of Health).—In another place, this Bill was ruled to be a private Bill, but it was treated as a public Bill. I propose that a similar procedure be followed in this House. Therefore, I move—

That this Bill be treated as a public Bill.

The motion was agreed to.

On the motion of the Hon. V. O. DICKIE (Minister of Health), the Bill was read a first time.

GAS AND FUEL CORPORATION.

CONVERSION OF APPLIANCES: ENTRY OF WORKMEN TO PREMISES.

The Hon. A. W. KNIGHT (Melbourne West Province) asked the Minister of Agriculture—

(a) Is the Government aware of the statement by the service engineer for the Gas and Fuel Corporation reported in the *Herald* of the 19th instant, "If the workmen cannot enter the house to make conversion changes for natural gas, they will get in somehow, even if it means breaking a window"; if so, does it support such action?

(b) What action does the Government propose to take to protect the workmen engaged in such conversion, if they have to break into a home, from criminal charges which may be laid against them for breaking and entering?

The Hon. G. L. CHANDLER (Minister of Agriculture).—The answers are—

The Minister concerned has read the statement, and understands that the officer who made it was stressing the necessity for the conversion of appliances when natural gas is available for public use.

The Gas Regulation Act already provides that an employee of a gas undertaking may enter premises, if necessary by force, to render safe gas supply fittings or appliances. When so doing, he must be accompanied by a member of the Police Force. This would naturally be a rare occurrence and would be done only to protect life or property.

If any other powers are to be given for this purpose, they would be conferred only by this Parliament and would, of course, be the subject of debate.

MELBOURNE WATER SUPPLY.

REPORT OF PUBLIC WORKS COMMITTEE.

The Hon. A. K. BRADBURY (North-Eastern Province) asked the Minister for Local Government—

Has the Government made a decision on the recommendations contained in the Public Works Committee's Progress Report No. 1, Melbourne Metropolitan Future Water Supply, dated 2nd December, 1964; if so, what is the decision; if not—(i) when will

it make a decision; and (ii) has the Melbourne and Metropolitan Board of Works made an approach to the Government for a decision to be given, and when was the approach made?

The Hon. R. J. HAMER (Minister for Local Government).—The answer is—

(i) The recommendations of the Public Works Committee have been discussed on several occasions and at some length with representatives of the Melbourne and Metropolitan Board of Works. No final decision about them has yet been reached by the Government, but it will be made as soon as possible.

(ii) No. The Government originally initiated the discussions by asking the Board for its views on the committee's recommendations.

LOTUS LODGE HOSTEL FOR THE AGED.

CHARGES: GOVERNMENT SUBSIDIES.

The Hon. I. R. CATHIE (South-Eastern Province) asked the Minister of Health—

(a) Have charges been raised for old age pensioners living at the Lotus Lodge Hostel for the Aged, Rosebud; if so, what were the previous charges and what are the new charges for meals, rooms, and flats, respectively?

(b) What subsidies does the Government make available to the hostel for—(i) capital grants for new works; and (ii) capital grants for maintenance and repairs?

(c) What assistance will the Government grant by way of further subsidy to meet the increased costs of administration and new works?

The Hon. V. O. DICKIE (Minister of Health).—The answers are—

(a) Yes. On the 17th March, 1966, charges were raised as follows for pensioners living at Lotus Lodge Hostel for the Aged.

—	Old Rates.	New Rates.
(i) Meals—		
Breakfast ..	15 cents	25 cents
Lunch ..	40 "	50 "
Tea ..	15 "	30 "
(ii) Rooms ..	\$1.50 per week	\$2.65 per week
(iii) Flats ..	\$2.80 per week	\$5.20 per week

(b) The Government made the following subsidies available to the Hostel:—

Year.	Capital.	Maintenance.
(New Works; Remodelling and Renovations: Equipment).		
	\$	\$
1961-62	3,378	11,210
1962-63	594	11,638
1963-64	490	11,224
1964-65	9,262	11,162
1965-66	23,430	11,277
	37,154	56,511

(c) Approval has been given to a proposal for the erection of another four housing units (each of twelve beds) at an estimated cost of \$106,000 and a new boiler house estimated to cost \$3,200. Government grants will meet the total cost of these works.

The Government sympathetically considers submissions from the hostel for subsidy to meet increased costs of administration and new works.

CO-OPERATIVE HOUSING SOCIETIES.

NUMBERS FORMED: SOURCE OF FINANCE.

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

(a) How many co-operative housing societies have been formed in each of the last three financial years, and where is each society located?

(b) How many societies have been formed to date in this financial year?

(c) From what source was the necessary finance obtained for each such society?

The Hon. L. H. S. THOMPSON (Minister of Housing).—The answers contain a detailed statement, and, with the permission of the House, I suggest that they be incorporated in *Hansard* without being read.

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

(a) 1962-63—51 societies.

Name of Society.	Location (Registered Office).	(c). Source of Finance.
Wendouree No. 2 Co-operative Housing Society Limited	2 Lydiard-street south, Ballarat,	Bank of New South Wales Savings Bank Limited
Barwon and Bellarine (No. 3) Co-operative Housing Society Limited	157 Moorabool-street, Geelong	Bank of New South Wales Savings Bank Limited
Moorabool No. 4 Co-operative Housing Society Limited	T. and G. Building, Moorabool-street, Geelong	Commonwealth Savings Bank of Australia
Elgar Co-operative Housing Society Limited	63 Atherton-road, Oakleigh	Commonwealth Trading Bank of Australia
Monash Co-operative Housing Society Limited	Flat 14, "Yarralumla", cnr. Marne-street, and Toorak-road, South Yarra, S.E. 1	E. S. & A. Savings Bank Limited
Assurance No. 2 Co-operative Housing Society Limited	475 Collins-street, Melbourne..	The Yorkshire Insurance Company Limited
Commercial No. 1 Co-operative Housing Society Limited	475 Collins-street, Melbourne..	The Commercial Savings Bank of Australia Limited
Hadfield Co-operative Housing Society Limited	13 Norwood-crescent, Moonee Ponds	Commonwealth Savings Bank of Australia
Statax (No. 2) Co-operative Housing Society Limited	436 Lonsdale-street, Melbourne	Australia and New Zealand Savings Bank Limited
Greater Ballarat No. 3 Co-operative Housing Society Limited	54 Lydiard-street south, Ballarat	Home Builders' Account
Thomastown and District No. 1 Co-operative Housing Society Limited	386 Flinders-lane, Melbourne..	Commonwealth Savings Bank of Australia
Associated Tobacco Companies Co-operative Housing Society No. 9 Limited	246 East Boundary-road, East Bentleigh	Queensland Insurance Company Limited
Bayswater Co-operative Housing Society Limited	63 Atherton-road, Oakleigh ..	The National Bank Savings Bank Limited
Tirrenica (No. 9) Co-operative Housing Society Limited	Co-operation House, cnr. Victoria and Exhibition streets, Melbourne	Commonwealth Savings Bank of Australia
Tirrenica (No. 10) Co-operative Housing Society Limited	Co-operation House, cnr. Victoria and Exhibition streets, Melbourne	Home Builders' Account
Tirrenica (No. 11) Co-operative Housing Society Limited	Co-operation House, cnr. Victoria and Exhibition streets, Melbourne	Commonwealth Savings Bank of Australia and I.C.L.E.
G. P. (No. 2) Co-operative Housing Society Limited	131 Hampshire-road, Sunshine	E. S. & A. Savings Bank Limited
Highwood No. 1 Co-operative Housing Society Limited	475 Collins-street, Melbourne..	Commonwealth Savings Bank of Australia
Springvale District No. 2 Co-operative Housing Society Limited	196 Lonsdale-street, Dandenong	Commonwealth Savings Bank of Australia
Kiama Co-operative Housing Society Limited	107 Collins-street, Melbourne..	Commonwealth Trading Bank of Australia
Workmans No. 5 Co-operative Housing Society Limited	377 Little Collins-street, Melbourne	The Commercial Savings Bank of Australia Limited
Sentry Co-operative Housing Society Limited	422 Collins-street, Melbourne..	The National Bank Savings Bank Limited
Pacific (No. 2) Co-operative Housing Society Limited	422 Collins-street, Melbourne..	Australia and New Zealand Savings Bank Limited
Connewarre Co-operative Housing Society Limited	63 Gheringhap-street, Geelong..	Bank of New South Wales Savings Bank Limited
J. H. (No. 2) Co-operative Housing Society Limited	Co-operation House, cnr. Victoria and Exhibition streets, Melbourne	Australia and New Zealand Savings Bank Limited
Migrants (No. 1) Co-operative Housing Society Limited	Co-operation House, Cnr. Victoria and Exhibition streets, Melbourne	Commonwealth Savings Bank of Australia

(a) 1962-63—51 societies—continued.

Name of Society.	Location (Registered Office).	(c). Source of Finance.
Cohuna No. 3 Co-operative Housing Society Limited	King Albert-avenue Leitchville	Australia and New Zealand Savings Bank Limited and The Victoria Insurance Company Limited
Roslyn (No. 2) Co-operative Housing Society Limited	16 James-street, Geelong ..	The Commercial Savings Bank of Australia Limited
Baxter Co-operative Housing Society Limited	30 Jasper-Terrace, Frankston	Commonwealth Savings Bank of Australia
A.B.C. Staff Association (Victoria) Co-operative Housing Society No. 1 Limited	473 St. Kilda-road, Melbourne	Commonwealth Savings Bank of Australia
Werribee (No. 4) Co-operative Housing Society Limited	30 Station-street, Werribee ..	Commonwealth Savings Bank of Australia
Le Foyer (No. 4) Co-operative Housing Society Limited	473 Bourke-street, Melbourne..	Commonwealth Savings Bank of Australia
Orbost Co-operative Housing Society Limited	6 Ruskin-street, Orbost ..	The Commercial Savings Bank of Australia Limited
Eaglehawk No. 6 Co-operative Housing Society Limited	National Bank Chambers, Pall Mall, Bendigo	Commonwealth Savings Bank of Australia
Lilydale (No. 2) Co-operative Housing Society Limited	878 Whitehorse-road, Box Hill	Commonwealth Savings Bank of Australia
C.P.S.C.A. (No. 3) Co-operative Housing Society Limited	473 Bourke-street, Melbourne..	Commonwealth Savings Bank of Australia
Workmans No. 6 Co-operative Housing Society Limited	377 Little Collins-street, Melbourne	Commonwealth Savings Bank of Australia
Wantirna-Bayfield (No. 1) Co-operative Housing Society Limited	9 Wantirna-road, Ringwood ..	Commonwealth Savings Bank of Australia
Manningham Co-operative Housing Society Limited	428 St. Kilda-road, Melbourne	Commonwealth Trading Bank of Australia
Coburg No. 8 Co-operative Housing Society Limited	420 Sydney-road, Coburg ..	Commonwealth Savings Bank of Australia
Kardinia (No. 8) Co-operative Housing Society Limited	54 Malop-street, Geelong ..	Commonwealth Savings Bank of Australia
Mt. Eliza Co-operative Housing Society Limited	459 Nepean-highway, Frankston	E. S. & A. Savings Bank Limited
Beauville Co-operative Housing Society Limited	24 Market-street, Melbourne ..	The South British Insurance Company Limited
Lonsdale (No. 5) Co-operative Housing Society Limited	433 South-road, Moorabbin ..	Commonwealth Savings Bank of Australia
Miscellaneous Workers Co-operative Housing Society Limited	Offices of Miscellaneous Workers Union, Trades Hall, Melbourne	Commonwealth Savings Bank of Australia
Eastern Suburbs (No. 4) Co-operative Housing Society Limited	878 Whitehorse-road, Box Hill	The National Bank Savings Bank Limited
Kew (No. 2) Co-operative Housing Society Limited	505 Bourke-street, Melbourne..	E. S. & A. Savings Bank Limited
S.E.C. Project No. 2 Co-operative Housing Society Limited	S.E.C. Administrative Offices, Ridge-road, Morwell	The National Bank Savings Bank Limited
Amalgamated Carpenters and Joiners (No. 4) Co-operative Housing Society Limited	Co-operation House, cnr. Victoria and Exhibition streets, Melbourne	Commonwealth Savings Bank of Australia
Assurance No. 3 Co-operative Housing Society Limited	475 Collins-street, Melbourne..	C.B.C. Savings Bank Limited
Rosebud (No. 4) Co-operative Housing Society Limited	426 Nepean-highway, Rosebud	Commonwealth Savings Bank of Australia
1963-64—60 societies.		
Friendly Societies (No. 1) Co-operative Housing Society Limited	49 Elizabeth-street, Melbourne	Commonwealth Savings Bank of Australia
Thornbury No. 2 Co-operative Housing Society Limited	386 Flinders-lane, Melbourne ..	Commonwealth Trading Bank of Australia

a) 1963-64—60 societies—continued.

Name of Society.	Location (Registered Office).	(c). Source of Finance.
Kynoch Co-operative Housing Society Limited	24 Market-street, Melbourne ..	Australia and New Zealand Savings Bank Limited
Deakin No. 2 Co-operative Housing Society Limited	290 Latrobe-street, Melbourne	Commonwealth Savings Bank of Australia
Malop Co-operative Housing Society Limited	54 Malop-street, Geelong ..	E. S. and A. Savings Bank Limited
J.H. (No. 3) Co-operative Housing Society Limited	Co-operation House, cnr. Victoria and Exhibition-streets, Melbourne	Australia and New Zealand Savings Bank Limited
Barwon and Bellarine (No. 4) Co-operative Housing Society Limited	157 Moorabool-street, Geelong	Australia and New Zealand Savings Bank Limited
Broadmeadows Co-operative Housing Society Limited	420 Sydney-road, Coburg ..	Home Builders' Account
Bata (No. 1) Co-operative Housing Society Limited	Co-operation House, cnr. Victoria and Exhibition streets, Melbourne	Home Builders' Account
Bata (No. 2) Co-operative Housing Society Limited	Co-operation House, cnr. Victoria and Exhibition streets, Melbourne	The Commercial Savings Bank of Australia Limited
J.H. (No. 4) Co-operative Housing Society Limited	Co-operation House, cnr. Victoria and Exhibition streets, Melbourne	The State Electricity Commission Provident Fund
Selborne Co-operative Housing Society Limited	505 Bourke-street, Melbourne..	Home Builders' Account
Yarra Grange No. 4 Co-operative Housing Society Limited	Southampton-crescent, Abbotsford	The National Bank Savings Bank Limited
K.S.M. Co-operative Housing Society (No. 1) Limited	Lower Ground Floor, 31 Queen-street, Melbourne	The Commercial Savings Bank of Australia Limited
A.N.A. Co-operative Housing Society (No. 11) Limited	28 Elizabeth-street, Melbourne	Commonwealth Savings Bank of Australia
Geelong Citizens Co-operative Housing Society No. 9 Limited	Commonwealth Bank Building, cnr. Moorabool and Malop streets, Geelong	Commonwealth Savings Bank of Australia
The Stratum Titles Co-operative Housing Society (No. 1) Limited	Lower Ground Floor, 31 Queen-street, Melbourne	The Commercial Savings Bank of Australia Limited
Workmans No. 7 Co-operative Housing Society Limited	377 Little Collins-street, Melbourne	Home Builders' Account
Atlas Co-operative Housing Society Limited	24 Market-street, Melbourne ..	Commonwealth Savings Bank of Australia
Commercial No. 2 Co-operative Housing Society Limited	475 Collins-street, Melbourne ..	C.B.C. Savings Bank Limited
J.H. (No. 5) Co-operative Housing Society Limited	Co-operation House, cnr. Victoria and Exhibition streets, Melbourne	E. S. and A. Savings Bank Limited
Belgrave (No. 8) Co-operative Housing Society Limited	403 Main-road, Upwey ..	The State Savings Bank of Victoria
Ballarat A.N.A. No. 3 Co-operative Housing Society Limited	11 Grenville-street north, Ballarat	The State Savings Bank of Victoria
B.E.S.L.A. (No. 2) Co-operative Housing Society Limited	428 St. Kilda-road, Melbourne	The State Savings Bank of Victoria
Bata (No. 3) Co-operative Housing Society Limited	Co-operation House, cnr. Victoria and Exhibition streets, Melbourne	Commonwealth Savings Bank of Australia
Friendly Societies (No. 2) Co-operative Housing Society Limited	49 Elizabeth-street, Melbourne	Australia and New Zealand Savings Bank Limited
Boronia No. 3 Co-operative Housing Society Limited	284 Dorset-road, Boronia ..	Australia and New Zealand Savings Bank Limited, and The Western Australian Insurance Company (Canberra) Limited
Ballarat No. 8 Co-operative Housing Society Limited	11 Grenville-street north, Ballarat	General Accident Fire and Life Assurance Corporation Limited

(a) 1963-64—60 societies—continued.

Name of Society.	Location (Registered Office).	(c). Source of Finance.
Italia Co-operative Housing Society Limited	Co-operation House, cnr. Victoria and Exhibition streets, Melbourne	Home Builders' Account
Monash No. 2 Co-operative Housing Society Limited	Flat 14, "Yarralumla", cnr. Marne - street and Toorak-road, South Yarra, S.E.1	E. S. and A. Savings Bank Limited
Southvale Co-operative Housing Society Limited	381-83 Bay-street, North Brighton	The State Savings Bank of Victoria
Comervale Co-operative Housing Society Limited	420 Sydney-road, Coburg ..	Commonwealth Savings Bank of Australia
Cranbourne Co-operative Housing Society Limited	196 Lonsdale-street, Dandenong	The State Savings Bank of Victoria
Security (No. 21) Co-operative Housing Society Limited	157 a'Beckett-street, Melbourne	Commonwealth Savings Bank of Australia
Heidelberg District (No. 5) Co-operative Housing Society Limited	126 Wellington-parade, East Melbourne	Commonwealth Savings Bank of Australia
V.S.T.A. No. 1 Co-operative Housing Society Limited	220 Collins-street, Melbourne ..	The State Savings Bank of Victoria
British Migrants Co-operative Housing Society (Victoria) Limited	Co-operation House, cnr. Victoria and Exhibition streets, Melbourne	Bank of New South Wales Savings Bank Limited
Greythorn (No. 1) Co-operative Housing Society Limited	Co-operation House, cnr. Victoria and Exhibition streets, Melbourne	Commonwealth Savings Bank of Australia
Strzelecki (No. 4) Co-operative Housing Society Limited	88-90 Hotham-street, Traralgon	The South British Insurance Company Limited
Hume (No. 2) Co-operative Housing Society Limited	473 Bourke-street, Melbourne	E. S. and A. Savings Bank Limited
A.P.E.A. Co-operative Housing Society Limited	386 Flinders-lane, Melbourne ..	E. S. and A. Savings Bank Limited
Northcote and District No. 4 Co-operative Housing Society Limited	475 Collins-street, Melbourne ..	Bank of New South Wales Savings Bank Limited
Greater Mordialloc No. 2 Co-operative Housing Society Limited	386 Flinders-lane, Melbourne ..	Commonwealth Savings Bank of Australia
Assurance No. 4 Co-operative Housing Society Limited	475 Collins-street, Melbourne ..	Australia and New Zealand Savings Bank Limited
Kardinia (No. 9) Co-operative Housing Society Limited	54 Malop-street, Geelong ..	Bank of New South Wales Savings Bank Limited
Brunswick and District No. 4 Co-operative Housing Society Limited	475 Collins-street, Melbourne ..	Commonwealth Savings Bank of Australia
Stalbridge Co-operative Housing Society Limited	505 Bourke-street, Melbourne..	The Commercial Savings Bank of Australia Limited
Roslyn (No. 3) Co-operative Housing Society Limited	16 James-street, Geelong ..	Australia and New Zealand Savings Bank Limited, and Home Builders' Account
Loddon No. 4 Co-operative Housing Society Limited	32 Wellington-street, Kerang ..	C.B.C. Savings Bank Limited
Associated Tobacco Companies Co-operative Housing Society No. 10 Limited	246 East Boundary-road, East Bentleigh	The National Bank Savings Bank Limited
Juno Co-operative Housing Society Limited	121A Station-street, Fairfield ..	Commonwealth Savings Bank of Australia
Victorian Teachers Union No. 3 Co-operative Housing Society Limited	290 Latrobe-street, Melbourne	Australia and New Zealand Savings Bank Limited
Ivandale No. 7 Co-operative Housing Society Limited	1025 Whitehorse-road, Box Hill	Commonwealth Savings Bank of Australia
Tanjil (No. 2) Co-operative Housing Society Limited	88-90 Hotham-street, Traralgon	Commonwealth Savings Bank of Australia

(a) 1963-64—60 societies—continued.

Name of Society.	Location (Registered Office).	(c). Source of Finance.
Greater Moorabbin (No. 6) Co-operative Housing Society Limited	433 South-road, Moorabbin ..	Bank of New South Wales Savings Bank Limited
Belgrave (No. 9) Co-operative Housing Society Limited	403 Main-road, Upwey ..	Commonwealth Savings Bank of Australia
Snowy River Co-operative Housing Society Limited	6 Ruskin-street, Orbost ..	C.B.C. Savings Bank Limited
Wannon Co-operative Housing Society Limited	67 Kepler-street, Warrnambool	Bank of New South Wales Savings Bank Limited
I.O.R. (No. 2) Co-operative Housing Society Limited	518 Elizabeth-street, Melbourne	Commonwealth Savings Bank of Australia
Reservoir (No. 2) Co-operative Housing Society Limited	428 St. Kilda-road, Melbourne..	Commonwealth Savings Bank of Australia
1964-65—74 societies.		
M.J.C.C. No. 1 Co-operative Housing Society Limited	505 Bourke-street, Melbourne..	The Commercial Savings Bank of Australia Limited
Tirrenica (No. 12) Co-operative Housing Society Limited	Co-operation House, cnr. Victoria and Exhibition-streets, Melbourne	Commonwealth Savings Bank of Australia and I.C.L.E.
Ensa Co-operative Housing Society Limited	176 Commercial-road, Morwell	E. S. and A. Savings Bank Limited
The Stratum Titles Co-operative Housing Society (No. 2) Limited	39 Little Collins-street, Melbourne	Home Builders' Account
The Stratum Titles Co-operative Housing Society (No. 3) Limited	39 Little Collins-street, Melbourne	The Commercial Savings Bank of Australia Limited
A.N.A. Co-operative Housing Society (No. 12) Limited	28 Elizabeth-street, Melbourne	Commonwealth Savings Bank of Australia
Geelong Citizens Co-operative Housing Society (No. 10) Limited	Commonwealth Bank Building, cnr. of Moorabool and Malop streets, Geelong	The National Bank Savings Bank Limited
Moorabool (No. 5) Co-operative Housing Society Limited	T. and G. Building, Moorabool-street, Geelong	Skandia Insurance Company Limited
V.H.B. (No. 8) Co-operative Housing Society Limited	16 Yeneda-street, North Balwyn	Commonwealth Savings Bank of Australia
K.S.M. Co-operative Housing Society (No. 2) Limited	296-300 Little Lonsdale-street, Melbourne	E. S. and A. Savings Bank Limited
Le Foyer (No. 5) Co-operative Housing Society Limited	473 Bourke-street, Melbourne	Commonwealth Savings Bank of Australia
Swan Hill District (No. 6) Co-operative Housing Society Limited	49 McCallum-street, Swan Hill	The United Insurance Company Limited
Kangaroo Flat (Bendigo) (No. 7) Co-operative Housing Society Limited	Killian's Walk, Hargreaves-street, Bendigo	Commonwealth Savings Bank of Australia
Nepean (No. 5) Co-operative Housing Society Limited	230 Collins-street, Melbourne..	Commonwealth Savings Bank of Australia
Laverton (No. 3) Co-operative Housing Society Limited	30 Jasper-terrace, Frankston	Commonwealth Savings Bank of Australia
Minerva Co-operative Housing Society Limited	42 Station-street, Fairfield ..	State Savings Bank of Victoria
Glen Waverley (No. 3) Co-operative Housing Society Limited	386 Flinders-lane, Melbourne	Commonwealth Savings Bank of Australia
Ocean Grove and District (No. 3) Co-operative Housing Society Limited	81 Ryrie-street, Geelong ..	The State Savings Bank of Victoria
Rosanna District (No. 3) Co-operative Housing Society Limited	Co-operation House, cnr. Victoria and Exhibition-streets, Melbourne	Home Builders' Account
Ivandale (No. 8) Co-operative Housing Society Limited	1025 Whitehorse-road, Box Hill	Home Builders' Account
Ballarat (No. 9) Co-operative Housing Society Limited	11 Grenville-street north, Ballarat	Home Builders' Account

(a) 1964-65—74 societies—continued.

Name of Society.	Location (Registered Office).	(c). Source of Finance.
Park Orchards (No. 1) Co-operative Housing Society Limited	Rooms 11 and 12, 1st Floor, 88 Maroondah Highway, Ringwood	Home Builders' Account
Hermes Co-operative Housing Society Limited	42 Station-street, Fairfield ..	Home Builders' Account
Somerton Co-operative Housing Society Limited	420 Sydney-road, Coburg ..	Home Builders' Account
Ripon (No. 6) Co-operative Housing Society Limited	164A Barkly-street, Ararat ..	Home Builders' Account
Glen Waverley (No. 4) Co-operative Housing Society Limited	386 Flinders-lane, Melbourne..	Home Builders' Account
Hobson (No. 5) Co-operative Housing Society Limited	428 St. Kilda-road, Melbourne	Home Builders' Account
Le Foyer (No. 6) Co-operative Housing Society Limited	473 Bourke-street, Melbourne	Home Builders' Account
Highbury Co-operative Housing Society Limited	24 Market-street, Melbourne	Home Builders' Account
Corio and Moorpanyal (No. 11) Co-operative Housing Society Limited	16 James-street, Geelong ..	Home Builders' Account
Maryvale (No. 2) Co-operative Housing Society Limited	88-90 Hotham street, Traralgon	Home Builders' Account
Oakleigh Savings Co-operative Housing Society Limited	63 Atherton-road, Oakleigh	Home Builders' Account
Footscray and District No. 7 Co-operative Housing Society Limited	475 Collins-street, Melbourne	Home Builders' Account
Kyabram and District (No. 7) Co-operative Housing Society Limited	Allan-street, Kyabram ..	Home Builders' Account
Eastern Suburbs (No. 5) Co-operative Housing Society Limited	878 Whitehorse-road, Box Hill	Home Builders' Account
Fifth Mildura Co-operative Housing Society Limited	71 Deakin-avenue, Mildura ..	Home Builders' Account
Swan Hill District No. 7 Co-operative Housing Society Limited	49 McCallum-street, Swan Hill	Home Builders' Account
Rosebud (No. 5) Co-operative Housing Society Limited	262 Nepean Highway, Rosebud	Home Builders' Account
Banksia Co-operative Housing Society Limited	381-383 Bay-street, North Brighton	Home Builders' Account
Wangaratta Co-operative Housing Society (No. 8) Limited	86 Murphy-street, Wangaratta	Home Builders' Account
Boronia (No. 4) Co-operative Housing Society Limited	284 Dorset-road, Boronia ..	Home Builders' Account
The Decentralist (No.3) Co-operative Housing Society Limited	1st Floor, 176 Commercial-road, Morwell	Home Builders' Account
South Gippsland (No. 3) Co-operative Housing Society Limited	57 Bair-street, Leongatha ..	Home Builders' Account
Security (No. 22) Co-operative Housing Society Limited	157 a'Beckett-street, Melbourne	Home Builders' Account
Eaglehawk (No. 7) Co-operative Housing Society Limited	National Bank Chambers, Pall Mall, Bendigo	Home Builders' Account
Bairnsdale and District (No. 6) Co-operative Housing Society Limited	34 Service-street, Bairnsdale	Home Builders' Account
Warrnambool (No. 5) Co-operative Housing Society Limited	104 Liebig-street, Warrnambool	Home Builders' Account

(a) 1964-65—74 societies—*continued.*

Name of Society.	Location (Registered Office).	(c). Source of Finance.
Tullamarine Co-operative Housing Society Limited	13 Norwood-crescent, Moonee Ponds	Home Builders' Account
Hamilton (No. 7) Co-operative Housing Society Limited	77 Kennedy-street, Hamilton	Home Builders' Account
Gellibrand Co-operative Housing Society Limited	Cnr. Gellibrand and Dennis-streets, Colac	Home Builders' Account
Horsham (No. 4) Co-operative Housing Society Limited	35 McLachlan-street, Horsham	Home Builders' Account
Dutton (No. 2) Co-operative Housing Society Limited	58 Julia-street, Portland ..	Commonwealth Trading Bank of Australia
Westernport (No. 4) Co-operative Housing Society Limited	459 Nepean Highway, Frankston	Commonwealth Trading Bank of Australia
Lonsdale (No. 6) Co-operative Housing Society Limited	433 South-road, Moorabbin	Home Builders' Account
Lonsdale (No. 7) Co-operative Housing Society Limited	433 South-road, Moorabbin	The State Savings Bank of Victoria
Moorabbin (No. 3) Co-operative Housing Society Limited	17 Mernda-avenue, Cheltenham, Victoria	Commonwealth Savings Bank of Australia
Engineering (No. 1) Co-operative Housing Society Limited	475 Collins-street, Melbourne	Bank of New South Wales Savings Bank Limited
Portland (No. 5) Co-operative Housing Society Limited	97a Percy-street, Portland ..	Home Builders' Account
Victoria Police (No. 7) Co-operative Housing Society Limited	Co-operation House, Cnr. Victoria and Exhibition-streets, Melbourne	Commonwealth Savings Bank of Australia
Tottenham Co-operative Housing Society Limited	24 Market-street, Melbourne	Commonwealth Savings Bank of Australia
Murray Valley (No. 6) Co-operative Housing Society Limited	Station-street, Cobram	Home Builders' Account
Baxter (No. 2) Co-operative Housing Society Limited	30 Jasper-terrace, Frankston	The United Insurance Company Limited.
Benalla (No. 5) Co-operative Housing Society Limited	118 Bridge-street East, Benalla	Home Builders' Account
Loddon (No. 5) Co-operative Housing Society Limited	32 Wellington-street, Kerang	The United Insurance Company Limited
Eastern Suburbs (No. 6) Co-operative Housing Society Limited	878 Whitehorse-road, Box Hill	Commonwealth Savings Bank of Australia
Bourke Co-operative Housing Society Limited	386 Flinders-lane, Melbourne..	Commonwealth Trading Bank of Australia
Benalla (No. 6) Co-operative Housing Society Limited	118 Bridge-street East, Benalla	Commonwealth Savings Bank of Australia
Kew (No. 3) Co-operative Housing Society Limited	505 Bourke-street, Melbourne	C.B.C. Savings Bank Limited
Dandenong (No. 8) Co-operative Housing Society Limited	Walker-street, Dandenong ..	Home Builders' Account
Workmans (No. 8) Co-operative Housing Society Limited	377 Little Collins-street, Melbourne	Commonwealth Savings Bank of Australia
Diamond Creek Co-operative Housing Society Limited	28 Brunswick-street, Fitzroy..	Commonwealth Savings Bank of Australia
Commercial (No. 3) Co-operative Housing Society Limited	475 Collins-street, Melbourne..	C.B.C. Savings Bank Limited
Netherlands Australian (No. 17) Co-operative Housing Society Limited	475 Collins-street, Melbourne..	The State Savings Bank of Victoria
Netherlands Australian (No. 18) Co-operative Housing Society Limited	475 Collins-street, Melbourne..	Home Builders' Account

(b) 1st July, 1965, to 31st March, 1966.—26 societies.

Name of Society.	Location (Registered Office).	(c). Source of Finance.
Geelong Citizens Co-operative Housing Society (No. 11) Limited	Commonwealth Bank Building, cnr. Moorabool and Malop streets, Geelong	Bank of New South Wales Savings Bank Limited
Thomastown and District (No. 2) Co-operative Housing Society Limited	386 Flinders-lane, Melbourne..	Commonwealth Savings Bank of Australia
Shepparton and District (No. 7) Co-operative Housing Society Limited	24 Fryers-street, Shepparton..	Commonwealth Savings Bank of Australia
Sale (No. 5) Co-operative Housing Society Limited	192 Raymond-street, Sale ..	Home Builders' Account
Netherlands Australian (No. 19) Co-operative Housing Society Limited	475 Collins-street, Melbourne..	Commonwealth Savings Bank of Australia
Lawson (No. 4) Co-operative Housing Society Limited	473 Bourke-street, Melbourne	Commonwealth Savings Bank of Australia
Bennettswood (No. 2) Co-operative Housing Society Limited	428 St. Kilda-road, Melbourne	Commonwealth Savings Bank of Australia
Selborne (No. 2) Co-operative Housing Society Limited	505 Bourke-street, Melbourne	E. S. and A. Savings Bank Limited
Lonsdale (No. 8) Co-operative Housing Society Limited	433 South-road, Moorabbin ..	Home Builders' Account
K.S.M. (No. 3) Co-operative Housing Society Limited	296-300 Little Lonsdale-street, Melbourne	E. S. and A. Savings Bank Limited
Mount Waverley (No. 2) Co-operative Housing Society Limited	196 Lonsdale-street, Dandenong	Commonwealth Savings Bank of Australia
Federated Clerks Union (No. 5) Co-operative Housing Society Limited	Co-operation House, cnr. Victoria and Exhibition streets, Melbourne	Commonwealth Savings Bank of Australia
Labor Co-operative Housing Society Limited	221 Moorabool-street, Geelong	Commonwealth Savings Bank of Australia
Baxter (No. 3) Co-operative Housing Society Limited	30 Jasper-terrace, Frankston..	Commonwealth Savings Bank of Australia
Netherlands Australian (No. 20) Co-operative Housing Society Limited	475 Collins-street, Melbourne..	Australia and New Zealand Savings Bank Limited
Ballarat (No. 10) Co-operative Housing Society Limited	11 Grenville-street, north, Ballarat	Commonwealth Savings Bank of Australia
A.N.A. Co-operative Housing Society (No. 13) Limited	28 Elizabeth-street, Melbourne	Commonwealth Savings Bank of Australia
Geelong Citizens Co-operative Housing Society (No. 12) Limited	Commonwealth Bank Building, cnr. Moorabool and Malop-streets, Geelong	General Accident Fire and Life Assurance Corporation Limited
Bulleen No. 2 Co-operative Housing Society Limited	386 Flinders-lane, Melbourne..	Commonwealth Savings Bank of Australia
Midlands Co-operative Housing Society Limited	1 Chancery-lane, Ballarat ..	The National Insurance Company of New Zealand Limited
Lonsdale (No. 9) Co-operative Housing Society Limited	433 South-road, Moorabbin ..	Commonwealth Savings Bank of Australia
Moorabool (No. 6) Co-operative Housing Society Limited	T. and G. Building, Moorabool-street, Geelong	Commonwealth Savings Bank of Australia
Thornbury (No. 3) Co-operative Housing Society Limited	386 Flinders-lane, Melbourne..	Commonwealth Trading Bank of Australia
Saxon Co-operative Housing Society Limited	505 Bourke-street, Melbourne	The Commercial Savings Bank of Australia Limited
Kingsway (No. 1) Co-operative Housing Society Limited	386 Flinders-lane, Melbourne..	Commonwealth Savings Bank of Australia
Le Foyer (No. 7) Co-operative Housing Society Limited	473 Bourke-street, Melbourne	Commonwealth Savings Bank of Australia

MENTAL INSTITUTIONS.**TOBACCO ALLOWANCE TO INMATES.**

The Hon. J. M. TRIPOVICH (Doutta Galla Province) asked the Minister of Health—

(a) What is the present allowance of tobacco and/or cigarettes made to inmates of Victorian mental institutions?

(b) Has this ration been varied at any time within the past ten years; if so, why, when, and by what amount?

(c) What has been the cost of providing this allowance during each of the past six years?

The Hon. V. O. DICKIE (Minister of Health).—The answers are—

(a) There is no basic "ration" of tobacco for patients in mental hospitals. Issues are made to those who smoke and have no means of providing their own requirements.

(b) Yes. For the financial year 1965-66, mental health institutions were directed to reduce expenditure on tobacco for patients by one third. An amount of £1,470,000 (£1,450,146 in 1964-65) was provided under Division 76, Subdivision 2, Item 7 in the current year's Estimates for stores provisions, clothing, bedding, plant and equipment and other expenses for mental institutions. The demands for various items of expenditure were so great that some pruning of expenditure was necessary. The Mental Health Authority, along with the Department of Health, in general has always been concerned at the relationship between tobacco smoking and lung cancer, and it was considered therefore that this reduction in the smoking of tobacco by patients would not adversely affect their welfare.

(c) Cost of tobacco and cigarette papers for the past six financial years is as under:—

—	Tobacco.	Cigarette Papers.	Total.	
	£	£	£	\$
1959-60 ..	32,100	2,800	34,900	69,800
1960-61 ..	34,300	2,900	37,200	74,400
1961-62 ..	35,200	3,100	38,300	76,600
1962-63 ..	42,300	3,800	46,100	92,200
1963-64 ..	44,800	3,900	48,700	97,400
1964-65 ..	45,000	3,500	48,500	97,000
1965 (to 31.3.66)	30,600	2,400	33,000	66,000

HOUSING COMMISSION.**DARBY AND JOAN AND LONE PERSON UNITS: EXPENDITURE ON SLUM RECLAMATION.**

The Hon. G. J. O'CONNELL (Melbourne Province) asked the Minister of Housing—

(a) How many applications for Darby and Joan and lone person units are outstanding at the present time?

(b) How many applicants is it anticipated will be accommodated in the current financial year?

(c) What was the total amount of expenditure on slum reclamation for the financial year 1964-65 and to February in the current financial year?

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

(a) Darby and Joan ..	403
Lone Person ..	3,762
(b) Darby and Joan ..	104
Lone Person ..	636
(c) 1964-65 ..	£5,064,790
1965-66 (to 28th February, 1966) ..	£2,763,385

I emphasize that the figure for 1965-66 is a rough estimate, but it is the best available.

LAVERTON ESTATE: ACCOMMODATION OF SERVICE PERSONNEL.

The Hon. A. W. KNIGHT (Melbourne West Province) asked the Minister of Housing—

How many serving members of Her Majesty's forces are housed in the Housing Commission's estate at Laverton?

The Hon. L. H. S. THOMPSON (Minister of Housing).—The answer is—

Up to date, the following Housing Commission homes have been allocated to the Department of Air as married quarters under clause 13 of the Commonwealth-State Housing Agreement:—

Laverton ..	215
Laverton North ..	164
	379

FORESTS COMMISSION.

SIREX WASP: AREAS INFESTED:
ERADICATION: COST.

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

(a) In what areas has siren wasp been found since 1st July, 1965?

(b) Has the spread of the wasp been eradicated, reduced or contained?

(c) What progress has been made by the siren parasites *ibalia leucospoides* and *rhyssa persuasoria* in their effect on the wasp?

(d) What other action is being taken to eradicate the wasp?

(e) What has been the total cost to date of the campaign to eradicate the wasp?

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

(a) There are three areas in which the siren wood wasp is known to occur:—

1. Gippsland — a rough quadrangle bounded by Moondarra, Briagolong, Longford and Hazelwood.
2. Metropolitan—bounded approximately by Macedon, Warburton, Mirboo North, Leongatha and Flinders.
3. Ballarat—where siren has been found around Myrniong and Ingliston and presumed to have been near the Moorooloolool reservoir.

(b) The rate of spread has been reduced and, in the main, appears to be contained. The wasp has been almost eliminated from the developed farm lands in the area between Traralgon and Lake Wellington.

(c) *Ibalia leucospoides* is established in the metropolitan area. A breeding programme with *ibalia* and another parasite is making good progress. *Rhyssa persuasoria*, although released, is not known to be established.

(d) Because pine trees which have recently died have proven to harbour large numbers of wood wasps over a period of eighteen months, regulations under the Forests Act make it an offence for a landholder to retain dead pine trees on his property. The ready co-operation of landholders in disposing of dead pine trees has assisted significantly in controlling the rate of spread of the insect.

(e) At 22nd March, 1966, a total of \$987,238 from the National Siren Fund had been spent in Victoria by the Forests Commission on search, destruction of infested and suspected material and on sawmill

inspection. Substantial sums had also been spent by private forest owners and the Forests Commission in their own plantations.

ANTI-CONSCRIPTION DEMONSTRATIONS.

POLICE METHODS: CHARGES: RIGHTS OF CITIZENS.

The Hon. I. R. CATHIE (South-Eastern Province) asked the Minister of Agriculture—

(a) What investigations have been made into allegations of police using rough methods to break up anti-conscription demonstrations?

(b) What truth is there in the claims that police recently tore up placards and rode their horses through the crowd in the post office square?

(c) Have any demonstrators been charged on summons; if not, why were demonstrators placed in the divisional vans?

(d) Does the Government agree with a Federal Minister's statement that these demonstrations must be stopped; if so, what civil liberties remain for ordinary citizens to protest against government decisions?

The Hon. G. L. CHANDLER (Minister of Agriculture).—The answers supplied by the Chief Secretary are—

(a) and (b). Having read certain statements in the newspapers, I asked the Chief Commissioner of Police to furnish me with a report of the facts.

The demonstrators commenced to march from Victoria Barracks at 10.30 a.m. to Post Office-place where they were addressed by two speakers until mid-day. During this period the demonstration was orderly and the police did not interfere. When the leaders left, irresponsible elements took charge and approximately 800 persons marched four deep along Bourke-street, Elizabeth-street, Lonsdale-street, Swanston-street and Little Bourke-street back to Post Office-place. Here the demonstrators became so unruly and were so seriously obstructing the footpaths and adjacent roadways, that the police were constrained to disperse them. In the process some placards were damaged. Two mounted troopers were used to assist foot police.

I wish to emphasize that throughout the whole morning police had shown extraordinary tolerance and acted only when the situation threatened to get out of hand.

(c) Two youths will be proceeded against on summons on charges of offensive behaviour.

(d) Demonstrations which are orderly, do not obstruct the ordinary use of the highways by other members of the community and are not likely to create a breach of the peace, will not be stopped.

STATE ELECTRICITY COMMISSION.

BRIQUETTES: SALE TO ROYAL AUSTRALIAN AIR FORCE.

The Hon. A. W. KNIGHT (Melbourne West Province) asked the Minister of Agriculture—

How many hundredweight of briquettes were purchased by the Royal Australian Air Force at Laverton—(i) during the weeks ended 10th, 17th, and 24th July, 1965; and (ii) during the weeks ended 12th, 19th, and 26th March, 1966, for private use by the Air Force personnel?

The Hon. G. L. CHANDLER (Minister of Agriculture).—The answer is—

The quantities of briquettes purchased by the R.A.A.F. during the periods stated were:—

(i) Week ended—

10th July, 1965	.. 444 cwt.
17th July, 1965	.. Nil
24th July, 1965	.. 498 cwt.

(ii) Week ended—

12th March, 1966	.. Nil
19th March, 1966	.. 380 cwt.
26th March, 1966	.. Nil.

The purpose for which these briquettes were purchased is not known, but it is believed that most would be for use by Air Force personnel.

PETROL RESELLERS.

TRADING HOURS.

The Hon. J. M. TRIPOVICH (Doutta Galla Province) asked the Minister of Agriculture—

Has the Government received any requests or deputations from any organization or group of individuals urging the extension of trading hours for petrol stations; if so, when were the requests made, and by whom?

The Hon. G. L. CHANDLER (Minister of Agriculture).—The answer is “No”.

COUNTRY FIRE AUTHORITY.

NEW HEADQUARTERS: COST OF LAND AND BUILDINGS.

The Hon. J. W. GALBALLY (Melbourne North Province) asked the Minister of Agriculture—

(a) What were the reasons which impelled the Country Fire Authority to build its headquarters in Melbourne?

(b) What was the price of the land?

(c) What is the estimated cost of the buildings and furnishings?

The Hon. G. L. CHANDLER (Minister of Agriculture).—The answers are—

(a) By building headquarters in Melbourne, the Authority has ready access to the Minister, the headquarters of the Police Department, Forests Commission, Red Cross and other organizations, and has the several advantages of centralized administration.

(b) The land is leased from the Railway Department over a period of 50 years with an option of renewal. The annual rental is \$1,248 for the first ten years and thereafter at a rental subject to agreement between the Railways Commissioners and the Country Fire Authority.

(c) \$470,000.

RAILWAY DEPARTMENT.

ARARAT-MARYBOROUGH SERVICE:
HAMILTON-HORSHAM LINE.

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

(a) When does the Government intend to fully re-open the Ararat-Maryborough rail service as promised before the 1964 elections?

(b) Does the Government have any plans in connexion with the strengthening of the Hamilton-Horsham line in order that it may be used to freight all primary products?

The Hon. G. L. CHANDLER (Minister of Agriculture).—The reply is—

The question of improved rail links towards Portland is under constant review, and decisions will be announced as they are taken.

NOXIOUS WEEDS.

ERADICATION OF RAGWORT: USE OF CINNABAR MOTH.

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

(a) What progress is being made with the eradication of ragwort by means of the cinnabar moth?

(b) What measure of success has the Vermin and Noxious Weeds Destruction Board had with the breeding of the cinnabar moth?

(c) What other research is being carried out as a means of effectual eradication of ragwort by scientific application?

The Hon. G. L. CHANDLER (Minister of Agriculture).—As the answers provided by the Minister of Lands are lengthy, I ask leave of the House to have them incorporated in *Hansard* without my reading them.

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

(a) Very little progress is being made with the eradication of ragwort by means of the cinnabar moth. After many years of unsuccessful scientific effort to establish the moth, both by the Commonwealth Scientific Industrial Research Organization and the Vermin and Noxious Weeds Destruction Board, it has been decided to terminate the project. The Commonwealth Scientific Industrial Research Organization withdrew in the late 1950's from this work, and the Vermin and Noxious Weeds Destruction Board terminates its efforts at the end of autumn 1966, after seven years further work. The cinnabar moths remaining in the ragwort areas are, for all practical purposes, not eradicating ragwort.

(b) The breeding of the cinnabar moth has not been very successful, particularly under field conditions in South Gippsland. The cinnabar moth was imported from Europe in the pupal stage and bred out under quarantine conditions, in an insectary.

Colonies of caterpillars of the cinnabar moth were established in the field from the surviving moths, but outbreaks of a virus disease in the caterpillars, together with predation by scorpion flies and ants, and parasitism of the cinnabar moth caterpillars by wasps, largely prevented the successful establishment of the cinnabar moth in the field.

The research work by the Commonwealth Scientific Industrial Research Organization in the 1930's and again in the 1950's, was

considered a failure by that organization, mainly due to a virus disease killing large numbers of caterpillars, and to the predation of the caterpillars by the scorpion fly.

(c) Following the failure to establish the cinnabar moth successfully, the Commonwealth Scientific Industrial Research Organization introduced a seed fly as another insect for biological control of ragwort. After about five years' investigations, this project was terminated by the Commonwealth Scientific Industrial Research Organization. Although some seed flies are in evidence in South Gippsland, there is no indication to date that the seed fly is having any useful effect on ragwort. Findings of the research work undertaken by the Commonwealth Scientific Industrial Research Organization on biological control of ragwort by insects will, it is understood, be published in the near future, and those of the work done by the Vermin and Noxious Weeds Destruction Board should be published about mid 1967.

A programme of research into the control of ragwort using a wide range of modern weedicides is under way in Gippsland and the Otways. Promising weedicides are being tested under field conditions in many experimental plots, and one senior research officer spends a considerable proportion of his time on ragwort control.

With the provision of modern scientific research facilities at the Keith Turnbull Research Station near Frankston, additional effort will be made, particularly in glass-house experiments, to find a solution to the ragwort problem.

Following a successful research programme on aerial spraying of ragwort both by fixed wing aircraft and helicopter, and the publishing of the results of this work, landholders are using this technique on an increasing scale. When helicopters are available on a suitable commercial basis, the senior research officer involved in this work will continue investigations to ensure maximum benefit is obtained from this work.

PRE-SCHOOL CENTRES.

GOVERNMENT SUBSIDIES.

The Hon. G. J. O'CONNELL (Melbourne Province) asked the Minister of Health—

What payments have been made from Government funds to each kindergarten and pre-school centre in the cities of Fitzroy, Collingwood and Richmond, for maintenance and salaries in the financial year 1964-65?

The Hon. V. O. DICKIE (Minister of Health).—The information sought is as follows:—

Centre. (Kindergartens, Crèches, and Pre-school Play Centres).				Amount.			Remarks.
<i>City of Fitzroy.</i>				£	s.	d.	
Alice Lovell Clarke Kindergarten, Fitzroy	..	..	..	1,016	16	5	..
Clifton Hill Kindergarten	..	..	..	695	16	2	Part-time centre
Fitzroy Crèche	..	..	..	6,000	0	0	..
Fitzroy Kindergarten	..	..	..	1,153	1	1	..
Guardian Angel Kindergarten, Fitzroy	..	..	..	2,454	18	9	Double-unit centre
Isabel Henderson Kindergarten, Fitzroy	..	..	..	2,361	16	5	Double-unit centre
St. Joseph's Kindergarten, North Fitzroy	..	..	..	2,149	12	4	Double-unit centre
<i>City of Collingwood.</i>							
Abbotsford Play Centre	..	..	..	460	0	0	Part-time centre
Collingwood Crèche	..	..	..	4,500	0	0	..
Collingwood Mission Kindergarten	..	..	..	1,263	17	10	..
Collingwood Mission Play Centre	..	..	..	360	0	0	Part-time centre
John Barnaby Kindergarten, Collingwood	..	..	..	845	7	4	Part-time centre
Rita May Harris Kindergarten, Clifton Hill	..	..	..	828	16	0	Part-time centre
St. Andrew's Kindergarten, Clifton Hill	..	..	..	994	17	1	..
St. Phillip's Kindergarten, Collingwood	..	..	..	960	18	3	..
<i>City of Richmond.</i>							
Booroondara Kindergarten, North Richmond	..	..	..	981	2	4	..
Play Centre	..	..	..	352	0	10	Part-time centre
Dame Nellie Melba Kindergarten, Richmond	..	..	..	1,195	14	2	..
Opportunity Club Kindergarten, Richmond	..	..	..	791	2	3	Part-time centre
Richmond Crèche	..	..	..	5,300	0	0	..
Richmond South Kindergarten	..	..	..	426	2	10	Part-time centre
St. Bartholomew's Kindergarten, Burnley	..	..	..	944	12	0	..
St. Ignatius Kindergarten, Richmond	..	..	..	1,329	2	5	..

BUILDING INDUSTRY.

MASTER BUILDERS AND QUANTITY SURVEYORS.

The Hon. A. W. KNIGHT (Melbourne West Province) asked the Minister for Local Government—

(a) Is he aware of the agreement which exists between the Master Builders' Association and the Institute of Quantity Surveyors; if so, does the Government consider this as a restrictive practice?

(b) If it is considered to be restrictive, what action does the Government propose to take to stop this practice?

The Hon. R. J. HAMER (Minister for Local Government).—I have no knowledge of any such agreement. If Mr. Knight has any knowledge of any circumstances which might make the Collusive Practices Act applicable—it is under the administration

of the Attorney-General—I suggest that he refer those circumstances to the Attorney-General for investigation.

EDUCATION DEPARTMENT.

TEACHING STUDENTSHIPS.

The Hon. M. A. CLARKE (Northern Province) asked the Minister of Agriculture—

(a) How many Education Department teaching studentships were awarded for students to commence studies in 1966?

(b) How many of these studentships were not taken up by the recipients of the awards?

(c) When were the awards announced?

(d) How many recipients failed to take up their studentships because the awards were announced so late that they had taken other positions in the meantime?

The Hon. G. L. CHANDLER (Minister of Agriculture). — The answers are—

(a) and (b). In the knowledge that a percentage of applicants would take up Commonwealth scholarships or for other reasons decline studentships, 4,056 applicants were advised that they had been awarded studentships, and 157 applicants were advised that they had been awarded student instructorships. The numbers not taken up were 869 and 8 respectively.

(c) Between the third week in January and the second week in February.

(d) This information is not available. Many did not give any reason for non-acceptance; of those who did, none gave the time of award as the reason.

SCHOOL TRACTORS: REGISTRATION FEES.

The Hon. M. A. CLARKE (Northern Province) asked the Minister of Agriculture—

Do tractors owned by high school advisory councils incur a full registration fee if it is necessary for the tractor to cross a road in proceeding from one part of the school grounds to another part of the grounds; if so, will the Government give consideration to a concession rate of registration for tractors owned by school councils and committees?

The Hon. G. L. CHANDLER (Minister of Agriculture).—The answer is—

(a) The full registration fee is payable in respect of such tractors.

(b) The Government will give this matter consideration.

MELBOURNE AND METROPOLITAN TRAMWAYS BOARD.

GARDEN CITY-BULLEEN BUS SERVICE: RESTORATION.

The Hon. J. M. TRIPOVICH (Doutta Galla Province) asked the Minister of Agriculture—

Concerning a decision to restore the Garden City-Bulleen bus service on Monday, 28th March, 1966, which has not been running since 27th December, 1965—(i) when was the decision made; (ii) by whom; and (iii) are the buses now restored manned by two men?

The Hon. G. L. CHANDLER (Minister of Agriculture).—The answer is—

(i) On Monday, 28th March, 1966.

(ii) Cabinet.

(iii) Yes.

TOWN PLANNING.

RAILWAY LAND AT PRINCES HILL: LEASE TO COMPANY.

The Hon. D. G. ELLIOT (Melbourne Province) asked the Minister for Local Government—

In regard to the successful appeal to the Minister by the Victorian Butter Factories Co-operative Co. Ltd. to build a cold storage unit and offices on railway land surrounded by the first class North Carlton residential area known as Princes Hill—(i) did he take any steps to obtain the opinion of local residents; (ii) did he seek any advice from competent real estate sources on the effect his decision to uphold the appeal will have on land values in the immediate vicinity; and (iii) if an official approach is made, will he consider the suggestion made at a Melbourne City Council meeting, that the Town Planning Committee be given authority to approach the Railway Department and offer the same rent to lease the area for development of recreational facilities?

The Hon. R. J. HAMER (Minister for Local Government).—The answer is—

(i) and (ii). This was an appeal under the Town and Country Planning Act. The appeal was advertised and notice of it was given to persons affected by the proposal; any person interested was entitled to be heard at the public hearing, but the Minister, under the Act, is not empowered to consult persons other than those giving evidence at the hearing.

(iii) The land is railway property and is zoned under the Melbourne and Metropolitan Board of Works' Master Plan for "Railway Purposes". Formerly it was occupied in part by the North Carlton railway station and by a railways' goods yard, and is now proposed to be occupied by a siding and butter store. It is highly doubtful whether any permit was required in the first place. There is no need for the Melbourne City Council to seek any authority to approach the Railway Department. It may certainly do so, and if the railways agreed to the proposal, an application could then be made to have the land rezoned.

MARKETING OF PRIMARY PRODUCTS (PRODUCERS) BILL.

The Hon. G. L. CHANDLER (Minister of Agriculture), by leave, moved for leave to bring in a Bill to clarify the persons who are deemed to be producers in the terms of the Marketing of Primary Products Act 1958, and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

VEGETATION AND VINE DISEASES (AMENDMENT) BILL.

The Hon. G. L. CHANDLER (Minister of Agriculture), by leave, moved for leave to bring in a Bill to amend section 4 of the Vegetation and Vine Diseases Act 1958.

The motion was agreed to.

The Bill was brought in and read a first time.

EVIDENCE (MEDICAL EVIDENCE) BILL.

The Hon. R. J. HAMER (Minister for Local Government), by leave, moved for leave to bring in a Bill to amend section 28 of the Evidence Act 1958, and for purposes connected therewith.

The motion was agreed to.

The Bill was brought in and read a first time.

MARINE STORES AND OLD METALS (COLLECTORS) BILL.

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

That this Bill be now read a second time.

Section 7 of the Marine Stores and Old Metals Act 1958 restricts the court in the consideration of applications for a licence to act as a collector to a male person above the age of thirteen years. The section contains a proviso limiting the period of any adjournments and a further proviso which rather intriguingly declares that no licence shall be granted to a male or female person who has within five years prior to the day of first making the application been in prison in consequence of having been convicted of a felony notwithstanding that a court may not issue a licence to a female in any circumstances.

A "collector" is defined by the Act to mean a person engaged in collecting or carrying on the business of collecting special wares of any kind. "Special wares" include

both marine stores and old metals. There appears to be no valid reason why females should be prohibited from applying to courts for such a licence, or why females desirous of carrying on the business of collecting should continue to be subjected to unnecessary discrimination.

Clause 2 of the Bill corrects this situation by substituting a new section for section 7 of the principal Act. Sub-section (1) of proposed new section 7 enables any person to apply for a licence to act as a collector, and it makes no reference to the age of the applicant. The consideration of the age of applicants will, therefore, be solely a matter for the court. Vesting the court with this discretion is considered to be more desirable than prescribing a minimum age by Act of Parliament.

Opportunity has also been taken to omit the two provisos referred to above, as they are considered to be unnecessary. There is no reason why the court's authority to adjourn applications should be restricted, and the extent to which a conviction should disqualify an applicant should also rest with the court. Sub-sections (2), (3) and (4) of the new section 7 are the same as the existing provisions of section 7 of the principal Act. I commend the Bill to the House.

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

It was ordered that the debate be adjourned until the next day of meeting.

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

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

That this Bill be now read a second time.

This short Bill has two main purposes. The first is to make it possible for the trustees of the National

Gallery to accept conditional gifts of pictures, works of art and exhibits, and the second validates the existing practice of charging fees for the National Gallery School of Art which is conducted from time to time. Quite frequently, the trustees have been offered gifts of pictures and works of art by people who desire to retain possession of the pictures or works of art during their life-time or portion of their life-time, but, as the Act stands at present, the trustees have no power to accept such conditional gifts.

The amendment in the Bill makes it possible for the trustees to accept such conditional offers, and to go further. It enables the trustees to accept conditional gifts of money for the purpose of purchasing pictures or works of art. For example, there may be a stipulation that a gift of £1,000 is to be spent on purchasing a picture or a work of art, but that the picture or work of art shall remain in the possession of the donor of the gift for the rest of his life-time or for portion of it. It will be noted that, by clause 2, it is possible for the trustees to accept such a conditional gift, and additional power is given to the trustees to enable them to ask a donor to hand over the gift for the purpose of exhibition or study whenever and for such period as the trustees in writing so request. This will enable exhibits to be placed in the National Gallery during times of special exhibition.

The second objective of the Bill is to remove a legal doubt in regard to the power of the trustees of the National Gallery to charge fees to students who attend schools of art. The principal Act, which was introduced in 1944, enabled the National Gallery trustees to organize such schools of art. It was thought at the time that there was no doubt about the powers of the National Gallery to impose fees on persons attending schools of art. However, careful study of the regulations and of the statutory powers of the Gallery has raised doubt as to

whether fees have been legally charged, and clause 3 has been introduced to remove any legal doubts about the power of the National Gallery to charge fees for attendances at schools of art. Honorable members should note that it will validate a practice that has prevailed since 1944. I commend the Bill to the House.

On the motion of the Hon. I. R. CATHIE (South-Eastern Province), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, April 12.

WOMBAT BONUSES BILL.

The Hon. V. O. DICKIE (Minister of Health).—I move—

That this Bill be now read a second time.

The purpose of this Bill is to suspend the operation of section 24 of the Vermin and Noxious Weeds Act 1958 in relation to wombats, for a period ending on the 30th June, 1969. At present, the list of animals declared to be vermin within the State of Victoria includes hares, rabbits, foxes, dingoes, wild dogs, dogs run wild, and wombats.

For some time, representations have been made to the Chief Secretary by various fauna protection bodies to have the wombat deleted from the vermin list and treated the same as kangaroos. If this were done, the wombat would become a protected animal and would be under the care of the Fisheries and Wildlife Department of the Chief Secretary's Department. The Minister of Lands also has received similar requests, but he has made it quite clear that he would not be prepared to recommend to the Government that the wombat should be removed from the vermin list.

The question of what should happen to the wombat is a two-sided one. There is the man on the land, who is directly concerned and whose pocket is affected when the wombat causes damage to his property. On

the other side is the conservationist, who fears that the wombat will become extinct if the present rate of destruction continues. After due consideration of both these points of view, the Government supports the belief of the Vermin and Noxious Weeds Destruction Board that this matter can be resolved satisfactorily on a reasonable basis by a practical compromise to cover the interests of both sides.

Because of the damage caused to rabbit-proof fences, the wombat was proclaimed a vermin animal under the provisions of the Vermin Destruction Act of 1890, as from 2nd April, 1906, at the request of the Shire of Euroa, and subsequent to the passing of the Vermin and Noxious Weeds Act 1922, wombats were, by proclamation of the 28th August, 1923, declared to be vermin within the State of Victoria. From this period to the early 1950's, rabbits throughout Victoria were in plague proportions, necessitating the use of rabbit-proof fences throughout the State, but the introduction of myxomatosis and 1080 poison has reduced the need for the erection of such fences in many areas.

Crop and fodder damage caused by wombats does not justify a continuance of scalp bonus payments on this native marsupial animal, while alternative methods of control are available. The original provision for payment of a bonus for each wombat destroyed was included in regulations made on 9th November, 1925, under section 46 of the 1922 Act, and published in the *Government Gazette* of 11th November, 1925. These regulations empowered a municipality to pay a scalp bonus of any amount it thought fit, and for the Treasurer to reimburse the municipality for one half of the bonus amount, the Government contribution not to exceed 2s. 6d. for each scalp.

Various amendments to the regulations were made in subsequent years, and the present wombat bonus

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payment stands at \$1 per scalp, because of the fact that an order of 8th November, 1949, published on page 6131 of the *Government Gazette* of 16th November, 1949, provides that, in the event of the council of any municipality paying a bonus for the destruction of wombats destroyed within the boundaries of the municipality, the Treasurer shall pay to the council a sum equal to three-quarters of the amount paid by the council during the twelve months ending on the 30th of June in each year, with the limitation that the Treasury payment shall not exceed 7s. 6d. (75 cents) for any wombat destroyed.

The Board has certain knowledge that some bounty hunters are operating up to 20 miles deep in Crown and forest lands, where wombats are not and never would be a menace to primary production. The troublesome wombat on the perimeters of Crown lands, because of the lighter population, is by-passed by bounty hunters and departmental workmen, who can obtain greater numbers of scalps in the natural habitat of the wombat, and the problem animal adjoining productive lands is allowed to remain a problem to the landholder. The scalp bonus system provides the incentive to operate in this manner so far as wombat destruction is concerned, and this unsatisfactory practice will continue until the scalp bonus payment is removed.

Informed research authorities claim that the reproduction of the species is low, and that uncontrolled destruction at all times of the year might eventually lead to the extinction of the species. These authorities, however, are the first to point out that basic research to establish the ecology of the wombat is still far from complete. Studies into reproductive population, turnover and population levels are needed before a policy can be confidently established. For instance, estimates of the number of wombats in Victoria range from 500,000 to 2,000,000. This lack of knowledge in itself

makes it impossible for anyone to be dogmatic about the situation and the best means, in the public interest, to control this animal.

The lifting of the scalp bonus for a trial period of three years should enable a proper assessment to be made of the actual damage being caused, and whether alternative methods of destruction, where justified, are satisfactory. Time will also be provided in which to obtain more facts concerning the wombat's life cycle and habits. The proposed alternative method of control of wombats is to carry out destruction of burrows and other harbours by fumigation with the use of chloropicrin or larvacide. These gases are heavier than air, and remain in burrows or rock harbor long enough to have the desired result. The use of aerial baiting of wild dogs will greatly assist in the control of wombats, by releasing several experienced bushmen to carry out wombat control on perimeter areas. Local district work forces also will be directed to carry out fumigation of wombat burrows where required.

The removal of the scalp bonus on the wombat would enable the Vermin and Noxious Weeds Destruction Board to use funds normally available for the payment of scalp bonus to engage additional workmen to control this animal. It is the considered opinion of the Vermin and Noxious Weeds Destruction Board that the amount of approximately \$6,000 per annum, at present being paid out as scalp bonuses, and other moneys which will become available because of proposed alternative control operations, can be used to much better advantage in research, and concentrated activity in places where actual damage is most apparent. An assurance has been given by the Minister of Lands that any reports of wombat damage to farm properties will be investigated immediately, and appropriate measures will be taken to eliminate the cause of the trouble. I commend the Bill to the House.

On the motion of the Hon. A. W. Knight, for the Hon. J. M. TRIPOVICH (Doutta Galla Province), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, April 12.

The sitting was suspended at 6.25 p.m. until 7.52 p.m.

EVIDENCE (MEDICAL EVIDENCE) BILL.

The Hon. R. J. HAMER (Minister for Local Government).—I move—

That this Bill be now read a second time.

The purpose of the Bill is to deal with a rather curious and certainly interesting point in the law of evidence relating to evidence which can be given by medical practitioners concerning their patients.

The Bill is designed to cure what appears to be a defect in the law which was mentioned by Mr. Justice Sholl in a judgment in the Supreme Court in 1963. In the case with which His Honour was dealing the plaintiff was a widow suing the defendant for damages under the Wrongs Act 1958 on the ground that the negligence of the defendant had led to the death of her husband. She wished to call as witnesses doctors who had treated her husband. The defendant claimed that section 28 of the Evidence Act 1958 prevented the doctors from giving evidence.

Section 28 of the Evidence Act forbids a doctor to reveal in a civil court facts he comes to know in treating a patient, whether he discovers them on examination or is told them by the patient, unless the patient consents to his giving evidence. Of course, in this case the patient was dead and was unable to give any consent. His Honour ruled that the widow was capable of giving consent in place of her husband, because she was suing as his personal representative. However, under the Wrongs Act the widow and other dependants of a deceased person can sue in their own

right in some circumstances, and this led the trial Judge to raise the question whether in those circumstances anybody could consent to the giving of evidence by doctors.

Later in 1963, His Honour Mr. Justice Gillard ruled in another case that a personal representative could give consent in place of a deceased person only if the personal representative were a party to the proceedings. It then became clear that widows and other dependants who, in their own right, sue for damages under the Wrongs Act, or claim compensation under the Workers Compensation Act for the death of a person, could be in a most awkward position.

This difficulty and other points in connexion with the section had been referred to the Statute Law Revision Committee after Mr. Justice Sholl's decision. The committee formed the view that the most satisfactory solution was to repeal the section altogether. It would have brought the law back to the common law position that evidence should be given to a court where it is relevant. It would have taken away the element of consent.

On examination of the Statute Law Revision Committee's report, some doubt arose whether the committee fully understood the legal position, because some rather ambiguous terms and phrases were used by the committee, which indicated that it might not appreciate the position. So the matter was remitted to the committee again for further examination and clarification, and subsequently the committee made precisely the same report. It will be obvious from a perusal of the measure that the Government has not in fact fully accepted the recommendation of the Statute Law Revision Committee, but it will also be obvious that the Bill corrects the particular situation which gave rise to the inquiry without fully opening the door to full disclosure by doctors and, incidentally, also by clergymen, of what might

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amount to confidential information, which would result from the repeal of section 28.

The Hon. G. J. NICOL.—Does the Minister know the Government's reason for only partially accepting the committee's recommendations?

The Hon. R. J. HAMER.—As the question has been raised, I shall find out more about the position. Apparently representations were made, particularly by the Australian Medical Association and the Bar Council, that the total repeal of section 28 would possibly raise other kinds of difficulties. Precisely what they might be, I will find out. A good deal of thought has been given to the problem, and this Bill deals with the particular difficulty which originally led to the inquiry. It does so by amending section 28 to provide that if a person institutes proceedings to recover damages or workers compensation after another person's death, either as a personal representative or in his own right, and finds it necessary, as part of his case, to call a doctor who treated that person, the section will cease to operate and the doctor may be called by the parties without restrictions except those in the ordinary rules of evidence. The reason is that when a person is dead, any damage to his reputation could cause distress only to his family and close friends, and they are the very persons whom one would assume were bringing the action. If the widow or other dependants find it necessary to bring doctors into court to give evidence about the deceased, that evidence can be given without consent.

It is also true that when a person is dead only the doctors who treated him would be able to give the court the expert evidence it needs about his medical history and his state of health immediately before death. On the other hand, it seems clear that if the plaintiff exercises this privilege of calling evidence on these points, the defendant also should be able to call doctors who treated the

patient in order to protect himself. So the provision works both ways. In such a case, in effect, section 28 will cease to operate, but in other cases it will still have its full effect. That is the gist of the Bill. I commend it to the House.

