Mr. WILCOX (Minister of Transport).—I entered the Chamber as the honorable member for Geelong North was speaking about a matter relating to rail services to Geelong. I did not hear all of the honorable member's remarks, but I could tell that they related to something that should be examined, and I will see that it is.

The motion was agreed to.

The House adjourned at 5.51 *p.m., until Tuesday, March* 17.

Legislative Council.

Tuesday, March 17, 1970.

The PRESIDENT **(the Hon. R. W. Garrett)** took the chair at 4.58 p.m., and read the prayer.

WESTERN PORT (STEEL WORKS) 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.

AUSTRALIA AND NEW ZEALAND BANKING GROUP BILL.

This Bill was received from the Assembly.

The PRESIDENT (the Hon. R. W. Garrett).—I have examined this Bill, and am of opinion that it is a private Bill.

The Hon. L. H. S. THOMPSON (Minister of Education).—In another place, this Bill was ruled to be a private Bill, but it was treated as a public Bill, except in relation to the payment of fees. I propose that a similar procedure be adopted in this House. Therefore, I move—

That this Bill be dealt with as a public Bill, except in relation to the payment of fees.

The motion was agreed to.

The Hon. L. H. S. THOMPSON (Minister of Education).—I produce a receipt showing that the handsome sum of $200 has been paid into the Treasury for the purposes of meeting the expenses of this Bill.

On the motion of the Hon. L. H. S. THOMPSON (Minister of Education), the Bill was read a first time.

MELBOURNE AND METROPOLITAN BOARD OF WORKS.

CHELSEA AND FRANKSTON LAND: ZONING: SULLAGE IN NEW SUBDIVISIONS.

The Hon. I. R. CATHIE (South-Eastern Province) asked the Minister for Local Government—

(*a*) What areas on or below "reduced level 7 feet" in the cities of Chelsea and Frankston (which have previously been declared flood-prone land or zoned or reserved as open public space) have been re-zoned or are proposed to be re-zoned for subdivision purposes, stating, in each case, the subdivider and what alternative land (if any) has been made available for future recreation areas?

(*b*) Where subdivision is already completed, have there been any reports of septic and domestic sullage seeping to the surface?

The Hon. R. J. HAMER (Minister for Local Government).—The answers are—

(*a*) These applications for permits have been dealt with in areas below or on "reduced level 7 feet" and which were originally proposed to be reserved for proposed public open space in the Metropolitan Planning Scheme. Notices of all applications were advertised and neighbouring landowners notified before the Board determined to grant a permit. The details are as follows:—

(i) Land—lots 121 to 124 Emma-street, City of Chelsea. Owners—Louisa Mary McDougall, Konstantin Kerst and Maria Soopalii.

(ii) Land—south-west corner of Wells and Austin roads, City of Frankston. Owner—Harold Edward Bartlett.

(iii) Land—north-west corner of Austin and Government roads, City of Frankston. Owners—Charles George and May Victoria Griffiths.

Replacement—

(1) 27 acres in Edithvale-road owned by the Dandenong Valley Authority. The land is presently leased to the Chelsea council for a public golf links.

(2) Other portions of the flood-prone area are being investigated for inclusion in a public open space reservation.

(*b*) The Board of Works has no knowledge of any such reports.

EDUCATION DEPARTMENT.

LEONGATHA TECHNICAL SCHOOL: FIRST AID ATTENDANT.

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

(*a*) Who bears the cost of the salary of the first aid attendant at the Leongatha Technical School, and in what proportions?

(*b*) What are the qualifications of this attendant?

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

(*a*) The "first aid attendant" referred to is assumed to be the teacher who as part of her duties attended to minor injuries and to pupils who became ill at school. This person resigned recently. She was a temporary teacher, teaching forms I. and II. and acting as library assistant and first aid attendant. Her salary was paid by the Education Department.

(*b*) She held a trained nurse's certificate and had had eight years' experience as a nurse.

FRANKSTON HIGH SCHOOL: OVERPORT ANNEXE.

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

(*a*) What is the source of finance being made available for building the Overport annexe to Frankston High School, and what plans were used for the calling of tenders?

(*b*) Has any decision been made that these buildings will house the senior school or forms V. and VI.; if not, how will these buildings be integrated into the rest of the School?

(*c*) Is there any plan to partition these buildings to create a number of class-rooms; if so, what Department approved these plans?

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

(*a*) State loan funds and Commonwealth library grant. Plans prepared by the Public Works Department were used for the calling of tenders.

(*b*) Yes.

(*c*) Yes; Education Department.

FOOTSCRAY PRIMARY SCHOOL NO. 253: CONDITION OF BUILDING: REPORTS OF FIRE OFFICER.

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

What action does the Education Department intend to take in respect of a large hole and cracks appearing in the south-west corner of the beginners' grade class-room at Footscray State School, No. 253?

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

Immediate repairs of a minor nature will be carried out in the south-west corner of the beginners' grade class-room at Footscray Primary School No. 253.

The strength of the structure has not been affected by the broken boards.

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

Has he seen the two recent reports made by the fire officer on Footscray State School, No. 253; if so, will he make a copy of these reports available to the members of Parliament who represent the area?

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

(*a*) Yes.

(*b*) Yes, arrangements are being made for copies to be forwarded to members representing the area.

HOPPER'S CROSSING: OPENING OF SCHOOL: TRANSPORT OF PUPILS TO WERRIBEE.

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

(*a*) When is the new school to be opened at Hopper's Crossing?

(*b*) Why has the opening been delayed?

(*c*) How many pupils from the Hopper's Crossing area are attending at Werribee, and are the children transported to Werribee by bus; if so, on what bus are they transported?

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

(*a*) The school, namely, 5002 Mossfiel, opened yesterday, the 16th March.

(*b*) There was no delay in the opening of this school.

(*c*) Approximately 190 to 200 pupils were conveyed by a public bus service to the Werribee Primary School and those eligible received a conveyance allowance of 10 cents per day.

EAST LODDON CONSOLIDATED SCHOOL: DRAINAGE.

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

When will the Education Department proceed with the proposed underground drainage from the East Loddon Consolidated School to the Bullock creek?

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

Negotiations with the Shire of East Loddon regarding the proposed underground drainage from the East Loddon Consolidated School to the Bullock creek are approaching finality.

It is anticipated that tenders for the work will be advertised before the end of this financial year.

GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES.

PRIVATE PRACTICE BY ARCHITECTS AND ENGINEERS.

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

(*a*) Has the Governor in Council at any time given permission for architects and engineers, employed in Government Departments and instrumentalities, to practise privately; if so, when and to whom?

(*b*) What is the permissible limit of cost for projects carried out in this manner, and in what ways do the Departments concerned control these activities?

(*c*) What relationship (if any) exists between the chief architect of the Hospitals and Charities Commission, and either the office of Harris Alexander or Harris Alexander and Associates or Alexander Harris?

(*d*) If a relationship exists, what private works, and of what value, have been carried out by such office?

(*e*) Do State Government Departments and instrumentalities commission any projects to architects and engineers in private practice; if so—(i) what was the total value of such projects during the past five years; and (ii) what procedures are taken to ensure an equitable allocation of such commissions amongst the respective professional groups?

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

(*a*) At no time has permission of the Governor in Council been given for architects and engineers employed by Government Departments to engage in private practice in Victoria.

Whether or not architects and engineers employed in various instrumentalities engage in private practice is not a matter for the Governor in Council.

(*b*) Not applicable.

(*c*) I am informed that no business or financial relationship exists between the chief architect of the Hospitals and Charities Commission and the office of Alexander Harris and Associates.

(*d*) Not applicable.

(*e*) In order to provide the answer to this part of the honorable member's question it will be necessary to circularize all Government Departments and instrumentalities. I will advise the honorable member of the result when the information is received.