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

It was ordered that the debate be adjourned until Tuesday, April 12.

AERIAL SPRAYING CONTROL BILL.

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

Sir PERCY BYRNES (North-Western Province).—Mr. President, I first thank Mr. O'Connell, who had the adjournment of the debate on this Bill, for allowing me to speak before him. This Bill has been in preparation for a long time. The use of pesticides has caused a great deal of thought by many people. Possibly within the last five or six years, consideration of the problem has been concentrated in the Departments of Agriculture of all the States which have been busily examining a great deal of data. Recently, there has been extensive inquiry into pesticides. The report of the Committee of Inquiry into the Effects of Pesticides, dated Melbourne, 1966, was issued in February, but, unfortunately, as very few copies of the report were printed, not many honorable members have a copy. It is a pity that there was not a wider circulation of the report, because there is a tendency to criticize one or two clauses of the Bill now before the House, and if the details of the report were more generally known that criticism would not be made.

This Bill deals solely with aerial spraying and not with ground spraying. As the Minister pointed out

in his second-reading speech, there is a great deal of difference in the control of the two types of spraying. Ground spraying is usually more localized and, if any damage is done, the cause is more easily located. There are various reasons why it is easier to prevent damage during ground spraying than during aerial spraying. Yet, certain types of ground spraying are excessively dangerous.

As is obvious from the report, the Government will be impelled to bring in further legislation relating to the control of pesticides. Without asking the Minister to commit himself on the subject, I suggest that is a fair statement. Any Government which received a report such as this would give consideration to important legislation which might be suggested by any one of several Departments—the Department of Health, the Attorney-General's Department or the Department of Agriculture.

Control of the handling of pesticides on a broad scale is long overdue. The report is by no means alarmist. I suggest that it gives a fair summary of the position. The committee has treated the question with a good deal of caution, and it has not been carried away by excessive fear of what might happen because of the use of certain chemicals. The committee has rendered a great service to the State in providing this report. I shall not deal with the report in detail, but merely suggest that, a short time after it has been wholly digested by the Department concerned and the Ministry, other legislation on this subject will be introduced.

Before future legislation is prepared, as is envisaged in the report, a permanent committee should be appointed to keep abreast of all developments in types of material used and the handling of pesticides. Such a committee should be appointed as soon as possible, even

if it is not possible to prepare legislation immediately, in order to lay down principles for the control of pesticides or to spread the knowledge necessary for their handling. I suggest to the Government that a committee should be appointed on a broad basis and that it should consider legislation connected with the use of modern pesticides.

Recent books have dealt with the damage done in the world in general by the indiscriminate use of pesticides. It would appear that, to some extent, the amount of damage said to have been caused has been exaggerated, but there is a real fear that many of the pesticides used today are dangerous not only to animal life but also to human life. One of the matters brought to my attention since this Bill was circulated is the effect of pesticides on bees. I do not know if bees are considered to be wild animals or not. I have had letters from apiarists who have asked me to bring to the notice of the Minister of Agriculture that considerable damage has been done in some districts where beehives are located. Whether the damage is the fault of the beekeeper or the person spraying is a matter for very fine decision. If I kept bees and I knew spraying was in progress in a certain area, I would remove my beehives from that area. On the other hand, there are certain areas to which it is customary to take bees at particular times, such as Nhill, where the banksias grow.

The Hon. K. S. GROSS.—Any spraying in that area would be done only on crops and grassland.

Sir PERCY BYRNES.—I am merely quoting what I have been told by the apiarists. The apiarists want to know what protection can be given to them. I have not personally examined the problem.

The application of chemicals by aeroplane, whether they be insecticides, weedicides, fungicides or fertilizers, is now established practice. Nobody would want to impose conditions so severe that aerial

spraying could not be carried on; that would be a retrograde step. I state that initially, although in some sections of irrigation districts I have seen damage caused because of spray drifting. I am certain that, with more care and some regulation, the damage could be prevented.

This is not severe legislation; as a matter of fact, I think it is harmless. I can see nothing in the Bill to which objection could be taken. The Bill contains certain definitions which provide that a pilot must have a chemical rating as well as an agricultural rating. In effect, he must possess a certificate, after undergoing examination, to ensure that he understands the class of material he is spraying. He must, as set out in the Bill, keep a log of records; they are fairly extensive, but they are necessary. Neither the keeping of the records nor the passing of the examination should be beyond the ability of a pilot whom one would expect to possess above-average intelligence. These provisions will be beneficial to the average farmer who must employ a pilot. I have employed such people and I have also had irrigated land affected. So I have seen the problem from both sides.

The Hon. G. L. CHANDLER.—Do you think a bond should be provided against possible damage?

Sir PERCY BYRNES.—I do. I see nothing wrong with the clause requiring the provision of a bond of \$30,000 as a security against damage. Various people have telephoned me saying that such a bond will drive the small man out of business. I do not think the small operator will be affected to that extent. So far, I have not been able to get an accurate statement as to how much an insurance policy will cost. Perhaps, this and other matters can be discussed in the Committee stage. I assume that the proposed \$30,000 security will be like a fidelity bond; it may be just a public risk policy,

or some other type of policy. However, I know of nothing to worry about in that provision.

The dried fruit packing shed of which I am a director has to take out a public risk policy for a large sum of money because some people have been finding nails in manufactured cakes. If struggling fruit growers can afford to take out such a policy to protect themselves, I am sure a big company that is employing a number of pilots and aeroplanes should be able to afford to take out a similar policy. I have been discussing the type of policy necessary with a prominent insurance company, and I shall discuss the matter with the Minister and his Department. I desire a clearer definition of the type of policy that will be required. I do not think the premium should be very high; it should be about \$200 or \$250 a year per plane. It would be a pretty poor plane that could not spray from 60,000 to 100,000 acres a year. On that basis the cost of the premium would be a quarter or half a cent per acre.

The Hon. K. S. GROSS.—The cost of the premium would entail about three hours' work.

Sir PERCY BYRNES.—That is so. I received a telephone call from Hamilton. A leading article in the *Hamilton Spectator* suggests that the small man will be put out of business by the huge indemnity that he must put up. I think the newspaper article is a little off beam. Even if the premium cost \$1,000 a year, on the amount of work done it would average about 1 cent to the acre. An aeroplane can spray about 300 acres in a few hours, for which the charge is up to, perhaps, \$500, which includes the cost of the material. Although problems face the aeroplane operators, considerable difficulties also confront the person who lives close to the area where aeroplanes are used consistently. I can see no difficulty in using an aeroplane to spray superphosphate. Anyone is welcome to drop super-

phosphate on my property. I understand that some graziers are upset because operators might be prevented from spraying superphosphate. The difficulty with this type of spraying from the air is to keep it on one's own property; one has to ensure that the wind is blowing in the right direction.

Unfortunately, some spraying has not been as accurate as it might have been. Yet I have known of cases where an aeroplane has been used to spray a paddock almost alongside vines and no damage has resulted to the vines. In the last season, a helicopter was used to spray a wheat crop. The operator was asked to keep well inside the paddock because a Mallee farmer was growing lucerne alongside. The spray was not kept sufficiently far away, with the result that the lucerne owned by the adjoining neighbour was killed.

Cotton, vines, peach trees, tomatoes, lucerne and some other pastures, and, I think, tobacco are very susceptible to the sprays used at present. Any reasonable person would agree that it is not wise to throw hormone sprays indiscriminately around the countryside. The property owner and the person using the sprays must have some knowledge of them, and people in the district and departmental officers should also be aware of what is going on. Unfortunately, sprays are not always handled with the greatest of care. The mixtures used to-day are much more potent than they were four or five years ago and are much more highly concentrated. A few drops on an area—even from leaky taps on trucks—can cause considerable damage. I have inspected some of the damage along 60 or 70 miles of the River Murray. Some tomato crops were annihilated, and in some cases considerable damage was done to vine crops. The damage was intermittent, and it was difficult to get a set pattern of drift from any particular position where an aeroplane may have sprayed a

wheat crop. The most damage did not occur where it was expected it would be done.

The Hon. K. S. GROSS.—What was the wheat sprayed for?

Sir PERCY BYRNES.—Mainly for skeleton weed. The particular crop I am interested in has every weed in the book, but skeleton weed and couch grass are causing the most concern. The farmers are apprehensive that, if they lose the benefit of aerial spraying, they will not be able to control skeleton weed, which was once confined to the Wimmera and New South Wales, but now grows right through the whole of the north-west Mallee area. We are informed that the most effective sprays are ester sprays, although other materials are quite useful.

I commend the officers of the Department of Agriculture who are stationed at Swan Hill and in other parts of the State for their knowledge and the careful manner in which they have examined cases of damage that have been brought to their notice. They have given careful study to this problem and are a great asset to all concerned, including the wheat growers. It might be thought that wheat growers take the view that they need these sprays and do not worry what happens to the vine growers. However, they do not take that view; they have a desire for reasonable control over aerial spraying, and they are somewhat apprehensive of it themselves. They realize that some sprays and pesticides are becoming more and more dangerous to handle every year. Some of the newer weedicides and insecticides can be exceedingly dangerous to man and beast.

In the report on pesticides I noticed that the limit of DDT is said to be seven parts per million in the fat of an animal. Tests were conducted in New South Wales where weedicides containing DDT had been sprayed on a pasture, and eleven weeks afterwards it was found that slaughtered cattle contained from 11 to 58 parts

per million of DDT. No one desires that stock or produce for human consumption should be dangerous to health, but there is a fear that this is so. It has been said that scarcely one of us does not have some unpalatable weedicide in his system, but I do not wish to be an alarmist. Certain books to-day do tend to alarm people.

I could mention that certain weedicides which are poured into channels and lakes are killing fish, animals and ibises. Bird life is disappearing from some areas because of the careless manner in which weedicides are being handled. Many of us who use weedicides in our gardens never read the directions on the containers. Some containers warn users that, when handling these materials, they should wear gloves or goggles, or that they should carry certain types of tablets in their pockets. However, warnings of this type are usually printed in small type and very few people read them. Having given this warning, manufacturers consider it the responsibility of users to see that dangerous substances are properly used.

A few years ago, in response to a request from me and other honorable members to the Minister, the Department of Agriculture compiled a list in booklet form of the various spray materials—pesticides and weedicides—which are being used in Victoria. The various materials were classified, and it was a revelation to see the number that were being used concerning which people knew very little. In many instances, the substances were being used without the exercise of proper care. Further copies of the relevant booklet should be printed for distribution to the public.

Finally, I consider that an intensive education campaign should be undertaken so far as the use of various dangerous substances is concerned. This may appear to be a somewhat weak method of tackling the problem rather than prescribing various punishments and setting out certain

inhibitions by means of legislative action. However, methods adopted for killing weeds, pests, and such like have changed in recent years, which necessitates an active education campaign.

Many vegetables which are consumed in the metropolitan area are sprayed with poisonous substances. The growers use the poisons in the hope that they will be washed off before the vegetables are consumed. This represents a menace to health. Considerable damage has been done to vineyards along the River Murray. In some cases, only half of the crops have been taken off this year, but next year many vineyards will produce very little fruit. The position is serious and, if action is not taken, great damage will occur.

The final clause of the Bill refers to regulations. It will be noted that the regulatory powers conferred upon the Governor in Council are very wide. The Bill itself is fairly harmless, hence it appears necessary that wide regulations should be promulgated from time to time. However, I ask the Minister of Agriculture to ensure that the regulations are examined with great care. The regulations will specify the areas over which aerial spraying can be applied. Aerial spraying over hazardous areas will be prohibited. The expression "hazardous area" is not particularly good, because many people will tend to think of an area as being hazardous simply from the flying point of view. I appreciate that what is meant is an area where damage could be caused by the use of aerial sprays.

The Hon. G. L. CHANDLER.—Can you suggest a better term?

Sir PERCY BYRNES.—No, although I shall give it some thought. The use of the expression "hazardous area" would tend to make people think that aerial spraying could not be undertaken in hilly country, but in such areas baits are frequently dropped from planes in an effort to control the dingo menace. I commend the Bill to

the House. I hope that when it becomes law, similar legislation will be enacted in the other States. Much of the damage along the River Murray is caused by planes which are operating on the New South Wales side of the border, but which, in turning, fly over Victorian territory. If the spray is not turned off, a drift of the substance falls on Victorian crops, thereby causing considerable damage.

During the Committee stage, I should like the Minister of Agriculture to make it clear that this legislation will not prohibit the use of aerial spraying for the control of grasshoppers, grubs, caterpillars and other pests. The use of aerial spraying for this purpose has proved valuable in many parts of the State. Although expressing support for the Bill, members of the Country Party will be prepared to accept any amendments which may be moved during the Committee stage, so that legislation, which will serve the State for many years to come, will be enacted.

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

It was ordered that the debate be adjourned until Tuesday, April 12.

NURSES (AMENDMENT) BILL.

The debate (adjourned from March 29) on the motion of the Hon. V. O. Dickie (Minister of Health) for the second reading of this Bill was resumed.

The Hon. I. R. CATHIE (South-Eastern Province).—This is a small Bill to amend the Nurses Act 1958, and for other purposes. First, I should like to pay a tribute to the nurses who work such long and awkward hours for relatively poor financial rewards. It seems wrong for a community to say that an advertising salesman is worth five times as much as a nurse, but that is the type of capitalized economy which this Government supports. Consequently, there is a shortage of

nurses in the hospitals, not only in Victoria but throughout the Commonwealth.

In the old days, there were only two acceptable occupations for young ladies—either they undertook a position as governess or they became nurses. Nowadays, many occupations and careers are open to women, while their main pre-occupation of marriage remains. The hospitals therefore must compete against the wealthy private sector of the economy. Pay has improved a little, some conditions have been bettered, and discipline is less harsh. By and large, however, a nursing career compares badly with the other fields of opportunity which now exist.

Furthermore, modern medicine, with its complications and organization demands higher standards of diagnosis and treatment, and in order to maintain this there is need for many more nursing personnel. This Bill, which proposes amendments to the 1958 legislation, allows nurses, when the hospital training is not available for midwifery, to obtain their certificates by gaining midwifery experience in private homes under the supervision of a doctor. Clearly, times have changed, and in consequence nurses can now obtain this experience other than in hospitals. Hence, the Act requires amendment, and my party offers no objection to the repeal of the proviso to sub-section (1) of section 19 of the principal Act. Similarly, there is now no need for nurses who are not qualified in midwifery to charge for their service, and section 35 of the Nurses Act is consequently repealed by this Bill.

The most important provision in the Bill deals with the Victorian Nursing Council, which has now been offered a more suitable building for its activities. The increase in costs, necessitated by this move, has meant an increase in the fees for registration and the issue of practising certificates. The Nursing Council has, of course, great and important

The Hon. I. R. Cathie.

tasks to perform. It is responsible for research and for setting the standards of the nursing profession, including educational standards for training and examination. It can also authorize the publication of information and advice concerning nursing mothers.

Clearly, if the high standard of the nursing profession is to be maintained, it is right and proper that nurses themselves should contribute towards the cost entailed in research and in the setting of standards in their profession. There should, however, be more clarity amongst those concerned as to what general standards should be adopted. There is a danger in setting standards too high, and this can come later, after graduation as a general nurse by the specialized training of nurses in Victoria.

I understand that in some States of the United States of America doctors must dress wounds and take out stitches because courses of training for nurses have become too academic. Surely, we do not want such a situation to develop here. But the State also should contribute equally to the cost of development of research and the maintenance of standards. The problem of paying for medical care is as old as mankind. But the new medical technology requires the use of expensive equipment and the employment of many more people. It does not appear at the moment that this will affect the medical profession very much. Only a proper national health scheme can suit these requirements, and this is one big point upon which members of the Labor Party differ from the Government.

Socialists believe that full and proper medical care is the right of every citizen. The cost of research is not something that nurses can afford in this developed technology, and we believe the Victorian Nursing Council should receive far greater assistance from the Government than it is being given. In the long run,

what is involved is the whole quality of medical care, and in this the State should have a prime interest.

The Bill clarifies certain anomalies, and therefore the Labor Party does not oppose it. However, the measure does not touch on any of the great issues relating to preventive medicine and good health.

The Hon. I. A. SWINBURNE (North-Eastern Province).—This measure has two main purposes, one of which is the repeal of four provisions of the Nurses Act relating to the practice of midwifery. This has become necessary because, since 1915, when the principal Act was passed, conditions associated with the arrival into the world of babies have changed. At that time, most babies were born, not in hospitals but in private homes, and the midwife served an extremely important function. Those members who live in country districts remember when a large number of children were born, with the assistance of midwives, in the homes of their parents. In many instances, the midwife was not highly trained but had become accepted in the community as experienced in childbirth, and doctors were seldom called in. I pay a high tribute to the work of midwives with the limited knowledge available to them in those days. To-day, hospitals are the right and proper places for the arrival of babies.

The Hon. B. D. SNIDER.—Taxi drivers have assisted in delivering babies.

The Hon. I. A. SWINBURNE.—Others have become involved in this somewhat hazardous task. Those of us who live in the country have been called upon to help a neighbour who was expecting a child. I remember travelling 40 miles one day with the "stork right at the back of the wheels". I agree that taxi drivers have sometimes assisted in the delivery of babies. However, most pregnant women to-day take reasonable care to ensure that they arrive at the hospital well before the baby is due to be born.

Doctors and nurses have every known facility at their command to-day, and I pay a high tribute to hospital staffs of this State for the great record regarding childbirth and the saving of mothers whose lives may be endangered. The infant mortality rate in Victoria is probably one of the lowest in the world. Because conditions have changed, the Country Party agrees with the repeal of the provisions listed in the Bill. One of them relates to emergencies in which a midwife shall call in a medical practitioner to her assistance and the prescribing of the scale of fees to be paid to such medical practitioners. We agree with the proposal.

The matter of the financing of the Victorian Nursing Council is also dealt with in the Bill. This involves a consideration of whether the Victorian Nursing Council should receive more assistance from the Government or whether the nurses should be called upon to pay fees to provide the necessary finance. It is proposed that nurses shall be asked to pay increased fees in respect of their final examinations and also for the issue of certificates. Additional funds are required to enable the council to move into new quarters, where it will be able to provide better service for the nurses.

Although we may consider that the fees payable by patients to hospitals are excessive, I think none of us would object to the diversion of a small part of our taxes for the purposes of hospitalization. Members of the nursing profession render important service, but they do not receive commensurate remuneration. As Mr. Cathie has said, they work many hours. I wonder whether the costs involved in these proposals should be charged to the nurses themselves. I feel that the Government should accept some of the responsibility and that the whole burden should not be placed upon the nurses.

The Minister of Health may say that the Victorian Nursing Council is the nurses organization and that they

should be responsible for matters of finance, but I point out that they are not paid excessive remuneration. During their long period of training, they do not receive high wages. But for assistance given by parents, many trainee nurses would experience acute financial difficulties, especially those from country districts who do their training in Melbourne; even the cost of train fares becomes onerous.

With the reservations I have stated, the Country Party offers no objection to the Bill. It is felt that the Government should consider giving further financial assistance to the Victorian Nursing Council so that a heavy burden will not be placed upon the nurses.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 6328).

The Hon. V. O. DICKIE (Minister of Health).—I do not think the clauses repealing sections of the Nurses Act which relate to midwifery require any further elaboration on my part; both the Labor Party and the Country Party have agreed that they are necessary. However, I should like to say a few words about the nursing fraternity, and in particular I wish to refer to the provision for increased fees.

I like to think that I am rather closely associated with the problems of the nursing profession, because my own daughter is in her third year of training. Other parents of trainee nurses will realize that their daughters are only too ready to acquaint them with the problems that they have to face. I agree with Mr. Cathie's statement that down the years nurses have been an underpaid section of the community. However, only last year, a new award was made, and I believe that it has

tended to lift them to a more satisfactory plane of reimbursement for their magnificent services.

The Hon. I. R. CATHIE.—Do you think it is satisfactory now?

The Hon. V. O. DICKIE.—I suppose no award is really satisfactory. However, nurses are now a lot better off than they were formerly, and I do not think there are the grounds for complaint that there may have been before the revision of the award.

The Bill provides that the fee for final examination and initial registration in any one branch of nursing shall be increased from \$8.40 to \$10, and that the fee for any certificate or renewal of a certificate including an annual practising certificate shall be increased from \$1 to \$2. Mr. Swinburne has stated that the Government should make some contribution to the financing of the Victorian Nursing Council. I do not have the exact figures with me at the moment, but I point out that the Government makes a contribution to the administrative set-up of the Victorian Nursing Council and the Nurses' Memorial Centre.

The nurses knew that a greater floor space in another building was becoming available. They decided that they would like to move into it, and, as the raising of increased finance was necessary, this was the way they proposed it should be obtained. Naturally, the Government readily agreed. However, I point out that the Government does make a basic contribution. The Treasurer annually reviews this payment and, because of this increased expenditure, I hope that in future budgeting an increased grant will be possible.

The clause was agreed to.

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

**MELBOURNE AND
METROPOLITAN BOARD OF
WORKS (AMENDMENT) BILL.**

The debate (adjourned from March 16) on the motion of the Hon. R. J. Hamer (Minister for Local Government) for the second reading of this Bill was resumed.

The Hon. J. M. WALTON (Melbourne North Province).—This Bill seeks to amend the Melbourne and Metropolitan Board of Works Act and, in many respects, is similar to a Bill which was introduced in this House in 1963 but which was rejected at the second-reading stage. One or two clauses have merely been dressed up to meet some of the objections which were voiced on the previous Bill.

Clause 2 concerns a new matter, and it proposes to allow commissioners of the Melbourne and Metropolitan Board of Works, including the chairman, to be insured against accidents which might occur whilst they are carrying out their duties as members. Honorable members will recall that not long ago a Bill was passed to permit municipal councils to take out insurance policies to cover their councillors. It has been found that, whilst the policies cover councillors travelling to and from council meetings and whilst engaged immediately on other council duties, they are not covered when engaged on delegated jobs such as representing the council on the Melbourne and Metropolitan Board of Works and many statutory bodies, such as cemetery trusts and school committees. I shall not go into that aspect at the moment, because it does not fall within the scope of the Bill. These inadequacies have caused the Government to introduce this Bill to insure the commissioners of the Board.

It is necessary that the commissioners, who do their job in an honorary capacity and who on occasions are called upon to do hazardous jobs such as inspecting

watersheds, sewerage plants and other projects, should be given some sort of insurance protection. These commissioners may be members of the Planning and Highways Committee who may be required to inspect areas in which there are traffic problems and in doing this they may be exposed to the risk of serious physical injury. However, I am not impressed with the provision relating to the chairman. I suppose he runs similar risks to the commissioners, but after all his position is the equivalent of a top Public Service job which carries an annual salary of \$11,740, or a weekly salary of approximately \$224 a week. He is to be covered in the same way as any councillor acting in an honorary capacity for the Melbourne and Metropolitan Board of Works. It seems ludicrous.

I find it hard to believe that the chairman of the Melbourne and Metropolitan Board of Works, who may be injured in the course of his duty, would not continue to receive his \$224 per week. Now it is proposed that he shall also receive \$100 for the first week in hospital, plus \$50 a week thereafter. This seems to be a little generous, and I do not know whether the Government has examined the matter from this point of view. Whilst the Opposition will not oppose the clause, it does believe it to be a little out of line with similar legislation relating to municipal councillors, under which town clerks and other officers are not covered.

Paragraph (a) of clause 3 provides that the water rates to be charged shall be those existing at the beginning of the assessment period. Honorable members are aware that all the meters in Melbourne cannot be read at the same time; the reading must be spread over many months. The 1963 Bill proposed to make the rates the amount that existed at the time of the reading. Therefore, this paragraph is a complete change-about, and from a practical point of view it is a sensible change.

Paragraphs (b) and (d) of clause 3 are controversial, and they have been dressed up to meet the objections that were advanced by the Country Party when the matter was last considered by this House. The Labor Party is not happy that the minimum water rate is to be increased from \$1 to \$4 and the minimum sewerage rate from nothing to \$4. The Minister has stated that the purpose of the amendment is to make people who own vacant blocks of land help to ease the burden on the Melbourne and Metropolitan Board of Works in the outlay involved in providing water and sewerage services. In fact, the circulated second-reading notes on this Bill are not factual in this regard.

From the information I have received from the Board during the past week, there are many small tenements on these blocks of land in the inner metropolitan area. In fact, 16 per cent. of the blocks of land in the metropolitan area that will be affected have small tenements built on them, and the burden will be placed on poor people. Even in the more exclusive electorates represented by Government members there are many pockets of poor people in small tenements, the unimproved capital value of which is \$3,200 or less, with a net annual valuation of \$160. The rates for these people will be increased. The Opposition is not opposed to reasonable increases; after all, the rates were last increased in 1891. I believe that an increase from \$1 to \$2 would be reasonable in the case of the water rates, and from nothing to \$2 for sewerage rates. I cannot concede under any circumstances that the amount should be increased by 400 per cent.

I have studied the figures given in the circulated second-reading notes on this Bill and have compared them with some figures I received from the Melbourne and Metropolitan Board of Works. There is a conflict. It was stated in the Minister's explanatory notes that the estimated

charges for repayment of the principal and for renewals for water supply was \$10.45. In fact, the figure quoted by the Board of Works is \$12. In the case of sewerage the figure given by the Board was \$16.80 and not \$8.79 as indicated in the second-reading notes. In a sense, this could bolster the argument of the Government but for the fact that, in the main, the services are provided by the subdivider at his cost in relation to new subdivisions. Therefore, the Board wants to get the rates twice. First, it asks the subdivider to provide these services, and, secondly, it charges a minimum rate which the person who buys the land will have to pay from year to year. The Melbourne and Metropolitan Board of Works is after its pound of flesh. The Opposition believes this to be wrong, and suggests that the Minister should re-examine the position. The Opposition will propose amendments in the Committee stage, and will suggest that the amount be reduced to \$2.

Paragraph (c) of clause 3 restates the words in the principal Act which are difficult to follow, but about which there is apparently a legal technicality. The minimum rate to be charged for water supplied by meters shall be the same as for water supplied without meters. Those of us who pay water rates know that we do not pay anything extra for the water we use unless the quantity is in excess of that for which we pay the minimum rate. This actually restates the existing section in another way.

Clause 4 is in the same form as the equivalent provision in the Bill introduced in 1963, and is not opposed by the Opposition. It relieves the Melbourne and Metropolitan Board of Works of the necessity to publish notices in newspapers on four consecutive weeks. The Board notifies the people in the area that sewers have been laid, and it is found unnecessary to repeat this four times in daily newspapers. Clause 5 substitutes a new section 241 of the

principal Act, and brings the regulations under the statute law by the direction of the Chief Secretary. The Opposition agrees with this provision. This clause also relieves councils from exhibiting by-laws and regulations, and it provides that the town clerk of each municipality shall keep a copy of the by-laws and regulations in his drawer and he should make them available without charge to any person who wishes to read them.

Clause 6 provides for an increase in penalties from \$40 to \$100. Although the Opposition does not like penalties to be increased, because the rates have not been increased since 1891, we must be realistic and we believe that this provision is reasonable. Mr. O'Connell has called this Government the "one hundred per cent. Government" because in everything that it does it seems to increase fees and penalties by 100 per cent.

Clause 7 returns to the Crown the land at Dight's Falls which was vested in the Board of Works in 1924. Apparently a bar across the Yarra river was removed, and this took away from the Australian Paper Manufacturers and other firms that were using the river the opportunity of pumping water from the river. A pumping station was erected at Dight's Falls and water was provided to those organizations. Water was also supplied to the Royal Botanic Gardens and the Albert Park lake. However, the pumping station has not been in operation for the past ten years, and water has been supplied to industry by the Board of Works from its normal supply. The machinery from the pumping plant has been sold—not much was received—and the sum was divided between the Melbourne and Metropolitan Board of Works and the Government. With the exception of the provision to increase the minimum water and sewerage rates, the Bill will cause no great alarm. I know that sometimes it is necessary to increase fees, but I do not think it is necessary in this case to increase them by 400 per cent. For the reasons I have given and on which

I hope to elaborate at a later stage, members of my party will be proposing amendments to the relevant clause.

Sir PERCY BYRNES (North-Western Province).—Bills relating to the Melbourne and Metropolitan Board of Works are introduced into this House in a piecemeal manner, and usually it is difficult to give a coherent analysis of what they contain. On a previous occasion members of my party objected to the Board being given unlimited authority to increase rates.

The Hon. R. J. HAMER.—Under the previous Bill the limit was to be fixed by the Board, but the House objected to that.

Sir PERCY BYRNES.—Yes, as a matter of policy we objected to it. Although we are not ratepayers of the Board, we believed the ratepayers of the Board were entitled to some consideration and that they should have some control over the fixing of rates. Perhaps the day is getting nearer when a private member's Bill introduced by me for one authority in the metropolitan area will be accepted by the House and many of these things will disappear. Last week some decidedly right-wing people were saying that it would be a good idea if there was more combination in regard to the control of traffic in this city.

The PRESIDENT (the Hon. R. W. Mack).—The honorable member is a little bit away from the Bill.

Sir PERCY BYRNES.—I think that was said at a meeting of members of the Liberal Party. I shall now return to the provisions of the Bill. The provision relating to the supplying of water at Dight's Falls for public purposes is reasonable, because there is still a need for it and there is no loss to the public. In regard to the provision for insuring commissioners and other persons, that seems to be in line with modern practice because it has been adopted in most municipalities. A few years ago insurance of this kind was not so prominent in the minds of the people.

The only clauses in the Bill which create real problems are those relating to the proposed basic charge for water of \$4 instead of \$1 which is the charge at the present time. Admittedly the charge will be increased, but will the increased charge be exorbitant? Such a charge has been in existence in most country municipalities for many years, and I do not think it is too heavy. A person uses water up to the value of the rate he pays, and if he uses more water he pays excess charges. I gathered from Mr. Walton's remarks and from other information supplied to me that there are some people in the metropolitan area who do not use water to the value of this minimum amount.

The Hon. P. V. FELTHAM.—Apparently some of them do not use any water at all.

Sir PERCY BYRNES.—I believe there are 250 people who do not use the minimum amount under the sewerage charge and 3,000 who do not use the minimum amount under the water charge. They do not use \$4 worth of water.

The Hon. R. J. HAMER.—It seems hard to believe.

Sir PERCY BYRNES.—Apparently they are tenements which are gradually being replaced by offices and factories. Even the Housing Commission is taking them over! In view of the fact that the charge has not been increased for a long time, I do not believe the proposed levy of \$4 is exorbitant. Therefore, members of my party believe that the Board should be permitted to increase its minimum charge to \$4 which is no higher than the charge levied by country municipalities today.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Power to apply Metropolitan General Fund for insurance of members).

The Hon. R. J. HAMER (Minister for Local Government).—Mr. Walton was quite right when he said that this Bill bore a resemblance to a previous measure which was defeated in the Legislative Council a couple of years ago. He was also correct, although I do not use his language, in describing it as being "dressed up". It has been amended to meet objections which were voiced in this Chamber on a previous occasion, and it now comes forward in a form which the Government believes will be acceptable.

I shall say no more about the clauses except to comment on the proposal to grant insurance cover to the chairman of the Board. Some thought was given as to whether or not he should be included, and it was considered that, although he holds a permanent appointment, it would be difficult to exclude him when the other commissioners are covered by accident insurance.

The Hon. J. M. WALTON.—He is not in fact a commissioner.

The Hon. R. J. HAMER.—No, so I shall use the words "other member of the Board." After all, he runs the same risks of injury or death.

The Hon. ARCHIBALD TODD.—How could we relate this to the position of the chairman of the State Electricity Commission?

The Hon. R. J. HAMER.—His position is not under discussion at the moment. We believe the chairman of this Board would be in an invidious position if he were the only one not covered by this sort of insurance which relates only to his activities in the service of the Board. It is not a general accident insurance; he has to cover that for himself.

It may well be that the cost of providing water and sewerage per block has increased. I am not sure whether Mr. Walton's figures were based on an average suburban block, but at all events the fact that they are higher than the figures I have

given rather justifies the claim that there should be a somewhat higher minimum charge per allotment.

I come now to the point which seems to be the only controversial one in the Bill, and I point out that in the measure introduced two years ago the proposal was that the Board should fix its own minimum rate. However, there was predictable objection by this Chamber to this measure. In fact, it was the main cause of the defeat of the Bill on the second-reading motion.

The Hon. I. A. SWINBURNE.—Delegated power.

The Hon. R. J. HAMER.—Yes, it was delegated power and in a sense a taxing power. Because that proposal was unacceptable, it became necessary to decide what would be a reasonable minimum charge. The Board would have preferred \$8, and that might give some indication of what the minimum charge might have been if the Board had possessed the power to fix charges. However, the Government would not go as high as that. If a charge of \$1 was justifiable in 1890, then surely \$4 is justifiable to-day even if only on the basis of the fall in the value of money since then. In fact, the charge proposed is less than half of the actual annual cost to the Board of providing a water service to an allotment.

Mr. Walton indicated that there were some tenements in the inner metropolitan areas, having small frontages and low valuations, which were even now not paying \$4. I do not know whether Mr. Walton had any regard to the fact whether they were paying excess water charges.

The Hon. J. M. WALTON.—Generally speaking, they are not metered.

The Hon. R. J. HAMER.—It is hard to imagine that a house which is inhabited would not use more than \$4 worth of water in a year. As there are not meters on these places, we cannot check that point. I think it is reasonable to suppose

that a person paying less than \$4 would be getting a fairly cheap supply of water. Having regard to the change in the value of money, the Government still considers that \$4 is not an unreasonable minimum rate to charge as a general rate for tenements. I think it will be found on examination to produce an equitable result.

During the second-reading debate, Mr. Tripovich drew attention to the fact that even now a large number of holders of vacant blocks are getting off pretty lightly—that they are not really making an equitable contribution to the average cost of providing water services and sewerage in the metropolitan area. That is true. It is partly offset by the fact, as Mr. Walton pointed out, that in the new subdivisions, the subdivider—ultimately, of course, the block owner—is in fact paying the capital charge. But there is still the annual charge to the Board.

The Hon. J. M. TRIPOVICH.—Would not that make the other rates to houses cheaper?

The Hon. R. J. HAMER.—Certainly it does.

The Hon. J. M. TRIPOVICH.—Is there any way of assessing how much rates could be reduced if a higher minimum were fixed?

The Hon. R. J. HAMER.—I provided answers to questions asked in the Assembly recently indicating the number of blocks which will be affected by this minimum charge. Not a tremendous number will be affected, and if the additional rate was spread over all rated properties there would not be a very large decrease in rates. But as a matter of equity I do not think vacant blocks should be held and not used, when water and sewerage services are available, whilst making such a very low contribution to the over-all result. That is the basis of the proposal although, in actual figures, I do not think much is involved.

These are the reasons which led the Government to fix \$4, a minimum charge which is precisely the same as that adopted throughout the State by the State Rivers and Water Supply Commission. There is some justice in that. Accordingly, the Government will adhere to the minimum charge proposed in the Bill.

The clause was agreed to.

Clause 3, providing, *inter alia*—

The principal Act shall be amended as follows:—

- (b) In paragraph (a) of section 99 for the words "it shall not in any case be less than \$1" there shall be substituted the words "the minimum amount of the rate to be paid for any tenement shall be \$4".
- (d) At the end of paragraph (a) of subsection (6) of section 175 there shall be inserted the words "but the amount of the rate for any such property shall not be less than \$4".

The Hon. J. M. WALTON (Melbourne North Province).—I move—

That, in paragraph (b), the expression "\$4" be omitted with the view of inserting the expression "\$2."

I must again point out that honorable members were misinformed when the Minister for Local Government stated in his second-reading speech that the proposal to increase this minimum charge was to bring in an amount of money from owners of vacant allotments. He did not mention "tenements" on that occasion, and it has been only since that time that we have been able to discover that a large number of inner metropolitan tenements will be affected by the change. The Board's figures show that the properties to be affected are the small tenements in the inner metropolitan area, although, as I pointed out earlier, there may be a number of others in the districts a little farther out. Surely the holders of inner metropolitan tenements over the period of time involved have paid the capital costs of the installation of water supplies to their homes and should not be charged again.

The Minister for Local Government has acknowledged that in the new subdivisions, the subdividers pay this charge, but, of course, they pass it on to those persons who buy the blocks of land. Why should those people be charged again a minimum amount when they have already paid for the connexion and when in fact they are not using the water supply or the sewerage service?

We must be reasonable about this, and not say dogmatically that we will not agree to any increase, as we realize this charge has not been increased since 1890. However we would have thought an increase from \$1 to \$2 in the case of water and from nil to \$2 in the case of sewerage would be reasonable under the circumstances. The amount the Board proposes to net as a result of this increase is \$43,600 for water and \$1,000 for sewerage.

The number of allotments to which the minimum water rate will apply out of the almost 30,000 that are vacant totals 18,800, which is a comparatively small proportion. In the case of sewerage 1,600 out of 11,200 will be involved. It is estimated that 250 of the inner metropolitan tenements will be required to pay the minimum sewerage rate and 3,000 the water rate. The percentages work out at 15½ per cent. and 16 per cent. respectively. Of the numbers of blocks of land or tenements that will be included, 15 per cent. to 16 per cent. will in both cases have houses built on them.

Irrespective of how little or how much water these small tenements are using, we consider it is an imposition to increase the charge to \$4. The Minister suggested that an increase to \$4 was not much to ask, but it must be remembered that the people concerned will pay a charge of \$4 for water, \$4 for sewerage, and will also be called upon to pay the metropolitan improvement rate. This could total rather a large sum for people in poor circumstances, and

that is the reason why we are fighting for an amendment on this occasion and we are disappointed that the Country Party, although it did state its case quite clearly on the last occasion on the principle that they did not want power to be taken from Parliament, is not going to help us to protect the small people in the inner metropolitan area. I know the change proposed will not affect any people the Country Party represents, but this additional imposition on the poorer people in our community should not be allowed. We are not in favour of it, and we ask the Committee to accept our amendment.

The Hon. P. V. FELTHAM (Northern Province).—One aspect of this proposed increase has not been touched on, and that is the general principle that seems to have been adopted in straightening out charges by multiplying them by four. Many instances of this have occurred in the State over the past few years. It may be that various authorities have got a little behind the times with their charges, so they have done what is proposed under this Bill—increased rates four-fold.

In this case the total amount involved is not very much. It may be that somebody who has not been paying anything at all will in the future pay \$4 a year, and that somebody who has previously been paying \$1 will be called upon to pay \$4. But when one thinks of all the other instrumentalities that are doing the same thing, one realizes the burden that is being placed on the people. As an example, the State Rivers and Water Supply Commission suddenly decided that 25 cents an acre-foot for water lifted out of a river by a man's own pump was not sufficient, so it increased the rate to \$1. This practice is becoming a source of great concern to landowners. It really means that the Government itself and its instrumentalities are the principal factors in causing inflation and a higher cost of living, as they are giving the lead.

If a person now called upon to pay 15 cents for a loaf of bread was suddenly asked by Act of Parliament to pay 60 cents, he would want to know the justification. Similarly, if the price of milk was increased by regulation to 40 cents most people in the community would say to the Government "What do you mean by this?" It would be of no use the Government saying, "We forgot to raise the price of milk over a number of years, so now we have to increase it from 10 cents to 40 cents a bottle."

I think it is time somebody pointed out to these instrumentalities and to the Government, which has introduced this Bill, that we do not like this quadrupling of charges. It would be bad enough to double the rate in one action. Although, like Mr. Walton, I realize the amendment is going to be lost, I thought I should voice my protest against these extraordinary rises in charges that are being made from time to time and brought into this Parliament quite often.

The Hon. J. W. GALBALLY (Melbourne North Province).—Why should this amendment be lost? Is it not time we put a stopper in somewhere? Ever since decimal currency was introduced, the big slug has been on, led by Governments. Everybody else is enjoined not to take advantage of the currency conversion, but not this Government. Here we have a perfect example of what is happening in the community to-day and what the average citizen finds as a result of the introduction of decimal currency. Whereas formerly he had a few pounds in his pocket, to-day he has nothing. That is all the conversion to decimal currency has done to the community. It has skimmed a lot of money into the coffers of the Governments and the hands of various people. It is a very greedy business.

I have found over the years that members of the Country Party have been very sensitive about anything

affecting their own pockets. Why do they not show a little bit of interest in the pockets of other people, too? Why not put the jam on the lower shelf so that the little fellows can have a share of it. I am inviting this Committee to accept the amendment moved by my colleague. This action will, I hope, set an example to Governments not to play fast and loose with other people's money.

Sir PERCY BYRNES (North-Western Province).—I want to assure Mr. Walton that it is not a question of not giving consideration to what he has proposed. I point out to him and to others that the Country Party saved the people in the metropolitan area from being placed in precisely the same position as country people are. We have no say whatsoever in the rates fixed by the State Rivers and Water Supply Commission. Increases are proclaimed by regulation and that is the finish of it.

The Hon. J. M. WALTON.—But you are running a business; the people to whom my amendment relates are only trying to live.

Sir PERCY BYRNES.—I invite Mr. Walton to listen to what I have to say. I have always stated that the Melbourne and Metropolitan Board of Works should have a ceiling placed by Parliament on its rating as I think should be the case with every rating authority, although I agree that there should be some room for manoeuvre. If there were no ceiling the rates might be three times as high as they are. The State Rivers and Water Supply Commission, as I have stated, increased its rates throughout Victoria, as it was able to do without recourse to Parliament. As water is required to enable us to make a living in our business, we had to pay the rates demanded although we had no say whatsoever in their fixation. However, there is a ceiling on the rates fixed by the Board of Works, and this can be increased only by Parliament, which I think is proper.

Mr. Feltham has stated that a four-fold increase is too great and is wrong in principle, and Mr. Walton has made

a similar statement. They may be right. However, the Country Party has instructed me to say that we support the proposal because the ceiling of the charge is no higher than what is applicable throughout the rest of the State. If the proposal was to make it higher than what applied elsewhere in the State, we would oppose it. The size of the tenements in Carlton and North Melbourne used to be 40 to the acre, and I do not think they are any smaller now. I would say they would still use \$4 worth of water. According to the answer to the question, there are 3,000 tenements affected by the proposal in respect of water supply and 250 in respect of sewerage, so it is a very small area that is affected. I do not think as many small householders will be affected as has been asserted. In other words, I think it is a reasonable charge.

The Hon. J. W. GALBALLY.—But is it not all part of a pattern by public authorities to slug the people?

Sir PERCY BYRNES.—That may be so, but they cannot go any higher. It is 76 years since the last increase was made. They will not do too badly if they go another 76 years on \$4.

The Hon. R. J. HAMER (Minister for Local Government).—I wish to make only one observation. I think the discussion has run off the rails, because it has turned into a form of protest against an increase in charges, as if some over-all increase was proposed. Of course, that is not the position. What is involved is a minimum charge. All that is being done is to make an adjustment between various types of ratepayers. It may seem more equitable to the majority that the persons who pay the minimum charge should contribute more in 1966 than they did in 1965.

I pointed out previously that 76 years ago a fee of \$1 was considerably higher in money value than the \$4 that is proposed now. The question is whether this is a reasonable minimum charge. If one works out what the smallest

tenement receives for \$4, it will be found to be a reasonable charge. Apparently the small properties are not metered, so excess water rates are not paid. However, we are primarily dealing with vacant land. As was pointed out, there is strong justification for causing those who hold vacant land and do not improve it to make some contribution towards the over-all cost of available services. Even where a subdivider has paid the capital cost of installing the main, the annual interest and amortization charges on the head-works and distribution system still have to be met by the Board. So the Board has costs over and above the expense of laying pipes in the subdivision.

Sir PERCY BYRNES.—It is only fair that they should pay a reasonable charge.

The Hon. R. J. HAMER.—That is the whole basis of the Bill.

Sir PERCY BYRNES.—If they were on unimproved rating they would pay a fairly large charge.

The Hon. R. J. HAMER.—That is so. That is the reason why the site rating advocates have won some success. This is the element in the argument which appears to have some validity. We are not debating an over-all increase in charges, but an apportionment of charges between the whole body of ratepayers. The question is whether \$4 is a reasonable amount to fix as a minimum charge. The Government thinks it is.

The Hon. J. W. GALBALLY (Melbourne North Province).—I do not agree with what the Minister has said. This is part of a pattern for increasing all charges. In 1949, there was a campaign to put value back into the pound. Now, that has been abandoned, and there is a campaign to drain value out of the dollar. As Mr. Feltham said, this is being done by multiplying everything by four. Why is it that whenever we are faced with a crisis in the community, it is those sections of the

community such as the poor, the pensioners, the under-privileged and the widows, who have to make the sacrifice?

The Hon. G. W. THOM.—Could the intention be to penalize a little the speculators who are holding land?

The Hon. J. W. GALBALLY.—I have not seen this Government attempt to penalize them up to date.

The Hon. G. W. THOM.—Could it not be that the Bill indicates that they should sell the land instead of holding it?

The Hon. J. W. GALBALLY.—The point is that a few dollars does not mean a thing to the speculator because it comes off his income tax, but for the person who has a small fixed income it means a lot. We intend to persist with the amendment, and propose to ask the Committee to divide on it, because, if things are allowed to drift as they are, it is inevitable that we shall have to introduce some form of price control. Otherwise whole segments of the community will not be able to carry on any longer. We are aware of the pattern laid down by the Arbitration Commission. If any sacrifices have to be made by the community because the economy is lagging—wool prices have fallen or there is a drought—it is the man on the lowest wage who is expected to make it. I cannot think of a better atmosphere in which to start putting the plug in than within the Legislative Council of Victoria, which has always been renowned for its canniness with regard to money.

The Committee divided on the question that the expression proposed by Mr. Walton to be omitted stand part of the paragraph (the Hon. W. R. Garrett in the chair)—

Ayes	..	..	20
Noes	..	..	10
			—

Majority against the amendment	..	10
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AYES.

Mr. Bradbury	Mr. Hunt
Mr. Byrne	Mr. May
Sir Percy Byrnes	Mr. Nicol
Mr. Campbell	Mr. Snider
Mr. Chandler	Mr. Swinburne
Mr. Clarke	Mr. Thom
Mr. Dickie	Mr. Thompson.
Mr. Gleeson	
Mr. Grigg	<i>Tellers:</i>
Mr. Hamer	Mr. Granter
Mr. Hewson	Mr. Gross.

NOES.

Mr. Elliot	Mr. Tripovich
Mr. Feltham	Mr. Walton.
Mr. Galbally	
Mr. Knight	<i>Tellers:</i>
Mr. O'Connell	Mr. Cathie
Mr. Todd	Mr. Merrifield.

The Hon. J. M. WALTON (Melbourne North Province).—I move—

That, in paragraph (d), the expression "\$4" be omitted with the view of inserting the expression "\$2".

The same arguments apply in respect of this amendment as to the earlier proposal. According to Mr. Feltham's arithmetic, this would be four times nothing, but it comes to \$4, and it would be difficult to express it as a percentage rise. A very small number of people are affected. The answers received from the Board indicate that some 250 inner metropolitan tenements would be affected by the minimum sewerage rate. We are still fighting for the principle that tenements should not have been included in this.

In his second-reading speech, the Minister stated that the provision would make sure that a reasonable contribution to the cost of providing water services would be made by the owners of vacant lots. If that is the Government's intention, why are tenements included? I suggest that it was intended all the time to include them, but, if it was not the Minister's intention, certainly it was that of the Melbourne and Metropolitan Board of Works.

The Hon. R. J. HAMER (Minister for Local Government).—I shall explain the last point. A general rate is levied, and that entitles the ratepayer to a certain amount of water.

When his consumption exceeds that entitlement, an excess water rate is paid. The sewerage rate is levied only where a sewerage system is available to the block, and it is a separate rate. The same arguments apply in this case. If in fact, as Mr. Walton has asserted, it costs \$16 per year to supply sewerage to a home; it does not seem unreasonable that a minimum charge of \$4 should be levied even on the smallest tenements. It affects only 250 cases. If I overlooked them during my second-reading speech, it was because I was not concentrating on that small number. I was concentrating on vacant blocks where sewerage is already available but from which no contribution is received. It should be a reasonable amount, and \$4 is not unreasonable.

The Hon. J. W. GALBALLY (Melbourne North Province).—Mr. Walton has pointed out that only a few people are affected, but that is not the point. Take the case of the young man who buys a block of land and who intends to marry; he has to pay this rate in the meantime. From time to time, we hear that in this community young people are being encouraged to buy land, yet we are doing everything we can to discourage them.

The other point is the argument which we previously advanced that, in the changeover to decimal currency, nobody should pay more for anything than he had to pay before decimal currency was introduced. This is a matter of commercial morality, and Government Departments and authorities should give the lead instead of adopting the opposite attitude. How can the Government expect small entrepreneurs and such people to resist the "hop in for your cut, I'm all right, Jack," style when Governments lead in the rush to adopt it. The introduction of decimal currency is giving inflation a tremendous boost. By the end of the year, people will find that the cost of living has risen drastically.

The Hon. G. L. CHANDLER.—Do you support site rating?

The Hon. J. W. GALBALLY.—I certainly do not support site rating.

The Hon. A. W. KNIGHT (Melbourne West Province).—I am opposed to this clause, and I am surprised that the Minister has put it forward. The Valuer-General accepts valuations from municipalities as being true and correct. In effect, he decides what shall be paid in rates in the municipality. But the Minister allows a third parliament, which is what the Board is, to say that it is dissatisfied with the valuations which the Valuer-General has adopted, and that they should be greater. In effect, that is what this clause means.

The Hon. R. J. HAMER.—I do not follow that.

The Hon. A. W. KNIGHT.—If people were paying only \$3 before and the Valuer-General said that such a rate was based on a rating that was true and correct, the Board, in effect, now says, "Disregard the Valuer-General; from now on the amount will be \$4," so it will not accept the views of the Valuer-General. I think the Minister should examine the clause with that fact in mind. Perhaps the passage of the Bill could be delayed until that point is examined.

The Committee divided on the question that the expression proposed by Mr. Walton to be omitted stand part of the paragraph (the Hon. W. R. Garrett in the chair)—

Ayes	..	..	20
Noes	..	..	10

Majority against the amendment	..	10
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AYES.

Mr. Bradbury	Mr. Hamer
Mr. Byrne	Mr. Hewson
Sir Percy Byrnes	Mr. May
Mr. Campbell	Mr. Snider
Mr. Chandler	Mr. Swinburne
Mr. Clarke	Mr. Thom
Mr. Dickie	Mr. Thompson.
Mr. Gleeson	
Mr. Granter	Tellers:
Mr. Grigg	Mr. Hunt
Mr. Gross	Mr. Nicol.

NOES.

Mr. Cathie	Mr. Tripovich
Mr. Elliot	Mr. Walton.
Mr. Feltham	
Mr. Galbally	Tellers:
Mr. Knight	Mr. O'Connell
Mr. Merrifield	Mr. Todd.

The clause was agreed to, as were clauses 4 to 6.

Clause 7, providing, *inter alia*—

(1) Notwithstanding anything in any Act—

(a) the Crown grant dated the twelfth day of February One thousand nine hundred and twenty-four whereby the land described in Part A of the Fourteenth Schedule to the principal Act was granted to the Melbourne and Metropolitan Board of Works shall be hereby revoked made void and annulled; and

(b) the said land shall be revested in Her Majesty freed and discharged from all trusts limitations and restrictions whatsoever and shall be and be deemed to be and may be dealt with as unalienated land of the Crown.

The Hon. R. J. HAMER (Minister for Local Government).—I have circulated proposed amendments to clause 7 dealing with the land at Dight's Falls which was made over to the Melbourne and Metropolitan Board of Works when it conducted a pumping station there. Clause 7 as drafted provides that the land will become unalienated Crown land. The Lands Department has suggested that it would be better and neater, and would provide a more satisfactory solution if the land were formally incorporated into the Yarra Bend National Park which was set aside under the Kew and Heidelberg Lands Act of 1933. Therefore, it is proposed that the regulations which have been made by the trustees of the Yarra Bend National Park shall extend to the additional piece of land. I move—

That, in paragraph (a) of sub-clause (1), the word "and" be omitted.

The Hon. J. M. WALTON (Melbourne North Province).—The amendments circulated by the Minister appear to be reasonable and the Labor Party has always supported increasing the acreage of parklands.

From the Minister's brief explanation, it appears that that is what this amendments will do. The Labor Party supports it.

The Hon. P. V. FELTHAM (Northern Province).—Paragraph (c) of sub-clause (2) of clause 7 repeals the Thirteenth and Fourteenth Schedules to the principal Act. Is the Fourteenth Schedule mentioned in paragraph (a) of sub-clause (1) a different Fourteenth Schedule?

The CHAIRMAN (the Hon. W. R. Garrett).—It is the first amendment which is under consideration at the moment.

The amendment was agreed to.

The Hon. R. J. HAMER (Minister for Local Government).—I move—

That, in paragraph (b) of sub-clause (1), the words "and shall be and be deemed to be and may be dealt with as unalienated land of the Crown" be omitted.

The purpose of the deletion of these words is to allow us to incorporate two paragraphs which I have foreshadowed.

The amendment was agreed to.

The Hon. R. J. HAMER (Minister for Local Government).—I move—

That the following paragraphs be inserted to follow paragraph (b) of sub-clause (1):—

() the Order in Council made on the twenty-sixth day of March One thousand nine hundred and thirty-five reserving certain lands described in the Ninth Schedule to the Kew and Heidelberg Lands Act 1933 as a site for public park and recreation and the Crown grant entered in the register book of the Office of Titles volume 6443 folium 407 whereby the said lands were granted to trustees shall be deemed and taken for all purposes to relate also to the land described in Part A of the said Fourteenth Schedule; and

() the regulations made pursuant to section 219 of the Land Act 1958 with respect to the lands reserved by the said Order in Council or any part of those lands by the trustees thereof and in force immediately before the commencement of this Act shall by virtue of this Act be deemed to be regulations made by the said trustees pursuant to the said section 219 with respect also to the land described in Part A of the said Fourteenth Schedule and shall remain in force until new regulations are made by the said trustees pursuant to the said section 219".

I intend to examine the points raised by Mr. Feltham, but I believe these two amendments are required in any event.

The Hon. P. V. FELTHAM (Northern Province).—I notice that the proposed amendment refers to part A of the Fourteenth Schedule. However, the Bill proposes that the Thirteenth and Fourteenth Schedules shall be repealed. I am interested to hear whether something has been overlooked, or whether there are two different fourteenth schedules.

The Hon. R. J. HAMER (Minister for Local Government).—Now that the matter has been raised, I should like time to consider it. It seems fairly obvious, but I should like to confirm it, that at least part A of the Fourteenth Schedule is required. In order not to delay the Committee, I suggest that progress be reported at this stage, and I shall endeavour to clear up the point raised by Mr. Feltham.

Progress was reported.

SUMMARY OFFENCES BILL.

This Bill was received from the Assembly and, on the motion of the Hon. R. J. HAMER (Minister for Local Government), was read a first time.

PROPERTY LAW (LOANS TO MINORS) BILL.

The debate (adjourned from March 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 Property Law (Loans to Minors) Act. It appears to be a relatively simple Bill which supplements to some degree legislation that was introduced in a previous session. The earlier legislation permitted minors to enter into contracts with co-operative housing societies, building societies and

similar bodies. The minors referred to were members of those societies. This Bill proposes that an infant who is not necessarily a member of a building society, a co-operative housing society or an industrial and provident society may enter into such a contract. There are distinctions between members and non-members of such societies. I imagine that a member who was a minor would, by virtue of his membership of such a society, be entitled to a protection which an outsider might not receive. I have some reluctance in that sense in regard to outsiders obtaining loans because there are potential dangers to minors who enter into contracts.

My mind goes back to the depression years, when possibly 60 per cent. of persons whose homes were mortgaged under the Building Societies Act lost their homes. Those persons were adults, many of whom had equities of long standing in their homes. Presumably, by virtue of being adult persons, they were of sound judgment. The depression was a catastrophe that hit everybody impartially and ruthlessly, and was far more severe than the minor vicissitudes which might be anticipated. Nevertheless, a minor may encounter circumstances which could hurt him just as drastically as an adult was affected in the depression.

Our party has decided not to oppose the Bill, but I am somewhat reluctant about widening the field too far. I can only hope that building societies will exercise great discretion and not act as some football clubs do in signing players at the age of thirteen years and holding them to contracts. I trust that building societies will enter into contracts only with minors who they believe can fulfil the terms of the contracts. I do not wish to labour the matter further. I appreciate that parents could be behind the minor who enters into a contract. The whole purpose of the legislation is to encourage minors to be thrifty in regard to the future and to endeavour

to look after themselves rather than rely on the backing of their parents. The Minister might endeavour to ensure that this legislation is implemented in a fair and reasonable manner by the societies which will operate the machinery.

The Hon. M. A. CLARKE (Northern Province).—This is a further Bill to amend the Property Law Act in regard to one particular matter, that is, the obligations of minors in regard to loans that they incur, particularly in the borrowing of money to build a house, to buy land, and so forth. Members of the Country Party do not intend to oppose the Bill, but we cannot say that we are at all happy with this extension of the principle. The present legislation allows banks and other institutions to lend money so that members of building and other societies who are infants may benefit. Now it is proposed to extend that principle to infants who are not members of these particular societies. There may be some danger in an extension of this kind. The danger I refer to is in regard to the interests of the so-called infant.

This Bill, when it is proclaimed, will be known as the Property Law (Loans to Minors) Act. However, it raises the question of infants. This word does not appeal to me, and I should be happy if the Government were prepared to remove it from legislation of this kind. I am indebted to Mr. Feltham for reminding me that the word *infans* means somebody who is not yet able to speak. In *As You Like It*, William Shakespeare said—

All the world's a stage,
And all the men and women merely players;

And one man in his time plays many parts,
His acts being seven ages. At first the infant,
Mewling and puking in the nurse's arms.
And then the whining schoolboy

creeping like snail
 Unwillingly to school. And then the lover,
 Sighing like furnace
 Then a soldier,
 Full of strange oaths

I remind the House that he is still an infant when he is a soldier, aged twenty, and able to undergo National Service and fight for his country abroad. Is it desirable that in our law a man or a woman aged twenty should still be described as an infant? The Government gives the Bill a nice smooth cover by calling it the "Property Law (Loans to Minors) Bill," but we immediately come to the question of infants. One of the reasons we do so is because of the Supreme Court Act. I remind honorable members that contracts so far as minors were concerned at common law were voidable—not void—and of course that doctrine was there to protect the infant who could expressly disclaim the contract.

As the Minister mentioned in his explanatory speech on the previous Bill, section 69 of the Supreme Court Act is the section that governs the situation. This section has not been mentioned in full in the debates, and I think it should be examined because other Bills of this kind will follow in an attempt to assist the minor to engage in the business of this world. Section 69 of the Supreme Court Act states—

All contracts, whether by specialty or by simple contract, entered into by infants on or after the fourth day of January One thousand nine hundred and ten for the repayment of money lent or to be lent, or for payment for goods supplied or to be supplied (other than contracts for necessities), and all accounts stated with infants, shall be absolutely void: Provided always that this enactment shall not invalidate any contract into which an infant may, by any existing or future Statute, or by the rules of common law or equity, enter, except such as immediately before the date aforesaid by law were voidable.

This section of the Supreme Court Act is causing trouble in various other enactments. It would be in order if I directed attention to the fact that we have an arbitrary age limit of 21 years. Persons under the age of 21 years are minors; when over 21 years, they have full legal responsibilities, provided that they are not mentally incapacitated, incarcerated, and so forth. Sooner or

The Hon. M. A. Clarke.

later, the Government will have to face this problem—I recognize that it is also a Federal matter—and we will have to reduce the age at which a person becomes a full adult. So many people under the age of 21 years are getting married, buying businesses or entering into contracts that I hope the Government will look into the question and perhaps indicate whether it would be prepared in the future to avoid the need for Bills of this type by reducing the age at which adulthood is reached. This could be achieved by amending section 69 of the Supreme Court Act.

On the last occasion when a measure amending the Property Law Act was before the House, Mr. Swinburne, speaking for the Country Party, said—

I trust that further loopholes will not be discovered in the principal Act and that minors will have no difficulty in future in obtaining the necessary finance.

At the time, the Minister of Housing indicated that the measure under consideration was a fairly conclusive one, which would "sew up" the whole situation. The Bill now under consideration will extend the ambit of the legislation to allow infants, if I might use the objectionable word again, who are not members of building and industrial and provident societies, to borrow money.

I hope the House will not regret passing this measure because, to a certain extent, it is dangerous. Perhaps the Minister of Housing could inform me why the minors to whom this legislation will apply should not become members of these societies. Why is it necessary for societies to advance money to persons who do not belong to them? After all, there is already a shortage of finance in the housing world or for buying home sites without the need for these societies to look for customers. Perhaps during the Committee stage, the Minister will indicate why there is a need for this measure. The Country Party will not oppose the Bill; on the other hand, we are not happy with it.

The Hon. P. V. FELTHAM (Northern Province).—This Bill is one of several of a like nature that have come before the Council during the past two or three years in which there has been a reduction in the age from 21 to eighteen years when responsibility arises and people previously regarded as minors may enter into obligations. It raises the broad question as to whether the age of 21 years should be retained as the age at which a person reaches his seniority, majority or adulthood, or whatever else members might like to call it.

In earlier debates in this House, when members sought to ascertain how 21 years was fixed as being the age at which a person attains his majority, difficulty was experienced in supplying an answer. I remember some research which I instigated in the matter producing the reply that the only record that could be found of 21 years having any basis was that many years ago in feudal times 21 years was the age at which one became liable for knight service, which was a particular type of service under the feudal system. Apart from that, the researchers could find no origin for the selection of 21 years, as distinct from 22 years or nineteen years, as the age at which a person attained his majority.

The Government has introduced a number of measures to reduce the age from 21 years to eighteen. I include in my reference the recent amendment to the Wills Act, whereby young persons were enabled to make a valid will at the age of eighteen years. Further, I have read in the press lately that the Federal Government has been considering treating soldiers—at least those serving abroad—as having attained their majority. The broad question I raise is: Why do not we consider tackling the fixing of the age of majority at eighteen years instead of 21 years for all purposes within the community? My suggestion is not

quite as silly as it might seem to some people, because I venture to say that in a modern community, young people of the age of eighteen years are far better informed and far more mature than those of 21 years of age perhaps 100 years ago.

I think it was said of Sir Francis Bacon that he lived in an age when it was possible for one man to know everything. In fact, it was said that Sir Francis Bacon had all human knowledge—he knew all that was known in the world of science, all that had been written in the world of literature, and all about art and everything that one might possibly teach or learn. He was possibly the last of the people in the world of whom it could be said that he knew everything that was known in the world of his time. Vast changes are taking place in the world to-day. Science, art and literature have gone into such far reaches that no one could possibly know a fraction of even one arm of knowledge. However, young people of eighteen years of age now have the most extensive knowledge on the most abstruse subjects. An eighteen-year-old youth in the time of Bacon would be a remarkable person if he knew how to handle a transistor radio or how to pull a petrol engine to pieces and put it together again, but the young people of to-day, have a wide knowledge in these technical fields. They are a healthier lot, larger in size, far better informed and more learned than their predecessors of 100 or even 50 years ago.

The broad question of the age at which a person reaches his majority should be referred to some body, such as the Statute Law Revision Committee, to take evidence and consider whether the time has come for the age to be reduced to eighteen years for all purposes within Victoria. There appears to be some support for this attitude in Mr. Clarke's comments, although at times I wondered whether he supported or opposed this viewpoint. I

think he said some things that supported it. I seriously put to the Government that this whole question of 21 years being the age at which a person is deemed to reach his majority should be examined with a view to reducing the age to eighteen years. Instead of introducing the lower age in little dribblets in various enactments, the change in the age should be made universal.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Contracts with infants for the repayment of loans from building societies and industrial and provident societies to be valid).

The Hon. L. H. S. THOMPSON (Minister of Housing).—I agree with Mr. Clarke that the term "infant" seems a little out of place, particularly when we look at some of the pictures of infants of 6 ft. 5 in. and 14½ stone who are now training with league football clubs. Certainly, these infants would give the staff of a baby health centre a big fright if they walked in. Although the statutes are dotted with the expression, it seems incongruous to retain the use of the term. Perhaps the time has come for improving our English language so that it becomes a little more exact.

Mr. Clarke also queried why we should be further amending the property law legislation at this stage to look after persons who are not members of building societies and industrial and provident societies. The recommendations seeking this amendment were not made to me; therefore, I am not familiar with the details of the reason for the amendment. However, as I understand the position, in the case of co-operative housing societies and permanent building societies, it is necessary for a person to become a member of a society by taking out shares in it before he can qualify for a loan. It is the practice with some

industrial and provident societies, however, to limit membership to persons who may be taking out forms of insurance. At times, these societies have surplus funds to invest, which they are prepared to lend on a long-term basis to persons who want housing loans. That is the reason for this amending measure.

Members may ask whether there would be any objection to compelling the persons concerned to become members of the societies in question. I do not know that there is any real objection to it, but the practice seems to have grown up whereby loans are made to persons outside these societies. I shall follow up that point and inform Mr. Clarke by letter as to the exact reason why the societies favour this approach rather than compelling persons to join.

Mr. Feltham suggested that the time had come for a review of the age of 21 years as being the time of separation between infants and adults. I am inclined to lean towards the views he expressed. I cannot see any magical touch or wisdom in using the age of 21 years as a dividing line. I remember on one occasion trying to trace back why this dividing line was first introduced, but there did not seem to be any satisfactory explanation for it. I shall be happy to direct Mr. Feltham's comments to the attention of the Attorney-General. As honorable members appreciate, it is a topical point at the moment in another sphere.

The clause was agreed to, as was clause 3.

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

ADJOURNMENT.

COUNTRY FIRE AUTHORITY: NEW HEADQUARTERS BUILDING.

The Hon. G. L. CHANDLER (Minister of Agriculture).—I move—
That the House do now adjourn.

The Hon. J. W. GALBALLY (Melbourne North Province).—Mr. President, what is the Minister in charge of decentralization doing about the Country Fire Authority? It is building its headquarters in Melbourne—in Toorak—at a cost of \$470,000. Today I asked the Minister of Agriculture what were the reasons which impelled the Authority to build its headquarters in Melbourne, and the answer was—

By building headquarters in Melbourne, the Authority has ready access to the Minister—

I do not know whether the Minister is expected to take his bucket and spade and put out the fires—

the headquarters of the Police Department, Forest Commission, Red Cross and other organizations and has the several advantages of centralized administration.

Those are the only reasons given in answer to the question. Has the Authority never heard of the telephone, the radio, and other similar facilities? If ever there was an organization that ought to be located in the country it is the Country Fire Authority. Why should Electronic Industries and other organizations be expected to go to the country if the Country Fire Authority, which is not an industry, has to park itself in Melbourne so that it can be cheek by jowl with the Minister?

Sir PERCY BYRNES.—Most fires are within 20 miles of Melbourne.

The Hon. J. W. GALBALLY.—Sir Percy Byrnes cannot be serious. I am talking about the Country Fire Authority, not the metropolitan fire brigades. I should like the Government, on the first available occasion, to tell the House something about its decentralization programme and to give me more sensible reasons than those advanced so far as to why this Authority has seen fit to build in the heart of Melbourne. Is it that this suits the convenience of the executive officers of the Country Fire Authority?

The Hon. I. A. SWINBURNE.—You agreed to a Bill which was passed by the House authorizing the Country Fire Authority to build in Melbourne.

The Hon. J. W. GALBALLY.—I have no recollection of it. I am not aware of any Bill which authorized the Authority to build near Melbourne.

The Hon. W. M. CAMPBELL.—The relevant measure was passed about twelve months ago.

The Hon. J. W. GALBALLY.—I am obliged to the House. I shall certainly have a look at that measure. You may depend on it, Sir, that the House has not heard the last of the Country Fire Authority in Toorak.

The Hon. T. H. GRIGG (Bendigo Province).—I should like to advise Mr. Galbally that the new headquarters of the Country Fire Authority are being built, not in Toorak, but on railway property at Tooronga.

The PRESIDENT (the Hon. R. W. Mack).—Order! There can be no debate on the question.

The Hon. J. W. GALBALLY.—I think the House should hear from the Minister of Agriculture.

The PRESIDENT.—Order! The question is that the House do now adjourn.

The motion was agreed to.

The House adjourned at 10.50 p.m.

Legislative Assembly.

Tuesday, April 5, 1966.

The **SPEAKER (Sir William McDonald)** took the chair at 4.10 p.m., and read the prayer.

NATURAL GAS.

OVERSEAS INQUIRIES BY DEPARTMENTAL OFFICERS.

For **Mr. HOLDING** (Richmond), Mr. Wilkes asked the Premier—

1. What senior departmental officers were sent overseas to examine the various problems which are expected to arise in Victoria in respect of the development of natural gas?

2. To what Departments these officers are attached, and in what countries they carried out their examination?

3. Whether the officers prepared any report as a result of their examination; if so, will he lay such report on the table of the Library?

Sir HENRY BOLTE (Premier and Treasurer).—The answers are—

Mr. E. J. Condon and Mr. R. Whiting of the Mines Department visited the United States of America and Canada during August–September 1965 to examine the development of natural gas.

Mr. E. W. Coates of the Treasury also visited North America and was able to make inquiries in this matter.

In addition, from the Gas and Fuel Corporation, Mr. L. G. Leckie and Mr. J. M. Shaw visited the United States of America and Canada. Mr. W. A. Reid visited the United States of America, the United Kingdom, France and Canada, as did Mr. N. W. Armstrong, who also visited Holland. Any reports that may have been prepared by these officers would be of a confidential nature and it would not be proper to lay them on the table of the Library, particularly at this stage.

POLICE DEPARTMENT.

POLICE STATIONS IN SHIRE OF KNOX.

Mr. STONEHAM (Leader of the Opposition) asked the Chief Secretary—

1. What are the locations of police stationed for regular duty in the Shire of Knox, and what is the strength at each such location?

2. During what hours each police station in the shire is open for normal business?

Mr. RYLAH (Chief Secretary).—As the answers to the honorable member's questions are comprehensive and contain a number of statistics, I suggest that they be incorporated in *Hansard* without being read.

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

1. and 2. The Shire of Knox is served by four police stations. The stations, the hours during which they are open and the area they cover in the Shire of Knox are as follows:—

Station.	Staff.	Area Covered in Shire of Knox.	Hours Open for Business.
Fern Tree Gully ..	One sergeant, one senior constable, and five first constables and constables	23 square miles	Monday to Friday—7.30 a.m. to 11.30 p.m. Saturday—7.30 a.m. to 1.30 a.m. Sunday Sunday—7.30 a.m. to 9.30 a.m.
Boronia	One senior constable, two first constables	10 square miles	Sunday to Friday—9 a.m. to 6 p.m. Saturday—9 a.m. to 12 midnight
Bayswater ..	One senior constable, two first constables	6 square miles	Sunday to Thursday—8.30 a.m. to 5.30 p.m. Friday—8.30 a.m. to 10.30 p.m. Saturday—8.30 a.m. to 12 midnight
Dandenong ..	Two sergeants, three senior constables, 25 first constables and constables	2 square miles	24 hours a day

In addition, divisional vans operating from Ringwood and Oakleigh, respectively, perform patrol duty in the Shire of Knox and surrounding districts.

SANDOWN RACECOURSE.

COST: ATTENDANCES AT RACE-MEETINGS: BETTING TURNOVER.

For **Mr. HOLLAND** (Flemington), Mr. Wilkes asked the Chief Secretary—

1. What was the approximate cost of providing the racecourse and associated facilities at Sandown Racecourse?

2. What were the estimated attendances at each of the race-meetings held at such course?

3. For each meeting held on the course what were the total amounts wagered and the amounts of tax, respectively, per medium of—(a) bookmakers; (b) on-course totalizator; and (c) off-course totalizator?

4. What were the corresponding figures for the previous year for the same meetings when held on other courses?

Mr. RYLAH (Chief Secretary).—The following figures have been

supplied by the Victoria Amateur Turf Club—

1. The approximate cost was as follows:—

	\$
Land	1,124,250
Stand and buildings . .	5,270,065
Over-pass	147,008
Railway station	80,000
Totalizator machines . .	295,947
Plant and equipment . .	282,946
	<u>7,200,216</u>

I emphasize that the figures are in dollars. The answers to the remaining questions comprise a fascinating statement of statistics, and I suggest that leave be granted for its incorporation in *Hansard* without being read.

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

2, 3 and 4.

SANDOWN RACE-MEETINGS.

COMPARATIVE FIGURES FOR 1964-65 AND 1965-66.

Year.	Date.	Attendance.	Bookmakers.		On-course Totalizator.		Off-course Totalizator.	
			Turnover.	Tax.	Turnover.	Commission.	Turnover.	Commission.
			\$	\$	\$	\$	\$	\$
1965-66	19.6.65	52,379	1,436,800	28,736	308,784	18,608	1,009,472	40,378
1964-65	20.6.64	23,997	1,069,700	20,394	287,902	16,512	765,222	30,608
1965-66	21.8.65	23,623	1,291,000	25,820	293,876	17,608	1,075,410	43,016
1964-65	22.8.64	29,844	1,419,400	28,388	378,304	21,456	882,226	35,289
1965-66	13.11.65	22,479	1,199,600	23,992	268,048	18,741	1,144,972	51,524
1964-65	14.11.64	31,619	1,389,400	27,788	381,118	21,915	977,782	39,111
1965-66	4.12.65	16,997	1,075,400	21,508	243,976	15,815	977,044	43,967
1964-65	5.12.64	23,407	1,341,600	26,832	338,616	19,446	883,828	35,333
1965-66	3.1.66	23,952	1,104,600	22,092	262,554	17,122	778,956	35,053
1964-65	2.1.65	28,000	1,289,300	25,786	330,652	19,218	784,358	31,374
1965-66	8.1.66	17,330	1,060,500	21,210	226,260	14,617	968,778	43,595
1964-65	9.1.65	25,972	1,168,800	23,376	282,474	16,099	830,976	33,239
1965-66	22.1.66	17,540	1,029,800	20,596	238,838	15,216	931,172	41,903
1964-65	23.1.65	28,209	1,581,100	31,622	350,722	20,468	912,948	36,518
1965-66	29.1.66	15,795	1,058,800	21,176	246,972	16,006	973,774	43,820
1964-65	6.2.65	25,000	1,405,292	28,105	293,644	17,060	931,568	37,263
1965-66	12.2.66	22,396	1,176,500	23,530	302,404	19,465	1,024,833	46,117
1964-65	30.1.65	27,875	1,397,700	27,954	306,196	17,818	859,312	34,372

EDUCATION DEPARTMENT.

ELTHAM HIGH SCHOOL: VISIT OF MORAL RE-ARMAMENT GROUP.

For Mr. HOLDING (Richmond), Mr. Wilkes asked the Minister of Education—

1. Whether on or about 21st March, 1966, representatives of a moral re-armament group visited Eltham High School; if so, by whose authority this visit took place and whether it is proposed that further such visits will occur throughout State Department secondary schools, and, in that event, on what basis he approves such activity?

2. Whether this group took up a period of the day, which is usually given to the school assembly, for the purposes of informing students about their forthcoming show at the Princess Theatre and arranging for the sale of tickets throughout the school?

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

1. Yes. The visit was permitted by the head master acting within the scope of his own authority. I know of no proposal that such visits will occur throughout State

secondary schools. I am prepared, in such cases, to rely on the good sense of the head of the school.

2. I am informed that the visit occupied about a quarter of an hour in the normal school assembly period. Two or three songs were sung, and the school was informed of the performance at the Princess Theatre and of arrangements for buying tickets.

CLEAN AIR COMMITTEE.

GAZETTAL OF REGULATIONS:
FINANCE.

Mr. WILKES (Northcote) asked the Minister of Immigration, for the Minister of Health—

1. When the new regulations under the Clean Air Act, as recommended by the Clean Air Committee, will be gazetted?

2. Whether the committee approached the Government or the Department of Health for additional money for the purpose of extending its activities?

3. Whether the committee approached the Government or the Department of Health to investigate the possibility of a licensing system in industry in order to obtain annual fees to meet the cost of clean air supervision, as in the case in New South Wales and Queensland?

Mr. ROSSITER (Minister of Immigration).—The answers supplied by the Minister of Health are—

1. All regulations under the Clean Air Act, as recommended by the Clean Air Committee, have been gazetted—the latest being the Clean Air Regulations 1965, which came into force on 5th May, 1965. These regulations consolidate all previous Clean Air Regulations and in addition contain provisions to control dense smoke, standards of concentration for emissions, exemptions, and for chimneys and control equipment.

2. The Clean Air Committee at its meeting on 30th November, 1965, resolved, that in view of the introduction of the Clean Air Regulations 1965 and the consequential need for extra staff and equipment, the committee is of the opinion that extra positions should be created and additional finance provided in order that the work of the Clean Air Section may be carried out more effectively.

This resolution was in fact a reiteration of a recommendation made by the Commission of Public Health and which has already been approved by the Minister for appointment of additional professional staff to the Clean Air Section. On account of the shortage of staff in other branches of the Department, this recommendation could not

be given the highest priority in this year's Budget, and the question of additional appointments has accordingly been deferred until the next financial year.

3. No. On 27th July, 1965, the Clean Air Committee passed a resolution that a recommendation be submitted to the Minister of Health that a licensing system in industry be set up in Victoria on a similar basis to that which now operates in New South Wales. The resolution included the proviso that before submitting the recommendation to the Minister a full schedule of the fees imposed on industries in the other States be submitted for consideration. This schedule was considered by the committee at a meeting on 5th November, 1965, when notice of motion was given to rescind the resolution of 27th July, 1965. At a special meeting of the Clean Air Committee on 30th November, 1965, the resolution of 27th July, 1965, in relation to the licensing of industry was rescinded.

SUPERPHOSPHATE.

SUPPLIES FOR GIPPSLAND.

Mr. COCHRANE (Gippsland West) asked the Minister of Water Supply, for the Minister of Agriculture—

1. How much superphosphate was supplied for Gippsland over the past six months for—(a) aerial topdressing; and (b) topdressing other than by air?

2. What quantities of superphosphate were supplied for the Gippsland area over each of the past five years for each such purpose?

Mr. DARCY (Minister of Water Supply).—The answers supplied by the Minister of Agriculture are—

1. (a) and (b). It has not been possible to obtain statistics relating to the amount of superphosphate used for topdressing in Gippsland during the past six months as this information is not available. The total amount supplied to Gippsland for all purposes in the past six months is estimated to be 116,000 tons.

2. The quantities of superphosphate used in Gippsland during the past five years are estimated as follows:—

—	Total for all Purposes.	Amount Spread on Pastures.	Amount Spread by Air.
	tons.	tons.	tons.
1960-61 ..	Not available	77,500	5,900
1961-62 ..	Not available	71,800	7,087
1962-63 ..	142,500	77,000	8,900
1963-64 ..	182,000	85,000	11,041
1964-65 ..	201,000	91,500	11,399

The above estimates are based on information supplied by fertilizer companies, the Government Statist and the Department of Civil Aviation.

PETITION.

EDUCATION DEPARTMENT: SCHOOLS IN GEELONG NORTH.

Mr. TREZISE (Geelong West).—I desire to present a petition from certain citizens of Victoria praying that action be taken to overcome the mounting accommodation problems pertaining to the Bell Post Hill Primary School No. 4804 and seeking the completion of the proposed primary school in the Lower Anakie-road area by the commencement of the 1967 school year. The petition is respectfully worded and in order, and it bears 485 signatures.

The Standing Orders were suspended to enable the petition to be read, and it was read by the Clerk, as follows:—

To the Honorable the Speaker and the Honorable Members of the Legislative Assembly of Victoria in Parliament assembled.

The humble petition of the undersigned citizens of the State of Victoria sheweth—

1. That in 1960 the Education Department built the Bell Post Hill State School to accommodate 300 children. Since then that figure has grown to over 800. The school has had six extra class-rooms added, making a total of fourteen permanent rooms, plus five portable class-rooms erected in the playing area. Even so the gentlemen's staff room is being used as a class-room.

2. That the parents are concerned at the lack of extra facilities (toilets, taps, shelter sheds &c.), for the children accommodated in these temporary class-rooms.

3. That parents were given to believe that a primary school would be built in the Lower Anakie-road area. If this school is not completed by the commencement of the 1967 school year, many children will probably be denied admittance to the Bell Post Hill State School.

4. Your petitioners therefore humbly pray that your Honorable House will have regard to these matters and take such action as it may to have this school built without further delay.

And your petitioners as in duty bound will ever pray.

It was ordered that the petition be laid on the table, and be taken into consideration next day.

STATE ELECTRICITY COMMISSION (AMENDMENT) BILL.

Mr. G. O. REID (Minister for Fuel and Power) by leave, moved for leave to bring in a Bill to increase the borrowing powers of the State Electricity Commission, to amend the Fifth and Sixth schedules to the State Electricity Commission Act 1958, and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

CO-OPERATIVE HOUSING SOCIETIES (AMENDMENT) BILL.

The debate (adjourned from March 2) on the motion of Mr. Manson (Minister of State Development) for the second reading of this Bill was resumed.

Mr. FENNESSY (Brunswick East).—In his second-reading speech, the Minister of State Development stated that the purpose of this Bill was to make more suitable provision for the appointment of liquidators to carry out the winding up of co-operative housing societies and for the fixing of remuneration payable to such liquidators.

Some of the societies which were formed in 1945 and 1946 with a notional term of 22-2/3rd years have now reached the stage when they can be wound up—in most instances, about two years before the expiration of the normal span of time. This represents something of a windfall to the subscribers to those societies, because their contracts will be completed two years earlier than expected. This demonstrates the great advantage of a person belonging to a co-operative housing society rather than raising finance for home building by other means.

The Co-operative Housing Societies Act provides that a society may be wound up similarly to a company under the Companies Act, and liquidators must be appointed.

The Bill proposes that the appointment of liquidators shall be taken out of the purview of the Companies Act and that the Registrar shall approve of the appointment of liquidators. It is proposed that in most cases the secretary of the society to be wound up shall be appointed. The Opposition agrees that this is an excellent reform, as the secretaries of the societies are the persons most suited to discharge this function. Of course, there is no intention to take away from liquidators registered under the Companies Act any of their normal work. The question of remuneration for liquidators has been left to the Registrar to determine, as societies vary in size and one liquidator might have a much larger task than would be the case with the liquidator of another society. The Opposition has no objection to what is proposed.

In the course of his second-reading speech, the Minister of State Development, who handled the measure on behalf of the Premier and Treasurer, stated that there are now 889 societies, with an aggregate membership of 48,756, including 257 societies financed from the Home Builders' Account under the Commonwealth and State Housing Agreement. As honorable members are aware—the point has been discussed in the House on a number of occasions—to a large degree many societies depend on the Home Builders' Account for finance, with the result that money, which would normally be obtained from insurance companies, private banks and the Commonwealth Bank, has not flowed as freely as perhaps it might otherwise have done. The following point was made in the Minister's second-reading speech—

Lending institutions—that is banks, insurance companies and other organizations—have made available to 632 societies an aggregate amount of \$173,015,000, while societies financed from the Home Builders' Account have been provided with an amount of \$81,219,400, including \$14,553,200 from the revolving nature of the account.

Mr. Fennessy.

All honorable members appreciate that the revolving nature of the account results in more than the original amount provided for this particular purpose being made available. The Minister went on to say—

At the 31st December last, 54,019 members had obtained homes, while there were a further 2,400 homes in course of erection.

All honorable members agree that in the past co-operative housing societies have done a magnificent job, but we are also conscious of the lack of availability of finance outside the Home Builders' Account.

The DEPUTY SPEAKER (Mr. Christie).—Order! The honorable member appears to be about to canvass the question of finance for home building. The Bill relates to the appointment of liquidators to carry out the winding-up of co-operative societies, and I invite the honorable member to relate his remarks to this question.

Mr. FENNESSY.—Mr. Deputy Speaker, I raised the point because, in his second-reading speech, the Minister of State Development referred to the amount of money which had come from the Home Builders' Account in comparison with outside finance, and I am elaborating a little on that aspect. Whilst Victoria has made quite a notable achievement in home building through the co-operative movement, I was surprised to learn that, by comparison with New South Wales, this State is a long way behind, particularly in regard to finance outside the Home Builders' Account.

Sir HENRY BOLTE.—The New South Wales figures include permanent societies, of which there are a number in that State.

Mr. FENNESSY.—I appreciate the Treasurer's point. I do not intend to canvass that aspect further, but point out that the figures are available in the official journal of the Federation of Co-operative Societies of Victoria, volume 1, No. 10. This contains a

glaring illustration of the lack of money made available by insurance companies, banks and other lending institutions.

Sir HENRY BOLTE.—The honorable member and I probably agree that Victorian savings are being loaned in other States.

Mr. FENNESSY.—I do not know that I agree with that observation. I do not know where the money is going. The Federal Minister for Housing, Mr. L. Bury, made the following statement, as reported in *Your Home*, the official journal of the Federation of Co-operative Societies of Victoria, volume 1, No. 8—

Go Out After Your Own Funds, says Minister.

“Co-operative Housing Societies now have to go out after their own funds, and if this is open competition with the banks and insurance companies, it will just have to be so”.

I think the Premier and Treasurer will remember that, a couple of years ago, I stated that there may be a tendency on the part of directors of co-operative housing societies not to go out and chase money as they had done prior to the provision in the Commonwealth and State Housing Agreement for money to be made available to societies from the Home Builders' Account. I believe the officers of societies should not sit back and depend completely on the Home Builders' Account, but that they should go out after business, so to speak. This point was made at the recent conference of co-operative housing societies held at Lorne, when the Registrar of Co-operative Housing Societies, Mr. Brodie, revealed that finance for Victorian housing had drastically dropped over the past nine months. He referred to money provided for housing from all sources—not only co-operative societies. I repeat that the directors of societies must work a bit harder and look for more finance. After all, this is a gilt-edged security, and I cannot see what insurance companies or banks have to fear. The societies are guaranteed by the Government, and

they possess a wonderful record; I do not think any society has yet “gone down the drain”, nor has the Government had to back its guarantees in any shape or form.

Sir HENRY BOLTE.—It cannot be because it is the individual who is backed.

Mr. FENNESSY.—That is so. Honorable members are aware that excellent types of young people are subscribers to co-operative housing societies. In the early stages of their engagement, they take steps to subscribe to a society to provide a home in the future, and when they get married and obtain a loan from the society they are conscientious in making their repayments. This must be the envy of many lending institutions outside. The Opposition supports the Bill, which provides that the secretaries of societies may act as liquidators in their winding-up, as this will enable this process to be carried out both efficiently and expeditiously.

Mr. MOSS (Leader of the Country Party).—I do not wish to cover the subject-matter of the measure as widely as the honorable member for Brunswick East, but I have some doubt about the desirability of taking the action that the Government now proposes, namely, to appoint the secretary of a co-operative housing society as its liquidator.

Sir HENRY BOLTE.—The Bill makes that possible.

Mr. MOSS.—Then I take it that is the intention of the measure. If the Bill is of any value, it will have the effect of enabling the secretaries of societies to be appointed as their liquidators. Under the Companies Act, when a company is wound up an independent liquidator is appointed, and he is supreme in his functions. Under the proposal in the Bill, the auditors will not continue to operate. If someone within the organization is to be appointed to liquidate it, why

should his work not be subjected to audit? Apparently this does not exist in these particular circumstances.

Mr. FENNESSY.—There is a continuous audit of the accounts.

Mr. MOSS.—Not when the society is under liquidation under this proposal. For example, what is to prevent a secretary from purchasing some latent interest in a co-operative society when possibly some people believe very little value is involved? Is there anything in this Bill that would prevent such a situation from occurring? The secretary is running the show and will continue to do so when the society is being wound up. This does not make sense to me. I think the House is entitled to some further explanation. Indeed, I should like the Government to give an assurance that the Bill will have the desired effect that is indicated in the Minister's second-reading speech.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 6226).

Sir HENRY BOLTE (Premier and Treasurer).—I point out to the Leader of the Country Party that co-operative societies cannot be liquidated until all the accounts are complete. It was envisaged that the first societies would run for a period of 25 years, and that was the basis on which they lent money to their members. They have been so successful that, before the period of 25 years has elapsed, they have completed their obligations—they are terminating societies. The Leader of the Country Party correctly stated that normally the liquidator comes in to save something from the wreck; but in this case there is no wreck. The societies have completed their useful life and have amassed a small surplus which is to be returned to their members.

Mr. Moss.—This Bill would have the same effect if there was a co-operative society wreck.

Sir HENRY BOLTE.—But there has not been a wreck. If I held the views espoused by the Leader of the Country Party, I would not introduce a measure such as this. All appointments must have the approval of the Registrar; a society cannot appoint its secretary without his approval, and there is a second audit through the Registrar.

The societies believe that the persons most fitted to carry out the winding up are the secretaries, many of whom have held that office for many years and have handled the societies affairs efficiently and well. After all, a secretary who had been with a society for many years would not wait until its winding up to carry on any funny business. He has proved himself over that period.

Mr. FENNESSY (Brunswick East).—The Opposition examined the point raised by the Leader of the Country Party, and it was suggested that company auditors should be the appropriate people to carry out these matters. The Opposition could understand the point of view of the Leader of the Country Party if these were companies that were short of funds and were going broke. But this Bill covers the winding up of co-operative housing societies—their useful lives are terminating—before the allotted span, and subscribers who paid £3 or £4 a week over a long period of time will not be required to pay anything for the next two years. This is a windfall to the members and indicates that the societies have been most successful.

The Opposition is aware that the books of the societies are constantly under audit. When the times comes for the Registrar to appoint a secretary, he will select the most suitable man for the appointment.

The clause was agreed to.

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

LOCH PUBLIC HALL TRUST BILL.

The debate (adjourned from March 23) on the motion of Mr. Manson (Minister of State Development) for the second reading of this Bill was resumed.

Mr. FLOYD (Williamstown).—The Opposition has no objection to this Bill. It is a logical sequel to many trusts which have been formed for a specific purpose and which are unable to carry out the job for which they were constituted.

In his second-reading speech, the Minister of State Development clearly stated the Government proposal and the reasons for its action. On this occasion, the Opposition has no complaint concerning the clarity of the explanation. Many people in and around the district provided money for the specific purpose of building a memorial Hall at Loch; several of the donors were anonymous. Trustees were appointed to ensure that the money was spent in a fit and proper manner. However, the years have gone by and rising costs have caught up with the trust, with the result that the trustees have found that the original fund amounting to \$2,300 is not sufficient to proceed with the construction of the memorial hall, and it is felt that the logical course is to link the project up with some other facility in the district. Therefore, the residents of the district desire to convert the Loch Mechanics Institute to a memorial hall, town hall, or city hall, to provide for the future.

It was my belief that this Bill would be introduced after the suspension of the sitting for dinner, when I thought honorable members might have been more receptive to some remarks I intended to make concerning mechanics institutes. However, because of the glum expressions of some honorable members, I shall not proceed with those remarks. In travelling around the country, I have been amazed at the excellent work carried out by the pioneers who built

mechanics institutes, which have provided a community service for many years. However, these halls have departed from the concept of mechanics institutes and many have been converted to minor town halls. The Loch Mechanics Institute is probably as old as the Williamstown Mechanics Institute, which recently celebrated its centenary. Since then, it has decided to fall down. I have asked the Government to do something to perpetuate this historic building. These public buildings have served our communities well. They were built in the days when we were not so affluent as we are supposed to be to-day. It is ironical that, in an affluent society, there is not sufficient money to build a memorial hall at Loch, but that efforts are being made to enable the conversion of a mechanics institute which was erected many years ago.

The Opposition has no objections to the building programme, because some consideration must be given to the people who contributed to the construction of a memorial hall. All the known subscribers have been canvassed—some, of course, were anonymous, and some could not care less—and I believe that only one donor objected to the transfer of the money. Subsequently he withdrew his objection, but unfortunately he has since died. This Bill will pave the way to transfer the money from its original purpose and to extend the activities of the mechanics institute. The move will enable the district to qualify for a Government subsidy in connexion with the building of public halls in the country. Mechanics institutes do not qualify for such a subsidy, and apparently it will be necessary for the name of the Williamstown Mechanics Institute to be changed to enable it to participate in the Government scheme.

Mr. WHEELER.—Could not the Williamstown Mechanics Institute be known as the Floyd Memorial?

Mr. FLOYD.—Unfortunately, the mechanics institute was in the district before I transferred to the wonderful

city of Williamstown. As the project at Loch requires legislation, I congratulate the Government for devoting some of its time to helping these people. Measures such as this may not mean much to honorable members and to the rest of Victoria, but they mean a great deal to the people in the communities concerned. Originally, the people at Loch wanted the right to be able to lease or sell the proposed public hall. The Government decided that it would not permit this to be done on the conditions of transfer. The Opposition supports the Government on this occasion and wishes the Bill a speedy passage.

Mr. COCHRANE (Gippsland West).—The Country Party fully supports this Bill and thanks the Government for introducing it. The measure concerns money subscribed shortly after the second world war for the purpose of building a memorial hall at Loch. The residents enthusiastically supported the proposal. In September, 1945, a public meeting unanimously passed a resolution that a new memorial hall be built with the money held by the trustees. A month later, another public meeting unanimously resolved that a site be purchased. The Bill authorizes the trustees to sell the land so purchased by public auction, and, after paying the expenses of the sale, hand all the remaining funds to the trustees of the Loch Mechanics Institute and thus relieve the memorial hall trustees of any further liability.

The need to sell the land was brought to a head in December, 1955, when a public meeting decided that it was impracticable to build a new memorial hall on the land that had been purchased. In March, 1956, it was decided to seek permission to have the funds in hand allocated towards the cost of extensions to the present mechanics institute and to alter the name to the Loch Public Hall. In 1956, the sum of £2,635 was in the original memorial fund made up of donations of £1,175; public efforts, £399; interest, £258; and col-

lections by a ladies' auxiliary, £800. Doubtless, interest accrued since that date has increased the amount in hand to some extent.

In 1963, an endeavour was made by the trustees of the Loch Mechanics Institute to have a trust registered declaring that the trustees were to hold the hall as a public hall and a place of recreation and amusement for the benefit of local residents. The first move in this regard was to have the money raised for a memorial hall transferred so that it could be used for the erection of additions to the existing mechanics institute. In the second move, there was an endeavour to comply with the requirements of the Local Government Department so that the extensions would be eligible for a Government grant. Then followed a good deal of legal argument on technical points, and finally the Law Department ruled that it was necessary for legislation to be passed to authorize the application of the money held in the memorial hall fund towards the cost of alterations and additions to the present mechanics institute.

I agree with the honorable member for Williamstown that for many years mechanics institutes in country towns have been regarded as public halls, and one of the purposes of this Bill will be officially to change the name from "mechanics institute" to "public hall." In this instance, the affairs at Loch will be brought up to date.

In April, 1964, the Attorney-General intimated that he had no power to give consent to the use of the trust fund for additions to the mechanics institute, but that if interested parties desired legislation to enable the use of this fund for that purpose he would be prepared to recommend such legislation to Cabinet. Wide local publicity has been given to the proposals contained in the Bill, which accord with the wishes of the local residents who, doubtless, would be the principal donors of the money raised for a memorial hall.

The Bill has these main objects. The first is to validate a deed of trust recently executed by the trustees of the Loch Mechanics Institute, which declares that the institute is to be known as the Loch Public Hall; and that the hall is to be held on the trusts expressed in the deed in lieu of all other trusts, and provides for a committee of management. The second authorizes that certain money, collected in about 1945 and following years for the purpose of erecting a new memorial hall, shall be paid to the trustees of the Loch Mechanics Institute and used for building extensions to the mechanics institute hall. The third provides that the public hall is to be eligible for a Government grant. In effect, the money collected and subscribed is to be used to advantage, and I am sure that what is achieved as a result of this Bill will be a source of great satisfaction to the people of Loch and the surrounding districts.

I have followed this matter through for many years, so I am well acquainted with the facts surrounding it. The first deputation in regard to it was to the late Mr. Cyril Knight when he was Secretary of the Law Department. Deputations were also taken to Mr. Chipman, Mr. James and Mr. Glennister. The result was that the Attorney-General agreed to introduce this Bill in order to clear up this matter which had been in an unsatisfactory state for many years.

I wish to thank the Attorney-General, Mr. P. J. White, the Assistant Parliamentary Draftsman who went to a great deal of trouble to get all sections of the community, the legal fraternity and others, into line over this matter, the Local Government Department, which has co-operated to such an extent that it will be possible for Government grants to be made towards the cost of the hall, and legal practitioners who acted for the Loch Mechanics Institute. Residents of Loch and the surrounding districts have been keen to have this problem settled, so I thank the Government

for introducing this legislation and assure the House that it has the full support of members of the Country Party, who trust that it will have a speedy passage.

The motion was agreed to.

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

SUMMARY OFFENCES BILL (No. 2).

The debate (adjourned from March 2) on the motion of Mr. Rylah (Attorney-General) for the second reading of this Bill was resumed.

Mr. HOLDING (Richmond).—The explanatory second-reading speech made by the Attorney-General in regard to this Bill consisted of about five or six paragraphs, and I do not propose to speak at any greater length on it. On a previous occasion in this House, I suggested that it was regrettable that the Statute Law Revision Committee could not have examined certain aspects of evidence given before it in more detail. On this occasion, I am pleased to say, particularly when one examines the work done by the committee on the definition of "public place", and especially in its reference to universities, that it has performed its work admirably and has made recommendations which I think should be commended to the House.

However, on behalf of the young Liberals of Victoria, the young Labor Association and the Eureka Youth League, I feel bound to protest at the extension of the provisions on the law dealing with bill posting and the erection of notices on walls. This has been a traditional liberty operating in our democracy for many years, and at election times many members on both sides of this House received part of their basic political training by pasting notices on walls which suggested that the public should vote for their candidate. I am informed by some of my colleagues on the Statute Law Revision Committee that this subject has

been included in this Bill as a matter of Government policy, and the result is a couple of fine amendments which deprive counsel from arguing for those people who might be caught committing this offence. As one who has sympathy for bill posters—

Mr. MANSON.—And who has committed the offence.

Mr. HOLDING.—Yes, when very young and in the brashness of youth. I believe it would be ill-chosen of me on this occasion not to speak up on behalf of young people in the community who might be similarly brash.

The explanatory notes which accompany the Bill are quite adequate and illustrate the substantial work done by the Statute Law Revision Committee. The report of the Committee deals in substance with those which members of the committee thought ought to be changed. The Labor Party does not oppose the Bill.

Mr. WHITING (Mildura).—As was mentioned by the honorable member for Richmond, this measure is similar to the Vagrancy Bill in that provisions already contained in the Police Offences Act have been extracted and placed in a separate measure. The Bill contains 63 clauses, 32 of which effect no substantive change from the original provision. It is worth noting that twelve of the original sections have been omitted as being either obsolete or covered by other legislation. I consider that the deletion of provisions which are duplicated in other Acts of Parliament—a practice that is now frequently adopted—will prove of advantage to those who are concerned with the administration of the statutes of the State. If more time were available to Parliamentary committees and to honorable members individually, perhaps more investigation could be made into this aspect. I compliment the Government on what it has done in this regard, although I believe much more could be done particularly in relation to legislation of the type

we are now considering. One has only to examine the list of matters dealt with by this Bill to realize its wide scope. It relates to public order, general matters, illegal taking or using of vehicles, contraceptives, tattooing of juveniles, juvenile smoking, homing pigeons, special localities, and supplementary matters.

The Country Party supports this Bill. Among other things, section 3 defines the meaning of “local authority”, and this definition was recommended by the Statute Law Revision Committee. Under the original definition of this term, persons engaged in blasting operations had to obtain permission expressed at a statutory meeting, from the council concerned. As all honorable members know, most councils meet once a month, and if a person had not obtained authority to carry out blasting operations at one statutory meeting his work might be delayed for three or four weeks before another opportunity arose. The Statute Law Revision Committee recommended that any officer of a council authorized in writing by the council should have authority to approve of the carrying out of blasting operations. Similar authority will be authorized in regard to other operations. I think it will generally be agreed that the old definition resulted in many people being placed in a difficult position, and the change now being made should effect an improvement.

An item which occupied a great deal of time of the Statute Law Revision Committee concerned the reference to State schools or land or premises connected therewith in the definition of “public place”. As with the Vagrancy Bill, the definition included the words “or every State school registered pursuant to the provisions of the Education Act, 1958”. It was believed that this could be interpreted to include a university. After considerable discussion with persons representing universities, it was decided that it

would be undesirable to leave the definition unchanged, particularly in view of the fact that, under a wide interpretation of the definition, private residences and other buildings within university grounds could be included.

Therefore, it was agreed by the Statute Law Revision Committee that it would be sufficient if the definition of "Public Place" included—

any State school or the land or premises in connexion therewith ;

Offences committed in dwellings in university grounds or other similar places could be dealt with under the provisions of paragraph (o) which defines "public place" as including—

any open place to which the public whether upon or without payment for permission have or are permitted to have access.

It was believed by the committee that this would give sufficient cover for any punitive action needed.

Mr. MANSON.—The words to which you referred earlier got into the provision by accident.

Mr. WHITING.—This is something that should always be watched when alterations are being made. Clause 6 is of interest to the majority of people, because it relates to the exposing of articles for sale in streets. Perhaps it is of more interest in the country and the suburbs than in the heart of the City of Melbourne. Sub-clause (1) provides—

(1) Any person who without the permission of the local authority exposes any article for sale on a footpath or outside of a shop window or doorway abutting on a public street or thoroughfare so as to obstruct the street or thoroughfare shall be guilty of an offence.

Penalty : \$25.

Honorable members will be aware of many instances where charitable workers set up a street stall, and their activities could be construed as disposing of articles for sale on a footpath and obstructing a street or thoroughfare. These street stalls have become commonplace throughout the State on at least one day a week, and

I consider that, with the consent of the local authorities, the organizers should be permitted to carry on as they have been doing because their activities have resulted in great benefits to the community.

Clause 8 is an interesting provision. An examination of Bills of this nature reveals little points that have not been brought to light for many years. I am particularly interested in paragraph (i) which provides that—

Any person who—

(i) being the driver guard or conductor of a public vehicle for the conveyance of passengers wilfully delays on the road or uses any abusive or insulting language to any passenger, or by reason of intoxication or other misconduct endangers the safety or property of any passenger or other person—

shall be guilty of an offence.

One wonders whether some of the recent disturbances that have occurred could not be construed as actions that wilfully delay on the road. With a little imagination, one might even extend this provision to certain railway activities throughout the State. Although they may not be wilful, there is no doubt that they occasionally delay on the road.

Mr. MOSS.—How would the provisions of paragraph (a) affect milkmen?

Mr. WHITING.—One wonders how strictly these provisions will be policed. Members of the Country Party consider that whilst they may be necessary to enable offenders to be charged when some serious danger has been caused, some anomalies can arise. The Leader of the Country Party has referred to paragraph (a) of clause 8 which provides—

Any person who—

(a) being the driver of a horse-drawn vehicle on a road goes away from the animal so as not to have control over it without securely fastening one of the wheels of the vehicle by a chain or strap so as to effectually prevent the wheel rotating;

shall be guilty of an offence.

A milkman on his daily round frequently hops off the cart to deliver milk whilst the horse proceeds along

the way. No doubt, if a case of this nature came to court, considerable argument would be advanced by legal practitioners as to whether or not the provision was being complied with.

In view of the approach of Anzac Day, I am tempted to refer to section 17, which provides, *inter alia*—

Any person who in or near a public place or within the view or hearing of any person being or passing therein or thereon—

(a) sings an obscene song or ballad; shall be guilty of an offence.

Here again, there is considerable doubt about how this could be interpreted.

Mr. MANSON.—There is a special dispensation for 25th April.

Mr. WHITING.—I am pleased to hear the Minister's interjection, and I consider that this dispensation could have been included in the Bill. As I have been endeavouring to point out, in some instances interpretation of these provisions will need to be very liberal.

Mr. MANSON.—You can trust the Minister's discretion.

Mr. WHITING.—I am pleased to hear that Ministerial discretion will be exercised in these matters. However, I point out that it will be left to police officers throughout the State to make decisions as to whether or not charges will be laid, and we are perhaps imposing a difficult burden on these officers, particularly those who like to abide by the letter of the law. They will have to decide whether they will be a little generous or not; whether they should stick strictly to the letter of the law or use discretion. We hope the occasion will never arise when there will be need to stick strictly to the letter of the law in regard to some of the offences set out in this Bill, but if it does, serious consideration will have to be given to the question of ensuring that the actions of well-meaning people are not encompassed although the provisions themselves may be

very necessary generally for the preservation of good order throughout the State.

The Country Party supports the Bill although it considers that further revision in the future may be necessary. As I stated earlier, steps should be taken to cut out duplication in our statutes. At the same time, the wording of enactments could be brought more up to date and in line with modern usage so that those concerned may be enabled to understand more fully the provisions of the legislation.

Mr. SCANLAN (Oakleigh).—In my opinion, clause 35, which relates to Sunday observance, is out-moded and should be reviewed by the Government. Sub-clause (1) provides—

Any person who publishes a newspaper on Sunday shall be guilty of an offence.

Penalty :

For a first offence—\$100 ;

For a second offence—\$250 ;

For a third offence—\$500.

The following provision deals with the plant and machinery used for printing newspapers on Sunday, and then sub-clause (4) provides—

The provisions of the last preceding subsection shall not apply with respect to more than three Sundays in any calendar year.

The previous sub-clause provides that sub-clause (1) shall not apply to an—

edition of a registered newspaper issued on Sunday for the purpose solely of giving information of news of great national or public importance.

I consider that, in this modern age, these provisions should be deleted from the new Act. At the present time, a number of newspapers from New South Wales and South Australia circulate freely in the Victorian community. Of course, it might be useful for Victorian newspaper proprietors to be able to say that they are prohibited from publishing on Sunday, and perhaps newsagents would claim, with a good deal of justification, that the issue of a Sunday newspaper

would give them considerable extra work and add to the costs of newspapers already published in Victoria. I believe that the publishing of Sunday newspapers would also lead, as has been alleged, to the cessation of publication of the *Sporting Globe*, one of our sporting newspapers. However, in spite of all this, I believe the time has come when the Government should remove these provisions from the legislation, and let the newspaper proprietors of Victoria take upon their own shoulders the responsibility of deciding whether or not there shall be a Sunday newspaper, rather than this issue being left on the shoulders of the Government.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 3 were agreed to.

Clause 4 (Offences relating to the good order of towns, &c.).

Mr. WILKES (Northcote).—I shall not read out the offences relating to good order, which this clause contains. Most of the offences concern municipalities. As these matters have been taken out of the Police Offences Act, I am wondering what will be the position concerning the laying of information. For example, paragraph (e) of the clause provides that any person who obstructs a footpath or road whether by allowing a vehicle to remain across such footpath or road or by placing goods thereon or otherwise shall be guilty of an offence. As this may be noticed by police in a district, I am wondering whether the police will proceed in the matter rather than municipalities being notified and having to take the initiative in laying information and proceeding against an offender. This is an important point, because municipalities have not a dozen by-laws officers at their disposal.

Mr. MANSON.—Who says that this has become the responsibility of the municipalities?

Mr. WILKES.—That is the point I want cleared up. It is provided in the interpretations that "local authority" means the council of any municipality, including the City of Melbourne and the City of Geelong. Therefore, I assume that municipalities will have to take the necessary action where it is laid down in the Bill that the local authority shall do so. In many cases, I think the police could take the necessary action and present the case to the magistrate, having notified the municipality and obtained from it evidence that it had not issued a certificate. Under the Police Offences Act, at present, municipalities have to proceed against offenders in respect of offences relating to their own sphere.

Some publicity ought to be given to the fact that in future the police will proceed against persons who offend against clause 4 of the Bill. This will relieve municipalities of some of their onerous duties, which include the policing of the Local Government Act and their own by-laws. If someone dumps rubbish on a nature strip, in many instances people do not complain to the police, but contact the town clerk or other municipal officer. Under the legislation, the police will have power to proceed against such offenders. Municipalities already have plenty to do without worrying about offences under the Summary Offences Bill. If there are not enough police to administer the legislation, this should be made clear. In any case, I submit a plea on behalf of the municipalities that some of these onerous duties should be taken from them.

Mr. MANSON.—There is nothing in the Bill to provide that a municipality must do it. Anyone can report these things.

Mr. WILKES.—In most instances, the police could be expected to proceed under clause 4. It depends on who reports to whom.

The clause was agreed to, as were clauses 5 to 7.

Clause 8 (Offences relating to horse-drawn vehicles, public vehicles, animals, &c.).

Mr. MOSS (Leader of the Country Party).—I wish to raise two points. Under paragraph (a) of the clause, it is provided that any person who—being the driver of a horse-drawn vehicle on a road goes away from the animal so as not to have control over it without securely fastening one of the wheels of the vehicle by a chain or strap so as to effectually prevent the wheel rotating;

shall be guilty of an offence. This means that a driver who leaves a horse-draw milk cart without fastening the wheel is liable to commit an offence.

Mr. MANSON.—I do not agree with you.

Mr. WHEELER.—Milkmen have been fined for this recently.

Mr. MOSS.—I am sorry if this is going to split the Government, but this is an important point. My interpretation is that in such circumstances the driver of the milk cart would be considered to have lost control of the vehicle. I point out that this is unfair and unreasonable, as my experienced friend, the honorable member for Essendon, asserts by way of interjection. Persons who operate service carts delivering milk and bread exercise a good deal of control over the animals drawing their vehicles. Of course, now and again for some extraordinary reason a horse may bolt. They have done this from time immemorial. However, with the number of horses used to draw vehicles in Victoria to-day, the incidence of this is very small. The drivers of these vehicles are giving great service to the community, and I do not think the provision I mentioned is fair. In any case, if this provision is enforced the result will be that milk and bread will become dearer to the people of Victoria. I voice a strong protest against anything that for no apparent reason of safety, but perhaps for some reason

that has not been mentioned, will cause hardship in the way I have indicated.

I should also like some clarification of paragraph (c), whereby any person who drives a dog or goat harnessed or attached to a vehicle in or through a public place shall be guilty of an offence. I should like to know whether a drover who has a dog attached to the axle of his vehicle travelling along a public highway will be committing an offence. It appears to me that under this provision he would be doing so. I know drovers like to pick up their dogs, but it is not possible to have every dog inside the van. Some dogs are working while others are resting in the vehicle. In many instances, with motorized vehicles, some dogs are attached underneath the vehicle in the shade and take their turn working, while others rest in the van. It is reasonable that the Government should furnish an explanation of the points I have raised.

Mr. WHEELER (Essendon).—I agree with the comments of the Leader of the Country Party in respect to paragraph (a). I advise the Minister of State Development, who shook his head on numerous occasions while the Leader of the Country Party was speaking, that in recent months retail dairymen in Melbourne have been fined because the wheels of vehicles used in the delivery of milk were not securely strapped. This provision could be deleted. There is no necessity to-day to strap the wheel of a milk delivery cart. The vehicles now used are fitted with hydraulic brakes, the majority of them have pneumatic tires, and the wheels are solid so that a strap or chain could not be passed through them; therefore, the provision is absurd.

There are approximately 700 horse-drawn vehicles delivering milk in Melbourne every morning. I am not aware of the position concerning vehicles used in the delivery of bread. The milk company with which

I am associated has 120 vehicles on the road every morning. Paragraph (a) obviously relates to horse bolting but, over a period of twelve months, the number of "bolts" would be very few. The provision will not stop horses from bolting. The retail dairy trade in Melbourne provides good service, but an impossible position would arise if the wheel of the cart had to be chained every time a delivery was made. It is ridiculous to make such a suggestion. Horses are so well trained that they follow the deliverer along the road, and some of them are so tired that they could not bolt. It is ridiculous to retain such a provision on the statute-book. It is outdated, and there is no necessity for it.

Presumably paragraph (b) relates to the same type of vehicle. It refers to a person who—

drives a cart wagon or dray in or through a public place without the name and residence of the owner thereof being painted in a legible and permanent manner on the right or off side in letters of at least one inch in length;

In most cases, the name of the owner is clearly written on the back or side of the vehicle, but his address does not appear. Recently, under the Health Act, Metropolitan Dairies Proprietary Limited was fined because it did not have on the top of a bottle, 33 millimetres in diameter, its full name and its address at Broadmeadows. There would be only one registered company of any name in Melbourne and, if the name appeared on the back or side of a vehicle, there would be no necessity for the address to be clearly marked on the side. This type of provision takes these matters to the extreme. They should be modified and brought into line with present-day thinking.

Mr. HUDSON (Toorak).—Obviously the purpose of paragraph (a), which relates to the chaining or strapping of the wheels of horse-drawn vehicles, including milk carts, is to ensure that, if the driver is absent from his vehicle, it is still controlled

to some degree. I shall not canvass the benefits of a chain or strap because it has been shown that they can be impractical, but a brake can be effective. Those of us who come home when milk carts are on the street frequently see carts on the wrong side of the road and the horses not under control, and we have all read in the newspapers of collisions between motor vehicles and milk carts. It is in the interests of public safety that there be some effective method of preventing horses from wandering on the wrong side of the road. I direct the attention of honorable members to the necessity of ensuring that the driver of a horse-drawn vehicle has effective control over it at all times.

Mr. MOSS (Leader of the Country Party).—Apparently the Minister does not intend to reply to my submissions. I repeat that the Committee is entitled to some explanation from the Government on the very important points that have been raised. The honorable member for Essendon, who has practical experience in this matter, has discussed one aspect, and the honorable member for Toorak, perhaps less practically, has referred to the same matter. Although there has been some hilarity during the debate, my points were seriously advanced in an attempt to improve the legislation. The least we can expect is that the Minister of State Development should explain why the clause is in its present form. If an explanation is not forthcoming, the Committee is entitled to negative the clause. The points should not be ignored and the clause passed in an endeavour to get on with the Bill.

Mr. MANSON (Minister of State Development).—I agree that the Leader of the Country Party is entitled to an explanation. As I understand the position, these provisions have been in force for a long time. All that this Bill does is continue them. It intrigues me that suddenly one or two honorable members find something to grumble

about. I honor the Leader of the Country Party for putting a serious point of view. I cannot agree with the submission of the honorable member for Essendon that because the name of the owner is on the back of a vehicle it need not be on the side. I regret that I do not have the same early morning experience as the honorable member for Toorak, but it is my belief that most of those in charge of milk deliveries in the city and suburbs during the early morning hours have good control of the vehicle, although there may be odd occasions of horse-drawn vehicles weaving about.

I assure all honorable members who have spoken on this subject that I shall bring to the notice of the Government their points of criticism. There is ample time for the Government to examine the measure before it goes to another place and make whatever corrections it feels are necessary.

Mr. WHEELER (Essendon).—The Minister said that these provisions have been on the statute-book for years and that suddenly members find something to grumble about. I advise him that two, three, or four years ago the matter of chaining or strapping the wheels of milk carts was brought to the attention of the Chief Secretary's Department by the Retail Dairymen's Association. I understand that some arrangement might have been entered into whereby the police would casually look at carts with wheels unchained but would possibly take no notice. However, this has not been the case because dairymen have been charged because the wheels of milk carts were not chained.

Mr. MANSON (Minister of State Development).—Surely the honorable member for Essendon does not suggest that a responsible Minister of the Crown would give instructions to the Police Force to turn a blind eye to the law and allow a particular body of people to do certain things.

Mr. MOSS (Leader of the Country Party).—I move—

That paragraph (a) be deleted.

Mr. MANSON (Minister of State Development).—The Government is not prepared to accept the amendment.

Mr. HOLDING (Richmond).—The desire of the Leader of the Country Party could be achieved more adequately by deleting the last three lines of paragraph (a), so that the paragraph would read—

(a) being the driver of a horse-drawn vehicle on a road goes away from the animal so as not to have control over it.

Apparently, members of the Country Party object to the requirement that the wheel should be locked. Of course, they are throwing the baby out with the bath water. The driver of a horse-drawn vehicle on a road commits an offence if he goes away from the animal so as not to have control over it without securely fastening one of the wheels of the vehicle by a chain or strap so as to effectually prevent the wheel rotating. There may be a case for saying that the driver of the wagon should not in all cases have to fasten a strap or a chain over the wheel. However, there is a good case for providing that the driver at all times should have some responsibility for being in control of the vehicle. For those reasons, our party believes that the amendment goes too far, and we will vote against it.

The amendment was negatived.

The clause was agreed to, as were clauses 9 to 12.

Clause 13 (Persons found drunk).

Mr. CLAREY (Melbourne).—I am not opposing this clause, but I think honorable members will agree with my submissions concerning it. This clause provides—

Any person found drunk in a public place shall be guilty of an offence and may be arrested by a member of the police force and lodged in safe custody.

Penalty: \$1;

For a second offence within a period of twelve months—\$2 ;

For a third offence within a period of twelve months—\$10.

I direct the Minister's attention to what I feel is laxity on the part of the police. In nearly every case where a person is found drunk, but not disorderly—he may be lying on a seat on a railway station, or somewhere else—the police charge him with being drunk and disorderly. The latest annual report of the Police Department contains no figures as to the number of persons who are charged merely with being drunk and the number who are charged with being drunk and disorderly. Some years ago, when an amendment to the Police Offences Act was being discussed, I raised this question, and I was astounded to find that at many police stations persons were never charged merely with being drunk but always with being drunk and disorderly. If I were a justice of the peace sitting on the bench and the police did not prove disorderly conduct but only that they found the person concerned asleep somewhere, I would not find that he was drunk and disorderly.

Some sort of general indication should be given to the police not to charge a person with being drunk and disorderly when he is not disorderly but only drunk. I stress that point because, under clause 14, a person found drunk and disorderly for a second or subsequent offence is liable to a fine of \$50 or imprisonment for one month. A grave injustice could often be done to the individual concerned. He may feel tired and go to sleep on a bench somewhere, and the next thing he knows a policeman has charged him with being drunk and disorderly.

Mr. TURNBULL (Brunswick West).—I support the honorable member for Melbourne to some extent. My view is that a person who is drunk should not be taken to gaol but should be taken home or to a reception house where he can be brought back to consciousness.

Mr. WILCOX.—That is what happens now.

Mr. TURNBULL.—If one regularly attends the courts at Fitzroy and Carlton, one sees many people who are not taken home.

Mr. WILCOX.—You said “to a reception house”.

Mr. TURNBULL.—I mean to some institution where the person can be looked after much better than is possible in a crowded lock-up at Russell-street or Carlton. Clause 13 does not provide a penalty of imprisonment. However, clause 14 provides for a penalty of a fine of \$5 or imprisonment for three days for a first offence. Clause 13 states that any person found drunk in a public place may be arrested, but clause 14 contains no reference to arrest. One of these days Parliament should examine the question of the power of the police to arrest persons who are only drunk. As a result of the passing of the recent legislation to extend drinking hours to 10 p.m., obviously some people will become drunk at some stage, and I believe gaol is not the proper place for people who are under the influence of liquor.

The clause was agreed to, as was clause 14.

Clause 15 (Habitual drunkard).

Dr. JENKINS (Reservoir).—My remarks follow somewhat the same lines as those of speakers on earlier clauses. This clause provides—

Any person having been thrice convicted of drunkenness within the preceding twelve months who is again convicted of drunkenness shall be liable to imprisonment for twelve months.

I appreciate that this provision gives individuals some protection against the more severe penalty to which they would be liable if they were convicted of vagrancy. However, such persons may be considered as being more in need of proper medical treatment than of incarceration; yet they are liable to imprisonment for twelve months. There seems to be an attitude in the community that

these unfortunate people are better for a twelve months' drying-out period. I do not think anyone in this day and age can subscribe to that point of view. At some stage, Parliament should consider this particular provision with a view to ensuring that persons who are repeatedly drunk, who are probably true alcoholics, may be sent to proper institutions for appropriate treatment. No doubt, honorable members in their own experience have known of alcoholics who have been pretty much derelict and who have been fortunate enough to miss out on being put into prison for twelve months. Perhaps Alcoholics Anonymous has come to their aid and assisted in their rehabilitation. Somewhere along the line, provision must be made for appropriate rehabilitation centres to be established in order to rescue alcoholics from themselves.

The clause was agreed to.

Clause 16 (Drunkards behaving in riotous or disorderly manner, &c.).

Mr. ROSSITER (Minister of Immigration).—Paragraph (b) provides that any person who, while drunk—is in charge, in a public place, of a carriage (not including a motor car within the meaning of the Motor Car Act 1958) or a horse or cattle or a steam engine—

shall be guilty of an offence. To quote the words of the honorable member for Reservoir, in this day and age, a number of people, particularly young persons, drive speed boats on Port Phillip Bay, Eildon weir and navigable rivers. I am wondering whether it may be in the interests of the community to include in that provision “or a motor boat”. I ask the Minister of Labour and Industry, who is now at the table, to consider the point I have raised.

Mr. MEAGHER (Minister of Transport).—The reference in paragraph (b) to “a steam engine” seems to be anomalous. In this modern age, steam engines are becoming a thing of the past. I suggest that this paragraph should be amended to read “locomotive or other similar device”. I am not sold on any particular term, but

I think the term “steam engine” is too restrictive and that it should include all the types of locomotion that are now available.

Mr. WILKES (Northcote).—In view of the fact that two Ministers have made suggestions for the improvement of this clause, I believe the Government should report progress at this stage so that the excellent suggestions may be examined.

Mr. WILCOX (Minister of Labour and Industry).—I am grateful to the honorable member for Northcote for his assistance. The Committee is simply working as a Committee should. I am merely “holding the fort” for the Minister who introduced the Bill. I do not think the progress of the Bill should be delayed at this stage, but I shall certainly refer to the Chief Secretary the two excellent suggestions made by my colleagues, the Minister of Immigration and the Minister of Transport. The honorable gentleman would be in a better position than I am to reply to the point raised by the honorable member for Reservoir. One of the institutions administered by the Social Welfare Branch of the Chief Secretary's Department, namely, Dhurringile, near Murchison, has been specially set aside for work in connexion with alcoholics. I am unable to give an up-to-date report on the success of Dhurringile, but I point out that this work has been undertaken by the Government. I was associated with the Chief Secretary's Department when this establishment commenced operating. In fact, I had something to do with complaints made by local residents, who were fearful of the environment in which they might find themselves, but those fears have now gone by the board, so to speak. I feel that this Bill should be passed but the suggestions which have been advanced will certainly be considered by the Government before the Bill is dealt with in another place.

The clause was agreed to.

Clause 17 (Obscene indecent threatening language and behaviour in public).

Mr. WHITING (Mildura).—Sub-clause (2) provides that where, in the opinion of the chairman presiding at a public meeting, any person behaves in a riotous, indecent, offensive, threatening or insulting manner, or who uses threatening, abusive, obscene, indecent or insulting words, the chairman may direct any member of the Police Force who is present to remove the offending person from the building and the member of the Police Force shall remove the person accordingly. Other legislation already empowers policemen to arrest persons who offend in such a manner. Consequently, it appears unnecessary to provide that the chairman of a meeting should direct a member of the Force to act in this manner. Probably, all honorable members can think of many cases when members of the Force who are in the vicinity of a meeting would be neglecting their duty if they did not remove persons for offensive behaviour without a direction from the chairman. I should like an explanation from the Minister concerning the inclusion of this provision in the Bill.

Mr. WILCOX (Minister of Labour and Industry).—I cannot supply the exact reason for its inclusion, but I should think it would be apparent that it particularly relates to public meetings with a political content. The inclusion of this provision in the Summary Offences Bill would not, in my view, prevent a member of the Police Force from acting upon his own initiative without a direction from the chairman of the meeting if he felt the circumstances warranted his doing so.

Mr. WHITING.—Is it necessary to empower the chairman of a meeting to direct a member of the Police Force to take action?

Mr. WILCOX.—I have been present at meetings when members of the Police Force have been somewhat

reluctant to interfere, possibly because they did not know whether interjections were disorderly. Of course, so far as this Committee is concerned, honorable members know the ruling relating to interjections. However, at a public meeting with a political content, it is possible that interjections could be disorderly; on the other hand, they might assist the meeting.

Mr. B. J. EVANS.—The chairman of the meeting could organize people to interject in order to create a certain atmosphere.

Mr. WILCOX.—I was not thinking along those lines; members of the Country Party have had greater experience than I have in that regard. I know, from my own experience, that members of the Police Force have been reluctant to interfere at public meetings because they were not sure whether the people were transgressing the intentions of the chairman.

Mr. CLAREY.—The policeman might not want to appear partisan.

Mr. WILCOX.—That is so. I am sure that if the circumstances were bad enough, a member of the Force who was present would act without any direction from the chairman.

The clause was agreed to, as were clauses 18 to 20.

Clause 21 (Disturbing religious worship).

Mr. HOLDING (Richmond).—This provision, which relates to disturbing religious worship, deals with two elements, the first of which could be described as offensive behaviour, and the second as assault. If this Parliament, in its wisdom, feels that religious meetings are of such a type that they should receive more protection than is usual in other types of meetings, I think the way to do this would be to increase the penalties that are available to the courts in such cases. I do not know of any recent cases where offences of this type have come before the courts.

So far as penalties for offensive behaviour are concerned, an earlier provision of the Bill prescribes a fine of \$100 or imprisonment for two months. However, the penalty under this clause is a fine of \$250 or imprisonment for three months, which is a similar penalty to that envisaged in clause 23 for common assault. Some distinction should be drawn between unlawful or offensive behaviour which disturbs a meeting, and the offence of assaulting someone who is lawfully officiating at such a meeting. It may be reasonable to include a provision of this type in the Bill, but the Government should examine the penalty prescribed with a view to ascertaining whether a consistent attitude has been adopted.

I can see no justification for the reversal of the onus of proof, which in this clause, clearly lies against the accused person. I do not know why additional protection should be given to people who are conducting religious services or why the position should be strengthened in any way by providing in this clause for a reversal of the onus of proof. I cannot understand the social policy behind this provision, which seems to be an old one.

Mr. WILCOX.—It has been in the legislation for a long time.

Mr. HOLDING.—That is so, although an examination would probably reveal that it has not been used in recent years. If that is correct, the Government should consider redrafting the clause, possibly to increase the penalty for offensive behaviour at religious gatherings and meetings. The Government might consider it wise to increase the penalty for assault of a person who is lawfully officiating at a religious meeting, but I do not think there is any justification where an assault has been committed or offensive behaviour has taken place to reverse the onus of proof simply because it is a religious gathering.

The clause was agreed to.

The sitting was suspended at 6.27 p.m. until 8.3 p.m.

Clauses 22 to 25 were agreed to.

Clause 26, providing, *inter alia*—

(1) Any person having in his actual possession or conveying in any manner any personal property whatsoever reasonably suspected of being stolen or unlawfully obtained may be arrested either with or without warrant and brought before a court of petty sessions, or may be summoned to appear before a court of petty sessions.

(2) If such person does not in the opinion of the court give a satisfactory account as to how he came by such property he shall be guilty of an offence.

Penalty: Imprisonment for one year.

Mr. HOLDING (Richmond).—This clause proposes as a minor amendment the insertion of the term “reasonably” in the existing provision of the Act. The Opposition objects to this clause because of the onus of proof provision. For many years, many members of the legal profession have felt unhappy about this provision. I have appeared in a number of cases which involved this section, and on many occasions I have felt that the defendant was in real difficulty because it is not always easy for a person to satisfy a court how he came by property, particularly if the property has been in the house for a considerable time.

As often happens in this type of case, a policeman may, on interviewing a person in relation to an offence, see some property about which there is no evidence of its being stolen, and say to the accused, “How did you come by that?” Because the person may not have a satisfactory explanation as to how he came by the property, he is charged under this provision. It is conceded that the form in which the clause is now drafted is, because of the insertion of the word “reasonably”, not as objectionable as the section of the Police Offences Act which it replaces, because under the existing provision a policeman does not have to satisfy the court as to the reason for his belief.

Mr. Dillon gave evidence before the Statute Law Revision Committee, and at page 49 of the transcript of evidence, he is reported as having said—

This sort of section is in every statute in every State of Australia with this type of offence, the only variation being that Victoria did not have the words "reasonably suspected of being stolen". Under the Police Offences Act as it is now, it is sufficient for a member of the Police Force to grab him and say, "Where did you get that watch, I suspect it of being stolen" and he only has to satisfy the court that he did suspect, as a fact he suspected it, whereas in all other States he had to satisfy the court that he reasonably suspected. Unless he satisfied the court that he had a reasonable suspicion, perhaps because of the man's appearance, but a reasonable suspicion, if he was unable to satisfy the court as to this, the case would then fail.

The Opposition believes that this is an unsatisfactory reason for the inclusion of the clause in its present form. Mr. Dillon indicated that the section did not require a policeman to show reasonable cause. He stated that Victoria is to this extent out of step with other States. What constitutes reasonable cause? I invite honorable members to consider these words of Mr. Dillon's—

Unless he satisfied the court that he had a reasonable suspicion . . .

A man's appearance is not a satisfactory reason for the insertion of this provision into the statutes. It is not good enough that a policeman can simply arrest a person and take him along to a court, that the onus should be placed upon that person to satisfy the court as to how he came by the particular property, and that the policeman can justify the term "reasonable cause" by simply saying, "I consider that this man looked like a suspicious character".

Mr. RYLAH.—There is a fair amount of distortion in that statement.

Mr. HOLDING.—There is not. In fairness to Mr. Dillon, I read all his evidence. A policeman has only to satisfy the court that he had a reasonable suspicion, perhaps because of the man's appearance.

Mr. RYLAH.—Mr. Dillon was speaking about the old law and not the proposed new section.

Mr. HOLDING.—As I understand the position, he was speaking of the proposed new law.

The CHAIRMAN (Mr. Christie).—Order! The Chief Secretary may speak later.

Mr. HOLDING.—If the Chief Secretary looks at Mr. Dillon's statement—frankly I doubt that he has—and if he reads the evidence, he will find that Mr. Dillon was speaking of this clause.

Mr. RYLAH.—He was speaking of the old law, not the proposed clause.

Mr. HOLDING.—He first spoke about the old law. Mr. Dillon pointed out how the section operated. He felt that the section ought to be brought into accord with similar provisions in other States, and he then gave evidence as to how he would expect it to work under the proposed new provision.

Mr. RYLAH.—That is not so.

Mr. HOLDING.—That is how I read it, and if I am misinterpreting Mr. Dillon, I am sorry. The clause still constitutes an unsatisfactory situation of putting the onus on the individual citizen as against the State and against the prosecution. I spoke at length on this subject on a previous occasion. I do not want to traverse the grounds again, because the Committee is familiar with it. The Opposition believes the clause is unsatisfactory in its present form.

Mr. WHITING (Mildura).—The only objection of the Country Party relates to the penalty imposed under this clause, which is imprisonment for one year. This is a harsh sentence for what may be a comparatively minor offence. I understand that this provision has been taken directly from the Police Offences Act, and has been the law for many years. If

this penalty were reduced to a shorter sentence or a fine, some of our objections would be overcome. Perhaps the Chief Secretary could make some explanation on the matter.

As has been explained on previous occasions in relation to the onus of proof provisions, in most instances it is difficult for the apprehending person to prove the case—in fact, it is almost impossible. Therefore, it is useless having a provision on the statute-book which cannot be proved. There is nothing wrong with the general provisions of the clause except in relation to the proposed penalty.

Mr. RYLAH (Chief Secretary).—I propose briefly to reply to the honorable member for Richmond in relation to the evidence given by Mr. Dillon before the Statute Law Revision Committee. He said—

Unless he satisfied the court that he had a reasonable suspicion, perhaps because of the man's appearance, but a reasonable suspicion, if he was unable to satisfy the court as to this, the case would fail.

The way the word "reasonably" has been introduced into this clause goes a long way to preventing perhaps unnecessary charging or prosecution of people, because it will not be enough for the informant to say he suspects that certain property has been stolen. He must show that he reasonably suspected the property was stolen. That eliminates the proposition put forward by the honorable member for Richmond, that the informant was suspicious because of the man's appearance. People who read *Hansard* and listen to these debates can judge for themselves. When the informant has satisfied the court of that aspect, then it is open to the defendant to shift the essential burden—the burden which rests upon him to discharge his onus is not as high as that which is on the prosecution.

I shall refer to some of the remarks made by the honorable member for Richmond earlier in the debate. He

poses this as a problem between the individual and the State as if it were a totalitarian State with all the resources of the Crown to prosecute the individual. He assumes that the individual will be prosecuted without reason, proof or justification. The State to which he refers in these totalitarian words is comprised of the honorable members for Richmond, Northcote, Gippsland East, Mildura and Essendon and the people they represent.

Mr. BORTHWICK.—What about the rest of us?

Mr. RYLAH.—If the honorable member for Scoresby wants to be in this, I shall join him. The State referred to in these terms consists of the individuals who make up the people of Victoria—the people whose cars and property are being stolen night after night; the people who are open to this type of attack by any individual in the community. As Chief Secretary, I do not believe this provision has ever achieved a conviction on an unsound ground. The honorable member for Richmond can laugh.

Mr. HOLDING.—It is a long time since you were in practice.

Mr. RYLAH.—I have been Attorney-General and Chief Secretary for ten and a half years, and I know that the honorable member—supported, of course, by the honorable member for Northcote—is about to say, "far too long".

Mr. SUTTON.—And supported by the rest of us.

Mr. RYLAH.—Yes, I shall include the honorable members for Albert Park, Flemington and Williamstown. During the ten and a half years that I have been Chief Secretary and Attorney-General, I have found very few, if any, cases where there has been any complaint about a conviction under this section. If, oddly enough, the honorable member for Richmond ever becomes Chief Secretary or Attorney-General—

Mr. MITCHELL.—God help us!

Mr. RYLAH.—I could not agree more with the honorable member for Benambra who has been through it. I assure the honorable member for Richmond that when anybody has been wrongly convicted—whether it is due to the incompetence of his counsel, the outrageous actions of the police or the injustice conferred by the court—he writes to either the Chief Secretary or the Attorney-General. Let us be realistic about this; this provision has been in the Act for a long time. I have occupied the position of Chief Secretary and Attorney-General for ten and a half years—

Mr. TURNBULL.—I was going to say “too long”.

Mr. RYLAH.—You were not in the Chamber when I invited honorable members opposite to say this, and I regret the fact that you were not here.

The CHAIRMAN (Mr. Christie).—Order! The Chief Secretary must address the Chair.

Mr. RYLAH.—Let us be realistic about this; this provision has been in the Victorian legislation for a long time. The Statute Law Revision Committee, advised by the Under-Secretary, who has been both a magistrate and the administrator of the Chief Secretary's Department and has seen both sides of the picture, recommended that our law be brought into line with that in other States. The honorable member for Richmond wants to destroy the law; he wants a free and open go for the receiver of stolen property.

Mr. HOLDING.—That is not so.

Mr. RYLAH.—That is what you are trying to achieve.

THE CHAIRMAN.—Order! The Chief Secretary should address the Chair.

Mr. RYLAH.—If the honorable member for Richmond interjects, “That is not so”, surely I have your licence, Mr. Chairman, to reply to that interjection.

THE CHAIRMAN.—I think I should explain to the Chief Secretary and to the Committee that the interjection would not have been recorded in *Hansard* if the Chief Secretary had not replied to it. If he ignores the interjection, it will not be recorded.

Mr. RYLAH.—If I were in your position, Mr. Chairman, I would be inclined to say, “Don't you believe it”. This business of making sure that the police cannot get a conviction under any circumstances is one of the things that have undermined law and justice throughout the world. Last year, when I was overseas, I spent a great deal of time examining this position. I only wish that every member of the Opposition, including the honorable member for Richmond, had a similar opportunity. The honorable member for Brunswick East has seen what happens, as have other members of the Opposition. The rather despairing attitude of the law enforcement people in other countries is probably one of the things that cause most worry. In New York, an eminent advocate, like the honorable member for Richmond, has persuaded the law enforcement authorities to remove this provision—this is a fact and I was informed of it by a very senior detective in the New York Police Force—because of his desire to protect the person who possibly could not be guilty under any circumstances. Even if a man were caught red handed, it could not be proved that he had stolen an article unless the police were there when he actually stole it.