VICTORIAN PIPELINES COMMISSION.

PIPELINE UNDER PORT PHILLIP BAY: TENDERS.

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

Can the Minister for Fuel and Power give a guarantee that a pipeline proposed to be built under Port Phillip Bay to carry oil will not fracture, break, or leak; if not, will he give an assurance that, as the risk to the Bay is too great, permission for its construction will not be given?

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

The Minister for Fuel and Power is not prepared to discuss this matter in detail at this stage, because the entire subject is still under investigation.

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

(*a*) Is the Minister for Fuel and Power aware of either Shell Co. of Australia Ltd. or Esso Standard Oil (Aust.) Ltd. having advised pipelaying construction companies by letter to tender for the job of constructing oil and gas pipelines across Port Phillip Bay?

(*b*) Was at least one company advised by letter that it was unsuccessful in tendering for the job?

(*c*) Did the successful tenderer—(i) lay the pipe in Bass Strait; and (ii) assure their workers that they can remain in Australia and work on the pipeline across the Bay?

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

(*a*) The Minister for Fuel and Power is aware that tenders have been lodged with oil companies for the construction of oil and gas lines across Port Phillip Bay.

(*b*) It is understood that one tenderer was advised that he was unsuccessful.

(*c*) No award has yet been made to any of the remaining tenderers since this will depend on whether or not a permit is issued by the Minister to build the line.

CLEAN AIR ACT.

Clean Air and Pollution Control.

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

What are the requirements laid down by the Commission of Public Health with respect to clean air and pollution control for factories and businesses to be established?

The Hon. V. O. DICKIE (Minister of Health).—The answer is—

The Commission of Public Health requires the submission by the applicant company, prior to the installation of any plant, of complete plans and specifications including data, information and computations upon which the design of the fireplace, chimney, incinerator or equipment is based and as are necessary for the proper examination of the proposed installation and, if relevant, a description of the manner of its proposed operation.

Before a recommendation is made to the Commission that the plans, specifications, &c., be approved, the specialist officers of the Clean Air Division of the Department of Health satisfy themselves that the fireplace, chimney or incinerator, together with any required equipment for arresting air impurities, is of such design as will reduce emission of smoke and other air impurities to the atmosphere to the lowest level reasonably obtainable when such fireplace, chimney, incinerator or equipment is properly operated.

NATURAL GAS.

Sale to New South Wales.

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

(*a*) What is the basis of the agreement for the sale of natural gas to New South Wales?

(*b*) What volume of gas will be supplied over the next five years?

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

(*a*) and (*b*) No agreement has yet been made, both as regards price or volume, for the sale of natural gas to New South Wales.

Proposed Pipeline.

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

(*a*) What are the conditions laid down for the pipeline proposed to convey natural gas to New South Wales?

(*b*) What is the route of the proposed pipeline?

(*c*) Will areas in Victoria along the route be serviced with natural gas?

(*d*) What control will the Victorian Pipelines Commission have over the pipeline?

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

(*a*) (*b*) and (*c*) No conditions have yet been laid down for the proposed natural gas pipeline to New South Wales, although it is understood that the New South Wales Government has some ideas on the route which it will communicate to the Victorian Government.

(*d*) The extent to which the Victorian Pipelines Commission will be involved in such a pipeline has not yet been resolved.

HOSPITALS AND CHARITIES COMMISSION.

Stawell District Hospital: Provision of Geriatric Ward.

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

(*a*) When is it proposed to build the geriatric ward at the Stawell District Hospital?

(*b*) How long has the application for such ward to be built been awaiting approval and finalization?

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

(*a*) It is proposed to build the geriatric ward at the Stawell District Hospital as soon as practicable.

(*b*) On the 13th November, 1969, the Hospital requested permission to proceed with the creation of a geriatric ward and also a day hospital as one project, and sought estimates of the cost of construction. After careful consideration of the proposal, the Hospitals and Charities Commission on

12th January, 1970, gave estimates of cost and agreed to proceed with the construction of the geriatric ward. It informed the Hospital that at present capital funds were not available to permit construction of the day hospital at that stage. This would be considered further when funds were available. The Commission asked the Hospital for its views on this amended proposal. The Commission has not yet received a reply from the Hospital.

ROAD CONSTRUCTION.

GRADE SEPARATION WORK AT MILLER'S-ROAD, PAISLEY.

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

(*a*) When is work to commence on the over-pass at Miller's-road, Altona?

(*b*) What is the proposed schedule for completion of the works?

The Hon. G. L. CHANDLER (Minister of Agriculture).—The honorable member is no doubt referring to the grade separation project approved at Miller's-road, Paisley.

The answers to his specific questions are—

(*a*) Negotiations for the necessary property acquisitions are in hand. Construction work is expected to commence late this year or early in 1971.

(*b*) It is anticipated that the grade separation work will be completed in June, 1972.

LOWER YARRA CROSSING.

EFFECTS ON AREAS WEST OF MELBOURNE.

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

Has the Government given consideration to the State Development Committee's report on the effects of the construction of the Lower Yarra Crossing on areas west of Melbourne; if so, what action (if any) is proposed and, especially, what action is proposed in respect of recommendations Nos. 2, 10, and 11, and conclusions Nos. 3 and 4?

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

Yes, the report is under consideration, and action has been taken on several recommendations. In particular, the future of the Derrimut area is being examined both by the Government and by the Board of Works, as metropolitan planning authority.

RAILWAY DEPARTMENT.

MYSIA STATION: FUTURE: STAFFING.

The Hon. S. R. McDONALD (Northern Province) asked the Minister of Agriculture—

Has any decision been made by the Minister of Transport concerning the future and the staffing of the railway station at Mysia?

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

The railway station at Mysia will continue to provide service for passengers, parcels and general goods.

I understand that a new caretaker has been appointed to the station as from yesterday, Monday, 16th March.

PETRO-CHEMICAL INDUSTRY.

EXPLOSION AND FIRES AT ALTONA PLANT.

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

(*a*) How many fire appliances turned out to the explosion at the Altona petro-chemical complex on 25th February, 1970?

(*b*) What was the cause of the explosion and what damage occurred?

(*c*) Was further assistance called by the fire brigade; if so, what assistance was called for?

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

(*a*) Nine.

(*b*) The cause of the explosion was hydro-carbon gas coming into contact with hot metal.

The following were destroyed or damaged—

A quantity of hydro-carbon gas;

a detached shed 9 feet by 9 feet;

portion of a butalene dinerization unit;

a compression house 40 feet by 20 feet;

adjacent piping and paintwork of poly-merazation tower, and maptha splitting tower; and

small portion of steam cracker plant 66 feet by 100 feet.

(*c*) Yes—a pump, a pump layer and one motor truck with breathing apparatus were called from headquarters.

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

(*a*) How many times in the past six months has the fire-fighting appliance from the Altona Fire Station turned out to alarms at Petroleum Refineries (Aust.) Pty. Ltd., at Altona?

(*b*) What was the extent of the calls?

(*c*) Who pays for such calls?

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

(*a*) Three calls.
(*b*) False alarms.
(*c*) No charge.

POLICE DEPARTMENT.

POLICE STATION FOR ALTONA NORTH.

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

Is it proposed to build the police station at Altona North during the financial year 1970-71; if not, when will work commence?

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

The proposed building is included in the loan works programme for the financial year 1969-70 for design development, and the project has been included in the proposed loan works programme submitted by the Police Department for the financial year 1970-71. However, until such time as the loan works programme for the financial year 1970-71 is determined by the Treasury, it is not possible to say when funds will be made available for completion of this project.

WHEAT INDUSTRY.

COST OF TEMPORARY WHEAT STORAGE.