Everything that the honorable member for Richmond wants to destroy has been destroyed in those countries. We value this country and we value this State and the rights of the individual. We believe this Colossus that the honorable member for Richmond has developed—the State—is not a totalitarian State under our Government. It is a collection of individuals—you and I—whose property is subject to attack

day and night. We have a very high opinion of the Police Force of this State.

Mr. HOLDING.—So have we.

Mr. RYLAH.—You have not ; you do everything within your power to destroy it.

The CHAIRMAN (Mr. Christie).—Order! I invite the honorable gentleman to ignore interjections and not to address members of the Opposition.

Mr. RYLAH.—Mr. Chairman, you and I value the Police Force of this State.

Mr. WILKES.—And so do members of the Opposition.

Mr. RYLAH.—I have the greatest admiration for the honorable member for Northcote and the honorable member for Brunswick East on this subject.

Mr. TURNBULL.—What about me?

Mr. RYLAH.—And the honorable member for Brunswick West, but I have very grave doubts about the honorable member for Richmond. I believe that if he gets the slightest opportunity to attack the Police Force, he will take advantage of it. This is the basis of the attack that he has been developing on this provision to-night. I agree that the provision in our law has been somewhat inadequate compared with those in other States, and the Statute Law Revision Committee, consisting of members of all parties, has recommended that it should be brought into line with the law in other States. The Government has accepted reasons advanced by the committee because it believes they are sound. However, the honorable member for Richmond wants to destroy the provision and place the onus on the police all the time. If somebody with a collection of television receivers in a truck which is being driven away from a television factory is apprehended, the honorable member says, "Let him go; he has got away from the factory". If somebody is found in possession of cameras as he is moving away from a

camera shop the window of which has been broken by a brick, the honorable member says, "Let him go".

Mr. HOLDING.—You are not serious.

Mr. RYLAH.—I am. The words we are using are "reasonably suspected of being stolen". We are not even allowed to assume that they could be reasonably suspected of having been stolen. In fact, the offender must be caught red-handed while he is actually taking the property out of the shop or factory. Members of this Committee should reject this horrible proposition put forward by the honorable member for Richmond.

Mr. TURNBULL (Brunswick West).—One is always delighted when the Chief Secretary enters this Chamber ; he always makes, without justification, a full-blooded attack on the honorable member for Richmond. I am beginning to "reasonably" suspect myself when he names me as one of the excellent members of the Opposition.

Mr. Moss.—I do not think he went that far.

Mr. TURNBULL.—I thought he said I was.

Mr. HOLLAND.—He said that you were not one of the bad ones.

Mr. TURNBULL.—I detect a certain amount of hysteria in the reply of the Chief Secretary on this clause. It has been rightly said by the honorable member for Richmond that this provision has always been hotly attacked by members of the legal profession. After all, we know the history of it. Back in the dark ages, a large number of the community made a living out of stealing—in many ways, starvation was the motivating factor—and it was difficult in this vast area of crime to establish ownership of the goods. This particular type of legislation was introduced to overcome that difficulty. Let us examine the provision calmly. It says—

Any person having in his actual possession—

lawyers could talk for a week on the meaning of the expression "actual possession", but I shall not go into it now—

or conveying in any manner any personal property—

my recollection is that personal property does not include money—

whatsoever reasonably suspected of being stolen or unlawfully obtained may be arrested either with or without warrant and brought before a court of petty sessions.

Then the onus is on him. Sub-clause (2) provides—

If such person does not in the opinion of the court give a satisfactory account as to how he came by such property he shall be guilty of an offence.

Penalty: Imprisonment for one year.

One hears numerous cases in Courts of Petty Sessions where members of the Police Force have for some reason entered a man's premises and have found an article in a shed or garage which they have a reasonable suspicion has been stolen or unlawfully obtained, and as a result the owner of the property has the onus placed on him to prove that the article seized by the police was in fact his property. If he is able to obtain a duplicate receipt from the person from whom he purchased the article, he can provide an adequate explanation as to how he came by the goods. However, if a policeman inspected my garage, he would probably find 50 articles about which I could not give a satisfactory explanation as to how they were obtained because I have had them in my possession for many years. When a person has lived in a house for a number of years, it is extremely difficult for him to identify many of the possessions lying around and to recollect how they were obtained. The type of case to which I have referred regularly comes before Courts of Petty Sessions.

It is evident that the examples cited by the Chief Secretary are cases of larceny. In one case he referred to a man caught red-handed, as it were, with television sets. Another example given by the Attorney-General was that of a man standing

beside a broken window with a camera in his hand. What would be more simple to prove than a case of larceny in those circumstances? The owner of the shop would be able to identify the camera as his property. In regard to the television sets, there would obviously be no difficulty in the factory owner identifying them as his property.

Fortunately, in present-day society, we seldom find the petty thieves that were once so numerous. These thieves made their living by engaging in petty thefts, and the police referred to them as "tea leaves". In those cases, it was most difficult to prove a charge of larceny.

Mr. WILTON.—Would you put "snowdroppers" in that class?

Mr. TURNBULL.—I should think most people to-day can identify the clothing they hang on clotheslines. I consider that the day has long past when the type of legislation contained in clause 26 should remain on the statute-book.

Mr. DIXON.—You have not yet given us any reasons.

Mr. TURNBULL.—I am told that the honorable member could not give any reasons to people at Morwell recently, and I shall be interested to hear his reasons as to why this provision should remain in the Bill. The era has passed when it was needed—it has outlived its usefulness. In these days, the standards of law and order in the State are as high as in any other country in the world, due to the efficiency of our police. The only trouble is that the Police Force is about 600 or 700 men below strength, and this Government is responsible for that state of affairs. I agree with the honorable member for Richmond that clauses of this nature should disappear from the statute-book.

Mr. MOSS (Leader of the Country Party).—I suppose a layman can put his foot into things just as well as a legal practitioner in a debate of this

nature. I am rather sorry that the Chief Secretary has left the Chamber, because the honorable member for Mildura raised an important point in connexion with the penalty imposed by clause 26. No explanation has been given to the honorable member for Mildura why the penalty is fixed at imprisonment for one year. I hope that before the debate continues further we will be given an explanation why the penalty for an offence against this clause is imprisonment for one year.

Mr. MANSON (Minister of State Development).—I direct the attention of the Leader of the Country Party to sub-section (2) of section 42 of the Police Offences Act, which states that—

If such person does not in the opinion of the court give a satisfactory account as to how he came by such property he shall be liable to be imprisoned for a term of not more than twelve months.

That is the same as clause 26.

Mr. TURNBULL (Brunswick West).—I think it will be found that there is a provision in the Justices Act which enables Courts of Petty Sessions to substitute a fine where the only penalty prescribed is imprisonment. I cannot point to the section off hand, but I think it was section 64 at one stage.

Mr. MOSS (Leader of the Country Party).—The Minister of State Development has not given any explanation why the penalty in clause 26 is fixed as imprisonment for one year. The other penalty to which he referred is a term of imprisonment of not more than twelve months. What is the over-riding provision? This Committee is being asked to agree to a clause that fixes the penalty for an offence at imprisonment for one year, not more and not less. Surely we should get an adequate explanation of the point that the honorable member for Mildura has quite correctly raised. He considers that in the circumstances, the penalty is very severe, because a person may be reasonably suspected in all sorts

of situations. We are entitled to an explanation without having to rise to speak twice in Committee on every occasion. These explanations should come voluntarily from the Minister at the table. I do not know whether he is trying to hold up the Bill or is just not interested in the debate that is taking place.

Mr. MANSON (Minister of State Development).—I feel that the Leader of the Country Party is being a little unfair in suggesting that the Minister is not interested and is trying to hold up the Bill. I do not wish to delay the passage of the Bill, nor do I want to appear to be not interested in it.

Mr. Moss.—And not make any explanation.

Mr. MANSON.—I have tried to give the honorable member an explanation, and I direct his attention to the wording of the clause about which he seems to be agitated. Sub-clause (2) of clause 26 provides—

If such person does not in the opinion of the court give a satisfactory account as to how he came by such property he shall be guilty of an offence.

The operative words surely are "in the opinion of the court". If he can prove to the court that he is not guilty of an offence, he is all right. If he cannot so prove to the court, he is in trouble. As I pointed out previously, the provision in the Police Offences Act provides that a person shall be liable to be imprisoned for a term of not more than twelve months, and the Bill provides for a penalty of imprisonment for one year.

Mr. Moss.—There is a great deal of difference between the two.

Mr. MANSON.—I do not know that there is a great deal of difference.

Mr. STONEHAM.—One is automatic.

Mr. MANSON.—There can be all kinds of cries around this Chamber, but the fact is that a person must appear before a court and in the

opinion of the court he must be proved guilty before a penalty can be imposed.

Mr. WILKES (Northcote).—The Chief Secretary has voiced an opinion in reply to the opposition to clause 26 raised by the honorable member for Richmond and supported by the honorable member for Brunswick West. When this question was before the Statute Law Revision Committee, some members were doubtful about this point. The Minister of State Development was the chairman of the committee at the time, and is well aware of this. When the Under-Secretary, Mr. Dillon, was giving evidence, Mr. Todd posed the question to him, as appears at page 192 of the Minutes of Evidence before the committee on 22nd August, 1963—

There seems to be some difference of opinion between the legal fraternity and the police in regard to the onus of proof in cases of unlawful possession. Is this a bugbear? There has been a tendency recently to transfer the onus of proof on to the defendant. While we are examining this Bill I thought we might test this question, especially in minor cases. A specific instance was the camera case where the defendant could not produce a receipt.

Mr. DILLON.—That was just before I became Under-Secretary. The Minister referred the case to me and I expressed my ignorance of it. He said I was the magistrate and I said I was not. I did not recall it. I made enquiries and found that I was not the magistrate. Apparently the senior prosecuting wrote "magistrate J. V. Dillon" on the brief. I read the brief and I can well understand how the magistrate reached the conclusion he did. However, I believe this section has really stood the test of time. It is one of the most effective sections in the Act for the protection of the right to one's property. Frequently members of the Police Force take into custody or come across persons who are in possession of property with an oddity about it. A man might be down at heel but have an exclusive Parker pen in his pocket. If the onus was on the police, as it is in the majority of cases, to satisfy the court that this fountain pen had been unlawfully obtained, they would not get to first base. All they could say would be that they found the person with the pen in his possession, and they suspected that it had been unlawfully obtained. Then the accused is charged and the constable is required to give evidence only as to his suspicion. The accused then goes into the box

and gives his account. If it is a reasonable one—and this aspect is important—he is not found guilty. When the onus of proof rests upon the informant, the informant must discharge that proof beyond reasonable doubt. If the magistrate is left in doubt he is required to dismiss the information. When the burden of proof is on the defendant, it is not as high as the burden assumed by the prosecutor. Where the burden is required to be discharged by the defendant, it is expressed in the phrase, "to satisfy the court on the balance of probabilities." That is a much lower burden than that assumed by the prosecutor. The accused does not have to satisfy the court beyond reasonable doubt that he lawfully acquired this pen. He gives an account to the court and if you are not satisfied—it could probably be true—then the account is accepted.

So, although the onus is on the defendant, the standard is not as high as it is in ordinary cases where the onus is assumed by the informant.

Mr. Dillon was then asked—

You say that this has stood the test of time?

And he replied—

Yes. You will find a similar provision in every statute in Australia and probably in the British Commonwealth.

Mr. Garrett then asked—

A man could be convicted on this state of probability?

To this **Mr. Dillon** replied—

Yes, if he fails to discharge the onus at least to that extent. If he tells the story of Snowy on the tram in a way and under cross-examination that you have not much doubt at all, you reject the account. If he tells the story of Snowy on the tram and stands up under cross-examination, you ask yourself whether this is the ordinary run of Snowy on the tram stories. It could well be that his story is true. Once you reach that conclusion you dismiss the case. It is inevitable that there must be a miscarriage of justice from time to time where judicial tribunals are required to reach conclusions on evidence from which they draw inferences.

This is the point made by the honorable member for Richmond. The Government cannot have it both ways. There are two opinions at a legal level on this matter. On the evidence submitted to the Statute Law Revision Committee, there was a difference of opinion in favour of

the case advanced by the honorable member for Richmond. I reiterate that Mr. Dillon said—

It is inevitable that there must be a miscarriage of justice from time to time where judicial tribunals are required to reach conclusions on evidence from which they draw inferences.

We are not in any way attempting to nullify the efforts of the police or the Crown to convict a guilty person. We are merely stating, as was pointed out before the Statute Law Revision Committee and also by the honorable members for Richmond and Brunswick East, that the doubt in the case weighs heavily against the defendant. The responsibility of making a decision is placed on the policeman. That is the way both the Act and the Bill are worded. The Minister made some comment, as did the Chief Secretary, that this has been in the Act for a century—since it was first gazetted. But when the Police Offences Act was referred to the Statute Law Revision Committee for examination, the Committee recommended that certain Parts should be taken out of the Police Offences Act and put into separate Acts. The Committee is at present debating one of these proposed Acts.

Surely if the whole of the Police Offences Act is to be critically examined, and portions of it are to be placed in separate Acts, the provisions should be brought up to date, to meet present requirements, and not left to do the job that they were intended to do 100 years ago. If times and conditions and methods of administering justice have changed, surely when new legislation is prepared it should be modernized to meet the latest requirements. This was the intention. Under that premise, the Opposition considers that there is a case for consideration of the terms of clause 26. As we have stated, we support the legislation, but we believe that the Government should examine clause 26 on the advice given by the honorable member for Richmond. Surely that is reasonable. I think the Chief Secretary went off at a tangent. The

Mr. Wilkes.

submissions of the honorable member for Richmond merit examination and consideration.

Mr. WHITING (Mildura).—The case submitted by the Minister of State Development concerning the penalty set out in the clause, of imprisonment for one year, does not tie up with my interpretation of the penalty provided in section 42 of the Police Offences Act No. 6337. I point out that, with the exception of the penalty, the wording of that section is the same as the clause under consideration. The Police Offences Act provides that the penalty shall be imprisonment for a term of not more than twelve months.

Clause 2 of the Bill provides for the repeal of Part I. of the Police Offences Act, which contains section 42, as well as several other Parts. Therefore, unless the penalty in clause 26 is amended, a Judge or magistrate will have no alternative, when a person is convicted, but to impose a penalty of imprisonment for one year. By shaking his head, the Minister of State Development indicates that he has some other explanation to offer, but that which he has given already does not meet the situation. To clear up the matter, I move—

That, in sub-clause (2), the words “one year” be omitted with the view of inserting the words “not more than twelve months.”

I shall persist with my amendment unless a clearer explanation is forthcoming from the Minister or any of his assistants.

Mr. MANSON (Minister of State Development).—I am happy that my friends of the Country Party have pursued the matter to its bitter end. I am equally gratified that my colleagues on the front bench have been able to assist me by drawing to my attention the Acts Interpretation Act 1965, No. 7295, section 4 of which provides—

After section 26 of the principal Act, there shall be inserted the following section:—

26A. Where a pecuniary or other penalty is set out—

(a) at the foot of a section of an Act; or

(b) at the foot of a sub-section of a section of an Act, but not at the foot of the section—

the penalty shall be construed as indicating that any contravention whether by act or omission, of the section or of the sub-section respectively shall be an offence against the Act, punishable upon conviction by a penalty not exceeding that set out, but where the penalty is expressed to apply to a part only of the section or sub-section, it shall apply to that part only.

Therefore, where in this Summary Offences Bill provision is made for a penalty of imprisonment for one year, under the Acts Interpretation Act, this means imprisonment for a term not exceeding one year. This meets the objection raised by the Leader of the Country Party and the amendment moved by the honorable member for Mildura, and I hope it meets the objections raised by the Committee in general.

Mr. MOSS (Leader of the Country Party).—I hope that in the future the Minister of State Development will not be interpreting Acts so far as Victoria is concerned, because his explanation of the Country Party objection and the amendment moved by the honorable member for Mildura does not meet the situation for the simple reason that the Minister has been trying to prove that the penalty is a term of imprisonment not exceeding twelve months. We are endeavouring to ensure that the penalty shall not be fixed at imprisonment for one year, but that it will be for a period of up to one year. The Minister said that there was no difference, but obviously there is. The amendment is designed to meet the situation, and it is quite illogical for the Minister of State Development to say, "There is the explanation." There has been no explanation of the situation. Therefore, the safest thing to do is to return the provision to the present situation, as provided in section 42 of the Police Offences Act.

Mr. WILCOX (Minister of Labour and Industry).—I should like to point out to the Committee that the Minister of State Development has already

directed attention to the Acts Interpretation Act, which was passed by this Parliament in 1965. If honorable members consult the explanatory paper, which appears at the front of the Bill, they will find that the Bill takes into account views expressed by the Statute Law Revision Committee in its report of the 18th November, 1965, on this Bill, when it was first presented to the House. It is interesting to note that the honorable member for Mildura is a member of that Committee. The honorable member is so much astray in his presentation of the facts to the Committee to-night as to show himself as being a not very competent member of the Statute Law Revision Committee or of this Committee.

Mr. Moss.—That is quite uncalled for.

Mr. WILCOX.—A member of this Committee moved an amendment without understanding what he was doing. I direct attention of honorable members to the words in the explanatory paper—

In drawing the Bill the views of the Statute Law Revision Committee expressed in the 1963 report have been considered and generally followed. In particular the statement of offences in uniform style and the expression of penalties in the form "Penalty: \$10, &c", as the committee suggested, has led to considerable rearrangement of most of the clauses.

Wherever an amount of money or a term of imprisonment appears, because of the provisions of the Acts Interpretation Act, the court may impose any monetary penalty up to the amount shown in the Act or any term of imprisonment up to that shown in the Act.

The Committee divided on the question that the words proposed by Mr. Whiting to be omitted stand part of the clause (Mr. Christie in the chair)—

Ayes	..	..	38
Noes	..	..	7
			—
Majority against the amendment	..		31

AYES.

Mr. Balfour	Mr. Rafferty
Mr. Birrell	Mr. Reid
Mr. Bloomfield	(Box Hill)
Sir Henry Bolte	Mr. Rossiter
Mr. Borthwick	Mr. Rylah
Mr. Darcy	Mr. Scanlan
Mr. Divers	Mr. Schintler
Mr. Dixon	Mr. Stoneham
Mr. Evans	Mr. Suggett
(Ballarat North)	Mr. Sutton
Mr. Gibbs	Mr. Tanner
Mr. Holden	Mr. Taylor
Mr. Holland	Mr. Wheeler
Dr. Jenkins	Mr. Wilcox
Mr. Jona	Mr. Wilkes
Mr. Loxton	Mr. Wilton
Mr. McCabe	Mr. Wiltshire
Mr. McLaren	
Mr. Manson	<i>Tellers:</i>
Mr. Meagher	Mr. Stephen
Mr. Porter	Mr. Trethewey.

NOES.

Mr. Evans	Mr. Whiting
(Gippsland East)	
Mr. McDonald	
(Rodney)	<i>Tellers:</i>
Mr. Moss	Mr. Mitchell
Mr. Stirling	Mr. Trewin.

Mr. HOLDING (Richmond).—I wish to reply to some of the comments made by the Chief Secretary about the basis of my opposition to this clause. I say, as I have said on a previous occasion, that there can always be two views about legislation of this kind and about a clause of this kind. Members of the Opposition suggested that the Government should consider rephrasing the onus of proof provisions of the clause, and I stated our reasons as shortly as I could.

In reply, the Chief Secretary submitted an argument that we have heard before, that the State really consists of a series of individuals, that other honorable members and I are all members of the State and it is our property which is being affected and is being protected. There is some truth in that. But it is equally true that part of the property of the individuals of the State—intangible property in a sense—is the due process of law. If, as a citizen of this community, I had to choose which I valued more highly, my personal goods and real estate or the due pro-

cess of law, I might have a hard choice but, ultimately, I believe I would choose the due process of law. The matter is as simple as that. It is the view of the Opposition that the due process of law is as much for the protection of the individual citizen of the State as those things mentioned by the Chief Secretary. That is my reply to the views that were expressed by the Chief Secretary.

I regret that the other comments by the Chief Secretary were largely personal and directed against individual members of the Opposition, particularly against me. He said that he had visited places overseas where the police cannot obtain convictions in any circumstances, and he suggested that members of the Opposition are desirous of producing that position here. That is a gross overstatement of the position; in fact it is untrue. If the Chief Secretary has any of his original legal capacity left, I believe he will be shocked when he reads in *Hansard* that he said that a man can break a window and be caught with the goods in his possession, that a policeman could be watching, but that the policeman could bring no charge against that man which could be successfully prosecuted.

To suggest that the Opposition is desirous of producing a situation in which the police cannot obtain a conviction in any circumstances is completely false, and the Chief Secretary knows that to be so.

Mr. RYLAH.—If you got rid of clause 26, that is what would happen.

Mr. HOLDING.—We suggested that the clause be re-phrased. The next allegation which the Chief Secretary directed against me was that on every possible occasion I attacked the Police Force, and that I did so, presumably, for the purpose of making some political capital out of a particular situation which might have occurred in the Police Force. The Chief Secretary knows that to be completely untrue. During the

short time I have been a member of this House, there have been two grave instances of police maladministration in my electorate. On two occasions, individual policemen grossly abused their positions. It would have been easy for a member to recite the facts in this House and, on the basis of those facts, contend that the whole of the Police Force is "crook". That was not done, because it is realized that occasionally individual policemen abuse their powers. One of the cases to which I refer is currently before the Chief Secretary. In the other case, as a result of views that I expressed to the Chief Secretary and his own examination of the situation, the procedures that were abused by the police in a particular matter were altered.

In a debate on a subject such as this, the points that are advanced are largely related to legal issues. There is a genuine difference of view. The Chief Secretary has endeavoured to make cheap political capital out of this situation and has made false remarks directed against me as a member of this Chamber in regard to a factual situation. The honorable gentleman could have spoken as a lawyer. He might not have agreed with the point of view expressed by the honorable member for Mildura, but there is no excuse for members of the Government to make the sort of personal references that have been made in this debate.

Mr. RYLAH.—I did not even refer to the Country Party.

Mr. HOLDING.—No, but the Minister of Labour and Industry did so. We realize the Chief Secretary's attitude on these matters, because he has expressed his opinions many times. However, this will not prevent members of the Opposition from putting forward what we regard as proper submissions and expressing our viewpoint, particularly in relation to matters of this kind which are primarily legal matters. If the Chief

Secretary does not like it, that does not matter; he can use the superior numbers of the Government to defeat us.

We do not intend to be subject to the sort of snide remarks which are becoming increasingly characteristic of the Chief Secretary. I trust that in future he will endeavour to uphold the high dignity of his office and remember that when he speaks in this Chamber he speaks as one of the principal law officers of this State, if not the most senior law officer, and that it therefore ill-behoves him to introduce the kind of personal invective that he has brought into this debate. I regret the Chief Secretary's attitude, as I regretted it recently when he made comments about a senior member of the legal profession of which I felt he would undoubtedly be ashamed when he read his comments in *Hansard*.

The CHAIRMAN (Mr. Christie).—Order! The honorable member's comments are far too wide of the clause.

Mr. HOLDING.—I have made my point.

Mr. RYLAH (Chief Secretary).—I am fascinated by this debate. About five years ago, the Government produced an up-to-date Police Offences Bill, and it was believed that the legal profession, the courts and everybody associated with it would obtain the benefit of that measure. It was suggested that the Bill should be referred to the Statute Law Revision Committee, and the Government agreed to that course. The Statute Law Revision Committee—an all-party committee—made certain recommendations, which the Government agreed to in practically every detail. Last session, the amended Bill was introduced, but time did not permit it to be dealt with. To ensure that no more problems were encountered, the Bill was again referred to the Statute Law Revision Committee. The stage has

now been reached where the honorable member for Mildura, for whom I have the greatest respect, moved an amendment which was completely opposed to the recommendation of the Statute Law Revision Committee, of which he is a member. I wish the honorable member had spoken to me about the amendment before he moved it.

Mr. MOSS.—Why did you not give him an explanation?

Mr. RYLAH.—Because the explanation was provided in the explanatory paper attached to the Bill. The stage is being reached where honorable members cannot debate any subject intelligently, and I am seriously worried about the situation. On legal matters, for members to get into political assertions is really lowering the level of this Committee. I have the greatest respect for the Statute Law Revision Committee, but I do not know where it stands today. It is an all-party committee and makes recommendations. The Government accepts those recommendations, except when it is prepared to say straight out that it does not accept them, and then, as a Government, it accepts the responsibility for not doing so. What happens with the Opposition and the Country Party?

Mr. HOLDING.—We are entitled to reject the committee's recommendations.

Mr. RYLAH.—That has never been disputed, but what fascinates me is that the Opposition speaks with two, three or four voices on these subjects. I cannot understand what the Leader of the Country Party feels about this measure. The honorable member for Mildura proposed a technical amendment, without notice, without giving the Government an opportunity to examine it.

The CHAIRMAN (Mr. Christie).—Order! The Committee has dealt with that amendment.

Mr. RYLAH.—I realize that, but I am still answering the honorable member for Richmond, who referred

to the "dreadful" way in which I referred to the Country Party. I did not even mention the Country Party. The Minister of Labour and Industry did, but surely he was entitled to do so because the point raised by the honorable member for Mildura is covered in the explanatory paper. This measure has been examined by the Statute Law Revision Committee and has been discussed in this House time and again. Are we going to continue to discuss important legislation in this school-boy fashion? Would the Opposition and the Country Party prefer the Government to abandon this measure and revert to the existing law? Should we throw away all the improvements that have been made after five years of study? I am happy to do so—in fact, in view of the continual sniping, I am in the mood to recommend that course to the Government.

Mr. HOLDING.—That is your prerogative.

Mr. RYLAH.—Exactly, and the case the honorable member mentioned to-night will be far worse off if that is done. After five years' deliberation of this measure, after it has been thrown backwards and forwards between an all-party committee and the House, we should at least be prepared to make up our minds to-night what we want and what we do not want. I have heard a tremendous number of destructive proposals, and I am still waiting for constructive suggestions, which I am sure will come if we continue to discuss the matter long enough.

Mr. WILKES.—Two Ministers made suggestions before the suspension of the sitting for dinner.

Mr. RYLAH.—Having regard to the fact that the Ministers were baited by members of the Committee, they should have the right to enter into this debate.

Mr. HOLDING.—They were being constructive.

Mr. RYLAH.—I realize that the honorable member considers they should be muzzled.

Mr. HOLDING.—No, we do not.

Mr. RYLAH.—In conclusion, this Committee should make up its mind whether it wants an up-to-date law on this subject or whether we should continue with the sniping that has been going on, ignore the reports of an all-party committee, scrap the Bill and revert to the old law. That is the issue before the Committee.

The clause was agreed to.

Clause 27 (Search warrant for skins of cattle, goods from wreck, &c.).

Mr. TURNBULL (Brunswick West).—This clause repeats the phraseology of the existing section 26 of the Act in regard to skins of cattle, goods from wreck, and so on. It provides virtually the same penalty—\$500 or imprisonment for six months. I have no doubt that the Acts Interpretation Act would apply to the imprisonment for six months. It took the legal gentlemen some time to find this provision and section 74 of the Justices Act, which enables a Court of Petty Sessions to impose a fine instead of imprisonment. Let us be fair to the honorable member for Mildura, who is carrying out with distinction his work as a member of the Statute Law Revision Committee. Naturally, he would not be able to find as quickly as the lawyers did the provisions which appear in the Acts Interpretation Act and the Justices Act. Do not let us condemn him as the Chief Secretary has done to-night. I shall always listen to the honorable member with interest.

The point of view which the Opposition is trying to put in regard to this matter has been expressed in a far better manner than I can in a book entitled *The Police and the Public*, edited by C. H. Rolph. I shall read a short extract from page 22 which deals with the law of England and personal freedom. It states—

And yet there is still in England, in one important sense at least, a greater feeling of personal freedom than in any other

country in the world that I know. It comes, I believe, from a sense of the security of the citizen from arbitrary interference by servants of the Crown, however exalted. This feeling of freedom has been remarked with admiration by visitors to England over the centuries, and it has always seemed to me the contribution most precious and of most enduring value which the English character has made to the still unfinished process of civilizing the human animal into a free man, walking upright in spirit as well as in body.

The conduct of the police is a sound measure of the health of this freedom. That the police must have powers, and adequate powers, to perform their many duties, to maintain law and order, protect the weak, prevent crime and apprehend malefactors is self-evident.

But because the police represent the State and are invested with special powers it is imperative that these powers be vigilantly watched and controlled by checks against abuse or misuse.

That is the Opposition's argument concerning the provisions which change the onus of proof.

The notion, attractive to those who find moral responsibility oppressive, that one should delegate this power to the police, giving them a well nigh blank cheque and trusting to their benevolence not to overdraw, is an insidiously dangerous form of complacency. Our police are not good because they are inherently good but because they have been shaped and defined within our liberal traditions by men who have appreciated both the value and the vulnerability of freedom.

That is the point of view which the Opposition has put, in regard to both clause 26 and clause 27.

The clause was agreed to, as were clauses 28 to 34.

Clause 35 (Publishing newspaper on Sunday).

Mr. WILKES (Northcote).—During the second-reading debate, the honorable member for Oakleigh raised the question of Sunday observance. In view of the fact that the Chief Secretary considers that honorable members should support everything that the Statute Law Revision Committee recommends to Parliament, in regard to both this Bill and the Police Offences Bill, I am prepared on this

occasion to support clause 35 in relation to Sunday observance, particularly from the point of view of the printing and publishing of newspapers on Sundays. The evidence tendered to the Statute Law Revision Committee suggested that the existing legislation, whereby no newspapers could be published or printed on Sundays should not be altered, but that at least they should be distributed. Until recently, it was illegal for interstate newspapers to be distributed in Melbourne on a Sunday. However, an amendment to the Police Offences Act some eighteen months ago authorized the distribution and sale of newspapers in Melbourne on Sundays.

I emphasize that nowhere in Australia are newspapers actually printed on Sundays. The newspapers which are sold in New South Wales on Sundays are printed on Saturday evenings. In fact, passengers on the *Southern Aurora*, which departs from Sydney at 7 p.m. on Saturdays, can purchase the Sunday newspapers before their train departs. When examining this matter, the Statute Law Revision Committee considered the views of the major printing unions and other persons concerned. The honorable member for Oakleigh claimed that the *Sporting Globe* would disappear if Sunday newspapers were authorized in Melbourne. In view of this, the committee submitted a recommendation along the lines of the Summary Offences Act.

I agree with the contention of the honorable member for Oakleigh that it is not the prerogative of the Statute Law Revision Committee to make alterations to legislation. It is the prerogative of the committee to examine and submit reports on the measures which are referred to it by the Chief Secretary. When the committee's report is submitted to Parliament, the Government must decide whether to accept or reject the committee's recommendations. Irrespective of the Chief Secretary's attitude concerning this matter, it is also

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the prerogative of Opposition and Country Party members to express their views concerning proposed legislation. If the Chief Secretary or the Government wants it otherwise, the only alternative would be for the committee to supply minority reports. Frequently, members of the Statute Law Revision Committee express dissatisfaction concerning a report but, when the report is submitted to Parliament, it is regarded as the committee's report. When the Bill is ultimately presented to Parliament, the three political parties need not necessarily adopt the committee's report. Surely, the Chief Secretary does not contend that each political party must support the recommendations of the Statute Law Revision Committee.

Mr. WILCOX.—I do not think he means that.

Mr. WILKES.—Whatever views members of the committee may express, these need not necessarily represent the views of their parties. So far as I am concerned, the committee system is an important means of conducting a democratic Parliament. We must not stifle this practice by saying that whenever a report is submitted to Parliament the members of the various parties must support it simply because their representatives on the committee did so. It is possible that a matter could be referred back to a committee on six occasions and then the committee could overlook certain aspects. In fact, two Ministers raised important points which had been overlooked by the Statute Law Revision Committee. That attitude is right and proper.

Mr. WILCOX.—I agree.

Mr. WILKES.—I hope the Chief Secretary feels that way about it, too.

The clause was agreed to, as was clause 36.

Clause 37 (Obtaining goods by valueless cheques).

Mr. WHEELER (Essendon).—This clause provides that any person who obtains goods or advantage by passing a cheque which is not paid on presentation shall be guilty of an offence. In the business with which I am associated, cheques are sometimes received which are returned by the bank endorsed "Present Again". Upon presenting the cheque to the bank again, it may be passed by the bank although, on occasions, it is returned endorsed "Refer to Drawer". I should like the Minister of Labour and Industry to explain at what stage the offence is committed in such circumstances. Does it occur between the time the cheque is banked and its return endorsed "Present Again" or does it occur when the cheque is returned endorsed "Refer to Drawer"? I shall be grateful if the Minister will clear up this technicality.

Mr. WILCOX (Minister of Labour and Industry).—I was interrupted when the honorable member for Essendon was asking his question, and consequently I may not have heard him correctly. However, I point out for the honorable member's benefit that the whole of the clause must be taken into consideration in connexion with the matter to which he referred. An advantage must be obtained by the person who passes the cheque before he is guilty of an offence. Additionally, of course, it will be a defence if the drawer of the cheque had reasonable grounds for believing that the cheque would be paid in full on presentation and that he had no intent to defraud.

There must be an intention to defraud before there can be an offence. If a cheque was referred back to the drawer's bank and the drawer was notified accordingly and then, knowing that he had no money, he sent the cheque back again with a view to obtaining credit or for the purpose of getting additional supplies, it would become an offence under this provision. If the honorable member

for Essendon is still not clear on this point, I shall explain it more fully to him outside the Chamber.

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.

COUNTRY FIRE AUTHORITY (BORROWING POWERS) BILL.

The debate (adjourned from March 16) on the motion of Mr. Porter (Minister of Public Works) for the second reading of this Bill was resumed.

Mr. STONEHAM (Leader of the Opposition).—This brief but extremely important Bill authorizes an increase by 100 per cent. of the borrowing power of the Country Fire Authority from \$2,000,000 to \$4,000,000. It is unusual for such an increase to be made by a Bill of this type. In his second-reading speech, the Minister clearly indicated that it would be several years before the Authority would again seek an increase in borrowing power. I do not regard that as a good thing. I think that, from time to time, reasonable increases should be made, but that it is very much in the interests of the State and of the Authority itself that a review of its activities should take place in Parliament.

I was extremely disappointed—as I have no doubt honorable members generally were—with the totally inadequate explanation given by the Minister. It was very short, and completely lacking in reasons why such a big increase in borrowing power should be proposed. Opposition members are most anxious that adequate loan funds should be available at all times to the Country Fire Authority.

In the course of his speech, the Minister stated—

Recently the Authority completed a comprehensive survey of its development. This survey was directed towards attaining greater efficiency in the control, prevention and suppression of fires. After close examination of the survey, in the opinion of the Authority there is an essential need to improve the mobility and radio communications of brigades and to provide accommodation for some regional and zone officers.

The last occasion on which the Country Fire Authority was the subject of a lengthy debate in this House followed upon the disastrous fires of 1965, particularly in Gippsland. During that debate, the view was expressed from all quarters of the House that there should definitely be a survey of the Authority's activities. The Minister has stated that this survey has been carried out, yet his second-reading speech contained only one small paragraph relating to it. No details have been given of this most vital review, and I wish to register sincere regret that this matter was presented in that way.

One of the most important developments that have occurred since the House debated the tragic bushfires of 1965 has been the appointment of a full-time chairman, Mr. R. T. Eason. In fairness to him, I do not intend to be critical of the Authority on this occasion. I wish him well in his new post, but I should like to offer some advice. I think he could well take a lesson from the State Electricity Commission. Notice was given to-day by the Minister for Fuel and Power of a Bill to increase the borrowing capacity of the State Electricity Commission, and I expect that when the Minister delivers his second-reading speech on that measure a most comprehensive review of the Commission's activities will be presented. I have previously paid tribute to the Commission—and to the Minister, too, because I realize that he wholeheartedly supports that view. In all sincerity, I say to the Country Fire Authority that it, too, should seek to cultivate the goodwill of Parliament

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by revealing all the information it possibly can in a completely straightforward and honest manner.

Subsequent to the introduction of this Bill, I approached the Authority, pointed out the reference to the survey, and asked whether any notes could be furnished to explain what the survey covered. Some information has been provided, but it is extremely brief. It merely states that in the provision of quarters, offices and radio facilities for Authority officers in two categories—first, the senior officers or zone officers, who hold the rank of assistant chief officer, there being six such officers within the State; and, secondly, the regional officers, there being twenty such officers at present—expenditure will amount to approximately \$350,000 in the next five years. It is stated also that new fire stations are required in various localities and it is quite conceivable—that is the word used in the notes—that expenditure of some \$400,000 could be incurred during the next four years. A third point mentioned relates to an enlarged vehicle programme over approximately four years, covering the issue of some 150 vehicles at an estimated cost of \$340,000.

This information does not explain the need for such a big increase in the borrowing capacity of the Authority as is proposed, and I wish to voice my regret that the Authority is not seized of the importance of making more information readily available. I am sure that it would be in its interests so to do. Opposition members have to attempt to find out what is going on, and often those from whom information may be obtained are disgruntled and perhaps present a wrong view of the situation, and one which is not in the interests of the State or the Authority.

I hope that Mr. Eason, as chairman in a full-time capacity, will have great success in bringing about increased efficiency and better organization.

He certainly is indicating the need for a greatly increased number of vehicles and for other equipment. But that is not the whole story. Opposition members realize the utmost importance of sufficient and proper equipment being provided, but we feel that more information should be provided as to what the Authority intends to do regarding the training of officers and men. On page 6 of the latest report of the Country Fire Authority—that for the 30th June, 1965—this passage appears:—

Training.—Although sickness amongst the senior officers reduced the number of inspections carried out, urban brigade training was not seriously affected.

At a School of Administration and Tactics held at Lorne in July, the Country Fire Authority officers gained much valuable information from the guest speakers and discussion periods.

Close contact with the rural brigades was maintained by the regional officers.

An exercise involving a simulated fire was held on 25th October, 1964, to test the operating procedures of groups and brigades in Region No. 8 and co-ordination with the Authority's emergency procedure.

The Authority was represented at the New South Wales Bush Fire Committee's Field School at Camp McKay in May, 1965, by Regional Officer G. Stork.

The Authority agreed to conduct a school for group officers in conjunction with the Victorian Rural Fire Brigades' Association in August, 1965.

I contend that those references indicate that inadequate attention is being given to this matter of training. In recent years, we have heard of proposals for the establishment of a training school, and I think an area in the Ballarat district has been purchased for the purpose. Although there has been criticism among the brigades as to the merit of that location, I do not want to "knock" Ballarat in any way. I maintain that, on occasions such as this, when borrowing authority is being increased, members of Parliament should be told precisely what firm decisions have been made by the Authority in respect of the training school.

Reference has been made to mobile training units. Does the Authority favour the establishment of highly-skilled units which would go to groups of brigades throughout the State for the greater part of the year? Obviously, if the general efficiency is raised and the scope of the organization is expanded, it becomes increasingly important to maintain at the highest possible level the facilities for training.

At page 23 of the Authority's annual report, the following is stated in the course of the report of the Chief Officer:—

(h) Schools of Instruction: A School of Administration and Tactics was held at Lorne from 27th to 31st July. Lectures and discussions on many aspects of fire control, suppression and prevention were heard in addition to various other subjects.

That brief statement is delightfully vague, and I emphasize the importance of our being informed of just what the Authority has in mind with respect to training. According to this report, the personnel of the rural and urban brigades totals no fewer than 111,599. There are 205 urban brigades and 1,043 rural brigades, and, of those, 123 groups of brigades have been organized. Obviously, it is necessary for the question of training to be handled in a thorough manner.

When discussing this Bill, one could refer to many matters. I wish to reiterate what has been said in this House again and again—that there is need for constant vigilance and absolutely no suggestion, in the campaign of prevention, of relaxation, under any conditions, of the need to arrange for the clearing of fire hazards. The fire season that is now closing compares most favourably with last season, and I think we should give due credit to the brigades and to the Country Fire Authority.

Mr. ROSSITER.—And the Government.

Mr. STONEHAM.—And the Government—to the extent that improved organization has been demonstrated. However, I remind you, Mr.

Speaker, that a most important factor has been the good fortune of the State as a whole. At most crucial periods during the summer months, weather conditions have built up most unfavourably, but then, when it appeared that a crisis was imminent, there has been a sudden change and it has been averted. I am confident that, if a crisis had arisen, there would have been an improvement on the performance of the previous year. That is my opinion, for what it is worth. I hope that, as the years go by, we shall witness much greater improvement.

One of the worst fires this year was at Anglesea, where fifteen homes and a number of other buildings were destroyed in 70 minutes. According to eye witnesses, the fire brigades performed magnificently under adverse conditions. It was noticeable that there were many dirty blocks and that necessary prevention work had not been carried out. There was evidence that those responsible for the enforcement of the law relating to the removal of fire hazards had not done their job.

The Country Fire Authority is seized of the importance of this matter. I hope that in future greater action will be taken by the Authority to ensure that municipalities and their responsible officers play their part more effectively. I do not say that all the responsibility is on the municipal officers; the Country Fire Authority also has a tremendous responsibility. The fact that the past season has been good should not cause us to relax.

The latest annual report of the Country Fire Authority, which was for the 1964-65 period, indicates that the rural brigades attended 2,338 outbreaks. The nine most serious fires were listed in summarized form, but does not include a list of loss of buildings and livestock. The Chief Fire Officer stated—

It is with regret that I have to report the death of 21 persons who lost their lives as a result of fires in the country area of

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Victoria. The worst of these were at Longwood where seven people died on 18th January, 1965, and at Eltham where three men were trapped and burned to death on 3rd March, 1965.

He then set out the nine major fires as follows:—

Date.	Location.	Estimated Damage.
17.1.65	Longwood ..	60,000 acres grass and scrub
17.1.65	Inglewood ..	21,500 acres grass and scrub
21.2.65	Haddon ..	4,000 acres grass and scrub
21.2.65 to 13.3.65	Gippsland ..	40,000 acres grass scrub and 750,000 acres forest
3.3.65	Research ..	2,000 acres grass and scrub
6.3.65	Eastern View	10,000 acres forest
11.3.65	Toolern Vale	9,600 acres grass
11.3.65	Miga Lake ..	12,000 acres scrub
11.3.65	Pyalong ..	3,000 acres grass and scrub

I refer to that summary to ensure that we do not forget the year prior to the past good season. The Opposition is in favour of this Bill; it wants to see adequate funds provided for the legitimate expenditure of the Country Fire Authority. It hopes the Authority will in future take Parliament into its confidence in relation not only to its past activities but to its future plans, and that the Government will then provide a better presentation than it has in relation to this Bill.

Mr. B. J. EVANS (Gippsland East). —I agree with the Leader of the Opposition that it is unfortunate, that, in the presentation of this Bill, opportunity was not taken to advise honorable members more of the future plans of the Country Fire Authority. I know that an account of the past activities of the Country Fire Authority is available from its annual reports, but because of the large body of men who are interested in the Authority and the registered volunteer firemen who put in a tremendous amount of time in training, attending demonstrations and other activities to make the

Authority more efficient, there is a greater responsibility to give them more assistance in future.

More could be done; it seems that the Country Fire Authority lacks an appreciation of public relations and the importance of taking more into their confidence the people on whom it is dependent for its organization so that if possible a better service can be obtained. As the Leader of the Opposition stated, the 110,000 volunteer fire fighters are to be highly commended. These men spend a great deal of their leisure time facilitating the work of the brigades and keeping the efficiency of their organizations at a high peak.

I express the appreciation of the Country Party for the way in which the Government has dealt with a report brought down by the Parliamentary Country Party following the disastrous fires in Victoria last year. It submitted certain suggestions and recommendations to the Government to improve the fire-fighting services in the country areas, and it received a comprehensive reply. My party believes that the Government has found some value in this report and is prepared to re-examine the recommendations in a careful and sympathetic manner. As a result, I hope that the country areas will receive greater benefits from fire-fighting activities.

I consider that there should be further methods of training the volunteer firemen, particularly in relation to communications. As a war-time air crew radio operator with some knowledge of the background required to operate radio equipment, it is fair enough to point out that, despite the great need for radio operators in those times, the defence forces were not content just to train radio operators in the mere mechanics of operating radio sets; they found it expedient to train them in the basic principles of radio and to have radio operators who knew what was happening inside their sets. Although repairs to radio

sets were impracticable in aircraft, nevertheless, it was essential that radio operators should know about the inner workings of the equipment they were operating and be able to carry out as many repairs as necessary in the circumstances.

I do not suggest that volunteer fire fighters should be given a six months' intensive course of training in radio operation, but it is essential that the radio operators in the various brigades should be trained in radio procedure. Without proper discipline and radio communication techniques, a radio system can be a curse rather than a benefit. With many operators trying to get on the air at the one time and cutting out one another's signals, the whole system would break down. It is important to develop proper radio techniques, and this is a most important aspect of training. I should like to see established a mobile unit which could go around the country areas with the object of having in each brigade a man trained in radio procedure so that the fullest use could be made of the available radio sets. Difficulties are experienced, particularly in hilly country. I refer to my own experience in the Gippsland area, but I have no doubt that brigades in other hilly areas would be plagued with the same problems and doubts.

I had hoped that, with the appointment of a permanent chairman of the Country Fire Authority, a certain amount of direction would be given in relation to radio communication. The radio-communication service in the brigades is springing up like topsy; it is just growing. It is not designed in such a way as to make the optimum use of the equipment.

The SPEAKER (Sir William McDonald).—Order! I do not minimize the importance of the subject being discussed by the honorable member for Gippsland East. However, it would be more appropriate if this matter were discussed in the Supply debate. The debate on this

Bill should be on wider issues and particularly related to the increase of borrowing powers of the Authority.

Mr. B. J. EVANS.—I appreciate your advice, Mr. Speaker, but I am in some difficulty because I have already spoken in the Supply debate. I rely in this debate principally on the second-reading speech of the Minister of Public Works in which he stated—

After close examination of the survey, there is an essential need to improve mobility and radio communications of brigades and to provide accommodation for some regional and zone officers.

The SPEAKER.—As the honorable member has used his time in the Supply debate, I cannot do otherwise but hear him.

Mr. B. J. EVANS.—I appreciate your indulgence, Mr. Speaker, and I shall be as brief as I can. I wish to emphasize the difficulties faced by brigades in view of the attitude of the Country Fire Authority towards radio equipment. The Authority provides a certain amount of finance for the purchase of base stations, and the remainder of the money must be found locally. The country people have come to the aid of the various brigades most generously and have provided finance for other radio equipment. People in the hilly country are under a considerable misapprehension and are experiencing difficulty in relation to the particular type of radio equipment to be used. Shortly after his appointment, the chairman of the Country Fire Authority visited East Gippsland and made it quite plain to those who met him that, so far as the Authority was concerned, it was thought V.H.F. equipment would be the best to use. It is unfortunate that, despite the best efforts of the brigades in the area, this V.H.F. equipment will not operate satisfactorily in hilly country.

I recommend to honorable members who are interested in this subject an article by Mr. R. D. Champness, the radio operator in the Dennison group of the Country Fire Authority, which appears in the 16th

February issue of *The Fireman*. In this article, Mr. Champness directs attention to the problems which have arisen. Many of the people connected with fire brigades in that district are concerned about the single side band equipment, which the Postmaster-General's Department has indicated will be a requirement after 1970, and many of them are under the misapprehension that after 1970 it will be necessary to scrap existing equipment and switch over to this single side band equipment.

Mr. WILKES.—Does it operate on a ground wave?

Mr. B. J. EVANS.—I understand that its main advantage is that it operates without a continuous carrier wave and there is less noise and interference during the course of transmission. One of the great difficulties associated with its instability is that, because the tuning of this single side band equipment is a delicate process, it is also easy to lose the station through vibration and change in type of country.

I appeal to the Country Fire Authority to make a thorough examination of this question of radio equipment and determine what it really wants. If it is proved that the V.H.F. equipment is the best means of communication throughout the State, the Authority should endeavour to sort out the problems which have arisen with its use in hilly country. The chairman of the Country Fire Authority has pointed out that these problems can be overcome by engineering techniques. In other words, it is possible to get out of these difficulties of short range—the range is little more than sight range—in hilly country by having numerous repeater stations. However, these present difficulties because when a signal reaches two repeater stations simultaneously they cancel each other out, and the message is not re-transmitted to the base station. Apparently, the Country Fire Authority has no organization to tackle this problem on the job. Its

officers are inclined to sit in their offices in Melbourne and say, "This ought to work." They are not prepared to find out for themselves that certain equipment does not work and how it can be made to work. Radio communication requires on-the-job investigation of each problem. Problems cannot be solved from 100 or 200 miles away.

Mr. WILKES.—Local conditions are an important factor.

Mr. B. J. EVANS.—Topography is the main element, and the blanketing of signals in hilly country by timber also causes problems. This is preventing brigades, particularly in East Gippsland, from deciding what they ought to do for the best. Many of the brigades have collected substantial sums of money from their areas, and naturally they do not want to risk spending this money on equipment which will not function properly. Yet if they do purchase V.H.F. equipment, they have to run counter to the recommendations of the Country Fire Authority. I should like to quote briefly from two letters I have received from the communications officer of No. 11 region to illustrate the point I am endeavouring to make. In a letter to me dated 5th March, he stated—

I was present and assisted in the very high frequency test held at Bairnsdale on Saturday, December 11th, 1965, where they used a 50 watt base set with a special high performance aerial. We started at 0800 hours and worked continuously until 1626 hours when the representative of the company demonstrating the very high frequency equipment ordered us to call the mobiles in as it was a failure.

In another letter, dated 20th March, he stated—

At a communication conference which I attended at Bairnsdale the Pye radio representative in his lecture informed us that very high frequency in this area would require a system of 20 mile squares with a repeater station on each corner of the square so that a mobile in that area would be assured of receiving the transmission from at least one repeater.

It has now been found that one repeater can cancel another, therefore the mobile could receive nothing.

With the "remote set of bases" bear in mind that Rural Fire Brigade members are not paid employees manning bases awaiting calls. Also visualize the delay and confusion in traffic being relayed from one station to another before reaching its destination.

After a long association with radio traffic I believe very few operators can pass a message intact. The double delay when a query comes back via the "remote set of bases" adds more confusion.

Those are the points I wish to emphasize briefly. I would have preferred to deal with them in more detail, but I appreciate your advice in that direction, Mr. Speaker. I simply make an appeal through the Minister to the Authority to go out onto the job and sort out this problem because a large sum of money, which has been generously subscribed by a large number of people, is involved. Those charged with the responsibility of deciding what type of radio equipment to buy are extremely worried and, having in mind the wonderful service they are giving, in my opinion they should not be asked to bear this responsibility.

Mr. WILTON (Broadmeadows).—I should like to make some comments in regard to the Country Fire Authority. Like the Leader of Opposition and the Deputy Leader of the Country Party, I express some concern and disappointment at the brevity of the Minister's second-reading speech when he explained this Bill. In his speech he stated—

Recently the Authority completed a comprehensive survey of its development. This survey was directed towards attaining greater efficiency in the control, prevention and suppression of fires. After close examination of the survey, in the opinion of the Authority there is an essential need to improve the mobility and radio communications of brigades and to provide accommodation for some regional and zone officers.

I think the Government should have taken this opportunity to give honorable members some indication of just what is involved. Does the comprehensive survey which has just been completed involve complete reorganization of the Authority?

One activity of the Country Fire Authority relates to the removal of fire hazards. I have made comments on this matter in this House on previous occasions, and I have expressed concern at the fact that many fires have been caused because landowners have not cleared their land. An examination of the situation reveals that municipalities still have responsibilities through their proper officer, who, in most cases, is the shire secretary or the shire engineer. On the last occasion I raised this question, the honorable member for Scoresby stated that in the area that he represents a municipality had appointed a proper officer who had no other duties. When this question is examined on a State-wide basis, it is found that this position does not prevail generally. I discussed the matter with shire secretaries who are responsible to municipalities in my electorate, and I was informed that there was great reluctance on the part of many municipalities to make such an appointment because of the cost involved.

I should like to know what the Government's thinking is on the question of regional offices. On previous occasions, I have expressed the view that regions are far too large and that consideration should be given to appointing assistant regional officers. I have found from my experience and from talking to regional officers that, in the bush-fire season, the regional officers are immobilized because they have to remain in close proximity to their headquarters or within earshot of their radio sets. They never know when they may receive an urgent call to take charge of a serious outbreak. This limits their mobility and their availability for checking their region to ensure that members of the public are observing the fire restrictions which are in existence. This is one aspect of the Authority's activities which the Government should be examining, but there is no reference to it in the Minister's

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second-reading speech. It seems to be the practice nowadays for Ministers to make brief second-reading speeches. Some of them barely occupy one page of *Hansard*.

Recently, this Parliament passed an amendment to the Country Fire Authority Act providing that notices were to be served by registered mail. The Shire of Whittlesea has written to me in regard to this matter and expressed concern about the cost of the proposal. It points out that under the Local Government Act the practice is to serve notices by ordinary mail.

The SPEAKER (Sir William McDonald).—Order! Was this change made by an Act of this Parliament?

Mr. WILTON.—The Country Fire Authority Act was amended to permit service of notices by registered post.

The SPEAKER.—Order! That is not the subject-matter we are discussing or proposing to discuss.

Mr. WILTON.—No, it is not. However, I am merely relating to the House the fact that the Shire of Whittlesea is of the opinion that notices should be permitted to be served by ordinary mail as is the case under the Local Government Act. Comments on this matter have been given to me, and I am bringing them to the notice of the Minister with a view to having the matter re-examined. The argument of the Shire of Whittlesea is that if it is acceptable under the Local Government Act to serve by post notices in connexion with the construction of streets and various other matters, it should be permissible, if they are charged with the responsibility under this Act in the future, to serve the notices concerned in the same way and under the same conditions. I urge that the request submitted by the Shire of Whittlesea be acceded to. I hope that the Government and the Country Fire Authority, in the process of bringing about improvements to the

general activities, will take some practical steps about correcting the situation that affects regional officers at the present time.

Mr. TREWIN (Benalla).—This small Bill seeks to increase the borrowing powers of the Country Fire Authority from \$2,000,000 to \$4,000,000. Like previous speakers, I found the explanation of the measure by the Minister a little scanty, but I took the opportunity to contact the secretary of the Country Fire Authority, Mr. Allen, to ascertain what were the real requirements the Authority had in mind in seeking this amendment. He informed me that the proposed changeover to V.H.F. radio equipment, the further need for field units, improvements in country fire stations, and maintenance of existing buildings made it necessary to seek increased borrowing powers.

I feel that the radio section of the Country Fire Authority has not been developed in the way that it should have been. I am by no means a radio expert, but in the fire-fighting groups in the Benalla district there are several men who have served for a number of years on radio equipment, particularly with the Country Fire Authority. They have assisted in developing a network of high frequency radio systems that operate throughout the north-east, with certain frequencies available to each group. There is a desire by the radio officer of the Country Fire Authority, Mr. Boxall, and some other members who support him, that one frequency should be allocated to each region. As several frequencies have been in use in the north-east for many years, it was not easy for some of the volunteer members to accept that what was recommended, I hope in good faith, would be a better system. However, the change has been gradually taking place, and now the brigades find themselves faced with the alternative of having a V.H.F. system placed at their disposal. I do not know whether this will be a

good thing or not. It will suit some areas, but will not be so serviceable in others.

I consider that expert opinion should be obtained on the new system, as well as more local knowledge to see how these sets will operate in certain areas. I should hate to find on a total fire danger day that the radio services were not suitable to ensure all the communications that are necessary in dealing with a series of bad outbreaks of fire. I have been told that the V.H.F. system has been tried and found wanting in some areas. I suggest the appointment by the Country Fire Authority of an expert committee to investigate the position and furnish a more detailed report on this aspect.

As a result of the proposed increase in borrowing powers, the Country Fire Authority will be able to provide money for additional buildings throughout the State. It is interesting to note from last year's report of the Authority that tenders had been let for a new fire station and dwelling at Benalla. I inspected this work only yesterday and found that it had not been completed, although it was started more than twelve months ago. Unfortunately for the Authority, the architects engaged to draw up plans and call tenders selected a builder who was not able to complete the job. They should have known a little more about the builders from whom they received tenders. As a result of this delay, the Benalla urban brigade has had to continue to operate in a very old establishment and has lacked the new facilities that are necessary for the proper conduct of a brigade. It is unfortunate that volunteers who are prepared to do a job are let down by circumstances which are not beyond the control of those administering the Authority's affairs.

I also wish to refer to the fire-fighting units and other equipment available to brigades. As a result of the additional money that will be

available to it, the Authority will be able to provide more units, and I hope that a better engine and pump will be placed on the fire-fighting units. I have been given to understand that the small motor and the pump on the present unit were not considered suitable for the job they are now doing. Many practical men in my area and in two or three brigades surrounding it have built for themselves much better units than the Country Fire Authority has made available to the country volunteer brigades.

I consider that a research group or committee should be established to take advantage of the practical ability and knowledge of many of the volunteer fire fighters. This would result in improvements being effected to the fire units provided. For example, is the Austin truck the most suitable vehicle available for the purpose? Because it was prone to vaporization troubles, it was fitted with an electric petrol pump. I have on occasions taken out this truck and have had to wait for the petrol pump to come into operation. I can say that this vehicle has proved to be just reliable and that is about all that can be said for it. The petrol line is placed in such a position that if a stick is thrown up while the vehicle is traversing rough country it can be broken and the vehicle left stranded. I also consider that the water tank could be placed another 12 or 18 inches back on the truck.

The SPEAKER (Sir William McDonald).—Order! Does the honorable member feel that a detailed discussion of the position of water tanks on individual units is germane to the general application of this Bill?

Mr. TREWIN.—Yes, Mr. Speaker. Mr. Allen, the secretary of the Country Fire Authority indicated to me on inquiry that the additional funds required would be used in part for the supply of additional equipment of this type. These are the units which will be made available to

the volunteer fire fighters. If the present unit is not as suitable as it should be, I consider that the few remarks I have made might be of assistance to the Authority. Many of the volunteer fire fighters are practical men who have found it necessary to improve the equipment that has been supplied. Consequently, I have suggested that a research committee should be set up to take advantage of the knowledge of these volunteer fire fighters who, after years of experience, have found that certain features of the equipment can be improved. I desire to reiterate the importance of maintenance and the building of new stations, and to emphasize that the units placed throughout the State could be improved by practical research carried out by the experienced individuals in our voluntary services.

Mr. MITCHELL (Benambra).—The ground of this Bill has been extremely well covered by my colleagues, the Deputy Leader of my party and the honorable member for Benalla, but I wish to touch briefly on a few more points. First, as one would expect, the Bill brought down by this Government is vague, belated and insufficient, and every line of it shows complete ignorance by a city Government of the cogent needs to protect the country people and this State from the ravages of bush fires. They expect our people to come down here, as was the case during the last big fire. They go to their offices and expect men to leave Kiewa, Wodonga and Tallangatta to fight fires in the suburbs. That is the sort of thing we are up against with this Government.

This measure is belated and inadequate. Far more money should be provided for a wonderful organization such as the Country Fire Authority. This pinch-penny protection of country people is typical of this Government. The Country Fire Authority is an outstandingly good organization, which deserves better treatment than it receives as a result of the incompetence of this Government.

One afternoon this summer, suddenly my own home was in danger from a bush fire, and I pay a high tribute to the Country Fire Authority brigade of our district of Corryong and the brigade from over the river in New South Wales for the speed with which they came to our rescue. It was something that I shall never forget. My first instruction to my wife was to send the S.O.S. This was the first occasion on which we had had to do this. The effect was electric in so far as the support received from the highly skilled organization of the Country Fire Authority was concerned. However, I wish to emphasize again that money should be spent on even more training. Last week, a fire demonstration at Tangambalanga showed what could be done by people who are adequately trained.

I am glad to say that, knowing that we had the equipment and were well trained in its use, no one panicked during the fire in my district. We conduct a fire practice every Sunday afternoon to ensure that our equipment works and that we know how to use it. This practice should be more widespread than is the case at the moment. I make no apology for saying again that there is an important question of public relations to be considered. Large grants of money may be made for the purpose, and the organization for fire fighting may be first class, but this is all of no avail unless the man who travels along the road in a motor car is reminded when it is a day of acute fire danger.

I urge the Government to provide throughout the State warning dials with indicator needles, such as have been set up by the Snowy Mountains Authority and on the Kiewa scheme, as well as in the Shire of Tumbarumba and some other shires in New South Wales, which inform people travelling on the road whether it is a day of acute fire danger or of moderate fire danger or whether all is clear, so that people will not forget what danger exists. The Forests Commission has done this on top of

the Koetong Ranges this summer as a reminder to people, so that they will not throw out of cars a cigarette or anything that is likely to start a fire.

The question of radio has been discussed. This is of vital importance because people must know what is happening. Last summer, I was involved in three fires including the one against our garden fence. Twice I acted as relay wireless operator. On the first occasion, we were called upon to relay information from the battle front at Biggora which could not get through to the base station in Corryong and my wife could not hear it at the intermediate base. I had to go forward on a Land Rover to get the signals back. Then my microphone broke down.

The SPEAKER (Sir William McDonald).—Order! I think the honorable member for Benambra is proceeding beyond the ambit of the debate when he discusses such details as his microphone breaking down. This is not relevant to a debate on the extension of the borrowing powers of the Country Fire Authority.

Mr. MITCHELL.—Mr. Speaker, I accept your ruling. Although the amount covered by the Bill is hopelessly inadequate for fire-fighting, nevertheless, it is a fair amount of public money and we must ensure that it is spent in the best possible way. Some funds should be spent on the service of wireless sets. More sets should be provided, so that if one goes out of order it can be replaced. Expenditure on communications is essential. If a wireless set will not function, the work of the brigades is severely impeded. I have endeavoured to indicate how this public money could be spent profitably instead of once again being frittered away by an incompetent Government.

Mr. BORTHWICK (Scoresby).—I had intended to speak on this subject in Supply, and I shall do so, but I

cannot listen to the extravagant, inaccurate and misleading statements of the honorable member for Benambra without replying.

Mr. MITCHELL (Benambra).—On a point of order, I regard those remarks as unparliamentary. My statements were not misleading.

The SPEAKER (Sir William McDonald).—There is no point of order.

Mr. BORTHWICK (Scoresby).—I shall show that the honorable member for Benambra was misleading when he indicated to the House that people in Country Fire Authority areas adjacent to Melbourne went to their offices whilst they allowed people from other parts of the State to come to their districts and fight fires. There has been no greater indictment of one of the best Country Fire Authority organizations in this State than that made by the honorable member for Benambra.

Mr. MITCHELL (Benambra).—On a point of order, I did not make that statement. I did not impugn the Country Fire Authority.

The SPEAKER (Sir William McDonald).—There is no point of order.

Mr. BORTHWICK (Scoresby).—The honorable member must have adverted to the 1962 fires, when brigades from other parts of the State came to the Dandenong Ranges. The Dandenong Ranges group has become so well known in the State that no matter where a major fire occurs in the State this group is one of the first called and one of the first to answer a call. The group was at Longwood, and in the area of the honorable member for Gippsland East, for weeks on end, and it was at Ballarat this year. On one occasion this year the Dandenong Ranges group was in one of the Country Fire Authority areas on the second day of a fire and operated with two local brigades after other local brigades had gone home.

I shall make my further remarks on the Country Fire Authority during the Supply debate, which I think is a more appropriate occasion than on a measure relating to borrowing powers. I could not hear one of the best Country Fire Authority groups literally slandered in this House by the honorable member for Benambra without replying. It operates voluntarily throughout the State whenever called upon.

The motion was agreed to.

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

COUNTRY FIRE AUTHORITY (INTERSTATE FIRE BRIGADES) BILL.

The debate (adjourned from March 23) on the motion of Mr. Manson (Minister of State Development) for the second reading of this Bill was resumed.

Mr. STONEHAM (Leader of the Opposition).—It has been rightly said that bush fires are no respecters of State boundaries. This measure provides for reciprocity in the treatment of fire fighters between Victoria and bordering States. I understand that New South Wales has already passed similar legislation. The Bill provides that an officer or member of a fire brigade from either New South Wales or South Australia, who comes into Victoria to assist in combating a fire, shall enjoy the same rights as a fire fighter residing in this State. It is only right that this provision should be made, and it is encouraging to see the breaking down of artificial restrictions which one encounters at interstate borders.

The Bill provides that a member of a brigade in another State who comes into Victoria must place himself and any equipment he has under the control of the officer in charge of fighting the fire in Victoria. Provided that he does so, he is recognized as a casual fire fighter for compensation purposes if he should

suffer injury by accident arising out of or in the course of fighting the fire. Further, he is exempted from any claim that might be made against him, resulting from damage or loss caused to property as the result of his actions in fighting the fire, in exactly the same way as a member of a Victorian brigade.

The Bill contains other, minor provisions. Any person from Victoria who joins with an interstate brigade whilst that brigade is in Victoria and, in the course of fighting a fire, crosses the border into another State, is protected in respect of the provisions to which I have referred—compensation and liability for damage caused. In view of the fact that the House has just discussed the Country Fire Authority in relation to another Bill, it is not necessary to expand the debate on this measure. The measure simply provides for reciprocity between States. This is good and it is overdue. The Labor Party offers no opposition to the Bill.

Mr. MITCHELL (Benambra).—This Bill follows the commendable line taken recently in regard to fishing licences and is a definite move to remove various anomalies which exist along State borders. As everyone knows, many of us to our cost, a bush fire is no respecter of State boundaries. In the big fires which bedevilled Victoria in the early 1950's, in my district one fire came down the Lankey's creek valley in New South Wales, crossed the river on a crown fire, and devastated our corner of Victoria.

It is obvious that there must be co-operation and co-ordination across the borders. In the fire about which I told an interested and attentive House a few minutes ago, no fewer than four New South Wales brigades came across the river to our assistance. In the old days, people went and fought fires, no matter where they were, and no thought was given to insurance and some other things which now crop up inevitably as the picture of bush fires in Victoria

becomes more complex because of more pastures, more picnickers, more fishermen, more tractors, and so on.

The Minister has mentioned insurance, and that is a vital matter. A New South Wales bush-fire fighter who crosses into Victoria and fights our fires may be hurt, or one of our Victorian people may be hurt while helping to put out a fire in New South Wales. The matter of the insurance of a fire fighter of one State fighting a fire in another State should be covered by legislation, but I will not labour the point because the Minister was good enough to indicate that he will propose some amendments dealing with compensation. The Country Party supports the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3—

The Principal Act shall be amended as follows:—

- (a) In sections 92 and 93 after the words "group of brigades" (wherever occurring) there shall be inserted the words "or any interstate fire brigade";
- (b) In section 62 in the interpretation of "casual fire-fighter" after the words "metropolitan fire district" there shall be inserted the words "or outside Victoria with a Victorian brigade or group of brigades".

Mr. MANSON (Minister of State Development).—I move—

That the following paragraph be added:—

- (c) In sections 68 and 69 after the words "metropolitan fire district" (wherever occurring) there shall be inserted the words "or outside Victoria with a Victorian brigade or group of brigades".

Paragraph (b) of this clause enlarges the definition of "casual fire fighter" in section 62 of the principal Act to entitle such fire fighters to compensation when fighting fires outside this State with Victorian brigades. This

amendment, however, without amendments of a similar nature being made to sections 68 and 69, would not achieve that objective, as at present the compensation for injury in section 68 and the compensation in respect of the destruction of wearing apparel in section 69 would be payable only if the fire fighter was at a fire "in Victoria outside the metropolitan fire district." The proposed amendment will permit the compensation to be paid when the fire fighter is outside the State with a Victorian brigade. I believe this meets the points made by the Opposition and the Country Party.

Mr. MITCHELL (Benambra).—I thank the Minister of State Development for his proposed amendment and his explanation. However, I should like his explanation of the words, "or outside Victoria with a Victorian brigade or group of brigades." It has occurred to me that a person as an individual might fight a fire in New South Wales or South Australia not with "a Victorian brigade or group of brigades" but as an individual. Would he be covered in those areas?

Mr. STONEHAM.—The New South Wales legislation would protect him.

Mr. MITCHELL.—I wish to be certain. This is a worth-while amendment, and it deserves meticulous examination. I am happy to accept the assurance of the Minister.

Mr. MANSON.—He would be covered by the New South Wales or South Australian legislation.