The Hon. S. R. McDONALD (Northern Province) asked the Minister of Agriculture—

What is the average cost per bushel of the horizontal temporary wheat storage constructed for the 1969-70 harvest?

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

Including the installation of mechanical equipment the cost is 20.5 cents per bushel.

DEPARTMENT OF HEALTH.

SPASTIC CHILDREN AND ADULTS: FINANCIAL ASSISTANCE.

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

(*a*) Why do spastic children and adults not receive the same financial assistance from the Government as do other handicapped people?

(*b*) Has any decision been made by the Government to accept financial responsibility for the treatment of spastic children and adults?

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

(*a*) There is no standard rate of maintenance grant applicable to societies caring for handicapped people, whether spastic children and adults or others. The Spastic Children's Society, through its own efforts, receives substantial sums of money annually from sources other than the State Government. The resources of some other organizations caring for handicapped people are much less substantial. This must be considered when requests for financial assistance are received by the Government.

(*b*) The Government does not accept financial responsibility for the treatment of spastic children and adults, but will give sympathetic consideration to requests for financial assistance to institutions and societies caring for them, when funds are available.

Nothwithstanding this, the Spastic Children's Society now receives the following assistance—

(1) The services of teachers from the Education Department—
12 at an average salary of $5,000 a year .. $60,000

(2) Transport assistance—
8 buses for Marathon and Geelong .. $10,000

(3) Subsidy from Hospitals and Charties Fund 1969-70 .. $30,000

$100,000

(4) The use, without charge, of the Marathon building at 795 Malvern-road, Toorak, which is owned and maintained by the State.

RACECOURSES LICENCES BOARD.

WITHDRAWAL OF COUNTRY LICENCES.

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

(*a*) How many country racecourse licences have been withdrawn by the Racecourses Licences Board in the past twelve months, giving the location of each?

(*b*) Have any arrangements been made for any of the affected racing clubs to race on another course; if so, where?

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

(*a*) Ten clubs—

Bacchus Marsh
Ballan
Elmore
Macarthur
Koroit
Heathcote
Minyip
Mooroopna
Newstead
Rosedale

(*b*) Bacchus Marsh to race at Werribee. Ballan to race at Dowling Forest, Ballarat. Elmore to race at Bendigo. Macarthur to race at Penshurst. Koroit to race at Warrnambool. Heathcote is temporarily in recess. Newstead and Rosedale: These clubs are no longer racing. Minyip and Mooroopna: The Racecourses Licences Board is awaiting advice from both Clubs as to their future intentions.

SHIRE OF PHILLIP ISLAND.

SEVERANCE FROM SHIRE OF BASS.

The Hon. G. J. O'CONNELL (Melbourne Province) asked the Minister for Local Government—

When was Phillip Island severed from the Shire of Bass to become a shire in its own right?

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

Phillip Island was severed from the Shire of Phillip Island and Woolamai on 19th September, 1928, and created the Shire of Phillip Island. The name of Shire of Woolamai was altered to the Shire of Bass on 8th January, 1929.

PERSONAL EXPLANATION.

ANSWER TO QUESTION.

The Hon. G. L. CHANDLER (Minister of Agriculture).—By leave, I wish to make a personal explanation. In answer to question No. 10 on the Notice Paper on Tuesday, 24th February, 1970, I supplied Mr. Knight with details of State Electricity Commission personnel in the Latrobe Valley at 30th June, 1965, and 31st January, 1970.

It has since been realized that, owing to an oversight, the figures did not include some power station personnel not directly responsible to the manager of the Commission's Latrobe Valley Region. This, applied particularly to the 1965 figures. I sincerely regret any incovenience which may have been caused to the honorable member as a result of this omission.