The amendment was agreed to, and the clause, as amended, was adopted.

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

MARKETING OF PRIMARY PRODUCTS (TOBACCO LEAF MARKETING BOARD) BILL.

Mr. BALFOUR (Minister of Lands).—I move—

That this Bill be now read a second time.

With the exception of members of the Egg and Egg Pulp Marketing Board, Board members elected under the provisions of the Marketing of Primary Products Act 1958 remain in office for two years, after the expiration of which period they are eligible for re-election. Under sub-section (2) of section 13 of the Marketing of Primary Products Act 1958, a poll to decide the question of the dissolution of the Board may be taken after the expiration of two years from any such previous poll. With respect to the Tobacco Leaf Marketing Board, such a poll could be petitioned for during the current calendar year should any sector of the industry so desire.

In order to implement the tobacco stabilization scheme agreed to by Commonwealth and State Ministers, an Australian Tobacco Board has been created with a life of three years as from 21st January, 1966. Grower representatives on the Australian Tobacco Board must be members of State Boards, and the stabilization scheme can operate satisfactorily only while State Boards function in the main producing States. The assured life of each successive Victorian Board is two years only, and this Bill proposes that the Board to be established as at 21st April, 1966, shall have a life of three years. Such a provision would ensure that the first phase of the tobacco stabilization scheme would not be wrecked by any divisions that may exist or may occur in the Victorian tobacco industry and which, in an extreme case, could cause growers to vote in favour of a dissolution of the Board.

The other purpose of the Bill is to establish a definition of the words "tobacco leaf". The Tobacco Leaf Marketing Board has no specific interest or responsibility in respect of leaf which has not been cured, and it is considered desirable that the product which should be vested in the Board is leaf which has been cured—the definition is the same as that incorporated in Queensland's Tobacco

Industry Stabilization Act of 1965 and the Commonwealth's Tobacco Marketing Act of 1965.

Clause 1 is a machinery provision, which provides that the Act shall come into operation on a date to be fixed by proclamation of the Governor in Council and published in the *Government Gazette*.

Clause 2 provides for the insertion in the principal Act of a new Division—sections 35A and 35B—which relates specifically to the Tobacco Leaf Marketing Board. A similar provision already has been made in the principal Act with respect to the Egg and Egg Pulp Marketing Board. Section 35A establishes a definition of "tobacco leaf". Section 35B extends the term of office of the members of the Board to be appointed on the 22nd April, 1966, to the 21st April, 1969. The term of office of members of the current Board will expire on the 21st April, 1966, and a poll for the election of members for the ensuing term has been arranged for 13th April, 1966.

The constitution of the Board as set out in paragraph (a) of sub-section (1) of proposed new section 35B is the same as that provided for under sub-section (2) of section 8 of the principal Act—one Government nominee and four persons elected by the producers of tobacco leaf. Paragraph (c) provides that the person appointed or elected to fill any extraordinary vacancy shall hold office for the unexpired portion of the three-year term. Sub-section (2) of new section 35B provides the authority whereby persons appointed to the Board on 22nd April 1966, shall hold office until 21st April, 1969. This provision provides that the members of the Board to be appointed on the 22nd April, 1966, and any subsequent Board members would have an assured term of office of three years.

If during the three-year term a poll were taken and a majority of growers voted in favour of the dissolution of the Board, such dissolution could

take place only at the expiration of the three-year period. The provision is essential to enable the tobacco stabilization scheme or any further extension of the scheme to operate satisfactorily. The present stabilization scheme is scheduled to expire on 31st December, 1968.

Clause 3 provides for consequential amendments necessary to the principal Act. A further Bill dealing with other aspects of the tobacco stabilization scheme and representing legislation necessary to complement the Commonwealth's Tobacco Marketing Act of 1965 will be introduced this session. I commend the Bill to the House.

On the motion of Mr. STONEHAM (Leader of the Opposition), the debate was adjourned.

It was ordered that the debate be adjourned until next day.

AUDIT (AMENDMENT) BILL.

The message from the Council relating to the amendment in this Bill was taken into consideration.

Mr. G. O. REID (Minister for Fuel and Power).—Honorable members will recall that during the Committee stage of the Bill in this House, the Minister of Immigration assured the House that the matter raised by the honorable member for Melbourne in connexion with clause 7 of the Bill, which deals with the proposed amendment of sub-section (2) of section 47 of the Audit Act, would be examined before the Bill was dealt with in another place. This has been done.

Clause 7 of this Bill was introduced at the request of the Auditor-General to give him authority to append to his annual report in summary form the effect of orders of the Governor in Council made pursuant to section 25 of the Audit Act, instead of copies of such orders as he is obliged to do by section 47. As the honorable member for Melbourne pointed out, the

words "copy of" appear in sub-section (2) of section 47 more than once. Accordingly, the clause was amended in another place by adding after the words "copy of" the expression "(where first occurring)." I move—

That the amendment be agreed to.

The motion was agreed to.

ADJOURNMENT.

GAS AND FUEL CORPORATION AND STATE ELECTRICITY COMMISSION: REPORTS ON NATURAL GAS DISCOVERIES.

Mr. G. O. REID (Minister for Fuel and Power).—I move—

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

The motion was agreed to.

Mr. G. O. REID (Minister for Fuel and Power).—I move—

That the House do now adjourn.

Mr. STONEHAM (Leader of the Opposition).—I wish to refer to a matter that was discussed in the House last week, that is, the development and usage of the natural gas which has been discovered in Bass Strait. I desire to ask a question of the Minister for Fuel and Power because some weeks ago he indicated, in reply to questions asked by me, that reports by the Gas and Fuel Corporation and the State Electricity Commission on this most important matter could not reasonably be expected until those authorities had had an opportunity of studying the report by Dr. Charles Hetherington. In view of the fact that they have now had that opportunity, can the Minister indicate when the reports by those two authorities will be in the hands of the Government, and what action he intends taking to make the reports available for perusal by honorable members? It is obvious that it is essential that members should read not only Dr. Hetherington's report but also the reports by these two responsible public authorities, one of which—the Gas and Fuel Corporation—as I mentioned earlier,

has a duty, under section 23 of the Act under which it operates, to report on such matters. Obviously, such reports should be not merely for members of Cabinet but available to all members of Parliament.

Mr. G. O. REID (Minister for Fuel and Power).—Both the State Electricity Commission and the Gas and Fuel Corporation are currently preparing comments upon Dr. Hetherington's report. It is not practicable for me at this stage to say when those reports will be made available to me and through me to the Government, but I assure the honorable member that the preparation of the reports is proceeding with the utmost expedition. At this stage, I cannot give any undertaking in regard to the production of these reports to honorable members generally, because I do not know what they will contain. They may contain confidential matter which it may not be in the public interest to disclose, but I assure the Leader of the Opposition that I shall keep in touch with him in regard to developments concerning this matter.

The motion was agreed to.

The House adjourned at 11.26 p.m.

Legislative Council.

Wednesday, April 6, 1966.

The **PRESIDENT** (the Hon. R. W. Mack) took the chair at 4.24 p.m., and read the prayer.

COUNTRY FIRE AUTHORITY (BORROWING POWERS) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. V. O. DICKIE (Minister of Health), was read a first time.

COUNTRY FIRE AUTHORITY (INTERSTATE FIRE BRIGADES) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. V. O. DICKIE (Minister of Health), was read a first time.

NATURAL GAS.

CONVERSION OF APPLIANCES : COST.

The Hon. A. W. KNIGHT (Melbourne West Province) asked the Minister of Agriculture—

What are the costs entailed to convert the following gas appliances to natural gas usage—(i) a domestic stove; (ii) a bath heater; (iii) a hot water service; (iv) a room heater; (v) a clothes dryer; and (vi) a meter?

For the Hon. G. L. CHANDLER (Minister of Agriculture), the Hon. L. H. S. Thompson (Minister of Housing).—The answer is—

The Gas and Fuel Corporation has undertaken considerable research and investigation on the conversion of appliances. Estimates of conversion costs have been ascertained, but it would be impracticable at this stage to give details applicable to the wide range of individual appliances.

HOUSING COMMISSION.

REDEVELOPMENT OF CARLTON AREA: LAND ACQUISITION: COMPENSATION.

The Hon. J. M. TRIPOVICH (Doutta Galla Province) asked the Minister of Housing—

With reference to land and properties situated at 427-441 Lygon-street, Carlton, are these properties under an order of acquisition by any Government Department; if so—(i) which Department, and for what purpose; (ii) when is it anticipated that occupation will be taken; (iii) have compensation amounts been fixed, and if so, from what date; (iv) what is the anticipated date of completion of the redevelopment; and (v) has the Government received and/or authorized any requests from private persons to interview present owners allegedly with a view to purchasing the properties, and if so, who are these persons and what are the reasons given for purchase?

The Hon. L. H. S. THOMPSON (Minister of Housing).—The answer is—

The area, of which these properties form part, was proclaimed a slum reclamation

area on 9th September, 1963. A general notice to treat affecting this area is presently being served.

(i) The Housing Commission, for the purpose of housing.

(ii) The Housing Commission is already in possession of the vacant land owned by the Commission. It is anticipated that the Housing Commission will finalize the negotiations and take possession of the remaining properties within the next six months.

(iii) Compensation has already been paid in respect of the now vacant land. Action is presently being taken to assess the value of the remaining properties. Such assessment will coincide with the date of notice to treat, the anticipated date of which is the 23rd April, 1966.

(iv) Plans for redevelopment have not yet been finalized.

(v) No.

INCREASED RENTS.

The Hon. J. M. TRIPOVICH (Doutta Galla Province) asked the Minister of Housing—

Has he announced that rents will be raised for Housing Commission homes and flats; if so—(i) what are the present rents charged for two and three-bedroom homes and/or flats, respectively, within the Broadmeadows, Ascot Vale, and Flemington Housing Commission areas; (ii) what rents will be charged for each under the proposed increases; and (iii) will the rents be raised for lone-person units or Darby and Joan flats, and if so, by what amount?

The Hon. L. H. S. THOMPSON (Minister of Housing).—The answer is—

Yes.

(i) Two-bedroom Homes and Flats—

Minimum.	Maximum.
\$6.50	\$10.00

Three-bedroom—

Minimum.	Maximum.
\$7.00	\$10.50

(ii) Two-bedroom Homes and Flats—

Minimum.	Maximum.
\$7.75	\$10.00

Three-bedroom—

Minimum.	Maximum.
\$8.25	\$10.50

(iii) Because of the retention of the rebate rental scheme, pensioner tenants of Darby and Joan flats, already on rebated rentals, will not be charged an increased rental.

FIRE AUTHORITIES.

BOUNDARIES: COMMITTEE OF INQUIRY: PERSONNEL.

The Hon. A. W. KNIGHT (Melbourne West Province) asked the Minister of Agriculture—

(a) Has the committee appointed to investigate the boundaries of the various fire authorities met; if not, when is it contemplated that it will start meeting?

(b) Who are the personnel of such committee?

For the Hon. G. L. CHANDLER (Minister of Agriculture), the Hon. L. H. S. Thompson (Minister of Housing).—The answers are—

(a) No. It is anticipated that the first meeting of the joint committee to review the Metropolitan Fire District will be held before the end of this month.

(b) (i) Mr. J. Paterson, Chief Officer, representing the Metropolitan Fire Brigades Board.

(ii) Mr. A. G. Pitfield, Acting Chief Officer, representing the Country Fire Authority.

(iii) Councillor J. C. Potter, J.P., of 1 Herbert-street, Northcote, representing metropolitan municipalities; Councillor P. E. Shelley, J.P., of Bacchus Marsh, representing country municipalities.

(iv) Mr. W. K. Nevin, Assistant Under-Secretary, representing the Chief Secretary's Department.

EDUCATION DEPARTMENT.

WONTHAGGI TECHNICAL-HIGH SCHOOL: CLASS-ROOMS.

The Hon. I. R. CATHIE (South-Eastern Province) asked the Minister of Agriculture—

(a) When the Assistant Director of Education, Mr. Russell, visited the Wonthaggi Technical-High School, did he instruct the principal that certain rooms were not to be used as class-rooms?

(b) Did Mr. Russell also promise the immediate dispatch of an additional portable class-room; if so, why has it not arrived?

(c) Was any other offer subsequently made; if so, what was the attitude of the advisory council?

For the Hon. G. L. CHANDLER (Minister of Agriculture), the Hon. L. H. S. Thompson (Minister of Housing).—The answers are—

(a) No.

(b) No.

(c) In view of the exceptionally large number of very small classes in the school (there are 380 classes of fifteen or under each week, and 180 of ten or under), Mr. Russell made an offer to the principal that one or two of the portable class-rooms already there should be subdivided. The principal at first preferred to carry on with the present arrangement; but yesterday advised that he would like one portable class-room subdivided. Instructions have been given for this to be done.

BROADMEADOWS, FAWKNER, STRATHMORE AND PASCOE VALE SCHOOLS: TEACHING PERIODS: QUALIFIED TEACHERS.

The Hon. J. M. TRIPOVICH (Doutta Galla Province) asked the Minister of Agriculture—

(a) In respect of the Broadmeadows High School, Fawkner High School, Strathmore High School, and Pascoe Vale Girls' Secondary School, how many periods of English, mathematics, history, and science, respectively, are taught each week?

(b) Of these periods, how many are at present taught by—(i) qualified teachers having the minimum educational requirements demanded by the Education Department for permanent employment in secondary schools; and (ii) persons qualified to teach in the subject they are now teaching?

For the Hon. G. L. CHANDLER (Minister of Agriculture), the Hon. L. H. S. Thompson (Minister of Housing).—As the answers are of a statistical nature, I seek leave to have them incorporated in *Hansard* without my reading them.

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

(a) and (b). The following tables give the information requested. Many of the teachers included in column (i) in each case, are also included in column (ii). In addition use is made, particularly in junior forms, of trained primary teachers and others temporarily employed at the schools.

	Broadmeadows High School.			Fawkner High School.			Strathmore High School.			Pascoe Vale Girls' Secondary School.		
	(a).	(b).		(a).	(b).		(a).	(b).		(a).	(b).	
		(i).	(ii).		(i).	(ii).		(i).	(ii).		(i).	(ii).
English ..	172	49	74	210	131	131	165	92	105	146	42	68
Mathematics ..	168	27	73	195	77	153	174	52	66	97	..	..
History ..	79	52	58	101	71	89	101	80	86	75	24	51
Science ..	90	24	49	123	92	117	112	56	96	95	22	63

STATE SUPERANNUATION FUND.

QUINQUENNIAL INVESTIGATION: SURPLUS: COMMONWEALTH FUND: PROPOSED LEGISLATION.

The Hon. J. M. TRIPOVICH (Doutta Galla Province) asked the Minister of Agriculture—

(a) Is the current quinquennial investigation of the State Superannuation Fund completed; if so, is the Fund in surplus, and by what amount?

(b) Have any previous investigations revealed a surplus; if so—(i) when; (ii) by what amount; (iii) how was it disposed of; (iv) were the contributors to the Fund or their representatives consulted in any way; and (v) will any such discussions take place if there is a surplus on this occasion?

(c) Have recent investigations made into the Commonwealth Superannuation Fund revealed a surplus; if so—(i) by what amount; (ii) is the Government aware of what action was taken by the Commonwealth Government to dispose of the surplus, and if so, what was done; (iii) have the payments due to the Commonwealth Superannuation Fund been adjusted in order to reduce the size of the future surplus expected from the more lucrative investment opportunities available for the accumulated moneys of such funds; and (iv) has the Victorian Government considered similar proposals to be applied to the State Superannuation Fund surplus (if any), and with what result?

For the Hon. G. L. CHANDLER (Minister of Agriculture), the Hon. L. H. S. Thompson (Minister of Housing).—The answers are—

(a) No.

(b) Yes.

(i) As at 30th June, 1960.

(ii) £1,001,638.

(iii) As a result of the surplus in 1960, children's allowances were increased by 50 per cent. and extended from age sixteen to age eighteen.

(iv) Contributors' representatives on the Board concurred in the action taken.

(v) The report on the Actuary's investigation will be made to the Superannuation Board as required by the Act, and contributors' representatives are on the Board.

(c) Details of the surplus, if any, in the Commonwealth Superannuation Fund and of its disposal are not known.

While the Commonwealth Superannuation Fund has developed in a certain way the Victorian Superannuation Fund has developed somewhat differently, and the two funds are not comparable in their provisions regarding benefits and contributions.

However, the Government has had the whole matter of superannuation under intensive investigation over a long period, and the Bill it will introduce shortly will in the opinion of the Government result in the Victorian Superannuation Fund being the best governmental scheme in Australia.

RAILWAY DEPARTMENT.

ARARAT-MARYBOROUGH SERVICE:
HAMILTON-HORSHAM LINE.

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

(a) Will the Minister point out in what way his answer to question No. 12 asked in the House on Tuesday, the 5th instant, constitutes a satisfactory reply to both sections of the question which refer to specific railway lines?

(b) Will he arrange to have the file on any discussion since 1964 concerning the relevant services laid on the table of the Library?

For the Hon. G. L. CHANDLER (Minister of Agriculture), the Hon. L. H. S. Thompson (Minister of Housing).—The answers are—

(a) The Minister of Transport regrets that he is unable to estimate what the Honorable D. G. Elliot would regard as a "satisfactory reply" to these questions.

However, the facts are that the Avoca-Ararat and the Hamilton-Horsham line are part of the Victorian Railways system which is being examined with a view to deciding what improvements, if any, are necessary, and no conclusions have yet been reached.

In these circumstances, the Minister considers that he can do no more than indicate these facts.

(b) As constant reference to the official files is necessary to proceed with the review mentioned, it is not convenient to lay the papers on the table of the Library at this moment.

TOWN PLANNING.

RAILWAY LAND AT PRINCES HILL: LEASE TO COMPANY.

The Hon. D. G. ELLIOT (Melbourne Province) asked the Minister for Local Government—

Will he lay on the table of the Library the file on the proceedings of the appeal by the Victorian Butter Factories Co-operative Co. Ltd. concerning railway land at North Carlton?

The Hon. R. J. HAMER (Minister for Local Government).—The file will be laid on the table of the Library.

TULLAMARINE FREEWAY.

SCHEDULED DATE OF COMPLETION.

The Hon. J. M. TRIPOVICH (Doutta Galla Province) asked the Minister for Local Government—

Further to his answer to Question No. 3 asked in the House on 22nd March, 1966, that the scheduled date for the completion of the Tullamarine freeway will be three years after the commencement date anticipated to be some time this year (*Hansard*, page 2888), is the Government aware that literature circulated by the Victoria Promotion Committee for local and overseas information has quoted the completion date as 1967; if so, has any action been taken to correct the apparent error?

The Hon. R. J. HAMER (Minister for Local Government).—The answer is—

I understand that the statement referred to was made in the March issue of the Committee's American News-letter and arose from a misinterpretation in New York of a press report forwarded from Melbourne.

Action has been taken to correct the statement.

VICTORIA PROMOTION COMMITTEE.

GOVERNMENT FINANCIAL ASSISTANCE.

The Hon. J. M. TRIPOVICH (Doutta Galla Province) asked the Minister of Agriculture—

What is the total amount of payments that have been made to the Victoria Promotion Committee by the Government since its inception, and what responsibility does the Government take for the veracity of the committee's statements?

For the Hon. G. L. CHANDLER (Minister of Agriculture), the Hon. L. H. S. Thompson (Minister of Housing).—The answer is—

The total amount paid by the Government to the Victoria Promotion Committee over the financial years 1955-56 to 1964-65 was £548,000. Payments this financial year total \$120,000.

The committee is comprised of very responsible men in whom the Government has every confidence, and we have no reason to doubt the veracity of any statements made by these gentlemen.

"Mr. X."

POLICE INQUIRY: INDEMNITY ON CRIMES: HOUSING: FINANCIAL ASSISTANCE.

The Hon. I. R. CATHIE (South-Eastern Province) asked the Minister of Agriculture—

(a) Is it correct that "Mr. X," who appeared before a recent police inquiry, has been offered an open indemnity on all crimes; if so, does the indemnity cover crimes committed by "Mr. X" which were not covered by the inquiry?

(b) Does "Mr. X" own his own home at Braybrook?

(c) Has "Mr. X" been given a Housing Commission home at Wangaratta; if so, on what terms?

(d) Does "Mr. X" receive any financial payment from the Government or from some government agency?

The Hon. G. L. CHANDLER (Minister of Agriculture).—The answers are—

(a) No, but he was indemnified from criminal proceedings in respect of any offence disclosed by him on oath during the hearing, save and except any offence with which he had already been charged.

(b) He did own his own home, but the latter is now in the course of being sold.

(c) Yes, on normal tenancy terms.

(d) No, but he has received out-of-pocket expenses in connexion with his and his wife's attendance in relation to the investigation and hearing of charges covered by the inquiry.

LICENSING (AMENDMENT) BILL.

The Hon. P. V. FELTHAM (Northern Province) moved for leave to bring in a Bill to amend the Licensing Act 1958.

The motion was agreed to.

The Bill was brought in and read a first time.

COMMERCIAL GOODS VEHICLES (AMENDMENT) BILL.

Sir PERCY BYRNES (North-Western Province) moved for leave to bring in a Bill to amend sub-section (1) of section 5 of the Commercial Goods Vehicles Act 1958.

The motion was agreed to.

The Bill was brought in and read a first time.

COMPANIES (DEFAULTING OFFICERS) BILL.

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

That this Bill be now read a second time.

This Bill is presented to the House against a background of public indignation at the brazen sharp practices in the commercial life of this city, which flourish without let or hindrance. There was a time in Victoria when a fool and his money were easily parted, but now it is happening to everybody. The aloofness of the Government can be reconciled with its view that

only the greedy have lost their money and that they have received their just deserts. Not for a moment ought such a claim to be entertained. By and large, the victims are people of very limited means, who were looking for not an El Dorado, but a sound investment of their life's savings—money earmarked for retirement, old age, sickness, or for the educational requirements of their children or relatives. Most of them relied on the advice of bankers and brokers. It is unfair and contrary to the facts to assume that only the greedy were caught.

The correspondence I have received on this subject from those who have suffered, which it may be proper to advert to if this measure passes the second-reading stage, cannot be squared with such a cruel and superficial view as that taken by the Government. Where, then, has all the money gone? Far too much has rolled into the pockets of promoters and directors of sham enterprises—directors whose daily performances of flaunting their wealth before the eyes of their victims are a matter of public scandal. Obviously, Sir Henry Bolte has not succeeded in business, but is he really trying? His attempts to rid the city of these men are about as effective as a sword swallower with the hiccoughs. Desultory recourse to the law by the Government is characterized by timidity. In his legal forays, the Attorney-General has led more unsuccessful retreats than King Canute.

If honorable members ponder the financial carnage of the last few years, they will reach the inescapable conclusion that commercial morality has never been lower than in the second half of this twentieth century. What is the use of clearing the pick-pocket off the streets if you succeed only in driving him into the debenture market? This Government is dedicated to cleaning up crooked finance just as much as St. Augustine, in his younger days, was devoted to chastity—ardently, but not yet! The company law in this State has become

a runaway locomotive. Melbourne has now a sizeable number of directors who are making poverty attractive for the other fellow, and dipping into other people's pockets, through the medium of public companies, is now as safe as sin.

This Bill, apart from providing the machinery for the recovery of money will, I trust, reverberate in a wider sphere; it will restore confidence. Just as the law society proceeds with vigour against the defaulting solicitor and replaces the money lost by the victims of fraud, men in the world of finance, by and large, want to see the black sheep dealt with, because his presence is a reflection on all of them. The various professional bodies in our community would not for a moment tolerate what this Government countenances in the field of public finance. Do we want to see the Stock Exchange resemble some oriental bazaar, where the purchaser of a handsome watch finds on his way home that it has no working parts? Too many companies registered on the Stock Exchange have handsome exteriors but, like whited sepulchres, there is corruption within.

This Bill is not an attempt to punish; it does not provide criminal remedies. It is aimed at getting compensation for the victims so that they will receive back a measure of the money they invested. For long I have considered a measure on the lines of the South Sea Sufferers Act. Honorable members will recall the great scandal in Britain after the South Sea Bubble. The House of Commons wasted no time in dealing with the matter. It appointed a commission to search into the fortunes of the directors and others concerned, who were stripped of their wealth, and considerable amounts of money were handed back to the victims. I had considered that approach, but I rejected it.

By and large, measures dealing with individuals are to be regarded with great caution. I have adopted a more general approach—one that

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is already in the company law, although it is so unrestricted as to be unworkable. In this Bill, I have endeavoured to replace the broken weapons of the Government with effective powers enabling the Attorney-General to step in at any time when he has proper reason for doing so.

I shall now deal with the two clauses of the Bill. They look formidable, but I assure the House that similar provisions already exist in the law although in such a way that recourse cannot be obtained, except under conditions that make them unworkable. Clause 2 seeks to insert a new section 374A in the Companies Act. The proposed new section—the power publicly to examine defaulting officers—is taken from section 249 of the present Act.

I hope members will bear with me because, over the years, I have learned that there is always, quite properly, some hostility about new approaches. I point out that my suggested new provision is already in the principal Act, although I invite the House to note one difference. Section 249 provides for an examination of a private character, whereas my Bill does not do so. The existing Act provides for an examination by a County Court Judge, whereas my measure refers to a Supreme Court Judge. That is only a difference in detail. It will be noted that under section 249 only the court can summon a director or other person, so that powers contained in that section apply only on a winding-up. That is the difference between this part of my measure and section 249. Of course, the difference appears in the first few lines of my proposed new section 374A, which reads as follows:—

Where it is made to appear to the Attorney-General that any officer or former officer of a company has conducted himself in such a way that an inference might reasonably be drawn that the officer or former officer has rendered himself liable to action by the company in relation to the performance of his duties as an officer of the company the Attorney-General may, or any member or creditor of the company or the Registrar or the liquidator (if any)

may, with the consent of the Attorney-General, apply to the Court for an order . . .

It is a novel provision to give the Attorney-General power. It may be asked, "What has this to do with the Attorney-General?" After all, the meanest thief who appears for indictment can be arraigned only by the Attorney-General. Such a person is presented to the court in the name of our Sovereign Lady the Queen, on the authority of the Attorney-General, and it is only the Attorney-General who can enter a *nolle prosequi*. Why should the Attorney-General be given power to summon an officer before the court? The safeguard is contained in the expression "an inference might reasonably be drawn that the officer or former officer." I remind the House that the definition of "officer" includes "director."

Is that too much licence to give to the Attorney-General? I do not think so. After all, he is a judicial officer. It may be felt that he would not act except on proper material. But I hope the House will not feel that my measure should fail on that ground. After all—this may come as a surprise to some honorable members—an ordinary constable, that is, any member of the Police Force, can charge a subject with murder, a capital offence. He does not have to obtain the consent of the Attorney-General, so far as I know.

I have stated the power given to the Attorney-General. It is also provided that other people, with the consent of the Attorney-General, may apply to the court for an order. Of course, these include any member or creditor of the company or the Registrar or the liquidator, if any. I gave this clause a good deal of thought.

Mr. President, you may remember some discussion that took place on this subject some time ago when the Minister for Local Government was constrained to say, "The Attorney-General did not have the power and there was some doubt as to how far

the advice of Mr. Murphy, the investigator of the Stanhill affair, would stand up to examination." I am putting this power in the Act so that the Attorney-General cannot turn a blind eye, so to speak. The responsibility is placed fairly and squarely on the Government. As the law stands to-day, this provision can be applied only when a company is in liquidation, in the course of winding-up. Experience has shown that that is too late. If we want to clean up this financial mess and get commerce rolling again, we must put an end to this business of shutting the stable door after the horse has gone.

What happens when the subject is brought before the court? It will be appreciated, of course, that it is the Attorney-General who has the power or the other people, with the consent of the Attorney-General. The Bill provides that the person concerned shall be examined on oath. I have taken these provisions from section 249, and I understand from barristers who practise in this jurisdiction that this section works very well in its limited sphere. A private examination is held before a Judge of the County Court and useful information is obtained. The provision in my Bill states, *inter alia*—

The person examined shall be examined on oath and shall answer all questions which the Court puts or allows to be put to him and shall not be entitled to refuse to answer any question which is relevant or material to the investigation on the ground that his answer might tend to incriminate him; but if he claims that the answer to any question might incriminate him and but for this sub-section he would have been entitled to refuse to answer the question the answer to the question shall not be used in any subsequently criminal proceedings against him.

In other words, if something is forced out of him, that admission cannot be used in any subsequent criminal proceedings. That has been the law under section 249 for some time, and it is very proper.

The proposed new section goes on to provide that a person ordered to be examined may, at his own expense, be represented by a solicitor

with or without counsel, and so on. Provision is then made that notes of the examination shall be reduced to writing, and read over and signed by the person examined. It is also provided that the notes may be used in evidence in any legal proceedings against the person, and that the notes shall be open to the inspection of any creditor or member of the company at all reasonable times.

I do not want to refer to certain unhappy events of the past few days, but what a useful provision this would be in the circumstances that are being discussed in the press at the moment. Why should not people who have culled millions of dollars from the public be called upon to give an account of their stewardship? So much for the first proposed new section. In effect, it opens up the power to examine people. The examination will not be a private one, and it can be done at any time on proper reason being given to the Attorney-General.

I shall now deal with proposed new section 374B. I again assure the House that the principle is already in the law, and I am not breaking fresh ground. The principle appears in sub-section (1) of section 305 of the Companies Act. That sub-section commences with the words "if in the course of winding-up," which is the Achilles heel, as it were. That is what destroys the effect of the section as it exists to-day. The sub-section provides—

If in the course of winding up it appears that any person who has taken part in the formation or promotion of the company or any past or present liquidator or officer has misapplied or retained or become liable or accountable for any money or property of the company or been guilty of any misfeasance or breach of trust in relation to the company, the Court may on the application of the liquidator or of any creditor or contributory examine into the conduct of such person liquidator or officer and compel him to repay or restore the money or property or any part thereof with interest at such rate as the Court thinks just, or to contribute such sum to the assets of the company by way of compensation in respect of the misapplication retainer misfeasance or breach of trust as the Court thinks just.

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Once again I am a plagiarist. I have borrowed that section, but I have opened it up.

Now let me say something about the section as it exists. It is a very old provision. It was in the English Companies Act for at least 100 years because as *Stringer's* case, which was reported in 1869 Law Reports 4 Chancery, at page 475, indicates, that section was introduced—

In order that by means of proceedings under the Act, without any double process or double set of proceedings, complete justice might be done between the parties and a complete winding up effected.

The present section creates no new rights, but merely provides a summary procedure in lieu of an action.

What is the action referred to? The action is, first, the company law action of misfeasance, which means that where it can be shown that a director has acted with gross negligence or misconduct there is a right of action against him. I have put that very broadly. The case of *Foss v. Harbottle* cut down the right of a shareholder to act in this way. The section is designed not to enable the court to punish by a fine but rather to compensate for a loss. Directors who act honorably and reasonably—most of them are in this category—have nothing to fear from this section or from my Bill, and I believe that the vast majority of directors of our public companies will welcome this measure.

My Bill does not breach any fundamental principle. As I have stated, the proposed procedure is already in the Act, but it is so full of loopholes that nobody is ever caught by it. It may be asked what good it will do. It will enable the Attorney-General to summon directors, to ask them about these matters, and the court in its jurisdiction has the power to say to these men on proper evidence, "I order you to repay \$X." The next question is: Who can proceed? Under my section, as borrowed from the existing Act, I have once again imported the

power of the Attorney-General, the power that I referred to a few minutes ago. The new section which I propose should be added to the principal Act reads as follows:—

374B. (1) Where it appears to the Attorney-General that any person who has taken part in the formation promotion or administration of a company has misapplied or retained or become liable or accountable for any money or property of the company or has been guilty of any misfeasance or breach of trust in relation to the company the Attorney-General may apply to the Court to examine into the conduct of that person and for an order that that person do repay or restore the money or property or such part thereof as the Court thinks fit together with interest at such rate as the Court thinks just or to pay to the company by way of damages in respect of the misapplication retainer misfeasance or breach of trust as the Court thinks just.

(2) This section shall extend and apply to the receipt of any money or property by any officer or former officer of the company whether by way of salary or otherwise which appears to the Court to have been unfair or unjust to the company or its members.

At the moment I have in mind the way in which this section might be of great benefit. The way in which the directors of one company are taking a rake-off from another company would make Cræsus ashamed.

The Hon. M. A. CLARKE.—Is it proposed that there should be power in this Bill for the court to freeze the funds?

The Hon. J. W. GALBALLY.—I thought about that aspect, and Mr. Clarke can be assured that if the House felt my provision did not go far enough, I would be happy to take more drastic action. In framing this measure, I did not want to do anything that would enable someone to say, "That is going too far; it is unfair." I hope the House will feel that I have erred rather on the side of caution. Indeed, Mr. Clarke has provoked me to say that I had thought it might be proper to enable the court to examine the private fortunes of these men. That is not unknown in our courts; after all, it is done to the respondent husband on the question of alimony in a

divorce suit. He is examined by our own courts, also those abroad, in respect of his assets.

The Hon. P. V. FELTHAM.—That is also the case under the Imprisonment of Fraudulent Debtors Act.

The Hon. J. W. GALBALLY.—I am indebted to Mr. Feltham; I had overlooked that Act. There is also the terrifying thought that the Income Tax Commissioner can say, "Sit down and tell me what you have got; if you do not, I will do so." I am an old dog for a hard road, and I believe that reform comes slowly. It is far better to bite off a little bit than to have one's mouth wide open and not be able to swallow anything.

Clause 3 should not be overlooked. It reads—

The provisions of the principal Act—

this will become part of the Companies Act 1961—

inserted by this Act extend and apply to and in relation to acts matters and things done existing or occurring whether before or after the commencement of this Act.

The Hon. P. V. FELTHAM.—You are departing from your principle.

The Hon. J. W. GALBALLY.—Without that provision I felt that it would enable some directors to say, "It does not apply to anything in the past." I have had to consider the question of fairness. In a number of cases I have in mind, investigations have been going on for some years; so it cannot be said that any of these men would be taken by surprise or that they would be unarmed. Unless something is done soon—some of these cases date back to 1961—the Statute of Limitations will apply with regard to civil claims.

I have taken the House into my confidence; these provisions put some strong teeth into the Act, and I believe the situation calls for it. I point to the precedent of the South Sea Sufferers Act, where no time was wasted. There is the provision: "Tell us what you have got and we will examine." That was in 1715, so

it is a precedent of great antiquity. Mr. President, you know how lawyers love precedents of great antiquity.

I hope that this somewhat scanty résumé of the provisions of the Bill will enable the House to see that there is machinery in the existing Act, but that it is either rusty, or that those responsible for its working have not put fuel into it. The thief who snatches his neighbour's handbag, forsooth has to stand his trial, but the thief who persuaded the widow to send along her cheque for debentures in Reid Murray a week before the inevitable crash is not to be dealt with. This is the situation to which honorable members will be assenting if this Bill is rejected, because we know from bitter experience that the Government will not do anything about the matter. For some years, the Opposition and the Country Party have urged action on this matter. This measure treads a well-worn path.

I put it fairly and squarely to the House to do something, because the activities of these people are a reproach to all. There has been a section in the British Act dealing with this matter for over 100 years, and a provision for examination before a County Court Judge, and in the limited field this has been working quite well. I have included the clause which would permit the Attorney-General on proper material to act at any time; he would not have to wait—as happened in the case of Reid Murray—until certain persons took the loot abroad. He would be able to step in at any time.

I do not want to engage in any personalities, but we all know that these great captains of industry, the men of commerce, received wide publicity in the press describing their leisure and how they rose from nothing, and so on. As one might have suspected, they did not elect to stay with the ship; they got off the ship with their loot and let it sink. To-day, many of them are living in lush pastures. Here is a chance to

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restore the confidence of people in the city. We want to get the Stock Exchange moving again. All honorable members know that people have been saying, "I am taking my money out of the Stock Exchange; I cannot trust these people now." After all, it was years and years before the City of London got back to normal commercial working after the scandal of the South Sea Bubble.

The history of this House has been one of sound judgment. Our predecessors were conservative men. Sir Frank Clarke and other members of this illustrious Chamber were men of great business experience, prudence and soundness. Here is our chance to debate an issue about which every one in the community is talking. I trust that the House will approach this Bill in the spirit I have adopted, namely, to do what is fair and equitable in the circumstances, having regard to what has occurred in Melbourne in the past few years.

On the motion of the Hon. R. J. HAMER (Minister for Local Government), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, April 20.

INDECENT PUBLICATIONS BILL.

The debate (adjourned from December 9, 1965) on the motion of the Hon. P. V. Feltham (Northern Province) for the second reading of this Bill was resumed.

The Hon. R. J. HAMER (Minister for Local Government).—When I invited the House to agree to the adjournment of the debate on Mr. Feltham's Bill last year, I had the hope and expectation that, by the autumn session, there would have been some response from the Commonwealth to the proposition put by State Ministers in charge of censorship, and agreed to in principle by the Federal Minister who attended that conference, that there should be some uniformity in the administration of censorship throughout Australia. At that time it did not seem

unduly optimistic, but so far there has been no response from the Commonwealth Government. Therefore, we are still in doubt as to whether or not that uniformity will be achieved.

The Hon. I. A. SWINBURNE.—It has a few other problems.

The Hon. R. J. HAMER.—I am not criticizing the Federal Government, but the lack of response is unfortunate for the debate on this Bill. We should all like to know whether the Bill might be regarded as a prelude or the groundwork for a uniform system of censorship throughout Australia, or whether it is to be proposed only for use in Victoria. I am not able to carry the matter any further on this point. On the other hand, it would not be proper for the debate to be further delayed on this thoughtful and thought-provoking measure. In debate, we might enlighten ourselves and sharpen our ideas on this contentious and important subject.

I should like to refer to certain happenings in the United States of America, because they emphasize the kind of shifting sands on which the subject of censorship still seems to rest. Mr. Feltham's Bill contains several definitions, one of which is a key definition. I refer to the definition of "indecent". I think I am right in saying that the definition in this Bill follows, in substance, the definition adopted by the Supreme Court of the United States of America in the Roth case several years ago. It defines indecent as meaning—

Describing, depicting, expressing or otherwise dealing with matters of sex in a manner which to the ordinary person applying contemporary community standards and regarding the theme of the material taken as a whole appeals to the prurient interest; or dealing with matters of horror, crime, cruelty or violence in a manner that is injurious to the public good.

As recently as last month, the Supreme Court of the United States of America decided several cases

which appear to overturn the definition which it adopted in Roth's case. One of those cases concerned a man named Ralph Ginzburg who was prosecuted for sending obscene literature through the mails. That literature consisted of a now defunct magazine named *Eros*. He was fined \$28,000 and given five years' imprisonment by a lower court, and he appealed to the Supreme Court of the United States of America, which apparently found the greatest difficulty in applying its own criterion to this case. That criterion is substantially the one which appears in Mr. Feltham's Bill.

By a vote of five to four—I stress the narrowness of the majority—the United States Supreme Court appears to have adopted a quite different standard. It is now obvious that it is not only the material but also the way in which it is presented which has to be considered. The only account I have of the case is that appearing in *Time* magazine of 1st April, but I shall remind the House of what happened because I think it widens the field of discussion even more.

In the Roth case, the Supreme Court of the United States of America said that it would refuse to censor sexual expression unless three things were found—the first being that the material was utterly without redeeming social importance; the second being that the dominant theme of the material taken as a whole appeals to the prurient interest in the average adult; and the third being that the material is patently offensive because it offends contemporary community standards. These words appear in Mr. Feltham's definition, but the majority decision in the recent case of Ginzburg establishes that there is now a new rule which may make a defendant's conduct more important than the material that is in question.

Mr. Justice Brennan, who wrote the majority opinion, said—

Where the purveyor's sole emphasis is on the sexually provocative aspects of his publications, that fact may be decisive in the determination of obscenity.

I think we could sum it up by saying that there is now involved the element of pandering to the susceptibilities of people, which may be determined by having a look at conduct and the way in which the particular publication is advertised or made available for sale—for example, the jacket of the book. All these things may be of equal importance or even of greater importance than what is inside the cover. This is quite revolutionary.

According to the Supreme Court of the United States of America, regard is not had to the average adult, but it is now sufficient if this pandering is to a receptive group in the community. These three new rules have, according to *Time*, been adopted in America, and perhaps we should consider them. The first is that "evidence of pandering may be probative with respect to the nature of the material;" the second that "a book or film need not have a prurient appeal to the public at large to be declared obscene. It can be so judged even if it panders merely to a clearly defined deviant sexual group". The third is that "an otherwise offensive book is not obscene if it has a modicum of social value".

I stress that this decision was by a majority of only five to four, but it clearly overturns what most people regarded as the rules which the Supreme Court of the United States of America would adopt in these cases. It may be that in the course of this debate we will have to examine this definition which Mr. Feltham has included in his Bill.

The Hon. M. A. CLARKE.—What is the Minister's definition of pandering?

The Hon. R. J. HAMER.—It is not my definition; it is the word used by the Supreme Court of the United States of America, but I imagine it means offering something in an enticing way and that it has in it an element of degradation. It is an appeal to some of the lesser human

motives and thus different from what we care to recognize generally. It is something of that nature.

The Hon. ARCHIBALD TODD.—What is the Minister's interpretation of "modicum of social value"?

The Hon. R. J. HAMER.—"Modicum" means a small part, so I shall leave that matter to the House to draw its own conclusions. I am sorry that a full report of this case is not available. I should like also to record the fact that among the minority of four, all of whom viciously attacked the majority judgment, there were two who said, in effect, that there should be no censorship at all and two more who said that censorship was illegal under the Constitution of the United States of America in regard to the protection or freedom of speech.

The Hon. P. V. FELTHAM.—That is the difficulty facing the Supreme Court of the United States of America; it is battling with its own Bill of Rights.

The Hon. R. J. HAMER.—I understand that the difficulty arises in connexion with the First Amendment guaranteeing freedom of speech and the protection of the public against any form of obscenity. I do not know if I have presented this case adequately, but the picture will not be clear until we get the full judgment. However, it means that we are on somewhat shifting sands and in that regard I shall quote a remark by a member of the minority, Mr. Justice Harlan, who said—

No stable approach to the obscenity problem has yet been devised by this court.

If the Supreme Court of the United States of America cannot devise a stable approach, we, too, may have some difficulty.

The Hon. ARCHIBALD TODD.—I do not accept that; I have faith in our own people.

The Hon. R. J. HAMER.—I think we must examine any measure which tries to bring some order into this

matter, and I hope this House will give this Bill a full debate and all the attention it deserves.

On the motion of the Hon. I. R. CATHIE (South-Eastern Province), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, April 13.

MEDICAL (FOREIGN PRACTITIONERS QUALIFICATION COMMITTEE) BILL.

The Hon. V. O. DICKIE (Minister of Health) moved for leave to bring in a Bill to amend the Medical Act 1958 with respect to the Foreign Practitioners Qualification Committee, and for purposes connected therewith.

The motion was agreed to.

The Bill was brought in and read a first time.

OPTICIANS REGISTRATION (AMENDMENT) BILL.

The Hon. V. O. DICKIE (Minister of Health) moved for leave to bring in a Bill to amend sub-section (4) of section 14 of the Opticians Registration Act 1958.

The motion was agreed to.

The Bill was brought in and read a first time.

MARKETING OF PRIMARY PRODUCTS (PRODUCERS) BILL.

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

That this Bill be now read a second time.

This Bill amends the definition of “producer” in section 4 of the Marketing of Primary Products Act 1958 specifically to exclude from the definition a person by whom a product is actually grown, produced, obtained or prepared pursuant to a share-farming or partnership agreement which is not in writing. The effect of this amendment will be that

producers operating under share-farming or partnership agreements will be entitled to vote at polls and elections conducted under the Marketing of Primary Products Act only where such agreements are in writing.

The definition of “producer” in the original Marketing of Primary Products Act of 1935 made provision for the inclusion of any party or parties to any share-farming or partnership agreement whether expressed or implied. However, in the light of his experience as returning officer for the conduct of polls and elections under the Act, the Chief Electoral Officer recommended in 1940 that the qualifications for eligibility to vote at such polls and elections should be reviewed and tightened up to prevent practices which had all the appearances of being circumvention of the law.

He referred to instances of persons claiming entitlement to vote on the basis of an implied share-farming or partnership agreement interpreted in its widest sense to include wives, sons, daughters and other relatives of the producer, and in some cases employees. The Chief Electoral Officer pointed out that it was impracticable to control the matter officially by investigating the bona fides of each applicant, as there were no means of documentary verification of a person's claim to be a party to an implied share-farming or partnership agreement.

Following this recommendation by the Chief Electoral Officer, it was decided to amend the definition of “producer” in the Act to provide that parties to share-farming and partnership agreements would be entitled to vote at polls and elections held under the Act only if the agreements were in writing. The Marketing of Primary Products Act passed by Parliament in 1940 included an amendment to the definition of “producer” which was intended to exclude from voting entitlement persons whose share-farming or partnership agreements were not in writing. The

definition of "producer" which appears in section 4 of the current Act is the original definition as amended by the 1940 Act. Since 1940, in connexion with polls and elections for marketing boards, the definition of "producer" in the Marketing of Primary Products Act has been administered by the returning officer on the basis that only those producers whose share-farming and partnership agreements were in writing had an entitlement to vote. This interpretation was in accordance with the intention of the 1940 amending legislation.

In the belief that, under the Act as it now stands, verbal share-farmers had no entitlement to vote, amending legislation was submitted to and passed by Parliament in 1963 to enlarge the definition of "producer" to include persons by whom tobacco leaf was grown pursuant to verbal share-farming agreements, subject to certain specified conditions. I think the House will remember that those conditions were that a share-farmer had to sign a statutory declaration as did the owner of the land, and these declarations must be certified to by a departmental officer in the area. The purpose of this legislation was to meet the particular circumstances of the tobacco-growing industry where many growers operated under verbal share-farming agreements. This provision for inclusion of verbal share-farming agreements operated for a period of twelve months only, and covered the polls for the constitution of the Tobacco Leaf Marketing Board, and the election of members.

The current term of office of members of the Tobacco Leaf Marketing Board will expire on the 21st April, 1966, and a poll for the election of producers' representatives on the Board for the ensuing term has been set down for the 13th April, 1966. In connexion with the establishment of the roll of producers eligible to vote at this poll, legal opinion was given to the Tobacco Leaf Marketing Board that under the definition of "producer" in the Act as it now stands

verbal share-farmers are entitled to vote. Advice was sought from the Crown Solicitor and the Solicitor-General on this point, and both have confirmed the legal opinion given to the Board. It is now apparent that the 1940 amendment to the definition of "producer" did not achieve its purpose, and the Bill now before the House has been introduced to rectify the matter.

Sub-clause (3) of clause 1 provides that the Act will come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*. Owing to the advanced stage of arrangements for the poll of tobacco leaf producers to be held on the 13th April, 1966, there is no alternative but to include verbal share-farming agreements on the roll of persons qualified to vote. However, it is intended to proclaim this amending legislation as soon as possible after it has been passed by Parliament, but not before the forthcoming poll of tobacco leaf producers is taken.

Clause 2 of the Bill amends section 4 of the principal Act to provide specifically that a person operating under a verbal share-farming or partnership agreement which is not in writing shall not be included in the definition of "producer".

Clause 3 has been included as a precautionary measure. Earlier in my remarks, I indicated that since 1940 polls and elections under the Marketing of Primary Products Act, with the exception of those of tobacco leaf producers, have been conducted by the returning officer on the basis that the definition of "producer" excluded from voting entitlement producers with share-farming and partnership agreements whose agreements were not in writing. This clause provides that anything done or action taken consequent on these polls and elections shall not be deemed to be invalid on the ground that persons with such agreements did not apply for inclusion on the roll of producers

or were not permitted to vote when, as has now been disclosed, they had a legal entitlement to do so.

This Bill will give effect to Parliament's intention in 1940 that producers operating under share-farming and partnership agreements would be entitled to vote at polls and elections under the Marketing of Primary Products Act only if such agreements were in writing. The difficulty with which we are confronted came completely out of the blue. In the course of the campaign in the north-eastern area for the election of members of the Tobacco Leaf Marketing Board, the legal opinion referred to was given to the Board, and it has been confirmed by Crown law authorities. The purpose of the Bill is to endeavour at any rate to put beyond all doubt the intention of the 1940 legislation. I commend the Bill to the House.

On the motion of the Hon. J. M. TRIPOVICH (Doutta Galla Province), the debate was adjourned.

It was ordered that the debate be adjourned until the next day of meeting.

LABOUR AND INDUSTRY (SHELTERED WORKSHOPS) BILL.

The Hon. V. O. DICKIE (Minister of Health).—I move—

That this Bill be now read a second time.

This is quite a simple Bill to amend the Labour and Industry Act, but one which is nevertheless of no small importance to those whom it concerns. I refer to those who are so handicapped, either physically or mentally, that they are unable to obtain employment in the open market, are unable to cope with the normal working environment, or are unable to command the minimum rates of wages prescribed by law. The Bill concerns also those organizations in the community which endeavour to promote the welfare of those who are so handicapped. To the extent that this work is a community responsibility, the Bill therefore concerns the community at large.

The proposal that it should be permissible for handicapped persons, who are unable to compete on equal terms in the labour market, to obtain employment at lower rates of pay is not new to the industrial law of this State. Section 135 of the Labour and Industry Act provides—

If it is proved to the satisfaction of the Secretary that any person by reason of age infirmity or slowness is unable to obtain employment at the minimum wage fixed by any determination, the Secretary may in such case grant to such aged or infirm or slow worker a licence for twelve months to work at a less wage (to be named in such licence) than the said minimum wage, and such licence may be renewed from time to time.

Other provisions then follow, limiting the number of licensees who may be employed in a factory, providing for appeals against refusals to grant licences and creating the offence of paying at a lower rate than that fixed in the licence. That provision has been in the Act for many years, and licences are in fact granted in appropriate cases. There are about 70 licences in force at the present time—perhaps not as many as there ought to be, and I shall comment on this later.

However, this provision is not now adequate to cope with all circumstances in which handicapped persons are employed, which brings me to the purpose of the Bill now before the House. That purpose is, broadly, to remove employment in sheltered workshops from the conditions prescribed by determinations of wages boards.

I should think that every honorable member would know something of the concept of the "sheltered workshop". It is a system that has been developed in most countries of the world in which social welfare has reached an advanced stage. It has not as yet been developed extensively, in its true sense, in Australia, but it is being developed, and the provisions of this Bill should assist that development in Victoria.

As I see it, the concept of the sheltered workshop is that the opportunity should be provided for those who are not totally incapacitated to do useful work for their own benefit. The monetary return may not be the most important consideration. The most important thing in some cases may be the recovery of self respect in the knowledge that one can be a useful citizen; or relief from the boredom of being idle; or the readjustment to social life that can be facilitated in a work situation; or the opportunity to acquire training that will assist in obtaining normal employment.

Each sheltered workshop or group of workshops is likely to differ from the others, as each is established for a specific purpose. The Mental Health Authority operates a number of workshop units, but these are not sheltered workshops within the accepted sense as their purpose is purely therapeutic and the master and servant relationship does not exist. There are other "occupational centres" of this kind, which would not in any case attract the application of a wages board determination because of the absence of a master and servant relationship.

Our concern in this Bill, then, is with the sheltered workshop which, but for the Bill, would attract the application of a determination. The matter was raised originally by the Victorian Society for Crippled Children and Adults. The Victorian Institute for the Blind, the Spastic Children's Society and the Mentally Retarded Children's Association are other bodies which have an interest in this matter. There is a Sheltered Workshop Advisory Council which assists the development of the sheltered workshop movement in Victoria.

It is a principle of the sheltered workshop concept that the disabled worker should be able to earn money in relationship to the value of his work or, where this is unrealistic or

where emphasis is on training, in relationship to the effort made as an incentive to maintain and increase his efforts.

On the face of it, the position could be accommodated by the granting of licences under section 135 of the Act, to which I referred earlier. However, apart from the administrative work that would be required of the workshop managements and the Department in processing licence applications, the fixing of a specific weekly minimum wage in each licence each year would not be appropriate to the nature of sheltered workshop operations. The capacity of a disabled worker has to be determined by trial and error, and workers are commonly switched from one task to another, not only in accordance with their particular capacities, but also according to the particular jobs that the workshop has contracted for.

The Bill should, therefore, assist the organizations concerned to develop the sheltered workshop movement without the risk of breaking the law with respect to conditions of employment. I understand that the trade union movement is sympathetic to the idea behind the Bill, and I do not believe there is any danger that its provisions would serve to break down conditions of employment that derive from wages board determinations.

It is realized, of course, that sheltered workshops are not a cure-all for the problems of employment of the disabled. Indeed, there is a body of informed opinion to the effect that the sheltered workshop should be used very sparingly and that the main effort should be directed to securing employment for handicapped persons in normal work situations—in the ordinary factory, shop or office. It is in this connexion that I wish to refer again to the licences granted under section 135 of the Labour and Industry Act, to enable the employment of aged, infirm or slow workers at less than the prescribed rates of wages.

I should like to mention a few examples of cases in which licences have been issued—

their daughter to mix with other girls instead of being isolated at home.

1. A boy aged seventeen was mentally retarded and an inmate of a mental institution. However, he could cope with simple tasks, and employment was found for him at a nearby poultry farm at a wage of \$12 per week, \$9 lower than the determination rate. Thus, the boy was kept active, gained an interest in life, and acquired a small income.
2. A man aged 70 was substantially incapacitated physically, and could not perform manual work requiring exertion. He obtained employment on light duties in a cool store for 30 hours a week, at a wage of \$14 a week, which supplemented his war service pension.
3. A boy aged nineteen was a "high grade mental defective" unable to read or write, or to speak except in monosyllables, or to exercise judgment or make decisions. Employment was found for him with a manufacturing chemist, and it was found that he could perform simple tasks reasonably well. He was paid \$26 per week, very little below the determination rate.
4. A girl aged sixteen was partially spastic and mentally retarded. Employment was found for her in a dress-making establishment, running simple messages, making tea, and doing similar minor tasks. She was paid only \$4 a week, but the Department was satisfied there was no exploitation, the parents of the girl having sought this employment for the purpose of enabling

The benefit to the worker in these cases is obvious; there is also a benefit to be obtained by the community, particularly in times like the present when our labour resources are strained to the utmost.

It may well be that more use could be made of the provisions of section 135, both by company managements and by organizations concerned in the placement of handicapped persons in employment. Probably, the availability of these licences is not as well known or publicized as it ought to be. One difficulty, of course, is that the provisions do not apply to employment that is subject to awards of the Commonwealth Conciliation and Arbitration Commission. Those awards generally do not contain provisions of this nature, as they are not matters that normally form the grounds of industrial disputes, in the settlement of which Federal awards are made.

The provisions of the Bill itself are quite simple. There is only one substantive clause, which consists of a redraft of the existing section 36. Sub-section (1) of that section provides that no determination shall apply to an inmate of an institution conducted in good faith for religious or charitable purposes. The Bill extends that exemption to handicapped persons—but not other persons—employed in sheltered workshops.

Sub-section (2) of section 36 as it now exists contains a safeguard against unfair competition that at one time was thought might eventuate in relation to laundry work done in institutions to which the section applies. Thus, if the Minister is satisfied that there is unfair competition resulting from unduly low charges, the Governor in Council may in effect rescind the exemption. This principle is retained in the Bill, but the provisions have been re-drafted so as to apply generally to institutions

and to sheltered workshops, not only with respect to laundry work but with respect to all kinds of work.

My hope and my expectation are that it will never be necessary to apply the provisions for dealing with unfair competition. But the provisions are in the Bill and, if action were at any time seen to be warranted, those provisions could be applied. Inspectors of factories and shops would, in any event, have access to the places concerned and would be able to keep the Minister informed of the situation from time to time.

In conclusion, I should like to congratulate all those groups and organizations in the community which play a part in the matters covered by this Bill. They are doing a wonderful job in employing handicapped persons, and even if the efficiency of the handicapped persons never becomes normal, they are helped tremendously by their work in coping with life. I wholeheartedly commend the Bill to the House.

On the motion of the Hon. J. M. WALTON (Melbourne North Province), the debate was adjourned.

It was ordered that the debate be adjourned until the next day of meeting.

SUMMARY OFFENCES BILL.

The Hon. R. J. HAMER (Minister for Local Government).—I move—

That this Bill be now read a second time.

The presentation of this Bill is part of the process of carrying into effect the recommendations of the Statute Law Revision Committee that the Police Offences Act should be broken up into separate sections, streamlined and modernized, and brought to Parliament in a thoroughly up-to-date form.

The Government has had prepared separate Bills containing the provisions relating to the protection of animals, vagrancy, lotteries and gaming, and obscene publications, and

this fifth measure—under the title of the Summary Offences Bill—embraces a number of matters which are more of a general nature and which cannot readily be fitted into the other categories.

They include provisions of the Police Offences Act relating to public order, general matters, the illegal taking or using of vehicles, contraptives, tattooing of juveniles, juvenile smoking, homing pigeons, special localities and supplementary matters. A greater grab bag could hardly be imagined. This is, as it were, the residue after there have been taken out of the Police Offences Act all the other provisions that can be conveniently grouped together.

A Bill of this nature was introduced last session and was referred to the Statute Law Revision Committee for examination, but before the committee could report Parliament was prorogued and the measure was discharged from the Notice Paper. It now re-appears, carrying with it the implementation of recommendations which the Statute Law Revision Committee made in its report of the 18th November, 1965.

All the proposals made by the committee are incorporated in this Bill; in particular, the wording has been carefully checked and modernized. In accordance with the recommendations of the committee, the statement of offences has been put in a uniform style and monetary penalties throughout have been expressed in dollars at the foot of each provision. In addition, there has been a considerable rearrangement of provisions. A number of the sections of the Act have been omitted as being obsolete. Some with a strange aura about them, reminiscent of the horse-and-buggy age, will disappear from the statute-book. Other sections have been transferred to completely different measures. For instance, some of the provisions relating to firearms have been transferred to the Firearms Act, and there have been certain other small amendments.

The whole of the Police Offences Act has now been dealt with. As the Statute Law Revision Committee deals with the separate Bills, they will be re-presented to Parliament for acceptance. At the front of this Bill, there is an explanatory paper setting out what has happened to the sections of the Police Offences Act, how they appear in this Bill, and how they have been brought up to date.

So far as I am aware, very few substantive changes have been made. The Bill will be of tremendous advantage to the legal profession, the Police Force and others who have to use it, because at last it is in intelligible form and in modern language. I commend the measure to the House.

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

It was ordered that the debate be adjourned until Wednesday, April 13.

VEGETATION AND VINE DISEASES (AMENDMENT) BILL.

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

That this Bill be now read a second time.

The Vegetation and Vine Diseases Act 1958, No. 6407, provides the powers under which control is exercised over the introduction and spread of pests and diseases of horticultural and agricultural crops. Its operation is of the greatest importance to farmers and fruitgrowers, especially those sections which relate to the entry of plant materials and products from other States.

The power to prevent the introduction of plants affected by pests and diseases at present resides in sub-section (3) of section 4 of the Act, which reads as follows:—

No person shall import, introduce, or bring any parasite into Victoria, or cause or permit the same to be done, except only for scientific purposes, and after receiving the consent of the Minister.

Although the legal interpretation of this sub-section is that no parasite can be brought in, whether associated with a plant or otherwise, there have been many examples to show that the layman's interpretation is that it refers to the parasite itself and not to diseased plants. For this reason, the sub-section needs clarification.

More importantly, the Crown Solicitor has recently given his opinion that the sub-section requires the positive identification of the parasite by an expert such as an entomologist, a pathologist, a nematologist or a virologist, as the case may be. This, of course, would be quite impracticable in the day-to-day operations of the inspection services which handle huge volumes of fruit and other plant materials from interstate sources every day. An impossible situation would arise if every border check point and every inspection depot had to be provided with an expert and laboratory equipment for him to use, or if each suspected consignment had to be held up while specimens were sent to the Victorian Plant Research Institute at Burnley for positive identification. Furthermore, the positive and irrefutable identification of a parasite can sometimes take several months, even though the symptoms are so plain that a layman could make a reasonably certain identification. This would apply, for example, in the case of virus diseases and also occurs with certain fungous diseases.

The Bill proposes the insertion of the words "or any diseased tree plant or vegetable" after the words "any parasite" in sub-section (3) of section 4 of the principal Act, and this would have the effect of bringing into operation the definition of "disease" in section 3 of the Act. The definition provides that any condition reasonably suspected of being caused by any parasite is a disease, and the term "diseased" has a corresponding meaning. As inspectors under the Act are trained in the identification of plant diseases and pests by their

symptoms and appearances, and pass an examination in entomology and plant pathology before their appointment to permanent positions, their evidence would be sufficient to satisfy courts that a particular condition of a tree plant or vegetable was reasonably suspected of being caused by a nominated parasite. This amendment would enable inspectors to proceed immediately with the release, treatment or confiscation of a consignment with reference to an expert only when they were in doubt about a particular condition.

The proposed amendment to paragraph (b) of sub-section (4) is consequential upon the amendment to sub-section (3), sub-section (4) being the penalty clause and providing for the seizure or destruction of any diseased material. The material can be destroyed only with the Minister's consent. Unless these or other amendments designed to achieve the same end are made to the Vegetation and Vine Diseases Act, the protection of Victoria's crops and orchards could only be continued under grave difficulties and with great disruption of interstate trade in fruit and other plant materials. This small Bill clarifies an anomaly in regard to legislation passed in 1963. The amendment of the Act was recommended by the Law Department to clarify the meaning of the section concerned. I commend the Bill to the House.

On the motion of the Hon. D. G. ELLIOT (Melbourne Province), the debate was adjourned.

It was ordered that the debate be adjourned until the next day of meeting.

The sitting was suspended at 6.20 p.m. until 7.49 p.m.

LOCH PUBLIC HALL TRUST BILL.

The Hon. V. O. DICKIE (Minister of Health).—I move—

That this Bill be now read a second time.

The problem that has created the necessity for this measure has arisen on many occasions throughout the

State when public-spirited people in a town have set out with excellent intentions to raise money in order to undertake a certain project and somewhere along the line the amount collected has fallen substantially short of the sum required to carry out the particular project that was originally contemplated. This Bill has two main objects which are interconnected.

Some years ago, the people of the town of Loch and the surrounding district decided that a new public memorial hall should be built in the town, and in due course a fund of money amounting to over £2,300 was raised for the purpose. Some of this money was used to purchase a block of land for the hall. A few years later, it became apparent that the amount of money available was insufficient and that the original project would have to be abandoned. Financial assistance could be expected from the Government under its policy of subsidizing the provision of public halls, but even with this assistance there would be insufficient money to build a new hall.

It was eventually decided that the land should be sold and that the proceeds of the sale and the other money and interest thereon should be used to build extensions to the existing Loch Mechanics Institute Hall. With a view to applying for Government financial assistance to carry out the extensions, this decision was subject to the trustees of the institute agreeing to change the name of the building to Loch Public Hall.

This decision involves a change in the original purpose for which the money was donated and for which it is held on trust. There was nothing in the original trust authorizing such a change, so the money could not be lawfully used for the new purpose without an order of the court. But the court could not make an order authorizing the application of the money to the new purpose unless it was satisfied that, though the money was given for a specific charitable purpose, the donors had a general

charitable intention. This would be very difficult to establish, so that the result of such an application would be highly doubtful. It could be, for example, that the trust is one for a specific charitable purpose with no general charitable intention on the part of the donors and that the trust has therefore failed completely. If that were so, the position probably would be that moneys given by individual donors should be held in trust for them and that moneys given by anonymous donors should be treated as having been "given out and out", and therefore as belonging to the Crown.

Alternatively, it could be that the moneys might be regarded as having been given for a non-charitable purpose with no intention that they should be applied for any other purpose. In that case, there would be a resulting trust in favour of the donors even though some of them were anonymous. It seems clear, therefore, that the only practical way to clear up the matter is by legislation. The new proposal has received wide publicity in the locality, and only one person is known to have raised any objection to the application of the fund for the proposed new purpose. That person subsequently withdrew his objection and has since died.

The Hon. I. R. CATHIE.—Do you know on what ground he lodged the objection?

The Hon. V. O. DICKIE.—No, but in view of the fact that he withdrew his objection, I do not think there is any necessity to pursue that point. It may therefore be taken that the proposed change is in accord with the wishes of the local people, who would no doubt be the principal if not the only donors of the money.

I now turn to the other object of the Bill. The trustees of the Loch Mechanics Institute were agreeable to the proposal that the money raised for erecting a new public hall should be used for building extensions to their own hall. However, in order to make it possible to obtain a Government

subsidy for the extensions, it was necessary not only to change the name of the mechanics institute but also to change the trust on which the existing hall was held. A deed of trust was therefore executed which, in addition to providing for the change of name, provided that the building should be held in perpetuity as a public hall and place of recreation and amusement for the advantage and benefit of the local residents. Originally, the trust was for a mechanics institute and free library—there must be thousands of those throughout the length and breadth of Victoria—but, as in many other similar cases, the building had for a long period of time ceased to be used for this purpose and, though known as a mechanics institute, was in actual fact simply a public hall. In this regard, the deed of trust is really only a recognition of a *de facto* situation. Nevertheless, from a legal point of view, it cannot be regarded as valid because it attempts to alter a trust, the terms of which do not provide for any change. This Bill will regularize the matter.

One other point should be mentioned. The deed contains clauses which permit the hall to be leased and clauses which might make it possible in some circumstances for the building to be sold. It also contains a clause providing for the alteration of the deed. These clauses would make it difficult for a Government subsidy to be granted. The Bill, therefore, contains provisions which expressly prohibit any sale or lease of the land except to the Crown or local municipality or any change in the deed which could enable the building to be used otherwise than as a public hall. It also makes it clear that the deed may be registered under the Religious Successory and Charitable Trusts Act 1958. I commend this small Bill to the House.

On the motion of the Hon. I. R. CATHIE (South-Eastern Province), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, April 13.

CRIMES (DANGEROUS DRIVING) BILL.

The debate (adjourned from March 29) on the motion of the Hon. L. H. S. Thompson (Minister of Housing) for the second reading of this Bill was resumed.

The Hon. M. A. CLARKE (Northern Province).—This is a Bill to increase the penalty for dangerous driving. It is an attempt by the Government to reduce the road toll which is so appalling in this State. There is no doubt that one factor which reduces the road toll is the presence of more police on the roads. I realize that there are difficulties associated with making more policemen available for this work. When travelling to Melbourne on Tuesday morning, I was impressed when I saw a police constable standing by his car in an obvious place at the side of the road at Pyalong. It is necessary to drive down a steep hill when entering the town, and there is a tendency at this point to travel at a fast pace. The presence of this policeman was a reminder to me to slow down and take more care. When a motorist sees a policeman standing conspicuously on the road, he tends to bear it in mind for the rest of his journey.

The Hon. W. R. GARRETT.—Could we put dummies and police dummy cars along our roads?

The Hon. M. A. CLARKE.—I think that has been done in some places. The presence of a policeman in a conspicuous place is a valuable deterrent to motorists who drive too fast or in a dangerous manner.

The Bill increases the penalty for dangerous driving to imprisonment for a term of not more than five years, or a fine of not more than \$1,000, or both. As the Minister for Local Government stated in his second-reading speech, this Bill arose from a suggestion by the coroner. Through the courtesy of the Law Department, a copy of the coroner's letter has been made available to me. The situation, of course, is that the charge for killing someone by driving

dangerously has, in appropriate cases, been that of manslaughter, but unfortunately, juries have been most reluctant to convict persons of this offence.

In this House on 17th September, 1963, the Leader of the Government, in replying to a question asked by Mr. Todd concerning this matter, supplied an answer which showed that, compared with the number of persons prosecuted for manslaughter, the number of convictions was very small. In 1960, ten persons were charged with manslaughter, but no convictions were reported; in 1961, of a total of twelve cases of manslaughter, only two convictions were obtained; in 1962, ten charges of manslaughter were heard, of which two resulted in a conviction; and up to the date of the reply, namely, September, 1963, nine charges of manslaughter were heard and only three convictions were recorded. The answer went on to detail the punishments that were meted out for those persons who were found guilty, not of manslaughter, but of a lesser charge. There were several fines of £100, and imprisonment for as short a period as seventeen days. Actually, the maximum period of imprisonment which was prescribed was eighteen months. These figures, which are not as recent as I should like to supply, amply illustrate the difficulty encountered by the police in securing a conviction for manslaughter.

The coroner's letter reveals why this state of affairs exists, and, for the information of honorable members, I propose to quote it. The letter, which is dated 15th July, 1965, is addressed to the Law Department, and reads—

A revision of all cases which have passed through this court in more than six years reveals that for practical purposes, no single act of negligence associated with vehicle control irrespective of the immensity of it, can succeed as a basis for manslaughter proceedings; there must be associated with a grave act several other acts of a serious nature before effective proceedings can be instituted. For example (and I am purposely supplying a hypothetical case), if there was a procession taking

place in Bourke-street with crowds lining the street and a person drove his car at 50 miles per hour into the crowd, killing spectators, this would set up a feeling of revulsion in the community, but the downright and criminal stupidity of the act would not result in a successful manslaughter charge. He would be convicted of dangerous driving or driving at a speed dangerous to the public.

The coroner proceeded to say that one or two changes to the Road Traffic Regulations, which would also be involved in these instances, might result in a successful prosecution.

A suggestion was made that there should be an intermediate offence between manslaughter on the one hand, and dangerous driving on the other hand. The proposed new crime was: "Killing with a motor car," or "Killing with a vehicle". I understand that a provision of this type exists in certain States of the Commonwealth, including New South Wales. The coroner examined this matter, and apparently it had some appeal to him. However, it was felt that it was difficult enough to obtain a conviction for manslaughter, as I have already stated, and the coroner did not consider that it would be any easier to get a conviction for killing with a motor car because of the name of the crime, as it were. The Coroner's suggestion boiled down to this, that where the Crown Prosecutor considered that a charge of manslaughter would not succeed, a lesser charge should be available. The result is the Bill which is now under consideration. It retains the charge of dangerous driving, but it makes dangerous driving a far more serious offence than it is at present. It is not certain that this will have the effect desired, but my party considers that it is worth a trial. By simply increasing the penalty, the desired result is not always achieved, because the courts are reluctant to impose the highest penalty.

I hope the Government will watch the operation of this legislation with care, and, if it appears that the courts are not utilizing the additional powers that they are being given under this

Bill, the Government may have to look into the question of instituting what the coroner refers to as an intermediate crime. It may be necessary, further, to examine the possibility of introducing the crime of killing with a motor car or killing with a vehicle. At this stage, the Country Party believes that the Government is acting along the right lines. We are concerned, as are all other members in this Chamber, with the danger to life and limb on the roads when motorists drive recklessly at high speeds. We hope this measure will succeed.

The Hon. D. G. ELLIOT (Melbourne Province).—I think Mr. Clarke, in presenting his party's point of view, has quite ably touched on the salient points of this measure. It is important that we should note that an amendment which was suggested in another place was adopted by the Government. I refer to an amendment whereby the extra penalty of up to five years' imprisonment or a fine of \$1,000 could possibly be inflicted on a person whose misdemeanour resulted in death or bodily injury to another person. It was a worthy amendment, and I give the Government full credit for readily adopting it.

When considering legislation of this nature at any time, I feel we must also consider the moral responsibility that is incumbent on us to go back to the genesis of things. This road problem exists in every country of the world, and the authorities are considering how to eliminate the wholesale carnage which is so apparent. Frankly, I believe that, irrespective of what action has been taken up to date in any country, the problem has not been solved. I do not think any member of this House knows whether this measure will act as a deterrent to people who get behind the wheel of a car and immediately become different; they become intolerant, whereas normally they are quite reasonable people; they become

maniacs at times when in possession of a motor vehicle; they seem to lose the basic sense of responsibility, and adopt the policy that everyone else on the road is to blame but themselves.

It seems to me that there is creeping into the laws of this country the feeling that, as long as you can get away with something, everything is all right, and that it is just too bad if you are one of the unlucky ones who are found out. I say quite kindly against the courts that this outlook seems to be reflected in the judgments which are given, not only by stipendiary magistrates but also by Judges and juries. This seems to be regarded as an ill about which we can do nothing. Hence, the attitude is adopted that we should be as merciful as possible to those persons involved in misdemeanours of this nature.

The Hon. G. L. CHANDLER.—Mr. Rylah was criticized for making a statement along those lines.

The Hon. D. G. ELLIOT.—Once again, with his customary alacrity, the Leader of the House is trying to interpret my comments when I am trying to make a sincere contribution to a most vexing question. I do not care whether twelve months ago Mr. Rylah or anybody made statements which the Minister is trying to justify at this juncture. This question is beyond politics; it is an illness and a blot upon communities throughout the world. Hence, it should be discussed in open fashion, so that something can be done rather than the Leader of the House bringing up a point made by another Minister twelve months ago which may be justified by the remarks I am now making. If I have justified the Chief Secretary's comments, I have done so, and I make no apology, although I doubt whether that is the position.

About two or three years ago, the Minister for Local Government showed some interest in the legislation that I referred to in connexion

with the State of Pennsylvania in the United States of America, where drivers are examined at varying periods throughout their driving careers. For example, motorists, who are over 60 years of age, are re-examined in a more concentrated manner than other motorists. It was discovered that, by requiring a man who was aged more than 60 years, to submit to more regular examination, a higher percentage of motorists in this age range did not even bother to apply for a renewal of their licences. It was also discovered that on the roads there were some amazing examples of irresponsibility. One case involved a truck driver who was stone blind and who used a seven-year-old child to guide him around the city of Pittsburgh in Pennsylvania. Other shocking cases were quoted by the traffic commission of that State. Recently, the safety factor in cars was alluded to by a responsible officer in the United States of America, who subsequently, it seemed, was subjected to concentrated spying by nominees of a huge manufacturer of cars virtually to see if they could get something on him.

In the construction of cars to-day, obviously the safety factor needs a frank appraisal. Instead of this pursuit of speed that we read about in the press and the emphasis on the performance of cars, the cardinal factor in their presentation to the public should be their safeness not only to drive but also as a missile which travels the highways and byways of this country. It seems to me that there is something basically wrong with a society that looks at a car in that way. Perhaps in many respects the concentrated emphasis—many of us must accept responsibility in this direction, perhaps even myself—on the glamorous virtues of the car have led people to believe that from year to year they must do what the Jones's do—change their car over, have large chrome bumper bars on it, greater speed, and the ability to

move from here to there more quickly rather than to do so in a safer manner.

The Hon. R. J. HAMER.—Do you think you could sell a car on its safety features?

The Hon. D. G. ELLIOT.—I think the time is coming when people will closely look at the safety features of a car, because too many people are being killed or injured on the roads. The lost productivity, the misery and the stark tragedy about which we read in the press is shocking. This is accepted as a way of life because, for some unknown reason, we will not get down to the basics of safety on the road as well as safety in the home, in industry and elsewhere.

The Hon. L. H. S. THOMPSON.—Is there any indication from Australian experience that safety would not be an effective selling point?

The Hon. D. G. ELLIOT.—I have not yet heard of any definite contention that it would be. On the other hand, to be frank, I have not heard of any contention that it would detract from the saleability of an automobile. The big question concerning the automobile of 1966 is whether it is going to be bought primarily for safety and efficiency, or whether the glamour and speed aspects are being overdone with the result that there is this frightful carnage on the roads.

The Hon. ARCHIBALD TODD.—What about the Chevrolet cars in the United States of America that are being pulled in for the correction of faults?

The Hon. D. G. ELLIOT.—I referred to that matter only a few moments ago. The gentleman who drew attention to the Corvettes, a General Motors product, strongly questioned their safety in operation. He was subjected, evidently knowingly, to concentrated spying into his personal life over a long period, possibly with the object of belittling his ideas and statements by suggestions about his own personal veracity and reputation.

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The Hon. K. S. GROSS.—Could we not have a campaign combining safety and the other features of a car? Speed in itself is not necessarily dangerous.

The Hon. D. G. ELLIOT.—I agree, but I think we must go further. As I have mentioned previously—with all the sincerity I can bring to bear, I make a plea to the Government—I feel the answer to the problem anywhere in the world, apart from laws which will properly punish and apart from an awareness of safety and construction along such lines, is to get back to the formative years, the green years.

The Hon. H. A. HEWSON.—Back to the horse-and-buggy days!

The Hon. D. G. ELLIOT.—Perhaps you want to go back to those days, Davy Crockett.

THE PRESIDENT (the Hon. R. W. Mack).—The honorable member cannot be referred to in those terms.

The Hon. D. G. ELLIOT.—Who?

The PRESIDENT.—I presume Mr. Elliot was referring to Mr. Hewson.

The Hon. D. G. ELLIOT.—I stand corrected, Mr. President, but I was carried away by the backwoods flavour of Mr. Hewson's comment. I think we must go back to the formative years and introduce in education in this State a subject which, for the want of a better name, I shall call safety, whereby we shall teach our children to respect safety as a way of life, not only when they are riding a bicycle, tricycle or scooter, but in their approach to living in the home and in industry if, perchance, they find themselves there. I do not think that would be a hard thing to introduce. From the contacts which I have made with teachers and parents, I am sure that it would be very welcome. The schools throughout the suburbs, which teach young children safety measures in traffic, are highly commendable, but they do not go far enough. To-day it is necessary to give children the equipment to read

between the lines of ballyhoo advertising, which will influence them to buy this "missile of murder"—which it is in the wrong hands.

We, as a party, urge the Government to give this aspect a little more consideration and acknowledgment and to investigate how the subject can be introduced into our primary schools and the earlier stages of our secondary schools, so that our young people can be equipped to make up their own minds in relation to road safety and, for that matter, safety in any sphere of activity. Let us hope that the legislation proves effective. Certainly in this instance, the penalty of five years' imprisonment or a fine of \$1,000 where bodily injury or death is involved could be more than justified in many cases. It will still leave open the lesser or intermediary offence, if one may term it such. On the other hand, we wish the measure well, and hope the Government will take heed of the recommendation from this side of the House on safety so far as children are concerned.

The Hon. G. W. THOM (South-Western Province).—I congratulate Mr. Elliot on the contribution he has made to this debate, because the carnage on the roads is causing all of us very considerable concern. I regret that I do not have the exact figures, but in 1955 there were approximately 640,000 vehicles on the road in Victoria. In 1964, nine years later, the total had risen to 1,020,000—a tremendous increase of almost 400,000 vehicles or about 60 per cent. If the number of vehicles on the road continues to increase, the existing road system will be completely inadequate. It behoves us all to face up to the fact that vehicle registrations are increasing and that something must be done to cope with the problems thus created. I agree with Mr. Elliot and Mr. Clarke, who indicated that we must all be conscious of the need for education concerning road safety and road courtesy.

This Bill is an important and necessary measure, because we must adopt a very tough line with those people

who do not play the game so far as road courtesy and common sense on the road are concerned. If the Bill does nothing more than draw attention to the need for education and the need to abide by the road traffic rules, it will be of some benefit. There is a tremendous need for research in an endeavour to solve the great problem which is with us now and which is increasing year by year. I am pleased to know that the matter is being taken so seriously by members of this House, because if we do not take the matter seriously and act accordingly, posterity will regard our omission very seriously.

The Hon. B. D. SNIDER (Higinbotham Province).—I congratulate the preceding speakers who supported the Minister who introduced the Bill which makes a worth-while contribution to the legislation on this subject. It would be a foregone conclusion that anything aimed at decreasing the road traffic toll would find a ready response in this House, as has occurred on this occasion. As honorable members are aware, the desirability for this measure has come about because of the effective result of section 318 of the Crimes Act, in which it is specifically spelled out that where a jury is not satisfied that a person is guilty of manslaughter, but is satisfied that he is guilty of a lesser offence, may bring in a finding of the lesser offence. Of course, what has happened is that, under circumstances which very often are dramatically described in the various media of publicity, an injustice appears to have been done because often the lesser finding is brought in with consequent lesser punishment.

This Bill is an attempt to equate the two circumstances so that the result will be that, even where there is a finding of the lesser crime—after all, this is only a relative term—penalties which are commensurate in the public view can be imposed.

I was interested in Mr. Elliot's reference to the advertising which accompanies the sale of products to-day. It has always seemed curious and somewhat of a paradox to me that, at a time when we are trying to concentrate our efforts on a reduction of the road traffic toll, cars are still being manufactured with a speed range that exceeds the permissible speeds in any areas at least of this State. I suppose the notion of ownership of a car which can move at 120 miles an hour, notwithstanding that this is not a permitted speed, has been designed to attract potential customers. Of course, along with this, we cannot ignore the advertising of fuel for these cars, because then emphasis is much of the advertising is on the word "power" with which is implicit the idea of speed and the idea that a more powerful performance can be obtained from a vehicle if a particular brand of fuel is used.

The Hon. D. G. ELLIOT.—"Put a tiger in your tank".

The Hon. B. D. SNIDER.—I thank Mr. Elliot for reminding me of that advertising phrase. All these things surround us with the notion that the vehicles which are bought are to be used for a performance which can only contribute to road accidents.

With it all, I sometimes wonder whether this House might find itself at some time examining a Bill entitled the "Crimes (Dangerous Pedestrians) Bill". While great emphasis is placed on the activities of motorists to-day, I must confess that at times I am shocked at the total disregard by pedestrians of safety requirements. One sees pedestrians walking diagonally across the road with their backs to the oncoming traffic, instead of crossing at the shortest point. Some pedestrians seem to think that all they need do is to step on to a pedestrian crossing, and that it is not necessary to worry about what the motorist will do. They blithely assume that the white lines on the crossing give them protection from

some irresponsible motorist, and that it is unnecessary to take any precaution for their safety.

In the metropolitan area, it is common to see pedestrians crossing at the back or in front of motorists endeavouring to park their vehicles, instead of waiting the extra second. I have seen people crushed between cars because of this silly practice. It is much easier for a pedestrian than it is for the motorist to control his activity. It is all a matter of the need for greater safety consciousness on the part of people, whether they are drivers, pedestrians, people in the home or in industry. It is my hope, shared by all honorable members, that the speedy passage of this Bill will help to reduce the toll of the road.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2—

In sub-section (1) of section 318 of the Crimes Act 1958 after the words "shall be guilty of a misdemeanour" insert the expression "and shall be liable if the misdemeanour has resulted in death or bodily injury to any other person to be imprisoned for a term of not more than five years or to a fine of not more than \$1,000 or to both such imprisonment and fine and in any other case."

The Hon. L. H. S. THOMPSON (Minister of Housing).—Mr. Elliot made some interesting comments on the question of road safety. I heartily agree with his remarks about the greater need for safety in the design of motor cars, particularly in relation to the interior. In 1959 or 1960, when I was Acting Chief Secretary, I called a conference of the heads of the motor industry in Victoria to discuss this problem. Whilst they all agreed in principle that there should be greater emphasis on the safety factor in the interior design of motor cars, I felt that they were a little sceptical of the results that it might produce. They referred to a particular sales campaign in the United States

of America in the late 1950's, when a certain firm produced what it called a safety model motor car, which was a failure. This could have been a failure for many reasons; it might not have been a good car, or the sales campaign might have been poor. I do not believe that we should automatically assume that, because a campaign of that type associated with a particular model failed in the United States of America, it would fail here if repeated in an enlightened fashion.

Mr. Elliot probably has a second-to-none opportunity of sponsoring a campaign of this type. I have no doubt that it is greatly needed. Many of the interior ornaments and fittings on motor cars can mean only danger in time of accident. When I went on an inspection with the Accident Appreciation Squad, I followed some of the accident victims to hospital. On many occasions, the gadgets inside the car could be blamed for many of the injuries. It has been proved beyond doubt that some mascots on the exterior of cars inflict serious or fatal injuries. The public must be educated to appreciate that it is far more important to have a safe interior in a car than modern lines on the outside. It is a source of wonderment to me that some of the best engineering and design brains in the country spend so much time altering the curve of the boot or the sweep of the radiator instead of developing an interior and exterior which would be as safe as possible.

The Hon. D. G. ELLIOT (Melbourne Province).—I should have appreciated a comment from the Minister of Housing on the suggestion I made regarding a subject on safety in schools. We should take action in the formative years. Let us be frank; the children reflect their upbringing. The atmosphere in which children live, the disciplines to which they are subjected, and the justice meted out to them in the family home are important in the formative years of their

lives and are reflected in their behaviour in their adult years. Let us not minimize the value of the teachers in the formative years of our children.

I sometimes feel that the alternative to the ills that beset our society, the freedom of choice for which we must pay so drastically, is education. Let us not kid ourselves—people become changed personalities in many respects when they drive motor cars. There is some merit in my request that serious consideration be given to a road-safety course. I thank the Minister for his remarks, and I hope that this will become an item of the curriculum in our primary and early secondary educational system.

The Hon. M. A. CLARKE (Northern Province).—I have studied subsection (1) of section 318 of the Crimes Act, and I note that there is a provision for a more severe punishment upon the second or subsequent conviction occurring within two years after the last prior conviction for the same offence. By this Bill it is proposed to insert a heavier penalty and to write in a more serious crime; yet there does not appear to be any increased penalty for a second offence. I do not think the provision relating to punishment for a second offence which occurs within two years should apply in the matter with which we are now dealing. The court may, in the case of a second offence, cancel the offender's licence and withhold it for such time as it thinks fit. This appears to me to be an oversight on the part of the Government; it is proposed to increase the penalty, but the consequence that might flow from a second conviction is ignored. Assuming that the person is not in prison for the full five years, it is possible that he may have another conviction within two years, or he may incur only a fine. The Government should further examine this matter. I note that the Minister has circulated an amendment, but he has not yet mentioned it.

The CHAIRMAN (the Hon. W. R. Garrett).—Order! The Minister of Housing has not moved his amendment.

The Hon. M. A. CLARKE.—Am I in order in commenting on the amendment?

The CHAIRMAN.—Not until the Minister moves it.

The Hon. M. A. CLARKE.—Perhaps the Minister should read the complete sub-section which is proposed to be amended.

The CHAIRMAN.—Mr. Clarke should wait until the Minister has spoken to his amendment.

The Hon. L. H. S. THOMPSON (Minister of Housing).—Mr. Clarke has indicated what could be a defect in this clause dealing with the second offence. Therefore, it may be well to examine the section closely because the penalty may be a little out of line if it applies to a more serious offence. There may be a case for increasing the penalty or having a differential or divided penalty in the case of a second offence. Because the Government proposes to consider the aspect, I shall not proceed with the amendment as circulated. Therefore, I shall propose that progress be reported.

Mr. Elliot suggested that he would like to hear my comments on the provision of safety as a subject in schools. This question has occupied the minds of teachers and heads of Departments for some time. It would be fair to say that the teaching profession has been somewhat divided on this matter. The teachers all agree that safety must be emphasized. Some believe it would be preferable to teach it in incidental fashion as is done at the present time; others believe it would be better to have a special course starting at a certain level. Whether the latter course is better than the first named depends on the degree of emphasis placed on the incidental teaching. One of the difficulties is that some teachers do it

effectively and others do not. Some forget about it. This indicates one of the advantages of having safety as a compulsory subject, but I know from experience that the heads of the Department have discussed the matter at great length and that there has been a division along those lines. I shall be happy to direct the attention of the Minister of Education to what has been said to-night in order that the Government can thoroughly examine the section to ensure that no further amendment is required. Therefore, I move—

That progress be reported.

The Hon. D. G. ELLIOT (Melbourne Province).—Mr. Chairman—

The CHAIRMAN (the Hon. W. R. Garrett).—Order! Any discussion must be limited to the motion that progress be reported.

The Hon. ARCHIBALD TODD (Melbourne West Province).—I should have liked to make a few comments on what has been said before the Minister suggested that progress be reported.

The CHAIRMAN.—The motion has already been moved. A further debate will ensue when the Committee again considers the Bill.

The motion was agreed to.

DAYLESFORD SPRINGS LAND BILL.

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

TOBACCO LEAF INDUSTRY STABILIZATION BILL.

The debate (adjourned from March 22) 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, the purpose of which is to stabilize

the tobacco industry in Victoria, brings into the area of stabilization in peace time one of the most difficult and complex industries in this State. The history of the industry is a torrid one in terms of conflict between manufacturers and growers, and sometimes between growers and share farmers. It is an industry in which a considerable amount of money can be made. It is not an unprofitable industry for a grower who has good land and adopts correct techniques. According to an answer given to a question asked in another place recently, in the industry in Victoria there are 398 landholders and 901 share-farmers and the value of the crop in 1964-65 was £5,687,000.

From time to time, the free enterprise system is referred to in this House, and some time ago it was my privilege to say something about the international meat cartel. To-day, there is an international tobacco cartel. I assume that the parent bodies of Godfrey Phillips International Proprietary Limited, W. D. & H. O. Wills (Australia) Limited, the new firm of Rothmans of Pall Mall (Australia) Limited, and Phillip Morris (Australia) Limited control the tobacco industry throughout the world, including Australia. An indication of the amount of money that can be made on the manufacturing side of the industry is obtainable from an examination of the accounts of Rothmans of Pall Mall (Australia) Limited, a most efficiently managed company. It started operations in Australia in 1955-56 with a paid up capital of £500,000 invested by the parent company in England and £500,000 raised locally. The directors of the company have had some experience in wool stabilization. One of the directors is Sir William Gunn, who is well known to members of the Country Party because of his association with the wool stabilization plan and the Australian Wool Board. Another director is Dr. J. A. Moolman who has interests in South Africa in relation to wool stabilization. This company

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brought a breath of fresh air, so to speak, to the cartel which was monopolizing the tobacco industry in this country in 1955-56.

If cigarette manufacturing companies were compelled to withdraw their advertising from radio and television, there would be some difficulty in financing the programmes which we see and hear on television and radio to-day.

The Hon. I. A. SWINBURNE.—It would give them a shake.

The Hon. J. M. TRIPOVICH.—It would give them a tremendous shake. An example of the advertising indulged in by tobacco manufacturing companies is the full page spread in the *Herald* to-night which, in my opinion, would cost the best part of £1,500. The cigarette manufacturing companies also indulge in substantial advertising on television.

I shall now quote some figures relevant to Rothmans of Pall Mall (Australia) Limited which had a paid-up capital of £1,000,000 in 1955-56. In that year, it showed an operating loss of £196,000. In the next year, 1956-57, its loss was £220,000. Since that year its profits have been as follows: 1957-58, £252,000; 1958-59, £1,003,000; 1959-60, £1,901,000; 1960-61, £2,017,000; 1961-62, £2,187,000; 1962-63, £2,339,000; 1963-64, £2,583,000; 1964-65, £2,944,000.

The Hon. G. L. CHANDLER.—Its advertising must pay.

The Hon. J. M. TRIPOVICH.—It certainly does. I do not think there can be any doubt that this is a most efficiently managed company. My intention is to show that there is money to be made in this industry by a farmer who has good land and uses correct techniques and by a company which can run its business efficiently. From 1955-56 to 1964-65, Rothmans of Pall Mall (Australia) Limited has shown a net profit of £14,810,000 and at present it has reserves of £4,000,000 and a tobacco stock estimated at £15,000,000. In my

opinion, the Government has undertaken a large task in trying to bring about a stabilization plan that will give justice to the small share-farmer and also to the manufacturer.

The growth of the industry in Australia is well worth while examining. In 1955-56, 12,000 acres of tobacco were grown, and the value of the crop was approximately £3,000,000. This year approximately 26,000 acres have been planted. The value of the crop in 1963-64 was £16,161,000. I do not have the figures for 1964-65. In 1955-56, the tonnage of production was 2,986 short tons—that is 2,000 lb. to the ton—and in 1964-65 it was 11,000 tons. So the tonnage has increased almost four-fold since 1955-56.

To-night, I was tempted to give notice of a question seeking information of the proportion of unnaturalized new Australians who will be entitled to vote at the ballot which is to be held on 13th April to elect growers' representatives to the Board. As Rafferty is now ruling in the balloting provisions for the election of Tobacco Leaf Board members in this State, as indicated by a Bill which the Minister of Agriculture introduced to-night, I think the answer would have been somewhere about 75 per cent. So, this creates a further difficulty in trying to bring stabilization to people who come from overseas countries and who do not realize—I say this sincerely—the benefits of a stabilization scheme under which a person gets paid according to his efforts rather than as result of smart business tactics.

The history of the tobacco industry is one of great conflict. The Minister may know of conflicts prior to 1924, but that is the earliest one I can find. During the second world war, a Board was set up under the wartime powers of the Commonwealth Government to provide for schedules of grades of leaf and to fix prices based on them in order to stabilize the industry. This is comparable with industrial workers seeking a weekly fixed

wage from an industrial tribunal, and I believe that, just as the worker is entitled to a fair day's pay for a fair day's work, so are primary producers entitled to fair returns for their labours. Therefore, we support the principle behind stabilization schemes.

Government appraisers were appointed under the war-time scheme which was worked on a basis similar to the wool appraisalment scheme. Reasonable prices were fixed by the appraisers, and if the leaf did not realize what was assessed it was not sold. The Minister of Agriculture is well aware that there is very little trouble when the crop is short of requirements, but when the crop is above requirements all sorts of problems arise. I have examined debates on tobacco stabilization in the Federal Parliament, and speakers from all parties have stated that considerable difficulty was encountered in attempts by the Commonwealth Government to get the co-operation of the States so that a peace-time stabilization plan could be brought into operation. The production of tobacco had increased tremendously and the market was more or less over supplied.

The Hon. G. L. CHANDLER.—Do you not think that stabilization must come up from the industry and not down from the Government?

The Hon. J. M. TRIPOVICH.—I do not oppose the view of the Minister on this point. I believe that stabilization must be requested by those who will benefit from it. I do not consider that any Government can sell even the most beneficent scheme to producers who feel that they do not want it. That was the problem encountered in connexion with the wool ballot which was defeated last year. I played some part in the ballot for a wheat stabilization scheme in 1945, and I know that many votes in favour of it would not have been cast if we had not knocked on doors and asked farmers

to vote. In this regard, the average farmer is not much different from the industrial worker.

The Commonwealth Government could not get co-operation from the States, and, as the market was over-supplied, it decided to take a ballot of the growers who threw the proposal out in either 1959 or 1960. Mr. Bradbury and Mr. Swinburne can possibly speak with more authority on what happened in 1961 than I can, as there are no tobacco growers in Dousta Galla. However, in 1961 an application was made to the Commonwealth Government for assistance, and it made a direct grant of £175,000 for the relief of tobacco growers. There was great discontent in relation to the allocation of this money, and it is my belief that these difficulties led the growers to accept the interim voluntary scheme which was put up by the Commonwealth and supported by the States.

An interim stabilization committee was appointed by the Commonwealth Government to handle the marketing of the 1964-65 crop. This necessitated the States setting up interim quota committees. In Victoria, these duties were taken over by the Tobacco Leaf Marketing Board, and quotas were based on the amount of tobacco sold in the previous two years. The measure we are now considering is designed merely to put the official imprimatur on the voluntary stabilization scheme. Victoria's share was 9,663,000 lb. out of the Australian quota of 26,000,000 lb. of tobacco. This Bill will validate those quotas until such time as they are varied.

The Board that is provided for in the Bill will take directions from the Australian Tobacco Board. I consider that the growers have not made any excessive demands on the Government. The average price of tobacco leaf in the preceding three years was 140d., 134.8d., and 123.1d., and the growers agreed to take a stabilized price of 125d. Under the new scheme, the price will be 131d.

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Although a lot of money can be made from growing tobacco, it is not so easy for growers who are forced into using land which is not of sufficient quality to grow good crops. I do not know a great deal about tobacco growing, but I know that when high prices are offered for wheat under a stabilization scheme, uneconomic areas are brought into production. Farming these areas may pay whilst prices are high but when prices collapse they are not capable of maintaining the production needed at the lower prices offered. There is no doubt that this also applies to the growing of tobacco.

Part I. of the Bill covers the preliminaries and the interpretations associated with the scheme, and Part II. defines the powers of the Commonwealth Board. Sub-clause (1) of clause 5 provides—

For the purpose of giving effect to such policy with respect to the marketing of Australian tobacco leaf as is from time to time agreed between the Commonwealth, the State of Victoria and any other States which are declared by the Commonwealth Minister to be tobacco-growing States, the Commonwealth Board may give directions in writing to the State Board with respect to the sale or other disposal by the State Board of Australian tobacco leaf and in particular, without limiting the generality of the foregoing may in writing direct the State Board not to sell Australian tobacco leaf of any specified grade at a price less than the price specified in relation to that grade, and the State Board shall comply with all the directions of the Commonwealth Board.

This establishes the principle for the fixing of the minimum price at which the product may be sold. Clauses 6 to 13 in Part III. provide for the establishment of a tobacco quota committee. I think these things cover the formal requirement of a stabilization scheme. As I stated, in the past the duties to be performed by this committee were undertaken by the Victorian Tobacco Leaf Marketing Board.

Clauses 14 to 20 in Part IV. are the necessary provisions associated with the Tobacco Quota Appeals Tribunal. The Minister of Agriculture, in his

second-reading speech, referred to the fact that the Queensland Government had seen fit to legislate to the effect that a barrister at law, a stipendiary magistrate or a former magistrate should be the chairman of the Queensland tribunal. The Victorian Government has seen fit to provide in paragraph (a) of sub-clause (2) of clause 14 that the chairman shall be a person whom the Minister is satisfied is competent to conduct an independent inquiry into an agricultural dispute. Consequently, he need not be a barrister at law, but will be a person who, through experience or knowledge of the industry, or because he possesses some other relevant attribute, is capable of occupying the position. The Labor Party supports the view and has rejected the idea that a person must be a lawyer to be capable of occupying a position of this nature. There has been criticism in the past that the Government, when it has been filling positions, has had somebody in view for appointment. We do not make any allegations of this nature in relation to this legislation. We support the principle that the person to be appointed shall be the person deemed by the Government to be most fitted to do the job.

Sub-clause (2) of clause 18 provides that a quorum of the appeals tribunal shall be two members out of the three. There is also provision in sub-clause (4) for every decision of the appeals tribunal to be decided by a majority of the votes of the members present, including the chairman, and in the case of an equality of votes the decision shall be postponed until the next meeting. This is a very good provision.

Part V. covers the powers and duties of the State Board, and also the qualification for a grower's basic quota. The quota is to be tied not only to the person but also to the land. I do not profess to speak with any experience in connexion with this aspect, but we accept the attitude the Government has taken.

It must have given serious consideration to it, and therefore we offer no objection to the proposal. The principle behind it is that if a grower is short of his quota, there will be no possibility of his obtaining tobacco from, say, his brother, who may have a surplus.

Clause 31 relates to appeals, and again members of the Labor Party consider that the Government has adopted a principle which is sound in legislative procedure. Sub-clause (4) provides—

After considering the appeal the Appeals Tribunal may confirm vary or reverse the decision of the committee, and, where the Tribunal is satisfied that the appeal was not frivolous or vexatious, it may refund to the appellant the whole or such part of the fee as it thinks fit.

Para (c) of sub-clause (3) of section 31 provides that an appeal shall not be heard by the appeals tribunal unless it is accompanied by the prescribed fee, or, if no fee is prescribed, a fee of \$20. That is a wise provision, designed to keep proceedings on a proper basis. Under clause 32, growers' quotas must be publicized each year, and this is a wise precaution.

Part VII provides for the valuation of the quotas fixed by the Tobacco Leaf Marketing Board, acting as an Interim Quota Committee. In Part VIII, which deals with miscellaneous matters, provision is made for a maximum fine of \$1,000 and forfeiture to the State Board of the tobacco leaf in respect of which an offence is committed by any farmer who tries to put into the pool something that he is not entitled to put in. The penalty may seem heavy, but I point out that the farmer is deemed to be subject to a penalty only when he knows or has reason to believe that the tobacco leaf in question is not from the grower's basic quota. It is not the desire of the Opposition to protect those who seek unfairly to take advantage of this scheme.

In connexion with clause 39, which empowers the Governor in Council to make regulations, I made inquiries

among some friends and acquaintances associated with the tobacco industry. Paragraph (c) of sub-clause (2) empowers the Governor in Council to make regulations for or with respect to—

prescribing the basis of allocation or re-allocation of growers' basic quotas to be adopted by the committee and the fixing of maximum growers' basic quotas that may be granted by the committee.

I have an inherent objection to the making of regulations when the matters covered can be included in legislation. However, it has been explained to me that it is necessary that the committee should have these powers, and I accept the decision made in the matter without quarrel.

The clause also enables the Governor in Council to prescribe penalties not exceeding \$200 for any contravention of or failure to comply with any regulation. In my opinion, the penalty must be sufficient to afford protection to the industry. The purpose of this Bill, as with other stabilization Bills, is not to stabilize the profits of any individual, whether manufacturer or grower. Its purpose is to stabilize as a whole the industry from which the grower and the manufacturer will receive benefits. I believe that any grower who thinks the purpose of the legislation is to increase his profits at the expense of the industry is in the wrong business, and should get out of it.

Members of the Labor Party support the Bill, and sincerely hope it will work satisfactorily. Because of the conflicts that have taken place in the industry throughout the years, it will not satisfy all the growers. Many new Australians are engaged in this complex industry, and the matter of share-farming agreements will take a lot of explaining to them. However, I hope the proposed legislation will enable them to receive what they earn by their efforts, because that is the basis of stabilization.

The Hon. I. A. SWINBURNE (North-Eastern Province).—On behalf of the Country Party, I support the Bill. First, I should like to express my

appreciation to the Minister of Agriculture and to his Department for their approach to the measure. For a long period, the Minister has kept his door open to all sections of the industry in an endeavour to arrive at principles under which the State and Commonwealth Boards should be established. The Minister has had many difficult times, and probably he is still confronted with some difficulties—the passing of this measure will not resolve them all. However, I appreciate the method by which the decisions have been arrived at, and I thank the Minister for the courtesies he has extended to me and to the growers in the many different sections of the industry.

This is complementary legislation to bring into effect in Victoria an agreement entered into between the States and the Commonwealth in relation to the stabilization of the tobacco industry. It is proposed that the Australian Tobacco Board will control the sale of tobacco leaf produced in Australia. The Federal Board is representative of the growers, the manufacturers, the State Governments and the Federal Government.

An arrangement has been made around conference tables on the basis that 26,000,000 lb. of tobacco shall be produced in this country. The Federal Government has guaranteed that there will be a sale for that quantity at a fixed price. Last year, the price was 125d. per pound, and the revised schedule for this year will show an average price of about 131d.

It is necessary to read this Bill in conjunction with the Federal Act, the main section of which deals with the functions of the Commonwealth Board. They are to advise the Federal Minister regarding the sale of tobacco leaf grown in Australia within the framework set down by agreement between the parties.

Queensland is the main producing State, Victoria comes next and New South Wales grows leaf in certain small areas. During the past few

years, Western Australia has dropped out because of the inability of growers in that State to produce tobacco of the quality needed by the manufacturers. This Bill must be read and construed also with the Marketing of Primary Products Act of this State.

Mr. Tripovich has referred to the ups and downs of this industry. I first became associated with it in 1932. I well remember the hard days of the depression, when many people were struggling to make ends meet and I and many others were enticed into the tobacco industry. Since then, I have had an association as a grower and as an interested citizen, because the area in which I have lived has been the centre of the tobacco industry in Victoria.

During the period to which I have referred, the industry experienced three crises. In the early days, the business of tobacco growing was not as technical as it is to-day, and a different type of leaf was produced. Much of it was grown on dry land with little irrigation—in many instances, no irrigation water was available—so the leaf then produced probably would not command any price at all to-day.

The industry has been developed by the use of modern methods, and Australian practices would be equal to those adopted in any other part of the world. The Australian grower can hold his own with growers in the other great tobacco areas of the world, including the United States of America, South Africa and Rhodesia.

During the years, the amount of tobacco purchased has risen and fallen. In some areas, the manufacturers would buy considerable quantities, but in others they would not buy very much. Agreement was reached with the Federal Government on the operation of a percentage system in the industry. It began at the humble figure of $2\frac{1}{2}$ per cent., which the growers considered to be a fair start. To obtain a rebate of

import duties, manufacturers were required to use in their mixtures $2\frac{1}{2}$ per cent. of Australian tobacco.

The consumption in Australia has been fairly static. Probably, there has been a rise of about 3 per cent. a year, the increase being from about 45,000,000 lb. to between 52,000,000 and 53,000,000 lb. at present. At the same time, production in Australia has increased. The Commonwealth Government has now decreed that, in order to collect the customs rebate, manufacturers must use in their mixtures 50 per cent. of Australian leaf. This means that at the start of the stabilization scheme, 26,000,000 lb. of Australian leaf will be used.

Much discussion preceded the fixing of this figure. The growers wanted about 28,000,000 lb. of Australian leaf to be used, and the manufacturers 22,000,000 or 23,000,000 lb. The controversy continued for about twelve months, and eventually the Federal Minister said, in effect, "I decree that the figure shall be 26,000,000 lb. Accept it or reject it!" That was the attitude adopted, and perhaps it was the only way in which the matter could be resolved.

Probably, the growers were fairly treated. However, it is all very well to say that there is in existence a system based on the use of 26,000,000 lb. of tobacco. That is a lot of tobacco to be grown on the acreage of reasonably good land available for this purpose in Australia. Last year, the yield in Queensland was light, and Victoria had a fairly normal crop, but over the whole of Australia only 22,000,000 lb. of tobacco was produced. Thus, the industry fell short of the quota by 4,000,000 lb. It is expected that this year not much more than 26,000,000 lb. will be grown, if that figure is achieved.

There is some doubt whether that amount of tobacco will be produced this year. The Queensland crop was not as heavy as usual. Although the area planted in Victoria was reasonable, the yield in some places has not

been as high as expected because of seasonal conditions. Figures made available to me last week by the chairman of the marketing board indicated that growers would be very fortunate if the total for Australia reached 26,000,000 lb. of saleable tobacco which comes within the schedule. It may be that more tobacco than that will be produced and sold, because there is nothing in the agreement which prohibits a company from buying, on the floor, any tobacco which is not within the schedule. Such tobacco does not come within the ambit of the proposed scheme.

The guarantee is for 26,000,000 lb. If any tobacco above that amount is sold, it will be bought at a price agreed upon, but will not affect the guaranteed quantity of 26,000,000 lb. Some such tobacco was purchased during the Queensland sales. It could have been destined for use within or outside Australia. Low-grade Australian tobacco is manufactured in Australia, and sold to adjacent islands.

The Bill is concerned mainly with the powers which it gives to the Commonwealth Board. Provision is made for the appointment of a Tobacco Quota Committee and for a Tobacco Quota Appeals Tribunal. The tribunal will have the power to decide whether the sharing of "the turkey" among growers has been equitable. The Bill also deals with the powers and duties of the State Board and with tobacco quotas which are in existence at the present time. It also refers to the Interim Quota Committee, which fixed the interim quotas.

The Tobacco Leaf Marketing Board, which was set up under the Marketing of Primary Products Act of 1958, shall act for the Commonwealth Board in the selling of tobacco leaf in Victoria. The Victorian Board is elected by the growers. Originally, the members were elected for a term of two years. Another Act extended the term to three years, and an election for the first three-year term is at present in

progress. Nominations closed on the 4th March, and the ballot is to be held on Wednesday, 13th April.

As Mr. Tripovich said, there has been some criticism and dispute about who is covered by the term "producer," but I will discuss that when another Bill which the Minister introduced to-night is being dealt with. That Bill relates not only to the tobacco industry but to other primary industries in Victoria. In the tobacco industry, there is an "open go" as to who gets the vote. Mr. Tripovich quoted some figures relating to owners and share-farmers. The latest information I have is that the number enrolled was over 1,600 and was rapidly approaching 1,700. It could well be that, before voting closes, votes could be claimed by 1,750 or 1,800 people.

The Hon. G. L. CHANDLER.—How many were enrolled when the poll to establish the board was taken?

The Hon. I. A. SWINBURNE.—From memory, there were 1,136 on the roll, and about 960 recorded a vote. As the Minister said, there were then some limitations on the franchise. Now, if a person on a tobacco farm is over eighteen years of age, and is not working for wages, I do not know how he could be prohibited from voting. It is a ridiculous position, but all growers have accepted it and my attitude is "may the best man win". If it is fair to one, I suppose it is fair to all.

It will be the responsibility of those who are elected to the Board on the 13th April to carry out the stabilization scheme for the next three years. As provided in clause 4 of the Bill, they will be responsible for selling the leaf grown in Victoria. They will be responsible for seeing that 9,663,000 lb. of leaf, the quota for Victoria within the schedule, is sold at what will be an Australian average price of 131d. per pound or thereabouts. This quantity is Victoria's share of the 26,000,000 lb. In the event of the Australian quota of

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26,000,000 lb. not being reached, what is termed "over quota tobacco" will be taken into consideration. This will probably be necessary if some growers are to be saved from an embarrassing situation.

It is not possible accurately to estimate how much tobacco will be grown on a particular area of land in a particular year. The tobacco crop fluctuates probably more than most others. Growers have cultivated what they consider to be a reasonable area in order to reach their quotas, but some will have more tobacco than their quota and some will have less. The crop depends upon climatic conditions in the growing period from the end of October to the end of April.

The kernel of the Bill is clause 5. It deals with the powers of the Commonwealth Board. The clause is excellently worded. The Commonwealth Act sets out the functions of the Federal Board, which include the making of recommendations to the Minister with respect to the making of regulations for the purpose of section 18 of the Federal Act. That deals with the export of tobacco. The Federal Board is also to formulate plans for the consideration of the Federal Minister with respect to the interstate marketing of tobacco leaf. What is probably most important is that, with the consent of the Minister, it is required to advise State Boards with respect to interstate marketing and the export and marketing overseas of Australian tobacco leaf. That gives power to the Federal Board, with the consent of the Minister, to give directions to the State Board how it shall dispose of the 9,663,000 lb. of tobacco, which is the quota allocated to Victoria.

Clause 5 of this Bill has three functions. Sub-clause (1) provides—

For the purpose of giving effect to such policy with respect to the marketing of Australian tobacco leaf as is from time to time agreed upon between the Commonwealth, the State of Victoria and any other States which are declared by the Commonwealth—

This gives effect to the wishes of the State in relation to this agreement with the Commonwealth. Then follows the powers which are delegated to the Commonwealth. The clause proceeds—

The Commonwealth Board may give directions in writing to the State Board with respect to the sale or other disposal by the State Board of Australian tobacco leaf and, in particular, without limiting the generality of the foregoing may in writing direct the State Board not to sell Australian tobacco leaf of any specified grade at a price less than the price specified in relation to that grade, and the State Board shall comply with all the directions of the Commonwealth Board.

Sub-clause (2) is a saving provision which gives the Governor in Council power at any time to suspend the operation of sub-clause (1). If the Minister does not agree with what is being done by the Commonwealth Board or with a direction which is given by the Commonwealth Board, he can arrange for the suspension of the operation of sub-clause (1). Its operation would not be suspended unless the Victorian Board completely disagreed with a direction given to it. It could then recommend to the Minister that the operation of sub-clause (1) be suspended. This provision gives a safeguard to the growers, and it is one which is appreciated by them. They would have access to the State Minister through the Board and through him to the Federal Minister.

Part III. of the Bill deals with the Tobacco Quota Committee. Quotas are probably the most contentious question in the tobacco-growing industry. Quotas are a contentious subject in any industry. I remember the argument that took place when restrictions were imposed on the wheat industry many years ago. In this case, the turkey weighs 9,663,000 lb., and must be shared among the growers. The sharing would be a difficult job, no matter who did it. There are growers going out of the industry, and growers coming into the industry; some growers are trying to extend the area under cultivation, and some

are carrying on as they have done in the past. To see that quotas are allocated on an equitable basis, the Minister will appoint four members of the Tobacco Quota Committee, which will make the allocation.

The Minister knows that there are anomalies in the industry, and it is felt that they will subsequently be ironed out so there will be a little less friction. The quotas already in existence are to be carried into the stabilization scheme. They were allocated last year under a voluntary scheme which the growers accepted. The new Tobacco Quota Committee may leave the quotas as they are, or it may review them. It may examine quotas whether asked to do so or not. The committee may also amend the quotas. It is important that the committee should have the power to adjust quotas from time to time to accord with the total of 26,000,000 lb. for the whole of Australia.

I relate my remarks to paragraph (c) of sub-clause (2) of clause 39 which states that the Governor in Council may make regulations prescribing the basis of allocation or re-allocation of growers' basic quotas to be adopted by the committee and the fixing of maximum growers' basic quotas that may be granted by the committee, and clause 29, which will give the committee the power to amend quotas from time to time as required.

At present, the main tobacco growing areas in Victoria are in the Kiewa, Ovens, Buffalo and King valleys. The crops in one of those valleys could be wiped out because of special seasonal conditions. As a result, quotas in other areas could be adjusted in an appropriate manner. This provision will give the committee a flexible charter. The growers have a responsibility to endeavour to produce up to the maximum so that manufacturers will be enabled to blend the permitted percentage as decided by the Federal Government. It is important that the full quota should be produced.

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Growers who have been engaged in this industry for some years realize that they cannot set out to grow an exact quantity of tobacco. It may be possible to forecast the harvest from a crop of wheat or the production from a dairy herd, in an average year, but the production from a tobacco crop depends a good deal on seasonal conditions. In order to obtain a total quantity of 26,000,000 lb. for the whole of Australia, some districts might have to produce a little extra to counter-balance bad patches in other areas. Last year, the Australian production totalled only 22,000,000 lb. It is important that the Tobacco Quota Committee should have some flexibility in the application of quotas.

The Bill provides that the members of the Tobacco Quota Committee shall be appointed by the Minister, and we have full confidence that he will select the right and proper persons. Clause 11 makes provision in relation to documentary evidence to be supplied to the committee either by the growers at the committee's request or by the committee itself from statistics.

I turn now to discuss the all-important Tobacco Quota Appeals Tribunal which is to be established. Previously, growers have accepted the basic quotas which were laid down by the Board for the simple reason that the only appeal available was from Cæsar to Cæsar, so to speak. If the Board said that a grower's quota could not be increased, that was the end of the matter. The Tobacco Quota Appeals Tribunal will have the job of straightening out any anomalies which growers believe exist. I agree with Mr. Tripovich that the proposed composition of the tribunal is reasonable. I do not see any reason why the tribunal should not adopt a reasonable approach to its difficult task. The Tobacco Quota Appeals Tribunal, as an independent body, will have the opportunity of examining growers' problems. I am aware

that a number of appeals which were made to the Board previously were rejected, possibly because, having reached a decision, the Board was not prepared at that stage to change its mind because a starting point had to be arrived at. If the Board had granted certain appeals, it probably would have been inundated with further appeals in the period that we have been passing through. In any event, the tribunal will now be available to decide cases of hardship.

Clauses 21 and 22 lay down the powers and duties of the State Board which are additional to the powers imposed on the Board under the Marketing of Primary Products Act. Under the provisions of clause 22, all costs incurred in respect of the Tobacco Quota Committee and the Tobacco Quota Appeals Tribunal will be paid by the growers. It might be said that the manufacturers should make a contribution. All I can say is that if the manufacturers were asked to contribute, the growers would eventually pay, anyway, and possibly twice as much, so they might as well pay in the first place. Clause 23 relates to the qualification of a person for the allocation of a grower's basic quota. Strict rules are laid down, and the quota is tied to the person and to the land. As a grower, I have to nominate the area of the land from which I will produce my quota. No one, other than myself, can produce my quota on that land. A grower is not permitted to take any tobacco from any other piece of land or to give any tobacco from his land to anyone else. In addition, a quota cannot be transferred without the prior consent of the committee—either from one person to another person or from one piece of land to another piece of land.

Under clause 26, a grower's quota may be forfeited, or reduced as the committee thinks fit. I see no objection to this provision, because if a person is not going to grow tobacco he should get out of the business and let someone else do it. Growers have a responsibility to pro-

duce 26,000,000 lb., and if a grower is not prepared to plant his quota I see no objection to its being reduced or taken from him. The committee may reduce a grower's quota if the grower fails for three consecutive years to produce his basic quota, or if a grower's basic quota was issued erroneously or as a result of a false or misleading statement or representation. I see no objection to these provisions. If, in striving to obtain his quota, a grower over-produces, he takes some financial risk in relation to holding or selling his extra tobacco. I trust that the committee will use its power with discretion so that a person who grows more or less than his quota is not penalized until the stabilization scheme is operating on a reasonable basis.

Under clause 27, the committee may at any time increase a grower's basic quota. I do not visualize that the committee will grant a grower a quota that he cannot possibly attain. I take it that the effect of this provision will be that if the committee feels that a person is capable of growing additional tobacco and another is failing to produce his quota, the first person will be granted an increase in his quota.

Clause 29 caused me some concern until I discussed its provisions with the Minister. It gives the committee power to adjust a grower's basic quota after taking into consideration his basic quota, any one or more types of shortfall, and all allocations of growers' basic quotas in excess of the State tobacco quota. This clause gives the committee power to amend quotas to meet difficulties occasioned by seasonal conditions. During the next fortnight, every grower will receive a form from the committee inquiring how much tobacco he has produced. It might be found that 10 per cent. of the growers have not produced their quotas. The committee will be able to adjust other quotas by perhaps a small percentage to ensure that the maximum quota is brought on to the floor.

The Minister has agreed to amend paragraph (a) of clause 30. A person holding a grower's basic quota or grower's adjusted quota shall be entitled—

(a) to deliver to the State Board for sale, at any sale declared by that Board to be a sale for quota tobacco leaf, such proportion of his grower's basic quota or grower's adjusted quota as the State Board with the approval of the Committee may from time to time determine (and any such leaf so delivered may be offered for sale by the State Board as quota tobacco leaf subject to the provisions of this Act);

The words "with the approval of the Committee" have no real meaning because it is the State Board's responsibility to sell the tobacco; it has nothing to do with the quota committee. The Minister's attention was directed to this position by the Department, and it has been agreed that the words "with the approval of the Committee" will be deleted.

The provisions contained in clause 32 will be fairly important in the early stages of the stabilization scheme, and I give the Government full credit for including this provision. It provides—

The Committee shall publish in the *Government Gazette*—

- (a) once at least in every seasonal year the amount of every grower's basic quota granted for that year;
- (b) any forfeiture of or any alteration to the amount of a grower's basic quota; and
- (c) any other matter which the Committee deems it necessary or expedient to so publish.

This will put the various quotas beyond doubt so that all persons in the industry will know they are reasonable. It will prevent trouble of the type that has arisen during the the year when stories have been circulated concerning the quotas of various growers. It is important that this information should be published so that those connected with the industry will know what are the allocations and to whom they belong.

Clause 33 will regularize the existing quotas, which will be compulsory, instead of voluntary as in the past. Clause 34 is a provision that is

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usually inserted in legislation of this nature. It sets out who shall be liable, and so on. Clause 35 is a penalty clause. Growers do not object to the principle envisaged in this clause, although I have heard certain comments concerning it. The penalty for the delivery to the State Board of non-quota tobacco leaf shall be a fine of \$1,000 and forfeiture to the State Board of the tobacco leaf in respect of which the offence was committed.

The Minister will appreciate that it is difficult to convince people in the country, who are not familiar with Acts of Parliament and who do not understand that this measure must be read in conjunction with the Acts Interpretation Act, that the penalty prescribed in this clause is the maximum penalty. It is interesting to note that clauses 36 and 39 refer to penalties not exceeding \$200. The insertion in clause 35 of the expression "not exceeding" would assist to overcome this problem and would allay some of the fears that exist in the minds of growers. The maximum penalty of \$1,000 might not be too harsh for a person who tried to transfer 5 tons of tobacco leaf from one quota to another quota. However, many small growers use the one shed and, in the case of one grower not filling his quota and picking up only one bale from another quota, the maximum penalty would be too harsh. If he were to lose the value of the bale in question, which would be in the vicinity of \$100, it would be a reasonable punishment.

For the benefit of those growers who do not understand the phraseology of legislation, I ask that this position should be clarified. I am sure that the provision is designed primarily to preventing trafficking in quota tobacco and non-quota tobacco. I know that the Minister is happy with my suggestion that the wording of this clause should be made uniform with the penalty provisions in clauses 36 and 39.

That is the crux of the Bill. I trust that those who are elected as members of the Board when the final declaration is made following the poll on the 13th of this month, together with the members of the Queensland and New South Wales Boards and the officers of the various Departments in the State and Commonwealth, will do their utmost to bring peace and harmony to the tobacco industry. There will never be complete harmony in the industry, because 75 per cent. of the persons who are engaged in it do not understand the English language and the principles which are involved in legislation of this type. If we can bring stabilization to the industry and provide an objective for the future of increasing the percentages of Australian leaf and eventually reaching the stage where the industry will grow again, we will be doing something worth while. On behalf of the Country Party, I give this Bill my blessing.

The Hon. A. K. BRADBURY (North-Eastern Province).—I fully concur with the two previous speakers on this Bill which, I believe, will bring some semblance of stability and peace to a troubled industry. The legislation will give some satisfaction and peace of mind to many persons who are engaged in the tobacco industry to-day. My short experience with the industry has been one long headache. I join with Mr. Swinburne in expressing sincere appreciation to the Minister of Agriculture for the patience which he displayed when my colleague and I approached him—on some occasions we have approached the honorable gentleman from different sections of the industry—and the manner in which he has received our representations.

The Bill gives a great deal of satisfaction to me because it is a further step towards bringing stabilization into this industry. About two years ago, I was placed in the invidious position of having to cross the floor

of this House against my own political party in bringing into fruition the Tobacco Leaf Marketing Board which will, in future, form part of this stabilization set-up and operate not only in Victoria, but throughout the Commonwealth.

The tobacco industry has had an extremely troubled history. In 1961, many growers in the Commonwealth, particularly in New South Wales, Western Australia and Victoria, went bankrupt. Others were forced off their holdings and, as Mr. Tripovich pointed out, the Commonwealth came to the aid of these people and made available approximately £175,000 by way of grants to assist them in their plight. I should also like to pay a tribute to the State Government for its assistance in this regard. I made numerous approaches to the Premier and various Government Departments, which responded magnificently and, as a result, we were able to arrange loans amounting to £43,000 to various tobacco growers in Victoria. This action demonstrated the Government's desire to see that the tobacco industry was saved from chaos and that many growers were saved from losing all their earnings. The loans afforded many people a further opportunity of remaining in the industry.

It is also pleasing that of approximately 200 growers who shared in the loan money—security was given by means of a lien over their tobacco leaf for the next season—only three did not meet their commitments the next year. Certainly, some growers went back to the Rural Finance Corporation, as it was then called, and obtained further loan money to assist them in planting their next season's crop. This indicates the ups and downs associated with the tobacco industry.

One of the major causes for the condition of the industry was the fact that many people became tobacco growers believing that they could become rich overnight without

possessing the technique and knowledge of how tobacco should really be grown. As a result in, 1961, 32,000,000 lb. of leaf was produced, which afforded the manufacturers an opportunity of discriminating as to which leaf they would buy. In that year, my Federal colleague and I collected numerous hands of unsold leaf from the various floors. We asked many people who had an intimate knowledge of the industry if they could distinguish between leaf that had been passed in without any bid and leaf that had been sold at a high price. To our amazement, many of the people whom we approached and who had an intimate knowledge of the industry—some were appraisers on the floors—selected the leaf that had not brought a bid as against the leaf that was sold at a high price. The situation to which I have referred created a good deal of discrimination between growers and played into the hands of manufacturers. Again, there was a similar example in 1964, when many growers lost practically all their earnings. Several growers had to leave their holdings because of their inability to sell their leaf.

This Bill will bring stability to the tobacco industry, and provide a future for those who are willing and prepared to produce a leaf of the quality necessary to come within the grade schedule. They will be offered a guaranteed price for their leaf quotas. As I have said, so long as the tobacco leaf falls within the grade schedule its sale will be guaranteed before any other leaf can be sold. Therefore, some real stability will be given to the tobacco-growing industry. It is pleasing that, despite all the factions and sections into which the industry has been split in the past, on this occasion all segments of the industry are unanimous in supporting the stabilization measure that is before the House to-night. At last, uniformity is being achieved in the industry, and this can only be to its benefit.

The Hon. A. K. Bradbury.

I have pleasure in supporting the Bill, and hope it will bring to the industry and the individual growers of Victoria their right to receive a fair return for a fair quality product which they are able to produce in the interests of the State and the Commonwealth.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was verbally amended and, as amended, was adopted, as were clauses 2 to 29.

Clause 30, providing, *inter alia*—

A person holding a grower's basic quota or growers adjusted quota shall be entitled—

- (a) to deliver to the State Board for sale, at any sale declared by that Board to be a sale for quota tobacco leaf, such proportion of his grower's basic quota or grower's adjusted quota as the State Board with the approval of the Committee may from time to time determine (and any such leaf so delivered may be offered for sale by the State Board as quota tobacco leaf subject to the provisions of this Act); and

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

That, in paragraph (a), the words "with the approval of the Committee" be omitted.

As Mr. Swinburne explained, these words are completely out of context. After the basic and adjusted quotas have been decided, the Tobacco Leaf Marketing Board will not have to obtain the approval of the committee for the sale of a portion that is called in for auction from time to time.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 31 to 34.

Clause 35, providing, *inter alia*—

- (1) Any person who delivers or causes or suffers to be delivered to the Board as the whole or a part of a grower's basic quota any tobacco leaf which is not and which he knows or has reason to believe is not from that grower's basic quota shall be guilty of an offence.

Penalty: \$1,000 and forfeiture to the State Board of the tobacco leaf in respect of which the offence was committed.

The Hon. G. L. CHANDLER (Minister of Agriculture).—I should like to comment on the point raised by Mr. Swinburne concerning the penalty of \$1,000 and forfeiture to the State Board of tobacco leaf in respect of which an offence was committed. It is true that in other parts of the Bill the expression “not exceeding” appears before monetary penalties. I agree with Mr. Swinburne that, while lawyers may assert that this is governed by the Acts Interpretation Act, this sort of thing makes our legislation confusing to the layman. On examining the Act, such a person would believe that in this instance a penalty of \$1,000 was involved because in other parts of the legislation it is clear that the penalty is not to exceed a certain amount. Of course, the Minister for Local Government and Mr. Feltham would say, “This is the new type of drafting which is being used, and the provision is governed by a particular section of the Acts Interpretation Act.” I give Mr. Swinburne an assurance that I shall take this matter up with the Law Department again with a view to seeing whether the words “not exceeding” can be inserted in this instance. This would be a more satisfactory situation so far as ordinary people who read the legislation are concerned.

The Hon. I. A. SWINBURNE (North-Eastern Province).—I appreciate the Minister's difficulty. I have been arguing about this matter ever since the Bill was circulated. I realize, as the legal advisers of the Government have asserted, that the matter is covered by the Acts Interpretation Act, but I point out that this is a voluntary agreement. I consider that the interpretation of the legislation should be made as simple as possible for laymen. I appreciate the views of the lawyers in this instance, but why should the Bill be made complicated in this fashion? The words “not exceeding” appear before other monetary penalties in the Bill. I point out that the forfeiture of tobacco leaf in respect of

which an offence was committed would probably be a far greater penalty than the \$1,000. Earlier, I suggested that if a man tried to transfer 5 tons of tobacco from one quota to another, the maximum penalty of \$1,000 would probably be not too harsh. If his tobacco was forfeited the penalty would probably be about \$11,000.

This matter should be clarified. It is not a criminal offence which is involved, yet this penalty would be a large one for such an offence. I strongly support the view that penalties should be adequate, but I believe that in this instance the matter should be clarified by inserting the words “not exceeding” before the penalty of \$1,000. A lot of the people concerned in this industry are not Australians and they have difficulty in even reading English. A statutory provision should stand by itself without the necessity to read other Acts of Parliament to find out what it means. I should like to hear some of the legal members of the House justify their opposition to my view on this point. Does the honorable gentleman intend to do anything about the matter? Perhaps if he can convince his colleagues, an amendment could be submitted in another place. I do not wish to be harsh, because in our discussions on this Bill we have got on exceedingly well. This is the only point of conflict.

The Hon. G. L. CHANDLER (Minister of Agriculture).—If Mr. Swinburne wishes to move an amendment, I shall accept it, and the legally-qualified members in another place can oppose it if they wish to do so.

The Hon. I. A. SWINBURNE (North-Eastern Province).—I move—That, in sub-clause (1), before the expression “\$1,000” the words “not exceeding” be inserted.

The Hon. J. M. TRIPOVICH (Doutta Galla Province).—I am pleased that the Minister of Agriculture has accepted the amendment submitted by Mr. Swinburne, which my party proposes to support. When

I first examined the Bill, I thought the penalty was severe. I understood from my discussions with other people that it was a maximum penalty. I commend Mr. Swinburne for his persistence.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 36 to 38.

Clause 39 (Regulations).

The Hon. G. L. CHANDLER (Minister of Agriculture).—It has been a pleasure to note the reactions of honorable members to this Bill. It is a tribute to Mr. Walter McDonald, the chief of the Division of Agriculture, who has had a lifetime of experience in the tobacco industry. He is one of the foremost authorities in Australia on tobacco and is the departmental representative on the Commonwealth and State Boards. His advice on tobacco is sought from all tobacco-growing States. In recent years, he has had a difficult time, and I commend him for his patience and diplomacy, particularly in the many years prior to the establishment of the Board.

I hope the measure will overcome the divisions within the industry and will bring together the conflicting opinions so that the industry will be united and will, in the future, be able to speak with one voice. It is obvious that, as this Bill breaks new ground, further amendments will be necessary. There must be a flexibility within the provisions of the legislation. A hard and fast quota cannot be set because there are so many circumstances, such as illness and so on, which could upset it.

The Government will give long and deep consideration to the personnel appointed to the various committees, as their success will depend on the calibre of the people concerned. I repeat my pleasure at the reception of this Bill, because it is not long since there were such conflicting opinions within the industry that it

seemed almost impossible for me to keep order. There has always been the open door to myself and Mr. McDonald, and now that the industry has something which it can fully support, I hope it will become united. Once again, I pay tribute to Mr. McDonald and also to Mr. Keuneman, the Parliamentary Draftsman who has worked out these provisions for the betterment of the industry.

The clause was agreed to.

The Bill was reported to the House with amendments, including an amended title, and the amendments were adopted.

The Bill was read a third time.

COMPANIES BILL.

This Bill was received from the Assembly and, on the motion of the Hon. R. J. HAMER (Minister for Local Government), was read a first time.

ADJOURNMENT.

TRAFFIC COMMISSION: RICHMOND OVER-PASS—PUBLIC WORKS DEPARTMENT: PAYMENT DUE TO MR. VAN GAAL—ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY: DIPLOMA OF PUBLIC ADMINISTRATION.

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

That the Council, at its rising, adjourn until Tuesday, April 19.

The motion was agreed to.

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

That the House do now adjourn.

The Hon. G. J. O'CONNELL (Melbourne Province).—I wish to mention a serious problem that is concerning residents of Burnley and persons who travel through that suburb. I refer to the new over-pass at Burnley-street which has been constructed by the Railway Department and the Country Roads Board in conjunction. When speaking on a measure that was debated earlier to-night, honorable members re-

ferred to safety measures which should be adopted to reduce the road toll. However, the Government instrumentalities to which I have referred intend to open the new over-pass to-morrow without installing proper safety measures to protect pedestrians and motorists. Already, six deaths have occurred at this corner, and last Saturday evening a lady motorist was killed there. The safety of the people should be paramount. The opening of the over-pass is due to take place to-morrow, I understand, although the officers of the City of Richmond knew nothing about it until a *Herald* reporter interviewed the town clerk yesterday afternoon.

I wish to be informed who made the decision to open the over-pass and why the municipal authorities were not consulted. A dangerous hazard exists at the corner of Burnley-street and Swan-street, and it was anticipated that traffic lights would be installed, even though this may have involved the Richmond council in some expenditure. Government instrumentalities seem to be acting in the same way as the Government; they are becoming a little arrogant. On behalf of Richmond City Council, I protest because the council was not informed that the opening of the over-pass was to take place to-morrow. Residents in the area are perturbed at the situation, and some of them expressed their opinions in a recent newspaper article, which I shall not read.

I believe the over-pass should have been extended farther, but the work is finished now and it is probably too late to do anything about it. The authorities concerned did not consult the Richmond City Council before the over-pass was commenced, and it is only three weeks ago that the city engineer saw the plans. I wish to be informed why the Richmond City Council has not been informed officially of the opening of the over-pass. I desire an answer from the Minister of Public Works or the Minister of Transport. I also wish to be informed who made the decision

to open the over-pass at such short notice. Residents in the vicinity are apprehensive and do not desire any further fatalities to occur at this "death" spot.

The Hon. R. W. MAY (Gippsland Province).—It is with some reluctance that I again raise the question to which I directed attention in this House some time ago, about a contractor being placed in gaol. Since I last referred to the matter, I have received a letter from the permanent head of the Department concerned. I did not reply to the letter immediately but felt that it was preferable to allow some time to elapse so that feelings could mellow somewhat. Nevertheless, I felt that I should reply to the letter and that I ought to bring the matter to the notice of the House. The letter in question was dated 22nd March, 1966, and was addressed to me, as follows:—

Dear Mr. May,

Re Mr. W. M. Van Gaal, contractor.

I refer to your personal representations, and to your critical remarks in the Legislative Council on 16th March, relative to delays occasioned in the payment of claims submitted by Mr. Van Gaal, because he had not complied with the insurance requirements under his contract.

I have consulted the *Hansard* report of what I said previously, and at no stage did I refer to any matter of insurance requirements or to the fact that Mr. Van Gaal had not complied with insurance requirements. To that extent, that statement in the letter is not in accordance with fact or with my remarks in this Chamber. The letter continues—

I am writing as Permanent Head of a Department whose officers have been accused by you in the House as being responsible for a man's imprisonment through the Department's "lack of business ability and poor administration". As I have explained to you verbally, the Department had been at some pains to explain to Mr. Van Gaal the insurance requirements under his contract, but he had not complied despite the fact that he had been assured that as soon as he did so the payments due to him for work completed would be posted to him.

I was in touch with the Department in relation to this matter. The first I knew about the question of insur-

ance was after I had raised the question in the House. I saw Mr. Aldred personally and discussed the matter with him. I said to him, "If the matter which you have mentioned and which is completely new to me is factual, I will undertake to contact the Van Gaal family." Mr. Van Gaal was in Melbourne the day prior to this and had called on the Department.

As I said when I raised this question previously, Mr. Van Gaal had been in touch with the Department week by week and had been advised that the cheque would be posted to him. As I understand it, at no stage was the question of insurance mentioned to Mr. Van Gaal. The point I wish to make is that I raised this matter in the House on the 16th March and returned home on the night of the 17th. At approximately 10 a.m. the following day, I telephoned Mrs. Van Gaal, who is a new Australian. I am not sure of her nationality, but she is very excitable.

The Hon. MURRAY BYRNE.—Dutch.

The Hon. R. W. MAY.—Her husband is Dutch. Mrs. Van Gaal was very excited. I conveyed to her that the Department had mentioned to me that there could be something the matter with the insurance. The son immediately telephoned the Department, and, as I understand the position, an officer in the Department informed him that there was some problem in relation to insurance. In his letter, Mr. Aldred continued—

The District Architect has advised me that Fire Insurance Cover and Indemnity Covers for Workers' Compensation and Public Risk were lodged at the Public Works Department Office, Traralgon, on Friday last, 18th March, and were posted that day to Head Office.

That is the very day on which I telephoned Mrs. Van Gaal.

These documents were received at Head Office on Monday, 21st March, and immediately processed, and cheque for \$10,800 was posted to Mr. Van Gaal the same day.

If the Department had difficulty in getting its message through to Mr. Van Gaal, it is passing strange that I

had no difficulty in impressing the problem on him and getting him to do something about it. Presumably, the lines of communication between the Department and the contractor were not very efficient. I was led to believe that the only thing that held up the payment was failure to lodge a form. However, I certainly had no difficulty in getting Mr. Van Gaal to meet the requirement.

Before I left Melbourne on the Thursday, I told officers of the Department that if some satisfaction was not reached in relation to this matter I would raise it again in this House on the following Tuesday. I am pleased to say that Mr. Van Gaal received his cheque for \$10,800 on the Tuesday afternoon. Mr. Aldred concluded his letter by saying—

Your criticism of the Department and its officers was therefore completely unjustified. It was with reluctance that I felt compelled to raise this matter, and I point out that I did not bring it forward immediately I received information concerning it. I thought I ought to let some water flow under the bridge, so to speak, before I did anything. Nevertheless, I believed I had a responsibility to refer to this matter in this House and I have discharged it.

I would not have minded in the least if the Minister had spoken to me or even admonished me, but I am surprised that a member of the Public Service of Victoria should write a letter in this tone when, on his own admission, the very day on which I communicated with Mr. Van Gaal's family this matter was rectified and the cheque was processed and dispatched on the following day. I thought I had a responsibility in this case, and it is for that reason I have again referred to it by way of explanation to-night.

The Hon. I. R. CATHIE (South-Eastern Province).—Recently, I asked some questions about the application made by the Royal Melbourne Institute of Technology to the University of Melbourne to have

its Diploma of Public Administration—a four year course—examined and, in conjunction with the Schools Examination Board, a decision made as to it being classified as an approved diploma course. This would give it at least equivalent status with matriculation.

In answer to these questions, I was told that this request was being studied by the university in October, 1965, and a decision should be reached in May of this year—a period of eight months. I do not know why it takes eight months to reach a decision in this case. I raise the matter to-night because I am concerned about the case of an employee of the Postmaster-General's Department who, in my opinion, is suffering an injustice. Because this diploma course has not official recognition for matriculation purposes at the moment, he has been compelled to begin his matriculation studies even though he has qualifications which more than reach the requirements of matriculation standard.

Perhaps I should explain that the course for the Diploma of Public Administration encompasses a fairly wide field in the subjects studied, in both academic and technical content. Furthermore, the Postmaster-General's Department of the Commonwealth Public Service stipulates that for study during certain academic traineeships trainees will be required to complete and pass approved university or technical college subjects prescribed by the Public Service Board. In the case of inspectors-in-training, supervisors-in-training and traffic-officers-in-training, the Diploma of Public Administration constitutes a recognized course. This indicates that the Commonwealth Public Service Board and the Commonwealth Public Service regard the Diploma of Public Administration as a higher qualification than matriculation.

An examination of the curriculum of the diploma course reveals that a student has to study matriculation

English expression in his first year and then does two further years of post-matriculation English study. I have also received from an employee of the Postmaster-General's Department, who came from Sydney, another letter which was written by the Registrar of the University of Melbourne. It states—

On the ground that you have been granted Adult Matriculation status in the University of Technology, New South Wales and have completed with distinction the third year of the Diploma course in Public Administration with the Department of Technical Education, the Chairman of the Special Matriculation Committee will recommend to the Professorial Board that you be granted admission to the Commerce course in 1958.

I believe it is unjust that one person who has completed three years of the course for the Diploma of Public Administration can enter a university, yet another person who resides in Victoria and has studied a similar diploma course for four years is not permitted to enter the university and must commence matriculation studies for that purpose. I urge the Government to investigate this matter thoroughly.

The motion was agreed to.

The house adjourned at 10.58 p.m. until Tuesday, April 19.

Legislative Assembly.

Wednesday, April 6, 1966.

The SPEAKER (Sir William McDonald) took the chair at 4.7 p.m., and read the prayer.

CHEMICAL SPRAYS.

USE BY GOVERNMENT AUTHORITIES :
CLAIMS FOR DAMAGES.

Mr. B. J. EVANS (Gippsland East) asked the Premier—

Whether any claims have been lodged against any Government Department or authority for damages alleged to have been

caused by the use of chemical sprays by such Department or authority; if so, what are the details of each claim, including the amount of damages awarded in any judgment?

Sir HENRY BOLTE (Premier and Treasurer).—It is not possible to answer this question immediately. However, I shall obtain the information sought by the honorable member and arrange for it to be forwarded to him.

NATURAL GAS.

FINANCE FOR DEVELOPMENT:
STATEMENT BY DR. HETHERINGTON.

Mr. HOLDING (Richmond) asked the Premier—

Whether he has seen the press statement of Dr. Charles Hetherington that he had a number of confidential talks with private financial institutions, and that the money was here to develop natural gas; if so—(a) whether Dr. Hetherington had these talks as part of his inquiry, or on behalf of the Government; and (b) whether Dr. Hetherington informed him or the Government of the details of these talks and the parties involved in them and, in that event, whether he will inform the House of the names of the private financial institutions involved?

Sir HENRY BOLTE (Premier and Treasurer).—The answer is—

I have seen the press statement referred to. Dr. Hetherington has not given the Government any information on this matter other than that contained in his report, and I am unable to add to that.

AUSTRALIAN NATURAL GAS DEVELOPMENT ASSOCIATION.

Mr. HOLDING (Richmond) asked the Premier—

1. What organizations or firms make up the Australian Natural Gas Development Association?

2. Whether this Association has expressed any interest in assisting in the development of Victoria's natural gas reserves?

Sir HENRY BOLTE (Premier and Treasurer).—The answers are—

1. The Australian Mutual Provident Society;

Australia and New Zealand Bank Limited;
Australian Gas Light Company;
Bank of New South Wales;
The Colonial Mutual Life Association;
The Gas and Fuel Corporation of Victoria;
I.C.I.A.N.Z. Limited;

Mutual Life and Citizens Assurance Co. Limited;

The National Bank of Australasia Limited;
The National Mutual Life Association of Australasia Limited;

Temperance and General Mutual Life Assurance Society Limited; and

Ord, Minnett, T. J. Thompson and Partners.

2. Yes.

LAW DEPARTMENT.

COURTS OF PETTY SESSIONS:
CLOSING OF COUNTRY COURTS.

For **Mr. MITCHELL** (Benambra), **Mr. B. J. Evans** asked the Attorney-General—

1. Whether the Government has, within the last year, closed down a number of country Courts of Petty Sessions; if so—(a) how many; and (b) where?

2. Whether the Government intends to close down any more such country courts; if so, where?

For **Mr. RYLAH** (Attorney-General), **Mr. Manson** (Minister of State Development).—The answers are—

1. Yes—the Courts of Petty Sessions at Culgoa, Harrow and Merino were closed as from the 1st February, 1966.

2. Yes—the Court of Petty Sessions at Willaura will be closed as from the 31st May next. The Government does not have any general policy of closing country Courts of Petty Sessions, but it does not retain a court when it is clear that the amount of business does not warrant its retention and there are adequate alternative court facilities. Each case is carefully considered on its merits, bearing in mind the convenience of the public.

POLICE DEPARTMENT.

KOORYONG BY-ELECTION:
POLICE SUPERVISION: COST.

Mr. WILKES (Northcote) asked the Chief Secretary—

1. On Saturday, 2nd April instant, how many police were on duty at—(a) polling places; and (b) in the Kooyong electorate generally; over and above police on duty in police stations in the area?

2. How many patrol cars were used for the purpose of police supervision in the electorate of Kooyong that day?

3. Who directed the police to be on duty in this area on Saturday last, and for what purpose?

4. Whether a policeman was on duty at each polling place, if so, for how long?

5. What was the cost of police supervision and whether this charge will be met by the Commonwealth?

For **Mr. RYLAH** (Chief Secretary), **Mr. Manson** (Minister of State Development).—The answers are—

1. (a) 16.

(b) 21 including 16 in (a) above.

2. In addition to normal patrols in that area there was one additional patrol car on duty from 2.30 p.m. to 10.30 p.m.

3. The Chief Commissioner, for the purpose of the preservation of law and order.

4. No. A member was on duty for twelve hours at each of the sixteen polling booths in the Yarra police district. The six polling booths in the Henty police district were visited frequently during the day by personnel from the two police stations in that part of the electorate.

5. The cost of police supervision at elections, whether State or Commonwealth, is ordinarily borne by the State, and the Commonwealth will not be asked to meet any police costs incurred in connexion with the Kooyong by election.

EDUCATION DEPARTMENT.

TEACHING OF READING: "WORDS IN COLOUR" SYSTEM: EXPENDITURE.

Mr. HOLDING (Richmond) asked the Minister of Education—

1. Whether the Education Department has given consideration to the value of Gattegno's "Words in Colour" as a system of teaching reading; if so, what is its view of this system?

2. In how many State Schools this system is being used, and with what results?

3. What funds have been expended by the Department to date in the acquisition of this system?

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

1 and 2. Yes. At present the Gattegno approach to reading is being observed with a view to an accurate appraisal of its value. To this end, controlled experiments are being carried out in two primary schools. In addition, various modifications of the approach are being used in about twenty schools.

3. About \$50 has been spent in acquiring material for the Department.

COUNTRY ROADS BOARD.

MORNINGTON PENINSULA BY-PASS ROAD.

Mr. DUNSTAN (Mornington) asked the Minister of Public Works—

What action is being taken by the Planning and Survey Branch of the Country Roads Board to expedite finalization of the

alignment of the proposed peninsula by-pass road where it traverses the Shire of Hastings, and when it is likely that the Hastings Shire Council will be advised of the alignment?

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

The Country Roads Board is at present investigating alternative routes for the Mornington Peninsula by-pass road through the Shire of Hastings. Every effort is being made to finalize the route, but because of the number of factors involved it is not possible to state when this will be.

RAILWAY DEPARTMENT.

RAILWAY GATES AT GEELONG WEST : PERIODS OF CLOSURE.

Mr. TREZISE (Geelong West) asked the Minister of Transport—

Whether the Victorian Railways Commissioners received a request from the Geelong City Council to investigate complaints alleging excessive closed periods of the O'Connell-street railway gates at Geelong West; if so—(a) whether inquiries have been carried out into the matter and, in that event, what are the detailed findings (if any); and (b) whether any decisions have been made to deal with such complaints?

Mr. MEAGHER (Minister of Transport).—The answer is—

Yes. Detailed inquiries have been made by both the Geelong City Council and the Railway Department, and they found that the level crossing gates are being operated in a satisfactory manner.

The closure of the gates to road traffic is necessitated by the high volume of train movements over the crossing.

STATE RIVERS AND WATER SUPPLY COMMISSION.

WATER SUPPLY FOR MORNINGTON PENINSULA.

Mr. DUNSTAN (Mornington) asked the Minister of Water Supply—

Whether the investigation has been completed into the practicability of installing a scheme to provide a reticulated water supply to serve the Devon Meadows area, Warneet, Cannon's Creek, and Tooradin; if not, when the State Rivers and Water Supply Commission expects to complete this report?

Mr. DARCY (Minister of Water Supply).—The answer is—

The investigations have not yet been completed, but the Commission expects them to be finalized by the end of June, 1966.

MENTALLY RETARDED CHILDREN.

KEW COTTAGES AND ST. NICHOLAS HOSPITAL : BEDS : WAITING LIST : TEMPORARY BUILDINGS.

Mr. WILTON (Broadmeadows) asked the Minister of Immigration, for the Minister of Health—

1. How many beds are available at the St. Nicholas Hospital for mentally-retarded children, and how many beds are occupied?

2. How many names are on the waiting list for admission to—(a) Kew Cottages; and (b) St. Nicholas Hospital?

3. At Kew Cottages—(a) how many temporary cottages are in use; (b) how long they have been in use; (c) when it is proposed to replace these temporary cottages with permanent buildings; and (d) whether one cottage is overcrowded by 22 patients?

4. Whether the Government has any plans for early completion of the work required at St. Nicholas Hospital to allow for an increase in the number of patients?

Mr. ROSSITER (Minister of Immigration).—The Minister of Health has supplied the following answers:—

1. Under normal circumstances 150 beds would be available but only 113 are occupied at present. This was due to the suspension of admissions on account of an outbreak of infectious dysentery. Admission to full capacity will be resumed at an early date.

2. (a) Kew Cottages, 800; (b) St. Nicholas, 70.

3. (a) Three.

(b) Since 1952.

(c) One cottage will be demolished upon the completion of the new wards at present being built at Kew Cottages; the other two will remain until the accommodation planned for Colac is completed.

(d) One ward is carrying 22 more children than it was designed for.

4. The second stage of the work required at St. Nicholas appears on the Loan works programme for 1965-66 and 1966-67.

BREAD INDUSTRY.**BAKING OFFENCES : PROSECUTIONS.**

For **Mr. LOVEGROVE** (Fitzroy), Mr. Wilkes asked the Minister of Labour and Industry—

Whether, when Sunday baking offences are detected by Inspectors of Factories and Shops (Trading), the Department of Labour and Industry proceeds against—(a) employer bread manufacturers for employing labour at bread-making and baking on Sundays; and (b) employees engaged at bread-making and baking on Sundays?

For **Mr. WILCOX** (Minister of Labour and Industry), Mr. G. O. Reid (Minister for Fuel and Power).—The answer is—

In these cases the Department normally takes proceedings for every alleged offence where the evidence is sufficient to support such proceedings. Commonly, this involves proceedings against both employer and employees. However, it is often difficult to prove employment of persons engaged in Sunday baking; where this is so, recourse is usually had to section 201 of the Labour and Industry Act, and the employer is charged with being the occupier of premises where bread was made in contravention of section 103.

HOUSING COMMISSION.**INCREASED RENTS.**

Mr. MUTTON (Coburg) asked the Minister of State Development, for the Minister of Housing—

1. What are the areas in which the rises in Housing Commission rents recently announced as applying from Sunday, 10th April, will apply?

2. What has been the percentage increase in rents fixed by the Commission for comparable houses constructed in each year from 1955 to 1965?

For **Mr. MANSON** (Minister of State Development), Mr. Meagher (Minister of Transport).—The Minister of Housing has supplied the following answers:—

1. Most Housing Commission estates throughout the State are affected to some extent.

2. Under the scheme for averaging of rents introduced in 1963, rentals for Commission dwellings, irrespective of the date of construction, now fall between minimum and maximum amounts according to the bedroom accommodation provided.

For three-bedroom accommodation from the 10th April, 1966, these will be:

Metropolitan	
Minimum	Maximum
\$8.25	\$10.50
Country	
Minimum	Maximum
\$7.85	\$10.10

The percentage increase in rents fixed by the Commission is higher in respect of houses built some years ago because of the significant increase in cost of houses built in recent years.

FORESTS COMMISSION.

HEYFIELD—ORBOST SAWMILLING
PTY. LTD. : TRANSPORT OF TIMBER.

Mr. B. J. EVANS (Gippsland East) asked the Minister of State Development, for the Minister of Forests—

Whether it is now proposed that Heyfield—Orbost Sawmilling Proprietary Limited will transport all timber from the two logging units allotted to that company to its mill site via Murrungowar-road; if not, whether it is proposed that any of the timber will be transported via the Combienbar-road or Bonang Highway?

Mr. MANSON (Minister of State Development).—The Minister of Forests has supplied the following answer—

Yes. However, final approval by the Forests Commission of the company's propositions is still subject to written confirmation of some details.

GAS AND FUEL CORPORATION (BORROWING) BILL

Mr. G. O. REID (Minister for Fuel and Power) presented a message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Revenue for the purposes of a Bill to amend section 17 of the Gas and Fuel Corporation Act 1958.

A resolution in accordance with the recommendation was passed in Committee and adopted by the House.

On the motion of **Mr. G. O. REID** (Minister for Fuel and Power), the Bill was brought in and read a first time.

PENSIONS SUPPLEMENTATION BILL.

Sir HENRY BOLTE (Premier and Treasurer) moved for leave to bring in a Bill to make provision with respect to the supplementation of certain pensions payable under the Police Regulation Act 1958, or under the Superannuation Act 1958, to amend the Police Regulation Act 1958 and the Superannuation Act 1958, and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

BOILERS INSPECTION (AMENDMENT) BILL.

For **Mr. WILCOX** (Minister of Labour and Industry), **Mr. G. O. Reid** (Minister for Fuel and Power) moved for leave to bring in a Bill to amend the Boilers Inspection Act 1958.

The motion was agreed to.

The Bill was brought in and read a first time.

SEYMOUR RACECOURSE LAND BILL.

Mr. BALFOUR (Minister of Lands) moved for leave to bring in a Bill to authorize the leasing of portion of certain land in the Parish of Tallarook permanently reserved as a site for racecourse and other purposes of public recreation.

The motion was agreed to.

The Bill was brought in and read a first time.

GRIEVANCE DAY.

SUSPENSION OF STANDING ORDER.

Mr. BALFOUR (Minister of Lands).—On behalf of the Premier and Treasurer, I move—

That Standing Order No. 273c be suspended for to-morrow so far as it requires that the first Order of the Day on every third Thursday shall be either Supply or Ways and Means.

The motion was agreed to.

GAS AND FUEL CORPORATION (BORROWING) BILL.

Mr. G. O. REID (Minister for Fuel and Power).—I move—

That this Bill be now read a second time. The purpose of the Bill is to further amend the Gas and Fuel Corporation Act, which originally provided that the total amount which could be borrowed by the Corporation and by the State on its behalf should not exceed £10,000,000. On 1st December, 1953, the borrowing powers of the Corporation were increased by £10,000,000; on 2nd November, 1955, by a further £20,000,000, and on the 26th April, 1961, by a further £10,000,000, fixing the present limit at £50,000,000, or \$100,000,000.

The increase of £10,000,000 approved in 1961, was designed to cover a five-year period, but it was recognized at that time that further increases would be necessary to provide funds for later stages of the Corporation's development programme. The Bill aims, therefore, at increasing the present limit to \$120,000,000. The total amount which has been borrowed by the Corporation within the meaning of the relevant section of its Act at 30th June,

1965, is £48,076,126. It is estimated that at 30th June, 1966, the total amount borrowed will be \$98,705,000. This will absorb practically all the present authority of \$100,000,000.

The Corporation has been in existence since 1951, and its development up to the time its borrowing powers were last increased in April, 1961, was fully described at that time. During the intervening period between 1961 and 1965 the Corporation has expanded as follows:—

	1961.	1965.	Increase.	Increase.
				per cent.
Number of consumer	368,074	399,380	31,306	8.5
Volume of sales per annum (therms) ..	69,111,936	85,728,000	16,616,064	24.0
Miles of mains	3,673	4,163	490	13.3

Capital expenditure for the four years ended 30th June, 1965, is summarized hereunder—

	£
Manufacturing plant and equipment at Morwell, West Melbourne, Hightett and country works ..	4,981,000
Extension of mains and Services and meters to supply gas to new areas, homes and territories not previously supplied and renewal of mains and services	6,391,000
Other developments, buildings, etc., and general expenditure	3,977,000
	<u>15,349,000</u>

This expenditure included—

- (a) Refrigerated storage for 3,000,000 gallons of propane at Derrimut—first in Southern Hemisphere and second in the world—first plant was installed in Atlanta, Georgia, United States of America.

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- (b) Two Onia-Gegi catalytic oil gas plants at West Melbourne works—first in Australia and amongst the first in the world.
- (c) Remote control and telemetry to bring gas boosting and pressure control system under a centralized control system.
- (d) Onia-Gegi plants Nos. 3 and 4 at West Melbourne works.
- (e) Commencement of work on high pressure ring main for northern suburbs.
- (f) Commencement of Dandenong terminal station.
- (g) Commencement of pipe-line from BP refinery, Crip Point to Dandenong.
- (h) Completion of systematic overhaul of metropolitan distribution network. As the result of this, the leakage rate is now the lowest in Australia.
- (i) Gas supply extended to Mount Martha area.
- (j) Gas supply to the petrochemical and other new industries and homes in the Altona-Laverton area.

- (k) Expansion of the Heatane gas division to provide gas for industry and homes in country areas.

Capital requirements during the current year and the two succeeding years, excluding expenditure relative to natural gas, are estimated as follows:—

			\$
1965-66	..	..	8,944,000
1966-67	..	..	9,062,000
1967-68	..	..	6,368,000
			24,374,000

This expenditure programme includes the construction of a liquefied petroleum gas and refinery gas pipe-line from Crib Point to Dandenong terminal station at an estimated cost of \$4,000,000, and provides for the normal expansion of the Corporation, the main items of expenditure being mains, services and meters.

In explaining this Bill, I have given a summary of the main items on which the Corporation has expended its funds since the passage by Parliament of the last similar Bill in 1961. I have also given some indication of the directions in which the Corporation proposes to spend money in the future. I have, however, refrained from any reference to the matter of possible expenditure consequent on the use of natural gas.

As honorable members are aware, the report of Dr. Hetherington raised the question as to whether the Gas and Fuel Corporation or some private company might take over the distribution of natural gas when it becomes available for general use. The Government, at this stage, has made no decision on this question. I therefore make it clear that the introduction of this Bill is merely in accordance with the periodical procedure of authorizing an extension of the Corporation's borrowing, and is not to be regarded as committing the

Government to any decision on the future of the Corporation. I commend the Bill to the House.

Mr. STONEHAM (Leader of the Opposition).—I move—

That the debate be now adjourned.

I should like to raise again the matter of the urgency of the comments by the Gas and Fuel Corporation on Dr. Hetherington's report being made available to honorable members. It seems to me that it would be most unrealistic, utterly absurd and, indeed, completely futile to proceed with the debate on this Bill unless honorable members are in possession of such comments. The Minister has previously indicated that the report may contain some confidential material, but I suggest that such material could be made the subject of a special report and that the general comments of the Corporation on Dr. Hetherington's report should be supplied to honorable members before this debate is resumed. Therefore, I ask the Minister to give the House an undertaking that such a report will be presented before the debate is resumed.

The SPEAKER (Sir William McDonald).—Order! Before the Minister replies, I should like to be informed on one aspect of this measure. Is the sum of money proposed to be made available related in any way to the supply or use of the natural gas resources?

Mr. G. O. REID (Minister for Fuel and Power).—It is difficult to answer your question, Mr. Speaker. This type of Bill gives Parliamentary authority to the Gas and Fuel Corporation to raise and spend loan funds up to a certain amount. Whether or not the Corporation expends that amount of money is a matter of fact. In effect, what happens is that this Bill proposes to increase the potential power of the Corporation to borrow a certain amount of money if it so desires.

In this context, assuming that natural gas had not been discovered and that the Corporation would continue as it has in the past with the production of manufactured gas, it would be necessary to have this further authority for capital expenditure to meet normal matters such as costs of distribution mains, works, renewal of equipment and so forth. The Hetherington report has raised the question, for consideration by the Government, whether or not the activities of the Corporation should be taken over by a private enterprise organization with the advent of natural gas. One main reason given in the report for this recommendation was that the cost of conversion of appliances might involve an expenditure of money which could be beyond the capacity of a public authority and might be more in the range of private enterprise.

At this stage, it is necessary for the Corporation to have borrowing authority for its normal day-to-day activities, whatever it does in the future and whatever the decision of the Government might be. The question of natural gas is, therefore, rather incidental.

The SPEAKER.—It might be regarded as incidental?

Mr. G. O. REID.—Yes.

The SPEAKER.—It is conceded that possibly some of the expenditure proposed to be authorized could be expended in connexion with natural gas?

Mr. G. O. REID.—Yes. If a decision was made that the Gas and Fuel Corporation will be the distributing authority for natural gas, the possibility would then become a probability. I do not know whether that answers your question, Mr. Speaker.

The SPEAKER.—My question was directed to the relevancy of a debate on natural gas. If the authorization proposed in this Bill can be related to natural gas, obviously it becomes a matter for discussion. If it is not, then discussion would be out of order.

Mr. G. O. REID.—I take it that I am now entitled to speak on the motion moved by the Leader of the Opposition for the adjournment of the debate.

The SPEAKER.—Yes.

Mr. G. O. REID.—The honorable member raised this question on the motion for the adjournment of the sitting last night, and, if I remember correctly, Mr. Deputy Speaker was in the Chair, so I shall put you in the picture. The honorable member asked whether I was obtaining comments from the Gas and Fuel Corporation and the State Electricity Commission on Dr. Hetherington's report. My answer to the honorable member was that I was and that those reports to me, and through me to the Government, from those two instrumentalities would be prepared and submitted as soon as possible.

The Leader of the Opposition also asked that these reports be made available to honorable members, and I told him and the House that I could give no undertaking in that regard because the reports might contain confidential material which might prejudice the public interest if they were published. I give the honorable member the same answer to-day. I do not propose to give an undertaking that this debate should be deferred pending the production of these reports, but I repeat what I said last night, that I shall endeavour to get these reports as soon as possible and I will keep in contact with the Leader of the Opposition and the Leader of the Country Party in regard to the progress that is being made. I shall do that before this debate is resumed, but I am unable to give an undertaking that the debate on the Bill will not be proceeded with.

The motion for the adjournment of the debate was agreed to.

It was ordered that the debate be adjourned until Wednesday, April 20.

SEYMOUR RACECOURSE LAND BILL.

Mr. BALFOUR (Minister of Lands).
—I move—

That this Bill be now read a second time.

The reserve to which this Bill relates contains an area of 176 acres 2 roods 12 perches of Crown land which has been permanently reserved as a site for racecourse and other purposes of public recreation since 1887. Originally, the land was temporarily reserved for those purposes as far back as 1864, so that, except for one small excision, the reserve has had an unbroken period of reservation for over 100 years. The original area of the reserve was slightly more than 187 acres, and the only excision has been in respect of an area of about 10½ acres which was excised in 1959 to allow that land to be developed as a school plantation. Details of the excision are set out in Part 9 of the Third Schedule to the Revocation and Excision of Crown Reservations Act 1959, No. 6524.

The Seymour racecourse reserve is located in the Parish of Tallarook, about 2 miles south-east of Seymour railway station, and is under the control of a committee of management of local citizens, comprising three representatives of the Seymour Shire Council, three representatives of the Seymour Racing Club, and two representatives of the public. It is of interest to recall that for more than a quarter of a century, the committee of management of the reserve had as one of its members a man whose name will always be well-remembered in the history of racing in this State. I refer to the late Mr. A. G. Hunter.

The object of the Bill is to obtain legislative authority for the committee of management to lease a portion of the reserve with a view to its development as an open-air drive-in theatre, as the terms of the reservation and the existing provisions of

the Land Act do not allow the committee to enter into a leasing arrangement of that nature.

The proposed drive-in theatre site is situated between the race track and the western boundary of the reservation. Being flat, low-lying and swampy, it is at present unused, and its development for the purpose set out in the Bill will not interfere with the existing uses of the reserve. The land could be developed for purposes of the reservation only at considerable cost, and the committee has not sufficient finance to undertake the work. As the proposed new development will enhance the appearance and usefulness of that section of the reserve, as well as provide funds for other improvements, the committee desires to be enabled to lease the area.

Departmental reports on the project are favourable to the desired authority being provided. Leasing provision similar to that now sought for a part of the Seymour racecourse reserve was authorized in respect of a section of Alexandra Park at Kerang, by the Kerang (Alexandra Park) Land Act 1962, No. 6869. It is pleasing to be able to inform honorable members that the drive-in theatre, which was established at that centre as a result of the 1962 legislation, has been operating for over two years, is meeting a public demand for entertainment and is providing funds for reserve improvements. It is confidently anticipated that the legislation for which approval is now sought will have a similar result so far as the Seymour district is concerned.

Clause 1 of the Bill cites the short title. Sub-clause (1) of clause 2 authorizes the committee of management to lease such area not exceeding 14 acres as the Minister approves for the purpose of an open-air drive-in theatre and of providing amenities and conveniences in connexion therewith.

Sub-clause (2) of clause 2 stipulates that any lease shall be for a term not exceeding 21 years; that the

rights of the public shall not be interfered with so far as the balance of the reserve is concerned; and that the lease shall be subject to such conditions, covenants, exceptions and reservations as the committee of management think fit and the Governor in Council approves.

Clause 3 sets out that moneys received by the committee as rent of the proposed drive-in theatre site shall be expended on the maintenance and improvement of the balance of the reserve. Clause 4 contains the standard provision that no liability shall attach the Crown in respect of any matter arising out of this Bill. As the project is regarded as one worthy of favourable consideration, I commend the Bill to the House.

On the motion of Mr. STONEHAM (Leader of the Opposition), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, April 20.

STATE ELECTRICITY COMMISSION (AMENDMENT) BILL.

Mr. G. O. REID (Minister for Fuel and Power).—I move—

That this Bill be now read a second time.

The principal purpose of this Bill is to increase the Commission's borrowing authority from \$750,000,000 to \$850,000,000. As I shall explain later, the Bill proposes that the figure of \$750,000,000 wherever it occurs in the present legislation shall be increased to \$850,000,000. Three different sections are involved.

At present the Commission's power to borrow is limited by the State Electricity Commission Act No. 6377, as amended by Act No. 6724 of 1960 and Act No. 7087 of 1963. At the same time, the approval of Parliament is being sought to some minor changes in procedures relating to the cancelling and destruction of Commission debentures, the witnessing of powers of attorney and the signing of certain legal documents.

INCREASE IN BORROWING AUTHORITY :

The Commission has authority under its Acts to borrow money to carry out the obligations imposed on it by statute, but Parliament has set the upper limit on the amount which the Commission may borrow. From time to time, that limit has been increased by amending Act of Parliament which, in recent times, have been presented at intervals of about three years. Thus, honorable members are afforded a regular opportunity of reviewing the progress being made by this vast State undertaking. The amount by which it is now proposed to increase the Commission's borrowing authority will suffice to finance its capital works programme until 1969. At 28th February, 1966, the Commission's net borrowing, after allowing for maturities and sinking fund redemptions, had reached \$729,000,000 made up as follows: Public loans—\$225,000,000; private loans—\$335,000,000; and Treasury advances—\$169,000,000.

By 1st July, 1966, the authority remaining will be reduced to about \$15,000,000 and, as cash loans and Treasury advances are usually received early in the financial year, this remaining authority could be exhausted before the spring session of Parliament. It is necessary, therefore, to seek approval during the current session to an increase of \$100,000,000, bringing the statutory limit to \$850,000,000. The present limit of \$750,000,000 is prescribed in three sections of the State Electricity Commission Act of 1958, as amended: In section 87, which prescribes the limit to the over-all borrowings of the Commission; in section 88, which specifies this limit in respect of various provisions authorizing the Commission to borrow and reborrow by means of debentures and inscribed stock; and in section 98, where the limit is set in respect of provisions enabling the Treasurer of Victoria to apply out of the Loan Fund amounts for the benefit of the Commission.

Mr. B. J. EVANS.—Does this total borrowing figure include loans raised under the self-help scheme?

Mr. G. O. REID.—No, this refers to loans apart from that scheme. Clause 2 provides for the amendment of the respective sections to which I have referred by altering, wherever they appear, the words “seven hundred and fifty million dollars” to “eight hundred and fifty million dollars”. This clause of the Bill follows the pattern of similar Bills presented on previous occasions to this House.

DEBENTURES AND INSCRIBED STOCK :

The Fifth Schedule of the State Electricity Commission Act sets out rules and procedures relating to the issue by the State Electricity Commission of debentures and inscribed stock. Clause 9 requires that all discharged debentures be cancelled by the secretary or acting secretary and burnt in his presence. In its present restricted form, this requirement takes up a great deal of the secretary's time. Consequently, it is proposed that this clause be amended so that debentures may be cancelled and burnt by the secretary or acting secretary or some other officer of the Commission appointed by it for the purpose. Paragraph (a) of clause 3 of the Bill provides for this amendment.

Sub-clause (1) of clause 6 of Part II. of the Fifth Schedule provides that a power of attorney to deal in the Commission's stock must be attested by two or more credible witnesses. Honorable members who are members of the legal profession may well know that it is common practice now for powers of attorney to be attested to by only one witness. I notice that my friend the honorable member for Brunswick West immediately pricks up his ears, although he is a barrister and not as accustomed to powers of attorney as are members of the other branch of the profession. The existing provision in the State Electricity Commission Act providing for the signatures

of two witnesses is quite out of keeping with current practice and paragraph (b) of clause 3 seeks to amend the provision so as to require attestation by a single witness.

LEGAL PROCEEDINGS EVIDENCE:

Clause 3 of the Sixth Schedule, “Business and Rules”, requires that all legal documents issued by the Commission be either under seal or under the hand of the secretary. In a business the size of the Commission this, of course, is impractical and it has been assumed that documents signed on behalf of the secretary would have the required force in law. Certain formal documents, therefore, were signed by other senior officers on behalf of the secretary. However, the Commission has been advised that it is doubtful whether the Commission itself has the right to delegate this authority and that, in the secretary's absence, such documents may be valid only if under seal. This would not be a satisfactory working arrangement, and clause 4 of the Bill amends the provision by making such notices valid if signed by the secretary, assistant secretary or the person or persons performing the duties of these offices for the time being.

In so far as this Bill deals with an increase in the Commission's borrowing authority, it is the fourth Bill of its kind which I have had the honour of introducing during my term as Minister. It provides the Minister with an occasion to present to the House an account of the activities of the Commission and its plans for the future. On the last occasion I presented such a Bill—in November, 1963—I explained at some length the development of the Commission's business, spoke of the then state of the undertaking, and gave some information concerning the future. It is fortunate that the Leader of the Opposition is present, because he has previously commented on the comprehensive statements that are presented by me on behalf of the Commission.

At that time, it was expected that the increase in borrowing authority being sought would be sufficient for the Commission's capital works programme up to the end of the 1966-67 financial year, but, because of an acceleration in the programme which I shall discuss at some length later, the borrowing authority will reach its present limit almost twelve months earlier.

In the two-and-a-half years that have elapsed since then, I am happy to say that the rate of progress has been most satisfactory. Between the winters of 1963 and 1965, the demand for electricity, excluding the temporary supply of Alcoa of Australia Ltd. at Point Henry, has increased from 1,677 MW to 1,930 MW compared with the 1963 estimate of 1,880 MW for 1965. This was an increase of 15 per cent. over the two-year period. Over the same two years, sales of electricity increased from 6,068 million kWh to 7,192 million kWh, an increase of 18.5 per cent. The annual sales of electricity to Alcoa are of the order of 800 million kWh.

Mr. STONEHAM.—How long will that continue?

Mr. G. O. REID.—It has been stated that the Alcoa company's own power station will be completed by 1968 or 1969. When it is in operation, this temporary supply arrangement will cease.

In the two years ended 30th June, 1965, more than 67,000 new consumers were connected to the Commission's supply system, and supply was extended to nearly 7,500 farms. Brown coal production increased by 2,000,000 tons to 19,000,000 tons a year. As the simplest way of setting out the remarkable growth which is going on, I have prepared a table, referred to as Table 1, which sets out for each of the last three decades and for 1965 some salient statistics of the Commission's activities. I am sure that a study of this table will repay honorable members. Even though it is expressed in cold figures, it amply illustrates the vigorous growth of the State. I seek the indulgence of the House that I may be excused from reading this data and instead have the information published in *Hansard*.

Leave was granted, and the table referred to was as follows:—

		Year Ended 30th June.				Increase since 1960	
		1940	1950	1960	1965		
Income—							
Electricity supply	.. \$ mill.	7.8	18.8	93.2	143.9	+	50.7
Briquetting	.. \$ mill.	0.8	0.8	6.0	12.5	+	6.5
Brown coal	.. \$ mill.	..	0.4	1.6	0.7	—	0.9
Capital expenditure at end of year (less provision for depreciation) \$ mill.							
		37.8	96.0	526.6	730.9	+	204.3
General statistics—							
Maximum demand on power stations — Interconnected system .. MW							
		219	504	1,320	2,013	+	693
Electricity generated	.. kWh—m.	1,024.2	2,357.6	6,060.7	9,636.3	+	3,575.6
Electricity sales	.. kWh—m.	822.1	1,880.2	4,902.2	7,835.3	+	2,933.1
Average kWh. sold per head of population (Victoria) ..							
		426	819	1,639	2,453	+	814
Briquettes produced	.. tons-thous.	428	589	975	1,893	+	918
Brown coal produced—							
Yallourn	.. tons-mill.	3.9	6.4	10.9	13.9	+	3.0
Yallourn North	.. tons-mill.	..	0.8	1.3	0.5	—	0.8
Morwell	.. tons-mill.	..	..	1.0	4.6	+	3.6

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	Year Ended 30th June.				Increase since 1960.
	1940	1950	1960	1965	
Statistics relating to Commission retail supply—					
Number of consumers .. thous.	272	391	680	842	+ 162
Number of farms on supply thous.	6	16	44	60	+ 16
Average kWh. sold per consumer—					
Domestic	626	1,556	2,615	3,207	+ 592
Commercial	1,917	3,555	5,962	8,132	+ 2,170
All consumers	2,015	3,313	5,199	7,105	+ 1,906

Mr. G. O. REID (Minister for Fuel and Power).—I thank you, Mr. Speaker, and members of the House for their indulgence.

THE FINAL PHASE OF ELECTRIFICATION OF THE STATE:

Since the second world war, the Commission has expended considerable effort and resources in extending the benefits of electricity supply to residents throughout the State. Power lines have been extended into the far corner of the State, and most of the isolated local electricity undertakings have been absorbed into the Commission's system. This huge task of electrifying the State is nearing completion.

Supply now extends to the South Australian border in the south-west, Wimmera and north-west of the State, along the River Murray from west of Mildura to east of the Hume reservoir, except for the Robinvale area which will be connected in about twelve months' time, and along the coast from east of Orbest to west of Portland. A bulk supply of electricity has been obtained from the Tumut River County Council to supply the Corryong-Cudgewa area and Walwa pending the extension of the State system to that area. Arrangements have been made with the Electricity Trust of South Australia to provide a bulk supply to the Nelson area in the far south-west, while about 70 consumers in the Bendoc area in the far east of the State will obtain supply from the Monaro County Council in New South Wales.

The main task remaining to be done by the Commission is in the construction of spur extensions from feeders serving the main towns to give supply to the surrounding communities. At 30th June last, 888,500 (97 per cent.) of the 916,000 dwellings and 61,200 (85 per cent.) of the 72,000 farms in Victoria had a public supply of electricity, either from the Commission or another supply authority, and, when the programme reaches its virtual completion in five years' time there will remain only about 6,000 dwellings, including fewer than 1,250 farms in remote and isolated parts of the State, beyond the reach of public supply mains and, even then, efforts will be directed towards connecting as many as possible of these remaining homes and farms.

I cannot praise too highly the co-operation of the rural community in supporting the "self-help" scheme, without which the rural electrification programme could not have flourished. Last financial year, extensions to the value of over \$7,500,000 were constructed, and a similar amount is being spent this year. In the remaining years of the programme, the Commission expects to maintain construction at least at this high level.

As from 1st January, 1965, a single standard tariff schedule has applied for each consumer class supplied from the State system, so that now the resident of Serviceton, for example, pays exactly the same price for his electricity as the resident of Melbourne.

TRANSMISSION AND DISTRIBUTION SYSTEM:

The work of extending supply into the areas of the State not yet connected is only a small part of the Commission's work on the transmission and distribution systems. These systems must be continuously reinforced to meet the ever-increasing demands for electricity in those areas already on supply, as well as supply the 35,000 additional consumers who will continue to be connected each year. The importance of this work can be gauged from the fact that, over the next decade, the average annual expenditure on extending and augmenting the transmission and distribution systems will be of the order of \$55,000,000.

The main 220 kV transmission grid now extends from the generating stations to load centres throughout the State. New 330 kV lines from the River Murray to Dederang and from Dederang to South Morang are being constructed to carry the additional power becoming available to Victoria from the Snowy Mountains hydro-electric scheme. Also, additional capacity is necessary to transmit the increased output of the Latrobe Valley generating stations to the metropolitan area and, to keep to a minimum the number of lines necessary, the Commission is planning additional transmission lines and terminal facilities to operate at 500 kV. Each 500 kV line will have six times the capacity of each 220 kV line now in service. Contracts have already been let for the first 500 kV line, which is due for completion in 1968, and which will operate at 220 kV until 1970, when the second line will be completed and operation at 500 kV will commence.

As this is to be the first 500 kV system in Australia, the Commission engaged the services of a prominent overseas firm of consulting engineers, Bechtel Pacific Corporation of America, to review closely, in the light of overseas experience, the basic studies undertaken by Commission engineers.

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GENERATING SYSTEM: At the present time, the Commission's requirements for generating plant are being met by installations at Hazelwood power station and from Victoria's entitlement to the output of the Snowy scheme. Victoria's entitlement from the Snowy has been static for the past four years following completion of the Tumut stations, but, as from this year, with the coming into operation of the first of the Murray stations, the Commission will be receiving increments of power from this source during the next four years as follows:—

1966	107 MW
1967	110 MW
1968	58 MW
1969	167 MW

The first two 200 megawatt units of the Hazelwood power station were brought into service in 1964 and 1965, and construction is proceeding to programme on the next four units, one of which is planned to come into service each year from 1966 to 1969.

FUTURE DEVELOPMENT OF THE STATE GENERATING SYSTEM: Throughout its development over a period of more than 40 years, the Victorian supply system has grown at a long-term rate of about 8 per cent. per annum, or, expressed in another way, the load has doubled every nine years. Far from there being any signs of slackening in this rate of growth, it seems to be increasing on a long-term basis despite a falling-off in the current year.

In 1959, when the legislation to authorize the Hazelwood project was introduced into Parliament, the estimates on which the construction programme was based contemplated a 7.75 per cent. per annum increase in maximum demand up to 1965, after which the rate was expected to decrease gradually to a little over 7 per cent. per annum by 1970. What has, in fact, happened is that between 1959 and 1965 the demand for electricity, excluding the Alcoa supply, has increased at an annual

rate of 7.95 per cent. compounded notwithstanding the economic setback of 1961 and a succession of mild winters, and, as I have said, there is no sign of slackening. This sustained growth caused the Commission to reassess its load estimates with the immediate effect that the installation programme for Hazelwood power station was accelerated by up to two years.

The Commission exhaustively examined its practices, methods and procedures for forecasting system loading and concluded that it should allow for a long-term growth of 8½ per cent. per annum cumulative, and, unlike earlier estimates, should not provide for any tapering-off in the later years. The latest estimates of maximum demand for the next fifteen years are :—

MW		MW	
1966 ..	2,200	1973 ..	3,660
1967 ..	2,380	1974 ..	3,960
1968 ..	2,570	1975 ..	4,290
1969 ..	2,770	1976 ..	4,640
1970 ..	2,880	1977 ..	5,020
1971 ..	3,120	1978 ..	5,440
1972 ..	3,380	1979 ..	5,880

Mr. STONEHAM.—Is this without regard to the use of natural gas?

Mr. G. O. REID.—Reference to that subject will be made later. The small increase in demand in 1970 reflects the intention of Alcoa of Australia Pty. Ltd. to have completed its own power station by then. This links up with the question asked earlier by the Leader of the Opposition.

The estimates of maximum demand have been established for what is known as "average cold spell weather conditions", which means the median of minimum winter temperatures experienced over the past 50 years. Abnormally adverse weather may cause the maximum demand to increase by up to three per cent. above the estimate, and mild weather can reduce the demand.

Honorable members will appreciate that it is extremely difficult to forecast exactly the rate of growth in the demand for electricity. Even a small difference in the percentage rate of growth accumulates to a substantial number of megawatts when projected forward for a number of years. Estimates must be made well ahead because of the considerable time involved in the planning of new power developments. Power station construction alone requires about five years from date of order to operation of the first unit, and a new open cut must commence overburden removal operations some years ahead to be ready to supply coal to a new power station.

This problem of forecasting is not confined to the Commission, nor even to Australia. From discussions at the Third International Conference on Peaceful Uses of Atomic Energy held in Geneva late in 1964, it was clear that most electricity undertakings had the same difficulty in establishing accurate forecasts of demand. It is interesting to note, too, that the Electricity Council of Great Britain, in its annual report for the year ended 31st March, 1964, stated—

In each of the last three years, the Electricity Council have revised their forecasts of the rate of electricity growth. These forecasts have then been translated by the Council and the Boards into substantially larger programmes of capital development.

The Commission has always reviewed its estimates of demand and its construction programme at least annually, and, because of the most recent results, it has established a separate group within its organization to deal with load forecasting and research as its primary function.

RESERVE PLANT:

On many occasions, the Commission has pointed out that a margin of at least 10 per cent. of the estimated maximum loading or the capacity of the largest generating unit, whichever is the greater, is needed as reserve

plant. Under the present construction programme, this margin is expected to be reached next year.

The Commission has always considered 10 per cent. reserve to be a minimum requirement. Many overseas authorities consider that the reserve should be at least 15 per cent. The Central Electricity Generating Board of Great Britain recently has adopted for planning purposes a margin of 17 per cent. over the expected demand.

Under present conditions, the concept of reserve plant has to extend beyond allowing for breakdown and adverse operating conditions. There is the need to make some provision for unexpected load growth while extreme weather conditions may cause the maximum demand to increase by up to 3 per cent.

With the ever-increasing size of electricity systems, it has become world-wide practice to install progressively larger generating units because of resultant economies. Whenever a move to a larger size of generating unit is made, then the newest unit of the system becomes not only the largest, but the least proven. Hence, there is need to provide for the contingency that the largest unit on the system may not be available at the time of peak demand in the first year or two of service. Having regard for the special technical problems associated with the burning of raw brown coal, it takes some years to gain sufficient experience in the operation of new large single boiler turbine plants to enable normal availability to be achieved. Allowance for this contingency also covers possible delays in the construction programme, such as occurred in 1964 when the first turbo-generator set at Hazelwood was not available from the contractors in time to meet the winter peak load. To cover these contingencies, the Commission has adopted a plant installation programme which provides a margin of reserve of about 15 per cent., which should be reached in 1969.

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EXTENSIONS TO GENERATING SYSTEM:

Additions to generating plant previously approved will come into service progressively up to 1969, and should allow all demands on the State system during that period to be met. Between 1969 and 1974, the coincident maximum demand on the State system is estimated to increase by 1,190 megawatts. In order to meet this loading increase, cover the retirement of old plant, and provide the necessary margin of reserve plant, it is necessary to provide some 1,450 megawatts of new generating capacity. About 450 megawatts will become available to Victoria from further development of the Snowy mountains project, and this will adequately meet the requirements for peak load plant. The balance of about 1,000 megawatts will need to be installed by the Commission and be capable of meeting the base load.

For the long sustained base loading on the electricity supply system, fuel costs are all important, and this load can be met most economically by steam plant fuelled by raw brown coal and located close to the coal-fields. Of the alternatives available within the Latrobe Valley itself, the most economical results, both in terms of operating costs and capital expenditure, can be obtained by making further use of the existing open cuts. The possibility of using natural gas was examined, but the information available indicated that natural gas supplies were not likely to be developed to a sufficient extent for the Commission to plan to use it for base load generation in the period up to 1974. This outlook was confirmed by Dr. Charles Hetherington.

Therefore, the Commission recommended, and the Governor in Council approved, the extension of the Hazelwood power station from a capacity of 1,200 megawatts to 1,600 megawatts by taking up options obtained from the two main plant contractors for Hazelwood fifth and sixth units and the erection of a power station of 600 or 700 megawatt

capacity at Yallourn and known as Yallourn "W". The seventh and eighth units at Hazelwood, each of 200 megawatts, are to be brought into service in 1970 and 1971, respectively, and the two units of Yallourn "W", each of either 300 or 350 megawatts capacity, are planned for service for 1972 and 1974, although the service date for the second set could be advanced to 1973 if required. Contracts have already been placed for the erection of the Hazelwood extension, and tenders have been invited and close towards the middle of this year for the boilers and turbo-generators for the Yallourn "W" power station. To meet the coal requirements of these extensions, the output of the Yallourn and Morwell open cuts will increase from 19,000,000 tons in 1964-65 to more than 32,000,000 tons in 1974-75.

SUBSEQUENT DEVELOPMENT OF THE GENERATING SYSTEM:

By 1974, the total capacity of the State generating system will be 4,650 megawatts, including the entitlement from the Snowy scheme. This development will have taken 50 years from the time the first unit at Yallourn was brought into service. The equivalent amount of new generating plant capacity will have to be provided in the eight or nine years following 1974.

Determining the plant to be installed to meet these requirements involves a tremendous amount of planning; Commission engineers are continuously undertaking investigations into the best ways and means of meeting the increases. Each increment requires the examination of many alternatives embracing, not only different sites, but different types of fuels as well. I feel that it is appropriate for me to give this House an idea of the work which is going on in planning the development of the generating system. While fuel costs are so important for base load plant, other elements such as capital cost, staff requirements and

flexibility of operation can be just as important as the cost of fuel in determining installations of peak load plant.

PEAK LOAD PLANT:

For the past ten years and up to 1974, most increments to peak load capacity have been provided by hydro-electric generation, first from Kiewa and Eildon, and more recently from the Snowy Mountains hydro-electric scheme. The planned development of the Snowy project is due to be completed in 1974 and, as there is limited scope for further hydro development in Victoria and at Snowy, except perhaps for pumped storage type schemes, it will be necessary to consider installing thermal plant to meet this section of the demand.

Unlike base load plant, which is best located close to the source of fuel, peak load thermal plant may be located close to the load centre. The Commission is therefore investigating possible sites for power stations on the outskirts of the metropolitan area and is also investigating the possibility of making further use of the Newport power station site as existing plant there reaches the end of its economic life. The main fuels being examined for this purpose are briquettes, oil and natural gas. All of these fuels may be burned in conventional boilers with steam turbines. This method has the virtue that the plant can be used on high or low load factor as system requirements dictate.

Oil or natural gas could be used by burning the fuel in gas turbines in which the turbine is turned by hot gases instead of steam in the same way as in a jet aircraft engine. This type of machine is particularly suitable for quick starting and short period running. Naturally, which fuel is used and the way in which it is used depend in the long run on price, but it appears that there will be scope for all fuels and both methods of operation in the future.

No decision will need to be taken on the installation of peak load plant for about three years, at least. The conventional type of plant needs to be ordered about five years before it is required for service, but some types of gas turbine plant can be installed within three years of ordering.

BASE LOAD PLANT:

The selection of base load plant developments is even more complex. Because of the tremendous amount of energy to be produced, fuel costs are especially critical. The alternative fuels being examined come under four headings—brown coal, nuclear energy, natural gas and oil.

BROWN COAL:

There is a wide range of possible developments in the Latrobe Valley which needs close examination. Besides developments based on the existing open cuts at Yallourn and Morwell, there are three new open cut sites under investigation. One of these is already well-known to honorable members. This is on the Loy Yang field to the south-east of Traralgon. The second is to the east of the Yallourn open cut, north of the town of Morwell, and the other to the west of the Morwell open cut, across the Morwell river. For each of these possible open cuts, there are many potential power station sites that the Commission must consider, and, in considering these various developments, it is necessary always to keep in mind what will be the likely effect of any subsequent use of the coalfields.

Other developments based on the existing open cuts at Yallourn and Morwell are possible. If either of these developments becomes desirable, it will be necessary for the Morwell river to be diverted to allow extension of the open cut boundaries and recovery of the extensive reserves of coal under the existing river flood plain. All of these possibilities have to be examined exhaustively before any decision can be taken on the best brown coal development to meet the

future electricity needs of the State, and this all must be considered in conjunction with the alternative fields which I have mentioned.

NUCLEAR POWER:

Nuclear power is now well proven as a practicable alternative to the more conventional forms of power generation for public electricity supply and, because of the rapid developments which are taking place, the Commission keeps in very close touch with developments in this field. It was represented at the 1964 Conference on the Peaceful Uses of Atomic Energy at Geneva by its chairman, Mr. W. H. Connolly, and a senior engineer of the Projects and Investigations Department, Mr. F. R. Hooper.

Although none of the plants yet completed can be regarded as more economical than conventional power generation, the margin between the two systems is closing rapidly. A few years ago nuclear power could be dismissed from further consideration in this State, as it would have cost twice as much to build and twice as much to run as a conventional station based on our brown coal. Now, the excess operating costs of the 200 to 300 megawatt units which could be accommodated in the Victorian system would be of the order of 40 per cent. to 50 per cent., while, with the large power plants in the 500 to 1,000 megawatt range, it is expected that operating costs comparable with Latrobe Valley brown coal power station costs could be obtained. It may be unwise to install units of 500 megawatt capacity into the Victorian generating system in the period immediately following 1974 since each unit would represent as much as eleven per cent. of the installed plant capacity, but even if there should be no improvement in techniques the installation of plant of this size could become a reasonable proposition by 1980. Hence, development in nuclear power plants must be very carefully examined when considering further extensions of the generating system.

OIL:

Oil is well suited as a fuel for base load generation, provided that it is available in sufficient quantities and at a price competitive with alternative fuels. With the continued growth in the use of petroleum products and the possibility of natural gas being a strong competitor for fuel oil in the industrial market, the Commission is also keeping a close watch in this field when determining its next base load power development.

NATURAL GAS:

The discovery of natural gas opens up far-reaching possibilities for Victoria, but it would be premature for me to forecast its precise effect at this stage. After my departmental officers and the Government have had the opportunity to examine Dr. Hetherington's report in detail, I shall be making a comprehensive statement on the subject. Natural gas is a very attractive fuel for power generation because it is clean and convenient to use. I have already explained its possible use for peak load generation, and it will suffice here for me to mention the tremendous quantity of gas which needs to be proved before it can be effective for base load use.

To supply a station of 600 to 700 megawatts capacity, the size of Yalourn "W"—and bear in mind that this provides the additional plant requirement of only two or three years—it would be necessary to have available reserves of 150 million cubic feet a day for 30 years or 1.5 million million cubic feet in all. This represents about five times the present consumption of manufactured gas in Victoria and is more than the total capacity quoted by Dr. Hetherington for the first Gippsland shelf field, so honorable members will appreciate that there is much work to be done before it will be possible to gauge the effect that natural gas will have on fuel use for electricity generation.

In so far as natural gas is likely to affect electricity sales, it can be said that in the countries which have been the main producers and users of natural gas—the United States of America and Canada—experience has shown that the growth in the use of natural gas has developed side by side with the growth in electricity demand. Natural gas may have some impact on certain heating applications in the electricity market, but the general effect is likely to be small. However, its effect on the briquette industry is likely to be much greater.

BRIQUETTE INDUSTRY:

As honorable members are aware, the briquette industry since the Morwell factories came into full operation five or six years ago, has developed under very considerable difficulty. The industry has been subject to severe competition from other forms of fuel, particularly furnace fuel oil. In spite of this competition, briquette sales expanded considerably between 1960-61 and 1964-65. Sales to the public increased from 860,000 tons to 1,260,000 tons, an increase of more than 45 per cent.

Mr. STONEHAM.—That result reflects very creditably on the Commission.

Mr. G. O. REID.—That is so. The briquette market outlook is that there will be even more intense competition in the future with the continuing expansion of Australian oil refining capacity to meet the growth in use of petroleum products. There will be no diminution in competition from New South Wales black coal and, by the end of the decade, natural gas is likely to be a further vigorous competitor. The brown coal briquette industry has played a major part in Victoria's spectacular industrial development, particularly over the last decade. Due to the existence of the industry, it has been possible to maintain in Victoria a rationalized fuel usage benefiting the industrial, commercial and domestic markets.

Briquette competition has forced a reduction in prices of other fuels. The prices of competitive industrial fuels for large users have dropped dramatically since 1957, just before the Morwell factories came into operation. The price of black coal has dropped from \$13.40 a ton to \$9.50 a ton, and the price of oil from \$30 a ton to \$12 a ton. These price reductions have assisted the Gas and Fuel Corporation, which is a large user of briquettes in its Morwell works, to obtain lower fuel prices for black coal, residual oil and refinery gas in its metropolitan gas works. The briquette industry enables Victorian householders in the moderate income group to enjoy the highest standards of comfort in Australia in respect of hot water services and domestic space heating. The State policy of fuel independence is safeguarded and made effective to a large degree by the briquette industry, which is a valuable insurance against the stoppage of imported fuel supplies.

The industry makes a considerable contribution, now totalling over \$6,000,000 a year, to the Victorian Railways' freight revenue. This contribution, in 1964-65, was nearly 10 per cent. of the total revenue from goods traffic of all kinds and, as the average freight on briquettes was 3.56 cents per ton mile compared with 3.16 cents per ton mile for the total traffic, it is evident that briquette freight is a relatively lucrative part of the railway business. A total number of 1,400 Commission personnel are employed full-time in the briquette industry and over 5,000 either full-time or part-time in the briquette distributing trade and the manufacture of briquette appliances.

PROVISION OF FINANCE FOR INCREASED DEVELOPMENT:

I have already described the considerable amount of work to be done in constructing generating plant, transmission and distribution lines to meet the ever increasing demand for electricity. The Commission will be

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spending some \$300 million on new capital works over the next three financial years—from 1st July, 1966, to 30th June, 1969—made up approximately as follows:—

	\$million
Hazelwood Power Station	100
Yallourn "W" Power Station	7
Other Latrobe Valley Works (chiefly coal winning)	27
Main Transmission and Transformation	78
Electricity Distribution (including "self-help")	70
General	18
	300 million

It is expected that about \$195 million of the \$300 million will be provided from the Commission's own resources—primarily depreciation moneys invested within the business—and from "self-help" contributions by prospective consumers.

The balance of \$105 million will be borrowed by public loan flotations, by private loans from savings banks, superannuation funds, other financial institutions, and so on, and by Treasury advances. This is the borrowing which, after deduction of the amount raised against the small unused balance at 1st July, 1966, of the existing \$750 million authority, will be authorized by the passage of this Bill. When the measure is passed the Commission will be authorized to borrow the money necessary to enable it to undertake these additional commitments, which would bring the total of all Commission borrowings to the limit of \$850 million. I commend the Bill to the House.

On the motion of Mr. STONEHAM (Leader of the Opposition), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, April 20.

DAYLESFORD SPRINGS LAND BILL.

The debate (adjourned from March 23) on the motion of Mr. Balfour (Minister of Lands) for the second reading of this Bill was resumed.

Mr. STONEHAM (Leader of the Opposition).—I am sure that honorable members generally will approve of this Bill, and that there will be warm support and applause from people residing in Daylesford and district. The purpose of the Bill is to facilitate the establishment of a proposed spa hydro-therapy centre on land adjacent to the western section of the Central Lake reserve at Daylesford. In his explanatory second-reading speech, the Minister of Lands stated that this measure is necessary to authorize the taking of spa water from Sutton springs and Central springs, within the Central Lake reserve, to the order of an estimated 12,000 gallons a day. The Minister explained that tests conducted by the Mines Department have revealed that the yield of spa water in the area is approximately 26,000 gallons a day, so that after the proposed centre has been supplied there will be ample spa water left to meet all public requirements.

It would be excellent indeed if this scheme were brought to fruition, and I sincerely trust that it will be. I take it from the Minister's remarks that at this stage there is actually no firm guarantee that the project will be proceeded with, but that the passing of this measure is desired in order to facilitate and speed up the negotiations as the opportunity occurs.

I have always felt that the great spa assets in the Daylesford area are greatly under-valued by the community of this State. When one sees the amazing development that has taken place round spa centres in Europe particularly, one wonders when we are going to take full advantage of the spa assets and also the delightful environment of Dayles-

ford. Over the years, various proposals have been advanced for the establishment of a modern hydro in that district. Of course, hot electric spa baths have existed at Hepburn for many years. I hope most honorable members have partaken of these baths. As a former representative of that part of the State, I can verify that they are most energizing and refreshing. Judging by the evidence that used to be there of crutches and sticks and the like that had been discarded by people who had come to Hepburn to be cured, it would seem that we have neglected the development of great resources there for the cultivation of good health and the recreation of the community generally.

Consequently, members of the Opposition wish this project every success. It will undoubtedly be a great shot in the arm for the town of Daylesford if a modern hydro, complete with the facilities that are obtainable in similar places overseas, is established. I am sure that this undertaking will be in the general interests of the State of Victoria as well as those persons in Daylesford who will derive direct benefit. Although I could speak at length on the delights of this particular area, I do not propose to delay the proceedings of the House. It is possible that if this kind of activity develops in the future, as I envisage, further legislation will be necessary. All I desire to add at this stage is that members of the Opposition wish the persons who have embarked upon this project and who are referred to in the Minister's explanatory speech as Spa Area Development Company Proprietary Limited—which is composed, I assume, mainly of public-spirited and progressive-minded people of Daylesford—every success that could possibly come their way.

Mr. A. T. EVANS (Ballarat North).—This measure results from a growing interest throughout Australia in spa therapy treatment, particularly among the large number of

tourists who leave Australia each year and return to this country after having received the benefit of spa therapy in England and Europe. It is also influenced by the great number of migrants coming here who have been closely associated with this type of treatment. Additionally, of course, great initiative has been shown by a group of local business people, who formed a non-profit company known as the Spa Area Development Company Proprietary Limited with the idea of establishing a spa hydro-therapy centre. Naturally they are attracted to Daylesford, which is the only place where there are abundant supplies of natural spa waters. Analyses show that the spa waters in this area are far superior, so far as varieties, strength and quantities are concerned, to those anywhere else in the world.

Mr. BIRRELL.—Is not the Hepburn spa water better than that of Daylesford?

Mr. A. T. EVANS.—I am speaking of the whole area. If honorable members are interested, I can produce a report containing details of an analysis of the entire area. In reply to the honorable member for Geelong, I point out that within a 5-mile radius of Daylesford—this is based on a perusal of Mines Department reports over a number of years—there is a daily output of spa water in excess of 250,000 gallons.

In his second-reading speech, the Minister of Lands stated that in the area in which the formation of the spa development company is contemplated, the combined mineral water yield from springs is approximately 26,000 gallons a day. The estimated requirements for the company's needs would be about 12,000 gallons a day. In the area to which this measure refers, namely the Central springs area on the Wombat creek, there is a daily supply of 200,000 gallons. The interests of the public who obtain spa water for nothing, will be safe-

guarded if this Bill is passed. The area is suitable for commercial development.

The Australian public—both the medical and the lay people—have a lack of appreciation of the benefits which can be derived from spa waters. Recently, I read a publication issued by six American companies which reported similar apathy concerning the value of spa waters in the United States of America. In this country, the Australian Medical Association has not supported spa therapy treatment, although this form of treatment is accepted enthusiastically in Great Britain and European countries, where it is a dynamic and growing force. In Europe, spa therapy, which is practised by several thousands of doctors and many more thousands of physiotherapists and other employees who are treating millions of people, represents an investment of billions of dollars.

Mr. ROSSITER.—What form of treatment is provided?

Mr. A. T. EVANS.—Spa therapy is used in the treatment of arthritis, rheumatism, heart ailments and various other illnesses. In Europe spa therapy is supported by State and local Government agencies, insurance associations, unions and private organizations, as well as members of the medical profession. The latest figures I obtained from the Parliamentary Library relating to attendances at spa centres reveal that in 1955, the number of patient days totalled 3,110,106; in 1956, the number had increased to 3,423,056; and, in 1957, it had risen to 3,712,860.

European spas are being visited in increasing numbers by the sick and by those persons who desire to prolong their life's span of useful activity. The nearest that Australians have been able to come to obtaining similar benefits to Europeans has been that which is obtainable at the Hepburn mineral spring baths,

which were established 50 years ago. These baths are in such great demand to-day that it is necessary for patrons to make advance bookings. Increasing numbers of local, interstate and even New Zealand visitors are patronizing the baths. In fact, last year, they were used on 8,000 occasions, representing an increase of 500 during a period of twelve months.

It is pleasing to note that Country Party members are interested in this measure. A prominent member of that party in another place frequently patronizes the Hepburn baths. He is one of the most vigorous and active members of his party. As so many Europeans now live in Australia, and as large numbers of Australians return from Europe, having been educated in the benefits of spa therapy, it appears that it will be necessary to extend the Hepburn baths. The term of the lease envisaged in this Bill, namely, 21 years, may be insufficient. I was pleased to hear the Leader of the Opposition comment favourably on the fact that further legislation may be necessary if the amounts of money that have been mentioned are spent in this area. This legislation will provide the local borough council and the spa development company with some basis for conducting negotiations with overseas and Australian organizations.

On behalf of the local organization, I express my appreciation for the encouragement which the Government, through the Minister of Lands, has given to the project at this stage. I look forward in future to some rapid and extensive development of the area, which will provide not only healthy benefits to many people, but also a valuable tourist attraction to the State and the Commonwealth as a whole.

The motion was agreed to.

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

COMPANIES BILL.

The debate (adjourned from March 23) on the motion of Mr. Rylah (Attorney-General) for the second reading of this Bill was resumed.

Mr. CLAREY (Melbourne).—Basically this Bill does two things. First, it replaces the existing Part IX of the Companies Act, which deals with official management, with a completely new part; and secondly, it gives a greater power to the Registrar of Companies in registering prospectuses. The Bill also contains two or three clauses relating to foreign companies.

At the outset, I raise strong objection to what I regard as an inadequate presentation to this House of such an important Bill covering the activities of companies. So far as official management is concerned, it is an alternative to liquidation. Having regard to the importance of these matters, the House should have been given a detailed explanation of the alterations which are proposed. Although the Bill consists of 25 pages, the Attorney-General's second-reading explanatory speech covers only two pages of *Hansard*.

Usually, with Bills of this type, an explanatory memorandum is supplied or the Minister concerned, after making his explanatory speech setting out the main purposes of the Bill, indicates what each clause involves. In this instance, all the existing sections of Part IX. will be scrapped and a new Part will be provided in which the sections, as numbered, do not necessarily correspond with the sections in the old Part which is being discarded. In some instances, the sections are differently numbered, and in other cases words, phrases or sentences have been taken from one section and inserted in another. As a matter of fact, I shall be frank and point out that metaphorically speaking, it took me a great deal of time going through the Bill with a microscope, in conjunction with the

existing Act, to find out what some of the alterations involve. I could have overlooked certain of them.

The Attorney-General explained three of the main amendments proposed in the Bill, but he did not say which sections were being replaced. In his second-reading speech, the honorable gentleman stated, *inter alia*—

Fourthly, the new Part is more than twice the size of the present provisions. Most of the new material relates to procedure in meetings, preparation of statements, notification to the Registrar, and so on. These provisions have been made more detailed in order that official management might function more successfully and the creditors be given adequate information of the affairs of the company.

No one questions that contention, but the Minister might have said, "This clause gives so and so extended powers," or "Another clause requires the provision of more details". It is left to honorable members to go through this massive document, the Companies Act, or at any rate Part IX of it, to make comparisons. The Minister went on to say—

In addition, a number of other alterations have been made in order that the Part will function more successfully. The principal alterations are:—

I shall endeavour to inform the House briefly what the important alterations are and, of course, I reserve the right to make a more detailed explanation of some of them in Committee.

At this stage, I wish to indicate to the Government that I propose to move two amendments, with which I shall deal presently. As I think the Attorney-General briefly explained in his introductory speech, official management was a new concept introduced into Australian company law by the 1961 Act. The Minister mentioned that it was based, in principle, on an Act of the South African Parliament of 1926, which referred to what it termed judicial management, but there are quite substantial differences. Under the South African legislation, only the court can place a company under judicial

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management, whereas in the measure before us it rests with the creditors. Accountants and secretaries are interested in this legislation. Perhaps as a clear explanation for those who may be interested, I should read a few paragraphs from *Australian Company Law* by Paterson and Ednie, which was published in 1962. Reference is made to official management, and the authors say—

The origins of this Part are reasonably clear, but the precise channels through which they have developed are not always apparent.

It is believed that the concept of official management or, as it is elsewhere called, judicial management, originated in the United States and England, having developed from the practice of appointing receivers in equity.

Reference is then made to the English legislation of 1908, and then the following statement appears—

When the South African Companies Act of 1926 was going through Parliament as a Bill, discussion of the clauses dealing with judicial management first arose in the second reading speech of Sir Drummond Chaplin; see Union of South Africa House of Assembly Debates, volume VI., 25th February, 1926.

At page 983 he said: "I am informed that this is an entirely new procedure in this country, and it is supposed to be taken from American practice." He went on to say he was informed that it had not worked well in America, and that often it was costly to creditors and caused enormous delay.

I shall not quote further, but for the benefit of honorable members who are interested in the subject, official management is discussed in rather interesting detail at pages 459-461 of this book. It will be noted that even in 1926, when judicial management was introduced in South Africa, doubt was expressed whether it would achieve what was proposed or might be expected of it. It has been found in South Africa that further amendments were necessary from time to time to correct weaknesses.

Official management is a means whereby a company, instead of going into liquidation, thinks it may be able to salvage itself from the wreck by appointing an official manager to

carry on the business. In other words, when an official manager is appointed, there is no attempt to liquidate the company. It is hoped or expected that if the company can be kept on its feet for a little while, it may be able to rehabilitate itself, and perhaps ultimately to be put on its feet again completely. That has not been the experience in Victoria. In fact, when introducing the Bill, the Attorney-General said—

In the past eighteen months, the official management provisions have been thoroughly examined at meetings of the companies officers of the standing committee of Attorneys-General. The view of these meetings has been that practical experience has exposed in the present provisions a number of defects which considerably reduce the successful operation of the Part.

In another part of his speech, the honorable gentleman said—

In the short time the provisions have been operating, a measure of success has been achieved. However, a number of factors have prevented the Part from being as effective as was expected.

Informed opinion, at least of the Chartered Institute of Secretaries, of whose Victorian council I happen to be a member, is that the official management provisions should be scrapped, that they are worthless and that in many instances they have been applied not for the benefit of the shareholders or debenture holders of the company in putting the business back on to an even keel, but rather for the benefit of some particular individuals or to get some money in and pay those who should not be paid. After all, if a company is under official management apart from the disposal of capital assets and so on, it would be possible for the official manager to use moneys in a way that was not anticipated.

With your approval, Mr. Deputy Speaker, I take this opportunity of quoting a few sentences from a letter written by the Victorian branch secretary of the Chartered Institute of Secretaries, who authorized me to say that the opinions expressed in it

are the official views of the Institute. Mr. A. J. Gairns said—

With regard to official management, the council again thought these amendments were worth while and will improve the procedure.

Secondly (and this does not entirely relate to this Bill alone), the Institute and a lot of very important people wonder why this section on official management is persisted with. I have personally held a number of appointments as official manager and all have inevitably failed to lift the company from its difficulties and most of my colleagues agree with this.

Mr. Gairns then named an important firm, which I do not think need be mentioned. He says that he was in touch with this important firm, which told him that it would no longer accept these appointments. He went on to say—

I doubt if I would myself again. It is such a handy device for a company which thinks it can get out of its troubles to simply defer the evil day a little longer and as inevitably happens, lose more money. I believe that this impression of official management would be also the opinion of the Registrar of Companies. I have not known of one official management which has succeeded although I suppose an odd case does exist.

However, I suppose we cannot blame the Government for saying, "After all, this has had a chance of operating for only four years. We have found difficulties in it, and we want to try to improve it. We shall give it another go."

The most important of the principal amendments that are proposed is that in the voting at a meeting of creditors for the purpose of appointing an official manager, any related company—that is, a subsidiary or holding company or some other company related to the company which proposes official management—shall not be permitted to vote. Mr. Gairns expressed this opinion very clearly—

One very good point was that inter-related companies were not permitted to vote on the appointment of an official manager; this is most desirable because in a group of companies inter-companies wishing to appoint an official manager could use its large voting power and out-vote the ordinary creditors who desired a liquidation.

Much the same opinion was expressed by the Attorney-General in his second-reading speech. I think this is a definite improvement, because the voting power of a related company could completely submerge the desires and wishes of a large number of small creditors. Under the Bill, the related companies go out and it is left to the ordinary creditors, outsiders, to say whether they think any good will result from the continuation of official management. As a matter of fact, in many instances I can envisage that the position may get worse at the very beginning because the official manager cannot deal with any of the capital assets of the company unless with special approval. In a moment, I shall refer to certain conditions under which he can dispose of capital assets, but it will be agreed that they may be deteriorated. It may be in the interests of the shareholders and debenture holders of the company that they should be realized when they are in good condition and of good marketable value.

The second important alteration that is proposed is that the special resolution of creditors to place the company under official management must indicate that, in their opinion, by so doing there would be a reasonable probability that the company would be able to pay its debts. I think the Attorney-General put the matter clearly when he said—referring to the present situation—

The major defects are, first, as I pointed out earlier, companies are placed under official management when there is no hope that this device will resurrect them. In these cases, the winding up provisions would have been the appropriate procedure to adopt in the interest of the creditors. The assumption underlying Part IX. is that it is used only when there is a reasonable prospect of the companies being restored to solvency.

So now, the special resolution of creditors instead of simply saying, "We shall place it under official management", must indicate that in their opinion by so doing there is a reasonable probability that the company will be able to

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pay its debts. Of course, that will encourage creditors to look into the matter more closely.

Sub-section (3) of proposed new section 199 provides that the company shall prepare a statement of the affairs of the company in the prescribed form. Sub-section (9) provides that notice of the meeting shall be given to the creditors of the company and sub-section (10) states that—

The company shall attach to every notice posted to the creditors under sub-section (9) of this section—

(a) a summary of the affairs of the company in the prescribed form;

together with certain other matters listed under paragraphs (b) and (c) of the sub-section. I suggest, by way of an amendment, that in addition to the creditors receiving a summary of the affairs of the company in the prescribed form, they should also obtain certified copies of the balance-sheet and profit and loss account of the company for each of the three preceding years.

I have had some discussions on this Bill with a person who has had experience of cases of official management. He rightly pointed out that to provide a statement of the present affairs of the company does not give any background information. A person is entitled to consider whether or not the company could lift itself out of the mire, and therefore he will want to know what has happened a little before; how the company got into the mess; whether it was still falling down last year, or whether it was doing a little better than the preceding year; or whether it is going down so quickly that it would be a waste of time and money to put it under official management.

Sub-section (5) of proposed new section 207 contains a new provision which sets out the priority of payments by the official manager. After the costs of official management, priority is given to the payment of the liabilities of the company incurred in the course of the official

management. I believe this is quite a reasonable proposal. If the company is to succeed by continuing to carry on business in the normal way, it can do so only if people are prepared to sell goods or render services to it. However, I should like to know whether these priorities, particularly as it is now proposed to apply them in the event of a subsequent winding up, conflict with the Bankruptcy Act, because, in many instances, the priority is to be given to a later creditor over many of the preceding ones. They do not come in *pari passu*. Opposition members do not object to the proposal, but we wonder whether there is conflict with the Bankruptcy Act.

Mr. BLOOMFIELD.—In bankruptcy proceedings, does not the cost of the winding up always take precedence? Trustees and liquidators are always in that position.

Mr. CLAREY.—That is so, but I am not speaking about actual costs.

Mr. BLOOMFIELD.—The liabilities incurred, such as a purchase of petrol and so on to carry on the business, must always be met first.

The DEPUTY SPEAKER (Mr. Christie).—Order! The interjections do not help the debate. The matters raised would be better considered in Committee.

Mr. CLAREY.—I raise this point not as a bush lawyer but because of opinions expressed in a rather massive book written by Mr. Justice Wallace and Mr. J. McL. Young, Q.C., called *Australian Company Law and Practice*, 1965, in which reference is made to a somewhat similar provision elsewhere which, in their opinion, raised some doubts. However, they did not express a dogmatic opinion that it was in conflict with the bankruptcy law.

I wish to discuss an important point arising from paragraph (g) of subsection (1) of section 205 of the principal Act which gives power to the official manager to report to the creditors if he does not

think the company can continue to carry on and meet its obligations. The position is left up in the air, and the present law does not specify what is to happen thereafter. No doubt, certain practical aspects were overlooked when the original measure was passed. However, under the proposed new section, the official manager is given the power to call a meeting of the company to consider the voluntary winding up.

Another proposal is that the official manager shall fall within the definition of "officer of the company". Under the existing Act, he is not regarded as such, and if he is not doing his job properly, if he is dishonest or incapable, he could conceivably escape some of the penalties which attach to an officer of the company.

The present Act is a little loose because it prescribes that a special meeting of the company shall be called at the demand of the creditors to place it under an official manager only at a time and place and date suitable to the creditors. It is left rather vague, because it is not known how many creditors there are to be satisfied. The new provisions are more definite—the company itself shall call a meeting of its creditors for the purpose of placing the company under official management. It is left to the company to fix a date, which, allowing for due notice to the creditors, must be within 63 days after the decision of the directors or the demand by a creditor to hold such a meeting. At the present time, no period is specified.

It is also proposed that the initial period of official management shall be limited to two years. At present, no limit is imposed—the appointed official manager can carry on *ad infinitum* if he so desires. Provision is to be made that if the official manager has not concluded his work at the expiration of two years he may from time to time apply for an extension, which on no occasion shall be for a period of more than twelve months.

Earlier I referred to the power of the official manager to dispose of assets other than in the ordinary course of business. Under the existing law, he cannot do so without the specific approval of the court, or the committee of management, or the company in general meeting. The proposal contained in this Bill is a little more flexible, and on his own authority he may dispose of assets outside the normal course of business without the consent of the committee of management, up to \$400; with the consent of a committee of management, he may dispose of assets up to \$2,000; and with the approval of the court, he may dispose of the assets without restriction.

The sitting was suspended at 6.29 p.m. until 8 p.m.

Mr. CLAREY.—Earlier, I complained of the slipshod manner in which this Bill had been explained to the House. The proposal to which I was about to refer immediately prior to the suspension of the sitting is a classic example. As reported at page 2996 of *Hansard*, the Attorney-General, in making reference to some of the proposals contained in the Bill, stated, *inter alia*—

The official manager appointed by the creditors may be replaced by a registered company auditor, if, on application, the court is of the opinion that he is not suitable for the position.

I shall now read part of sub-section (4) of proposed new section 202. It provides, *inter alia*—

Any creditor to whom the company owes, or any representative of a group of creditors to whom the company owes collectively, more than ten per centum of the total unsecured debts of the company—

I stress this part—

may within fourteen days of the appointment of a person as official manager of the company . . . apply to the court for the termination of that appointment and if in the opinion of the court the person so appointed is not suitable for the position the court may make an order terminating his appointment and appointing as official manager—

I stress these words—

a registered company auditor . . . who has consented in writing to act as official manager.

First, why is all this necessary? Sub-section (1) of section 204 which is in similar terms to section 203 of the principal Act, provides—

(1) The appointment of a person as official manager of a company may be determined—

(a) by his resignation in writing signed by him and tendered to either—

(i) the committee of management appointed pursuant to this Part; or

(ii) a meeting of creditors of the company;

(b) by special resolution of the creditors passed at a meeting of creditors of which special notice stating the purpose of the meeting has been given; or

(c) by an order of the Court.

Why is there a special provision that the court within fourteen days on the application of a creditor can terminate the appointment of an official manager? Does anybody think that within fourteen days of a person's appointment it would be known whether he was suitable or unsuitable? However, I shall let that pass; I do not suppose the provision can do any harm.

This brings me to the stage where I foreshadow that I shall move an amendment to sub-section (4) of proposed new section 202, and I have already handed a copy of the amendment to the Minister at the table. I propose to move that the words “a registered company auditor (other than the auditor of the company)” be omitted with the view of inserting the words “another person whom the court considers suitable”. Although I am a registered company auditor, I see no reason why the court, in making this other appointment, should be limited to selecting a registered company auditor. He may know nothing about the intricacies of the business involved, and he may know nothing of the circumstances behind its operations. The Government's proposal is that a registered company auditor should be selected for some reason or other; apparently no-one else is considered suitable. I shall quote the views that have been expressed on this proposal in a letter from the Chartered Institute of Secretaries, to which organization

both the honorable member for Caulfield and I belong. I do not know whether this expresses the views of the Institute itself, but the Victorian branch secretary stated, *inter alia*—

A slight query exists on this one, in that while we are proud of our profession, and you and I are auditors, we wonder if auditors are always the ideal choice for official managers.

The next sentence is interesting—

However, the contrary view on this point is a sigh of relief that the Government for once is departing from the ridiculous practice of always looking to a lawyer to appoint to these posts and on this score we have decided to be grateful and say nothing.

Honorable members will recall that when the Companies Auditors Board was re-established its chairmanship was put in the hands of a barrister and solicitor. I was a member of the Board for a number of years when membership was limited to three practising accountants, but apparently the Government felt that a barrister and solicitor was the only type of person suitable to act as chairman of the new Board. I know that I am digressing, but I wish to stress that I propose to move an amendment to sub-section (4) of proposed new section 202 because the Opposition feels that the court, in its selection of a suitable person, should not be limited.

The only other main proposal is a new proviso that the official manager may apply to the court for directions. There is no specific provision to that effect in the existing legislation, although I suppose that if an official manager did want to apply for directions he would not be debarred from doing so. We are glad to see him placed in the position that if he does not want to go to the company for instructions or directions or to the committee of management, he can make a direct approach to the court.

Provision is also made for the filling of a vacancy in the office of official manager. In the book, *Australian Company Law and Practice* by Wallace and Young, there is reference to this point. Although there is no

provision in the existing legislation for filling vacancies, it is considered that this could be done in a circuitous way. Things sometimes happen in this way. Honorable members may recall that when I attempted to resign from the Companies Auditors Board when elected to this House, it was found that the Companies Act made no provision for resignations, so I had the honour of being removed by order of the Governor in Council.

There are two proposals towards the end of the Bill relating to foreign companies concerning which the Attorney-General made no reference. One is that foreign companies must notify the Registrar-General if they are placed under an official manager or if they have ceased being under official management. The expression "foreign company", as honorable members are aware, refers to any company that is registered outside of Victoria.

I now turn to the second and, as the Attorney-General said, probably the most important part of the Bill. The earlier clauses of the Bill relate to sections 199 up to 366, and strangely enough, the last clause deals with section 42, which makes provision in regard to the registration of prospectuses. It is there provided that the Registrar shall not register a prospectus unless certain conditions are fulfilled. The proposal in the Bill is to give him added and more important power. In the absence of expressed provision, he might have been inclined to feel that his hands were tied to some extent.

It is now proposed that before the Registrar can register a prospectus, he must be of the opinion that it does not contain any statement or matter which is misleading in the form or context in which it is included except where, in the case of a corporation which is a foreign company, the prospectus has been registered in another State or territory. What is a Registrar to do if he has reason to believe that the prospectus of a foreign corporation, incorporated

outside of Victoria, does contain misleading material? Apparently, he cannot do anything about the matter. I presume that, in practice, he would communicate with the Registrar in the territory or State concerned.

I think all honorable members will agree that this is a most important provision. In debates in this House on the Reid Murray Acceptance Limited (Scheme of Arrangement) Bill and other debates on the Companies Act, it has been pointed out that many of the calamities that have befallen companies have been caused by misleading prospectuses; but, apparently on account of the negligence of some auditors, they have been able to "get away with it".

I regret that a question I put on to-day's Notice Paper has not been answered. I was absent from Melbourne last week, otherwise I would have put the question earlier. I asked—

In how many instances the Companies Auditors Board instituted inquiries into the conduct, character or ability of a registered company auditor or a registered liquidator, as authorized under sub-section (11) of section 9 of the Companies Act 1961, and what action the Board has subsequently taken, as provided in sub-section (13) of section 9 in each case?

Probably it would be outside the ambit of the Bill if I were to discuss the reasons why companies have collapsed, even though in many instances the public subscribed money as a result of incorrect information. This provision gives the Registrar the power and the obligation to look into prospectuses. In the *Government Gazette* of 16th February, 1966, this advertisement appears among the vacancies—

ADMINISTRATIVE DIVISION.

Class "B", Companies Registration Office,
Law Department.

Yearly Salary—\$4,880, minimum; \$5,160, maximum. Duties—To initiate and make inspection under the powers contained in section 7 of the Companies Act 1961; other duties as the Registrar of Companies directs.

Section 7 of the Companies Act sets out the powers of the Registrar, and one of them is—

(6) For the purpose of ascertaining whether a company is complying with the provisions of this Act, the Registrar or any

Mr. Clarey.

person authorized by him may inspect any books, minute book, register or record required by or under this Act to be kept by the company.

Although, in my opinion, the existing powers of the Registrar would enable him to query the contents of a prospectus, apparently it is considered that the proposed provision in the Bill will strengthen his hand, and on that score the Opposition heartily supports the proposition.

If I have overlooked any comment, I may make it when the individual clauses are being dealt with in Committee; but broadly speaking, we are dealing with misleading prospectuses and, with official management. Official management comes into being only when by a resolution of a company and/or of the creditors, it is found that the company is unable to pay its debts. Instead of trying to smooth things out for an official liquidator prior to a winding up, should we not consider some of the defaults that lead up to the position when official management is necessary?

In many instances, undoubtedly the auditors are blameworthy by reason of the fact that they do not report strongly or firmly enough. In that regard, I refer members to the *Current Affairs Bulletin* of 12th October, 1964, which contains an article that to a certain extent hits on the problem. It states—

The legislation requires the appointment of auditors for the protection of shareholders. But no protection is vouchsafed unless auditors are free of doubts as to their legal position in respect of actions for defamation which may arise from their reports. So long as such a threat exists auditors cannot be expected to disregard it. But as knowledge of public corporations has become a matter of public interest, this threat should be decisively and unequivocally removed. The obligations of auditors to the public investor—and not to the company as such nor to its officers—should be firmly established. True and fair reporting does not imply criticism of persons or policies; its function is simply to get at the facts.

In dealing with official management, the object of the Bill is to try to help at least some of the creditors to

get something more than they otherwise might. I have discussed with a number of individuals, including some in the building industry, the failures that have occurred. A proprietary company can be placed under official management, but I should imagine that it would be highly improbable that such a company would allow that to happen. Some of the defalcations or discrepancies—defaults might be a better word—could be overcome if the expression “exempt proprietary company” were deleted from the Companies Act. Exempt proprietary companies are exempted from many requirements, including the appointment of auditors and the attaching to their annual returns of balance sheets and profit and loss accounts. How can anyone dealing with proprietary companies ascertain in any way their financial stability?

In connexion with the report of the Jenkins committee—an English committee—I quote the following from *Australian Company Law* by Patterson and Ednie :—

The Company Law Committee, under the chairmanship of the Rt. Hon. Lord Jenkins, has recommended that the distinction between exempt and non-exempt private companies be ended, and that the present special privileges of the exempt private company be abolished.

Many proprietary companies operate in a very big way, and I see no reason why they should be able to smother up their financial affairs to the detriment of those people who honestly deal with them.

I quote another interesting suggestion published in the *Australian* of 1st April, 1966, as follows :—

CLAIM ON DIRECTORS

It would be an excellent idea to force directors of public companies who crashed to use their own assets to repay creditors, Professor N. R. Wills said in Sydney yesterday.

Professor Wills, Professor of Business Administration at the University of New South Wales, was commenting on statements by a Sydney chartered accountant and official liquidator, Mr. A. W. Butterell, that directors of failed firms should be made to repay at least 25 cents in the dollar to creditors.

However, no provision to this effect is contained in the Bill. I mention the matter as incidental to something that could be done in the interests of the investing public, who, in the normal course of business, should be protected against the machinations and the deliberate deceit of many people who occupy responsible positions in the commercial world.

Mr. PHELAN (Kara Kara).—I join with the honorable member for Melbourne in his criticism of the second-reading speech made by the Attorney-General on this Bill. The importance of the measure could not be gauged in any way by the statements contained therein. From a reading of the speech, one would assume that the Bill was a straightforward measure that merely proposed a few amendments to the Companies Act to tighten up the position with relation to official management.

Typical of the attitude adopted are the opening remarks of the Attorney-General, when he said that the uniform Companies Act 1961 introduced into company law the new concept of “official management”. One of the first Australian text-books on official management and receivers was that written by Ingram in 1935. He said that it was difficult to define “receiver” because that official was so closely associated with a manager. So far as I am aware, there has always been provision in the Bankruptcy Act for the appointment of official managers. Later, a provision to this effect was incorporated in the Companies Act to broaden the field in which an official manager could operate.

The amendment made to the Companies Act in 1961 empowered an official manager to dispose of assets and do other things that hitherto he had to refer to the court for its consent before taking action. The responsibilities of official managers were formerly restricted to the everyday activities and conduct of the business and did not permit them to dispose of the assets of the company.

In his second-reading speech, the Attorney-General said that a number of other alterations had been made in order that the new Part would function more successfully. They included—

(b) A meeting to consider a special resolution to place a company under official management must be held within 63 days—under a combination of sub-clauses (1) and (9) of clause 199—unless the Registrar permits an extension of time.

I point out that sub-section (1) of proposed new section 199 mentions 42 days, not 63 days. This fact demonstrates utter disregard for detail and of the importance of the matter submitted to the House. Honorable members are entitled to be furnished with more accurate details than have been presented in this instance.

Reference has been made to the restriction of major company frauds. I believe they are nothing more than frauds. However, I cannot find anywhere in the Bill any of the important requirements which should be included in legislation, such as greater degree of responsibility on the part of company directors who have been responsible, in various ways, for millions of pounds of public money being embezzled.

The penalty for doing some of the acts in relation to official management is \$100. What a great penalty that is for somebody who gets away with millions of dollars! Other penalties provided are \$400 and default \$100. Honorable members are entitled to expect better legislation. This is the thirteenth amending Bill since the Act came into operation in 1961. It is important that the provisions of the Act should be tightened to enable people who embezzle huge sums of money to be dealt with.

Mr. HUDSON.—Embezzling is covered by another Act.

Mr. PHELAN.—That is an enlightening statement. Earlier I used the words "fraud" and "embezzlement". The great difficulty is that nobody is prepared to try to force the

issue. I can speak from experience in regard to this matter. The Act should be more specific so that, when misappropriation of funds and defalcations occur, those persons who are responsible can be apprehended. There is ample evidence that people who have been responsible for the mismanagement and failure of companies in this State are living in luxury. It would be as easy as tracking an elephant in snow to establish the source of their funds. But the position continues. The honorable member for Ivanhoe hits the nail on the head when he interjects that it is a matter of the skill and ability of Departments to move forward. Some action should be taken to improve methods of investigation and subsequent proceedings. Sub-section (2) of proposed new section 214 provides for the appointment of a deputy official manager. This provision is welcome because there have been occasions when, because of other commitments, official managers have not been able to do justice to their appointments. The amending provision will assist in the operation of the Act.

Reference has been made to the provision for the Registrar to approve prospectuses before they are published by companies. I cannot find what action is to be taken or what penalty is provided if an untrue statement has been submitted. Why should the Registrar be responsible for detecting untrue statements? Such detection may take considerable investigation and the Registrar, in good faith, may approve of a prospectus which has no foundation in fact. The provision almost has the effect of granting immunity to someone who issues a false prospectus because of its being approved by the Registrar. There is no indication that those submitting such prospectuses have any serious responsibility to the Registrar or to society. Attention should be paid to this point.

Over the years, many alterations have been made to the Companies Act and to its scope of operation.

It is high time that consideration was given, not to making it more difficult for legitimate companies to operate, but to introducing legislation which will quickly bring to account people who deliberately set out to defraud and mislead and who collect huge sums of public money for their own purposes. A study of the second-reading speech of the Attorney-General and of the Bill itself leads to the conclusion that the Government has not given sufficient consideration to the problems in this area. I do not believe that in its present form the Bill will do anything to tighten the loose sections of the Act which need attention.

Mr. CHRISTIE (Ivanhoe).—What honorable members say to-night in the course of this debate will not avail much, but it surprises many members on this side of the House that there has been only one speaker from the Opposition side. Some thought and research went into the speech made by the honorable member for Melbourne, and we should be thankful for this. The honorable member put forward some points for the consideration of the House but, in this Parliament of the so-called sovereign State of Victoria, he has not been supported by any other member of the Opposition.

Mr. FENNESSY.—He is the most qualified man in this House.

Mr. CHRISTIE.—I have provoked some of the experts on company affairs and company law to speak in support of the honorable member for Melbourne.

Mr. FENNESSY.—Let us hear what you have to say.

Mr. CHRISTIE.—I have said that we are thankful for the research of the honorable member for Melbourne and for what he said.

Mr. DIVERS.—Now sit down.

Mr. CHRISTIE.—That interjection is of the type that one might expect from the honorable member for Footscray on the subject of such an

important Bill as this. The Attorney-General said that he was surprised that creditors and the public in general had not better understood the power and the effectiveness of official management. One of the great problems in human endeavour of all kinds is when to come forward and bell the cat. In this case, it is the problem of whether one should take steps which create doubt about the management and the future of a company when it may not be in the best interests of the creditors or the company to do so. In times of fair prosperity, there is a great reluctance for anybody to pull the carpet from under the management which is operating.

The Attorney-General feels that the general public and creditors have not acted as fast or as frequently as they might have done, but I suggest to him that, in many cases of company difficulties, people feel it is a serious step to ask for official management. I am speaking not about the grave cases of bad dealings we have seen in some of the big company frauds in this State within the past few years, but about the difficulty which smaller companies get into when there is a doubt as to whether people should ask for official management or let things run along a little further because they believe the company will probably pull through.

As is often found in the field of human affairs, people look after their own interests, and the answer to this problem must be found. Many creditors adopt the attitude that they will get in first and obtain their money and "the devil take the hindmost". The key to bringing in official management is bringing creditors together as a team. I am surprised that the Attorney-General does not acknowledge that this is the basic difficulty. Fortunately, Australians are still prepared to "give the underdog a go", and they are charitable when considering such things as whether they should ask for official management. This is especially so in

times of prosperity when, in any case, bad debts are fully deductible for taxation purposes and a lot of money is being made elsewhere. Building companies have failed and the creditors have been delighted to receive 5s. in the £1. These things happen when the coffers of suppliers and creditors are flush.

The Attorney-General said, and the honorable member for Melbourne commented on this aspect, that the new Part will be more than twice the size of the existing Part IX. of the Companies Act. That is the trouble with this place and our endeavours here. Does the fact that it is twice the size mean that it is twice as effective; is it any better at all? In my constant search for simplicity, I would rather find it half the size. The Attorney-General pointed out that the Bill provides that the Registrar, before registering a prospectus, is required to form an opinion that it does not contain any statement of matter which is misleading in the form or context in which it is included. I do not think this House should go along with this sort of change in the Companies Act of Victoria. The Registrar, as his name implies, is appointed to register companies and prospectuses under a set of rules. Under this Bill he will be placed in a position where he will have to form an opinion as to whether or not he thinks the prospectus is misleading. He will be in the position of being a judge and not a Registrar; he will be an inspector. This is a grave and important move to make in company law in any State. As I said, the Registrar will be obliged to form an opinion. This is important to thousands of electors of members of this House.

I quote the case of the Stanhill company, or the Korman group, where one member of the group issued a prospectus and said, "We want \$4,000,000 or \$6,000,000 for this purpose"—specifying the purpose, but in point of fact, according to the investigator, before the money came in it had been decided that it

would be lent to Chevron Hotel, Sydney, which was not the purpose stated in the prospectus. How can the Registrar, looking at a prospectus of a company like that, form an opinion whether the company intends to do what it says it will do, and whether it is a good prospectus? It is entirely wrong to put the Registrar in the position of being a judge or inspector. This is a grave and important change in the role of the Registrar.

The honorable member for Toorak asks how would one control a prospectus. I believe one controls a prospectus under the Act as it stands by better investigation, greater skill in investigation, greater awareness in the Crown Law authorities and by more frequent application to the courts by the Crown. One of the great difficulties in the control of companies is that the Government, through the Company Squad of the Police Department and so forth, is trying to bring to book some of the most cunning characters that ever walked the boards, and who think night and day of how to trick people under the provisions of the Act. The only manner in which those people can be brought to book, as has been amply shown in the recent investigations, is to have the top investigating, skilled, practising people assisting the Crown. There could be some magnificent people of honour and courage in investigating squads, but there is no substitute for the rough and tumble, private and public practising people. The Attorney-General has stated that such people are brought in to assist, but this is nothing like giving the job to the experts and letting them work out their own pace and method of working. How, in a Police Department investigation squad, can one obtain the required finesse and approach that only an expert who has had to deal with these people throughout his life acquires? There should be a capable and top-ranking company investigation squad composed of some of the best people in the community. They should be

paid a lot of money because they will save the public a lot of money by bringing to book these characters who by various methods keep "sliding across the top". Many members in this House realize to what I am referring.

In his explanatory speech on this Bill, the Attorney-General said—

In the past eighteen months, the official management provisions have been thoroughly examined at meetings of the companies officers of the standing committee of Attorneys-General.

What on earth is the good of members of this Parliament, whatever skill they possess, debating this Bill? We are mere ciphers in the uniform companies Act. It does not matter what time, knowledge, skill or background members of this House put into their study of this measure, the standing committee of the Attorneys-General will bring forward amendments twice the size, and it will be said that they have done a magnificent job because of this fact. I shall always object to being a mere cipher in Parliament. This Parliament and other State Parliaments are going to extinction under the banner of uniformity. Although there is not full uniformity in the companies legislation of the States, we are informed that we must preserve uniformity. Uniformity is already cracked in the companies legislation of the States. Why should there be full uniformity, anyway? Victoria is a highly industrialised State with its own problems; it has a great concentration of company formation with its special problems. Why should we be uniform with some of the other States that have not the same problems? I shall always object to being a cipher, to merely giving the nod to anything. It is little wonder that the debates in this House die down to the state they reach on many subjects when there is no incentive for any representative of the people in this House to take an interest in the Companies Act. It does not matter what he says, what research he does, the companies officers of the standing committee of Attorneys-General make the decisions.

Mr. FENNESSY.—Back-benchers on the Government side rarely speak; you are about the only one who does.

Mr. CHRISTIE.—When many matters are discussed in this House we just sit like King Canute did, with the sea flooding in. What can we do about it? What do we do about it? I do not criticize without supplying a solution. The solution is that a standing commission on company matters should be established throughout the States and the Commonwealth.

Mr. RAFFERTY.—That already exists in the standing committee of Attorneys-General.

Mr. CHRISTIE.—I am not referring to legal people. I am speaking about a commission of the rough and tumble people who form and run companies, who know the problems and who carry forward our endeavour in this country. Hundreds of honest hard-working people operate within the framework of the Companies Act. I am referring not to people who are called in by the officers of the Attorneys-General to give evidence but to persons who, when they make a decision, carry it through. If experts were appointed to a commission, they would bring their experience and knowledge with them and they would feel freer to make recommendations; they would set their own pace and plot their own course. Why should these decisions be taken by lawyers who have probably never formed a company in their lives, or been engaged in industry; they have probably never raised money from the public or promised to collect hundreds of thousands of pounds for any undertaking.

Dr. JENKINS.—What? A lawyer who never got money from the public?

Mr. CHRISTIE.—I detect a little professional jealousy in that interjection. It might be said that an interstate commission on companies

legislation would not work. If it is possible to have an interstate commission such as the River Murray Commission in relation to water, why cannot an interstate commission on companies be appointed? I refer honorable members to what happens in Great Britain in regard to such an operation and the results that are obtained. I realize the problem confronting the Attorney-General. He is faced with uniformity. He has his staff, and there have been meetings between the Attorneys-General of the States. However, every member of Parliament who is worth his salt should object to being told what legislation he should agree to pass in this House. With those comments, I put forward my objection.

Mr. McLAREN (Caulfield).—I support the proposed amendment to the Companies Act. I, too, wish to pay a tribute to the honorable member for Melbourne for the investigations that he has made into the provisions of this Bill and the suggestions he has made. I do not agree with all his statements, but he made an excellent contribution. I cannot agree with either the honorable member for Melbourne or the honorable member for Kara Kara who stated that the explanation of this measure given by the Attorney-General was insufficient. In re-reading the honorable gentleman's speech, I have reached the conclusion that it is a fair and open description of a very complex Bill. Just as the honorable member for Ivanhoe stated that he disregards the argument that doubling the size of a Bill is good, I feel that the mere size of an explanatory speech does not in all cases indicate that it is not a good explanation. In this case, I believe the Attorney-General gave a very fair introductory speech.

Mr. PHELAN.—It would have been if it had been accurate.

Mr. McLAREN.—I have not heard from the honorable member for Kara Kara how it was inaccurate. I, too, received a copy of the letter from Mr. Gairns, the Victorian branch

secretary of the Chartered Institute of Secretaries, to which the honorable member for Melbourne referred. This demonstrates the institute's interest in this important Bill. I hope that more outside bodies will indicate their attitude to measures of this kind.

I now wish to refer to some of the statements made by the honorable member for Melbourne, particularly in relation to sub-section (10) of proposed new section 199. The honorable member has suggested an amendment to provide for a certified copy of the balance sheet and profit and loss account of the company for each of the three preceding years. I point out that provision is made in sub-section (3) of this section for the preparation of a statement of the affairs of the company, which should indicate a full statement of its affairs.

Mr. CLAREY.—That is only at a specific date; it does not give the background.

Mr. McLAREN.—This can be obtained by the creditors at the meeting if they desire. I point out that paragraph (a) of sub-section (10) of this section provides that a summary of the affairs of the company shall be attached to every notice posted to creditors. This is, in fact, to preserve the position that costs are not increased—they are kept to a minimum. We understand that, in the operation of a company that is wound up, or is under official management, the costs of management are often high. As one who has been associated with such companies, I recognize that this is not always considered by the managers or official managers. In addition to ensuring that costs are kept to a minimum, I feel that the necessary information is being forwarded to the creditors for their information.

The second suggestion made by the honorable member for Melbourne related to the appointment by the creditors of a new official manager

when they were not in favour of an appointment being made by the court. I refer to sub-section (4) of proposed new section 202, in connexion with which the honorable member for Melbourne suggested that the words "a registered company auditor (other than the auditor of the company)" should be deleted and the words "another person whom the court considers suitable" should be inserted in their place. The honorable member made the point that the accountants in the community are not generally recognized. I believe this Bill represents an attempt to place in a proper atmosphere the appointment of a man who is a registered company auditor. I should have thought that the honorable member for Melbourne would be the last person to criticize the appointment of a registered company auditor as envisaged in this Bill.

Mr. BLOOMFIELD.—Are not registered company auditors recognized in the community?

Mr. McLAREN.—Not all of them. The honorable member for Melbourne made the point that the majority of them are recognized. I feel that in the circumstances the proposal in the Bill is quite satisfactory. I should not like this to be referred back to the courts; it should be left in the hands of the managers to make their own decisions.

I point out for the information of the honorable member for Melbourne that in sub-section (3) of proposed new section 204 provision is made for the appointment of an official manager "where a vacancy occurs". The honorable member contended that this opportunity was not available, but if he examines the provision to which I refer, he will realize that my contention is correct. I do not intend to traverse the other points made by the honorable member for Melbourne and the honorable member for Kara Kara concerning the criticism levelled, in some cases erroneously, at managers in the financial

community to-day. Of course, some people in the community have broken the rules of moral and of business conduct, but I believe that, on the whole, the majority of directors, managers, accountants and auditors are adopting the correct moral approach to business. There is only a minority which forces us constantly to examine the companies legislation in order that they may be brought under control.

I should not like to see any further extension of the Companies Act along the lines suggested by the honorable member for Melbourne. By undue criticism and restriction, we tend to force these people back against their ideas of progress. Possibly, that is why the community is not as progressive to-day as in the past. Directors have been forced to the stage where they cannot use their judgment in as wide a sphere as in the past. We should dissect any criticism that is made of management in the community, to separate those persons who are taking the people down and those who are robbing the public from those who are acting properly. It should be appreciated that errors of judgment sometimes occur. No-one can always foresee the future. Conditions are constantly changing; sometimes, the Federal Treasurer acts in such a manner that the economy is affected. The directors who have not broken the rules of our community life must be protected, otherwise they will be driven back and prevented from making decisions which will lead to progress.

Finally, I should like to refer to the comments of the honorable member for Melbourne, the honorable member for Kara Kara and the honorable member for Ivanhoe, concerning the proposed amendment to section 42 of the principal Act, as contained in clause 11, under which the Registrar is required to state that he is of the opinion that the prospectus does not contain any statement or matter which is misleading in the form or context in which it is

included. It is necessary closely to examine section 42 to realize that the main responsibility still rests upon the company and the directors. This section provides that the Registrar shall not register a copy of any prospectus unless the copy, signed by every director and every person who is named therein as a proposed director, is lodged with the Registrar on or before the date of its issue; the prospectus appears to comply with the requirements of the Act—foreign companies are also covered in this respect; and if there are also lodged with the Registrar copies verified as prescribed. The honorable member for Kara Kara claimed that the proposal would place the responsibility directly on the Registrar, and he asked whether it would give immunity to the company, directors and officers connected with it. An examination of the wording of the section reveals that the responsibility still lies with the officers of the company.

Mr. PHELAN.—Where does it say that?

Mr. McLAREN.—It provides that the Registrar shall not register a copy of any prospectus unless the three requirements to which I have referred are fulfilled. There is a fourth requirement, namely, that the Registrar shall see that the context of any statement is correct. If the Registrar has any doubt concerning this, he throws it back to the company, and asks whether it is correct. Despite the comments of the honorable member for Kara Kara, this measure is designed to tie up the requirements relating to company prospectuses.

Mr. PHELAN.—What is the position if there is a misleading prospectus?

Mr. McLAREN.—Suitable action can be taken concerning misleading prospectuses. In fact, we have seen an illustration of this in this House only during the past week.

Mr. TURNBULL.—After the horse had bolted!

Mr. McLAREN.—This measure represents an attempt to take action before the horse bolts. I marvel that members should object to this action of the Government to tighten up legislation.

Mr. PHELAN.—What action can be taken under this legislation?

Mr. McLAREN.—Unless the requirements of the legislation are fulfilled, registration of a prospectus can be refused. The Registrar shall not register a copy of any prospectus unless certain conditions are fulfilled. In the letter forwarded to the honorable member for Melbourne and myself by Mr. Gairns, there appeared this comment—

With regard to official management, the council—

that is, the Council of the Chartered Institute of Secretaries—

again thought these amendments were worth while and will improve the procedure.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Transition).

Mr. BLOOMFIELD (Minister of Education).—I regret that circumstances prevented me from being present during the whole of the second-reading debate. It appears that the honorable member for Melbourne castigated the Attorney-General because of his conciseness in explaining this measure. That, of course, does not appeal to some honorable members.

Mr. WILKES.—It appealed to the honorable member for Ivanhoe.

Mr. BLOOMFIELD.—Unfortunately, I came in at the conclusion of his address. It appears that the honorable member for Melbourne objected to the Attorney-General's brief explanatory speech on the grounds that, during the long adjournment of the debate, he was obliged to read through the Bill thoroughly to see

where it fitted in to the Act and undertake considerable amount of homework that he would not have been required to do if my colleague had dealt with each clause of the Bill in detail and explained them in words of one syllable.

Mr. FLOYD.—The Opposition does not have available to it a staff such as the Government enjoys.

Mr. BLOOMFIELD.—I am merely proceeding, if I am allowed to remain in my mood of warm-hearted courtesy to the honorable member for Melbourne, to congratulate him on the exceedingly clear, profound and profuse explanation that he gave of a number of matters which, I think honorable members would have gathered from reading the Bill which the Attorney-General in his naive simplicity imagined honorable members would do.

The honorable member for Melbourne has foreshadowed two minor and innocuous amendments which he stated with no feeling of great zest that he might consider moving at the appropriate time. The amendments are small, and I have informed the honorable member that, so far as the Government is concerned, they will be considered between the passage of the Bill through this House and its transmission to another place. The honorable member stated—I say this without betraying a confidence—that he was quite happy with this solution to the matter. I was disappointed that various visitors from Richmond prevented me from hearing the whole address given by the honorable member for Ivanhoe and even more distressed because I missed everything that the honorable member for Kara Kara had to say.

Mr. MOSS.—No doubt you will read it in *Hansard*.

Mr. BLOOMFIELD.—I am sure that not only I but also countless other people will read it in *Hansard* with great attention. I listened with confidence to what was said by the

honorable member for Caulfield, whose experience is at the same level as the other honorable members who spoke, and who seemed to me to give a balanced account of what had happened. In fact, apart from a general protest from the honorable member for Ivanhoe against this deplorable tendency towards uniformity throughout Australia in matters of company law and the regrettable inclination of the Commonwealth on occasions to co-operate with all the States in matters which obviously concern the whole commercial community throughout this country, I did not hear any other basic objection to the principles of the Bill.

The Government is grateful to the honorable members who have studied this matter so closely. Their submissions will be closely examined and further considered. In view of the conferences of the Attorneys-General, I do not feel entitled to accept any amendments at this stage, but indicate that the proposals will be closely considered before the Bill passes into law.

The clause was agreed to, as was clause 3.

Clause 4 (New Part substituted for Part IX).

Mr. CLAREY (Melbourne).—This clause covers almost nineteen pages of the Bill and substitutes a number of sections, comprising Part IX, of the principal Act. I gathered from his remarks that the honorable member for Ivanhoe felt that in many instances official management was performing a good function. I can only reply to him in the words of Mr. Gairns, Victorian branch secretary of the Chartered Institute of Secretaries, of which organization the honorable members for Ivanhoe and Caulfield and I are members. Mr. Gairns said that he knew of no instances where this has been successful, and he mentioned the name of a very large firm of accountants which is not taking any more of that class of business because it has found that it is not successful. In confirmation of the

attitude, I made a quotation from *Australian Company Law* by Paterson and Ednie. I shall quote a little further from page 459 of the book, where this statement is made about official management—

Its object on introduction in South Africa was, by ultimate court control, to stay the hands of a company's creditors until such time as the company's affairs could, under a management properly appointed by the court, be improved so as to pay off the creditors and then be restored to the control of the company. This was considered a very desirable feature in a country where primary industries and industrial undertakings needed every encouragement. However, attractive as the idea of judicial management instead of winding up sounded in theory, in practice it fell short of the ideal. Most orders were not successful. In many cases, despite its title, it was merely a step in the direction of winding up the company.

I think that is sufficient authority to back up my statement and the opinion that has been expressed by so many others. Even with the amendments, I doubt whether official management will be satisfactory.

I am inclined to agree with the honorable member for Ivanhoe on his point about uniformity. My own view is that, while I approve of the principle of uniformity, I feel that the State of Victoria should not be held back by the other States. Uniformity has been found necessary in various directions, such as in a recent measure whereby uniformity was provided for people who cross the border with guns and fishing rods. I point out that, years ago, this State was the pioneer in company legislation. Our 1938 and 1955 Acts were an advance on the law in all the other States. The Opposition does not believe that any really good suggestion made by the Government of Victoria should not be proceeded with because it is rejected by the standing committee of Attorneys-General. I again quote from *Australian Company Law and Practice* (1965) by Mr. Justice Wallace and Mr. J. McI. Young, Q.C., in which the following appears in the preface:—

The companies' legislation introduced into the several States and Territories in 1961

and 1962 and by the important amending Acts of 1963 and 1964 is not, however, "uniform".

It will be seen that the departures from uniformity are very numerous indeed, and whilst no doubt some of them can be explained upon such grounds as the desire or necessity to adhere to the drafting style of a particular State, it is difficult to see the reason for many of the variations.

Mr. CHRISTIE.—The fishing licence matter was a question of reciprocity and not uniformity.

Mr. CLAREY.—To a very large extent, we have had uniform legislation on a number of legal matters. I am not versed in desertion, bigamy and the treatment of neglected children, but I understand that there is uniform legislation on those particular matters, and an endeavour was made to introduce some uniform legislation on hire purchase. We are forced by changed circumstances since Federation to realize that the power and prestige of the State is diminishing. Members of the Opposition side of the Chamber look on themselves as Australians and not purely as Victorians.

In regard to the amendments that I had proposed to move, and which have been circulated, in view of the undertaking given by the Minister of Education, the Opposition does not propose to insist on them. Obviously the Minister is not prepared to accept them and, therefore, there is no chance of their being carried. The Minister also indicated that he has to be so strict in his adherence to uniformity that even quite sensible amendments such as these are not likely to be accepted. I accept the honorable gentleman's assurance that he will give them further consideration, but I hope we get a little more consideration on this matter than was the case with an assurance given to me by the Minister of Mines on another occasion when he was seated at the table, concerning a suggestion I made that the report by the Board set up under the legislation relating to psychological practices should not merely be presented to the Minister

but should be presented to this House. On that occasion, the Minister said that he would give serious consideration to my suggestion, but, of course, he was not the Minister in charge of the Bill and nothing was done about it.

The clause was verbally amended, and, as amended, was adopted.

Clause 5, relating to amendments of sub-section (1) of section 292 of the principal Act.

Mr. CLAREY (Melbourne).—Earlier in the debate, some argument developed across the table concerning a possible conflict between the bankruptcy law and this Bill concerning priorities in the winding up of a company. The point is that, while the existing legislation provides that priority shall be given to the debts and liabilities incurred in the ordinary sense during the course of official management, the Bill goes a little further in that clause 5 amends sub-section (1) of section 292 of the principal Act by inserting the following paragraphs:—

(aa) secondly, where the winding up of a company commences within two months after the determination of a period of official management of that company the costs of the official management properly and reasonably incurred by the official manager during that period of official management including the remuneration of the official manager the deputy official manager (if any) and that of an auditor (if any) appointed in accordance with the provisions of Division 2 of Part VI ;

(ab) thirdly, where the winding up of a company commences within two months after the determination of a period of official management of that company the debts of the company properly and reasonably incurred by the official manager in the conduct by him of the business of the company during the period of official management ;

In other words, after the official management, when it comes to winding up the company, the debts incurred during the official management shall be given first preference over the debts that were incurred previously. That might be in some conflict with the Federal bankruptcy provisions, but I am not particularly interested. I think the Minister concerned in the argument was under a slight misapprehension in the discussion across the table.

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

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

LAND (PLANTATION AREAS) BILL.

The debate (adjourned from March 22) on the motion of Mr. Balfour (Minister of Lands) for the second reading of this Bill was resumed.

Mr. STONEHAM (Leader of the Opposition).—This Bill re-enacts Division 9A of the Land Act, and provides, as does the existing provision, for leases to be granted for the commercial growing of trees. It appears that the Government has run off the rails. The introduction of this Bill is supposed to be based on the proceedings of the Australian Forestry Council, which held its first meeting on the 21st August, 1964, during which a serious view was taken of the grave shortage of softwoods in Australia, and it was indicated that, so far as monetary value is concerned, the importation of timber products is second only to petroleum products. Therefore, a scheme was evolved for the planting each year throughout Australia of 75,000 acres of trees. At a subsequent meeting of the council held on the 10th February, 1965, allocations were made to the various States.

We have been told that this Bill has been introduced on the considered opinion of the Australian Forestry Council. In Victoria, there is a highly competent Forests Commission. One would have expected that the Commission, whose Minister was present at the council meeting, would have the primary responsibility in connexion with this programme. The Australian Forestry Council considered that of the 75,000 acres of trees a year to be planted, the various Governments should be responsible for 65,000 acres and private enterprise for only 10,000 acres. In other words, the experts believe that the Government must lead on the ratio of six and one half to one.

In his second-reading speech, the Minister of Lands admitted that the allocation for Victoria was apportioned as to 15,000 acres to the Government and 5,000 acres to private enterprise. The present plantings by the Forests Commission is 6,000 acres. Therefore, allowing for the undertaking given by the Minister of Forests, within five years the Forests Commission must lift its allocation from 6,000 acres a year to 15,000 acres a year, whilst private enterprise is already planting more than 5,000 acres. I have the greatest respect for the Minister of Lands but surely the growing of softwoods is basically the responsibility of the Forests Commission under the direction of the Minister of Forests. The Minister stated that at present no land shall be proclaimed unless the Governor in Council is satisfied, after considering a report from the Land Utilization Advisory Council, that the land proposed to be proclaimed is unsuitable for pasture, agriculture or other forms of farming, and that in the public interest there is no objection to the removal of the existing trees and vegetation, and their replacement by trees of other species.

The honorable gentleman stated that great strides have been made in scientific development and techniques. The probabilities are that the Land Utilization Advisory Council, which is comprised of scientists, cannot honestly declare that the land to-day is unsuitable for this purpose. Scientists have said that anything can be grown anywhere if enough money is made available and scientific treatment is applied. The difficulty is proposed to be overcome by the insertion of new Division 9A. Sub-section (2) of proposed new section 151B, as contained in clause 2, states—

Land shall not be proclaimed pursuant to this section as available for leasing for the growing of forest trees of any species unless the Minister is satisfied—

(a) that the land taken generally is suitable for the growing of forest trees of that or those species ;

Mr. Stoneham.

naturally, the best agricultural and pastoral land would comply with that requirement—

and (b) that the removal of any existing trees and vegetation on the land and the planting in their place of forest trees of the said species would not be contrary to the public interest—
and recommends that the land be proclaimed.

That is a tremendous responsibility for the Minister ; he has my deepest sympathy. He explained that he would refer all applications for small areas to the Land Utilization Advisory Council, but that this is not binding on future Ministers, who, as history has proved, will act solely in accordance with legislation and with a complete disregard of undertakings given in second-reading speeches. The Minister further stated—

Although not specifically mentioned in the Bill, the views of the Forests Commission will be sought concerning those matters on which it has specialist opinion.

The Minister was inaccurate. Sub-section (3) of proposed new section 151F provides—

Before giving any direction pursuant to paragraph (b) of sub-section (1) the Minister shall confer with the Forests Commission.

The paragraph mentioned provides that the holder of a lease—

(b) shall maintain the trees planted on the leased land in such manner as the Minister may direct.

The Minister is obliged to confer with the Forests Commission in respect of the planting of trees if the people are not doing the right thing. The Forests Commission, not the Lands Department, should be the authority to shoulder the responsibility of developing these forest reserves.

This Bill is cockeyed, and the defect in it is obvious. I foreshadow an amendment to clause 2, setting out the conditions under which the Minister may recommend the proclamation of a lease, with an additional condition to be added that, after conferring with the Minister of Forests, he will make such a recommendation only if he is satisfied that the land is

not required by the Forests Commission for the planting of forest trees. In his second-reading speech, the Minister of Lands said—

To achieve the desired quota—

which has already been achieved—

private enterprise will, in some instances, need to utilize Crown land which has an alternative potential for pasture and agriculture.

He admitted that the Forests Commission will be obliged to apply for areas of Crown land. He referred to the fact that many people would expect the Forests Commission to replant areas now under its control and covered by indigenous growth, but that in addition the Forests Commission would be an applicant for areas of Crown land. If this is so, why should the Forests Commission be at a disadvantage compared with private applicants? The Commission has a tremendous responsibility, and because the private enterprise allocation has already been exceeded, and the Opposition believes that the Commission should have first call on land that is not really suited for agricultural and pastoral use.

Mr. PHELAN.—Is the honorable member attempting to show that the Forests Commission is incapable of undertaking its responsibilities?

Mr. STONEHAM.—I am indicating that the Commission should not be deliberately obstructed so that private enterprise may receive an advantage. The Commission has a Herculean task ahead of it in the next few years to increase its plantings from 6,000 acres to 15,000 acres a year. The Minister stated—

While it is the intention of the Forests Commission to convert to softwoods suitable areas of native forest country within its reserved forests, it is inevitable that substantial areas of Crown lands will be sought by the Commission to enable it to undertake a planting programme of the magnitude referred to. Likewise, it must be anticipated that private enterprise, seeking areas of the extent necessary for economic planting, will turn to the Crown lands of the State.

What is private enterprise? We are not talking about Australian Paper Manufacturers Limited, a company which every honorable member would support if it required a greater area because it has done a magnificent job in the past with its plantations. The sort of private enterprise referred to will be companies which will be formed wholly and solely for the purpose of making a profit out of growing trees. How much experience will they have compared with the Forests Commission? Every time a State Forests Loan Application Bill comes before this House, it is stated that the Forests Commission is the Cinderella authority of this State because insufficient funds are allocated to it. It has a highly efficient and competent staff, although there is a shortage in numbers. Now, it is proposed to place the Forests Commission at a great disadvantage compared with private enterprise companies yet to be formed by allowing them to enter forest production for profit-making purposes. This is a ludicrous idea.

I have given an outline of the Opposition's case, and I do not propose to delay the House further. I am sure that the obvious merit of the proposed amendments will appeal to honorable members generally, and I hope the Minister will accept them. They are submitted constructively and not with the intention of having a shot at the Government by way of criticizing it. It is the very least we can do to make this Bill workable.

It is proposed that a lease will be granted for areas up to 10,000 acres for a period not exceeding 75 years. I can envisage the situation where one dominant figure, who could be the driving force behind a number of companies, will obtain several leases of 10,000 acres. It is also provided that the Minister may proclaim any unalienated Crown land to be available for leasing. The area involved could be 100,000 acres or even 200,000 acres. The whole matter needs re-examination, particularly in the light of the responsibility of the

Forests Commission and our duty to support it in carrying out its responsibilities.

I shall reserve my further comments until the Committee stage.

Mr. B. J. EVANS (Gippsland East).—Behind this Bill one can sense some appreciation by the Government of the need to stimulate the development of softwood plantations in Victoria because of the obvious shortage of timber that will occur in the not too distant future. The Minister and the Leader of the Opposition have stated that, so far as the importation of primary products into this country is concerned, the value of timber imported is second only to oil. It seems rather a paradox that this great continent should be in a position where it has to import timber. It is evident that unless urgent and definite steps are taken to encourage the planting of softwoods, the amount of timber imported will increase rapidly in the years to come.

The Government is to be commended for looking in this direction, but I am not altogether convinced that it is going the right way about it. Obviously, the measure that was introduced in 1959, with the idea of stimulating the planting of pine trees, was not successful, and this is virtually a second bite of the cherry, so to speak, to try to overcome some of the disadvantages of that legislation.

However, I suggest that the proposal is coming from the wrong jurisdiction. In my opinion, encouragement and stimulation of the growing of timber falls within the province of the Minister of Forests and not the Minister of Lands. It would be more appropriate if certain areas of Crown land were transferred to the Forests Commission for development or, alternatively, the Commission could introduce a scheme similar to that proposed in this Bill. I am not deprecating the activities of the Lands Department, because I believe it is an effective instrumentality. However, by this measure its sphere of activities will be enlarged.

I believe it is time the whole situation was reviewed and an endeavour made to link the present proposals with the allocation of logging rights in various parts of the State so that some obligation is placed on those people who receive advantages from these logging rights in timber areas which belong to the Crown. They should be expected to contribute in some way towards assuring continuity of supply by making their security of tenure more certain. This would bring about a degree of continuity in the sawmilling industry which is sadly lacking at the moment. I believe the sawmilling industry will benefit to a large extent from the proposed plantations of softwoods, and it should also accept its share of responsibility to ensure that the plantations are properly maintained. There is no doubt in my mind that many sawmillers will seek to take up leases under the provisions of this Bill.

I view the proposal as one designed to bring about a degree of stability and continuity which this industry so badly needs. By and large, members of the Country Party support the measure because they strongly support the stimulation of the growing of softwoods. When one realizes that it is estimated that the population of Melbourne will virtually be doubled 30 years hence and the immense quantities of paper now being used in this institution, in commercial activity and in the newspaper industry, one finds difficulty in imagining where the raw materials to meet the increased demand will come from. It is obvious that tremendous stimulation must be given to this industry now because it takes a long time for trees to reach maturity.

It appears to me that the length of the proposed leases will be too short where an enterprise decides to embark upon the production of hardwoods. I should think it would be most unlikely that anybody who planted a hardwood forest could expect to harvest millable quality timber in 75 years. This may be possible

in extremely favoured areas, but in most parts of the State a term of at least 100 years, or even longer, will be necessary. It may well be that there is scope for a variation in the terms of the lease depending on the type of trees to be planted.

The Country Party supports the Bill, and it will give consideration to the amendments foreshadowed by the Leader of the Opposition because at first glance they appear to have some merit.

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. For Division 9A of Part I. of the Principal Act there shall be substituted the following Division:—

(2) Land shall not be proclaimed pursuant to this section as available for leasing for the growing of forest trees of any species unless the Minister is satisfied—

(a) that the land taken generally is suitable for the growing of forest trees of that or those species; and

(b) that the removal of any existing trees and vegetation on the land and the planting in their place of forest trees of the said species would not be contrary to the public interest—

and recommends that the land be proclaimed.

Mr. STONEHAM (Leader of the Opposition).—I move—

That, in proposed new sub-section (2) of section 151B, the words "is satisfied" be omitted.

I assume that if the Minister intends to give consideration to the amendments that I have foreshadowed he will suggest that progress be reported. I have already stated the reasons for my amendments, and I do not propose to elaborate further at this stage.

Mr. BALFOUR (Minister of Lands).—First, I might point out that this is a Lands Department Bill, and the reason for its presentation to Parliament at this stage is that the existing legislation has ceased to work effectively. I assure the Leader of the Opposition that the Forests Commission's views have been fully

taken into account in the preparation of the Bill, as have the views of the Land Utilization Advisory Council, whose previous duty it was to advise that land could be made available for the planting of softwoods provided that it was not suitable for grazing or agricultural purposes.

My reference to the softwood requirements of the State and of the Commonwealth in my second-reading speech was made to impress on honorable members the importance of growing softwoods. Over the past few years, the Forests Commission has built up the planting rate of softwoods to some 6,000 acres per annum. The Commission felt that it could continue at this planting rate and be considered to be doing a reasonably good job. However, the Australian Forestry Council decided that the planting rate must be increased, and the target for Victoria, so far as the Forests Commission is concerned, was set at approximately 15,000 acres a year. I am pleased to learn that the Commonwealth Government proposes to make funds available to Victoria to cope with this increased rate.

So far as the private sector is concerned, although the target which has been set is being achieved, it is felt that unless additional Crown lands are made available in the near future it will not be possible to maintain this rate. In fact, there may not be any private plantings undertaken unless some action is taken. Over the past few years, the Lands Department has received several applications for permission to allow areas in western Victoria and in east Gippsland to be planted with pine trees, but when these proposals were put to the Land Utilization Advisory Council, advice was received that under the present legislation the land sought could not be made available as it could not be declared to be not suitable for agricultural or grazing purposes. Because of this, I conferred with the Land Utilization Advisory Council, the Minister of Forests,

the Forests Commission and my own departmental officers, following which this Bill was prepared.

The honorable member for Gippsland East, the Deputy Leader of the Country Party, has mentioned the responsibility of the sawmilling industry in connexion with the planting of additional areas with softwoods so that the industry may sustain itself whilst hardwood forests are recuperating. Sawmillers were amongst those who approached the Lands Department for additional land to be made available, but they were informed that areas could not be made available until the legislation was amended. This Bill has been introduced to make it easier to offer Crown lands for the planting of softwoods.

Apparently the Leader of the Opposition is a little fearful that the interests of the Forests Commission are not being protected. I point out that the total area of Victoria is approximately 56,000,000 acres, some 22,000,000 acres of which are Crown lands. As at June, 1965, some 5,603,829 acres were reserved as forests, which, incidentally, represented an increase of 17,000 acres over the figure for the previous financial year. Approximately 150,000 acres are held under Lands Department timber reservations, and the Forests Commission has partial control over 9,000,000 acres of unoccupied Crown land. These are unalienated areas on which timber is growing, and before they can be alienated the Forests Commission must be consulted. In fact, many people believe that there is too much Crown land in this State under some form of Forests Commission control. This view is held particularly by honorable members who seek the opening up of areas for primary production. They find that before anything can be done, the Forests Commission must be consulted to see if it has any use for the area. It is clear

that the interests of the Forests Commission are being very well protected.

My purpose in bringing the Bill before Parliament was to place on the statute-book legislation that would work, so I rather welcome the comments which have been made tonight. The amendments referred to by the Leader of the Opposition have only just come to my notice, and I do not think he would expect me to say whether I approve of them at this stage. My Cabinet colleagues and I will give consideration to the proposals he has put forward and will consider what effect they will have on the legislation. I suggest that progress be reported at this stage. After Easter we will be able to consider the Bill further and, I hope, pass a measure which will be satisfactory to all concerned.

Progress was reported.

MARKETING OF PRIMARY PRODUCTS (TOBACCO LEAF MARKETING BOARD) BILL.

The debate (adjourned from April 5) on the motion of Mr. Balfour (Minister of Lands) for the second reading of this Bill was resumed.

Mr. STONEHAM (Leader of the Opposition).—This Bill was explained only last night, but because of the urgency of the proposals it contains the Opposition is prepared to co-operate and will certainly offer no opposition to its passage. As all honorable member know, there is a comprehensive Marketing of Primary Products Act on the statute-book. This Bill seeks to insert in the legislation a new Division 1A covering the creation of a Tobacco Leaf Marketing Board. Among other things, proposed new section 35A states—

“Tobacco leaf” means leaf of the tobacco plant that has been cured, but has not been subjected to any process of manufacture other than drying or re-drying.

Consequently, tobacco leaf that has been so cured will automatically become the property of the Board, as is

the case with all primary products which are subject to marketing board control. Proposed new section 35B provides—

(1) Notwithstanding anything in this Act—

(a) the Board shall consist of five members of whom—

(i) one shall be appointed by the Governor in Council; and

(ii) four shall be elected by the producers of tobacco leaf in accordance with this Act;

(b) subject to sub-section (2) the members of the Board shall hold office from the 22nd day of April in the year of their appointment or election until the 21st day of April in the third year of such appointment or election, and shall be eligible for re-appointment or re-election at the expiration of any term of office;

(c) any person appointed or elected to fill any extraordinary vacancy in the office of a member of the Board shall subject to this Act hold office for the unexpired term of the person in whose place he was appointed or elected.

(2) The appointed member and the four elected members of the Tobacco Leaf Marketing Board in office immediately prior to the commencement of the Marketing of Primary Products (Tobacco Leaf Marketing Board) Act 1966 shall, notwithstanding the provisions of sub-section (1), hold office as such members of the Board until the 21st day of April, 1969.

This is really a machinery measure, and the views of honorable members concerning the tobacco industry can be adequately expressed in the debate on a Bill which will shortly come before the House dealing with the stabilization scheme. Therefore, at this stage, and because we are definitely in favour of the orderly marketing of primary products, Opposition members offer no objection to the speedy passage of this Bill.

Mr. TREWIN (Benalla).—This is a Bill to determine the period of membership of the Tobacco Leaf Marketing Board and for other purposes. Most honorable members are aware that over the past few years the tobacco growing industry has shown great development. As we are concerned with the welfare of the tobacco growers who now require some protection in connexion with the

marketing of their product, it is good to see the Government proposing this amendment to the Marketing of Primary Products Act. To enable the industry to carry on something that has already been set in operation, steps are being taken to establish a Tobacco Leaf Marketing Board.

This Bill is of a machinery nature and contains definitions of "Board" and "tobacco leaf". In another ten or twelve days, at a ballot of growers, the members of the Board will be elected for a term of three years.

During the past few years, the industry has not been a very happy one, because many hazards are associated with the growing of tobacco. It is gratifying to learn that the growers desire the setting up of a Board which will have the duty of marketing leaf on terms and conditions suitable to all growers.

I and my colleagues in the Country Party support the Bill. Another measure that will be debated later deals with other features of the industry. We hope that those persons who will be elected to the Tobacco Leaf Marketing Board will be qualified to direct the activities of the industry to the greatest advantage of all engaged in it.

The motion was agreed to.

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

ADJOURNMENT.

TRAFFIC COMMISSION: RICHMOND
OVER-PASS — EDUCATION DEPARTMENT: TEACHERS' STRIKE.

Mr. BALFOUR (Minister of Lands).
—I move—

That the House, at its rising, adjourn until Tuesday, April 19, at half-past Three o'clock.

The motion was agreed to.

Mr. BALFOUR (Minister of Lands).
—I move—

That the House do now adjourn.

Mr. JONA (Hawthorn).—I direct the attention of the Chief Secretary to suggestions published in to-day's *Sun News-Pictorial* and *Herald* of danger arising from the opening of the over-pass at the intersection of Swan-street and Burnley-street, Richmond. I understand that the official opening is to take place to-morrow morning. I have received a number of telephone calls to-day from nearby residents, who apparently were unaware that the over-pass was to be opened to-morrow, expressing concern at the risk of accidents involving cars proceeding from the freeway and over the over-pass towards Swan-street.

My request to the Chief Secretary is that an investigation be carried out by the Traffic Commission as a matter of urgency with the object of deciding whether the installation of traffic lights is desirable and whether appropriate signs should be erected on the over-pass warning the drivers of vehicles proceeding towards Swan-street. It is stated in the *Sun News-Pictorial* that the grade seems to fall about 20 to 25 feet in the 50 yards between the top of the over-pass and Swan-street.

Mr. WILKES.—It was badly designed.

Mr. JONA.—I am not suggesting that. Although the design of the over-pass is most unusual, it complies with the regulations relating to safety measures. The over-pass in itself is quite an engineering feat, and represents an example of the perfect co-ordination that can exist between the Railways Commissioners, the Country Roads Board, and the Interdepartmental Committee on the Abolition of Level Crossings. My request is not directed in any way towards the construction of the over-pass but purely to the question of hazards which might arise. I ask the Minister to give consideration to this matter.

Mr. DIXON (St. Kilda).—I bring to the attention of the House and particularly to the Minister of Education

certain letters which have been written during the past two weeks or so in connexion with students attending schools under the jurisdiction of the Education Department. One letter was written by the Students' Representative Council of the University of Melbourne to the head prefects of secondary schools—not to the head masters, as is usual in these cases, where the subject-matter involved concerns the whole school. The letter suggests that students should support the strike organized primarily by the Victorian Secondary Teachers Association; that prefects should be discouraged from looking after classes in the absence of teachers; and that students should be called upon to support the walk-out planned by university students on Wednesday, 20th April.

A second letter—perhaps the problem is more acute here—is alleged to have been written by a student named Brian McGregor, of Blackburn South High School, which appeared in the *Herald* of 29th March. In it, this statement appeared—

... our teachers knew nothing of our proposed support and ... had nothing to do with the organization of our march.

The question I wish to raise—I think this vitally concerns the Education Department—is whether this student—Brian McGregor, of Blackburn South High School—exists. If he does not exist, I question whether much value can be placed on what the author of the letter is attempting to prove, particularly in view of the letter which has been sent to head prefects of secondary schools by the Students Representative Council of the University of Melbourne, which no doubt is interested in the actions of teachers and may even be affected by those actions.

Mr. BLOOMFIELD (Minister of Education).—In reply to the honorable member for St. Kilda, I should like to say that I noticed with regret during recent controversies that grown people seemed to feel that they gained support from the activities of

persons so young that one could hardly imagine that they would be well informed about all the rather complex arguments and discussions which had been proceeding.

Regarding the letter from the Students Representative Council of the University of Melbourne to the head prefects of secondary schools, I think we must concede the right of representatives of the one body to write to the others, although I deplore the fact that other people attach more value to these views than one would think they deserve.

Mr. WILTON.—Do you mean the honorable member for St. Kilda?

Mr. BLOOMFIELD.—I refer neither to the honorable member for St. Kilda nor to the honorable member for Broadmeadows.

Concerning the letter alleged to have been written by one Brian McGregor, by a most extraordinary coincidence I happen to have in my pocket at the moment a letter from the head master of the Blackburn South High School, and I am delighted, Mr. Speaker, to have this unexpected opportunity of reading it to the House. Addressed to Mr. R. A. Reed, Chief Inspector of Secondary Schools, it states—

Dear Mr. Reed,

Your attention may have been directed to a letter appearing in the *Herald* of 29.3.66 on the subject of students' attendance at the teachers' meeting at the Music Bowl. It was under the name of Brian McGregor, Blackburn South High School.

The name does not appear on the attendance rolls of this school, but my information to date indicates that the name was used as a nom de plume by one of three students of this school who apparently absented themselves to be present at the meeting.

As head master responsible for this school I wish to express regret that this school has been associated in this way with the publicity surrounding this matter, and also regret that these three students disregarded my instructions to be present at school for a full day's work on Friday.

Yours faithfully,

(Signed),

H. G. MARTINDALE,

Head Master.

Otherwise, I can throw no light on this matter.

Mr. MANSON (Minister of State Development).—In the absence of the Chief Secretary, I inform the honorable member for Hawthorn that I will look into the matter he has raised.

The motion was agreed to.

The House adjourned at 10.30 p.m. until Tuesday, April 19.

Legislative Council.

Tuesday, April 19, 1966

The PRESIDENT (the Hon. R. W. Mack) took the chair at 4.54 p.m., and read the prayer.

STATE ELECTRICITY COMMISSION.

POWER GENERATION: USE OF BROWN COAL AND NATURAL GAS: EQUIPMENT AND COSTS.

The Hon. A. W. KNIGHT (Melbourne West Province) asked the Minister of Agriculture—

(a) What are the comparative costs of building a brown coal power station and a natural gas fired power station of 700 megawatt output?

(b) What ancillary equipment is needed for use of natural gas firing as compared to brown coal firing?

(c) What would be the cost of converting a 700 megawatt gas fired station to a brown coal fired station?

(d) What would be the cost of converting a 700 megawatt brown coal fired station to a gas fired station?

The Hon. G. L. CHANDLER (Minister of Agriculture).—The answers are—

(a) It is estimated that the capital cost of a natural gas fired power station would be about 65 per cent. of that of a comparable brown coal fired power station in the Latrobe Valley.

(b) The principal items required for gas firing would be a pressure reducing station, gas reticulation to the burners, gas burners