The correct figures are as follows:—

Latrobe Valley Region personnel, including power station construction and operations:

	Staff.	Wages.	Total.
At 30th June, 1965	1,810	5,993	7,803
At 31st January, 1970	1,980	5,394	7,374

I perhaps should mention that, in addition, the following personnel were employed on electricity distribution in the Latrobe Valley area, comprising Moe to Traralgon—

	Staff.	Wages.	Total.
At 30th June, 1965	140	92	232
At 31st January, 1970	146	109	255

NOTICES OF MOTION.

The Hon. J. W. GALBALLY (Melbourne North Province).—I desire to give notice that, on the next day of meeting, I shall move—

That this House take note of the report and approve the findings of the Little Desert Settlement Committee.

I inform the House that I will table that report at the appropriate time.

I also desire to give notice that, contingent upon this House taking note of the report, and approving the findings of the Little Desert Settlement Committee, I shall move—

That the report of the Little Desert Settlement Committee be transmitted to the Legislative Assembly with a message respectfully requesting the Assembly to take note of the report and concur with the Legislative Council in its approval of the findings of the Committee.

The PRESIDENT (the Hon. R. W. Garrett).—I accept the contingent notice of motion. There is some possibility that the first motion will be carried.

BUSINESS OF THE HOUSE.

DAYS AND HOURS OF MEETING.

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

That the Council shall meet for the despatch of business on Friday next, and that Eleven o'clock shall be the hour of meeting.

This is a precautionary measure.

The motion was agreed to.

EDUCATION (TEACHERS REGISTRATION BOARD) BILL.

For **the Hon. L. H. S. THOMPSON** (Minister of Education), the Hon. G. L. Chandler (Minister of Agriculture), by leave, moved for leave to bring in a Bill to establish a Teachers Registration Board and to amend the Education Act 1958 and the Teaching Service Act 1958 in connexion therewith.

The motion was agreed to.

The Bill was brought in and read a first time.

LITTLE DESERT SETTLEMENT COMMITTEE.

PRESENTATION OF REPORT.

The Hon. J. W. GALBALLY (Melbourne North Province), chairman, presented the report from the Little Desert Settlement Committee upon the proposal to open the Little Desert to settlement, together with minutes of evidence and appendices.

It was ordered that they be laid on the table and that the report and appendices be printed.

BUSINESS OF THE HOUSE.

HOURS OF MEETING: PRIVATE MEMBERS' BUSINESS: NEW BUSINESS.

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

That so much of the sessional orders as provides that the hour of meeting on Tuesdays shall be half-past Four o'clock and on Wednesdays Four o'clock, that on Wednesday in each week private members' business shall take precedence of Government business, and that no new business shall be taken after half-past Ten o'clock be suspended and that for the remainder of the session the hour of meeting on Tuesdays shall be Four o'clock and on Wednesdays half-past Two o'clock and Government business shall take precedence of all other business.

The Hon. J. W. GALBALLY (Melbourne North Province).—Members of our party do not oppose the motion, but I raise the question of the motion of which I have given notice and which I propose to move tomorrow. I presume the Leader of the House will give an undertaking that the item of which I have given notice will be dealt with under General Business tomorrow and, it being a Wednesday, will be debated before Government Business. If that assurance is given, the Labor Party is prepared to agree to this motion.

The Hon. G. L. CHANDLER (Minister of Agriculture).—In turn, I ask Mr. Galbally whether honorable members who have private members' Bills on the Notice Paper intend to go ahead with them this session?

The Hon. J. W. GALBALLY.—The answer is, "No, we do not".

The Hon. G. L. CHANDLER.—In that case, the report of the Little Desert Settlement Committee will be debated tomorrow.

The Hon. J. W. GALBALLY.—Will it take precedence over Government Business?

The Hon. G. L. CHANDLER.—I submit to that suggestion, because if I did not do so Mr. Galbally would move an adjournment motion.

The motion was agreed to.

DOOR TO DOOR (SALES) (AMENDMENT) BILL.

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

That this Bill be now read a second time.

It proposes four amendments to the Door to Door (Sales) Act 1963. That legislation was introduced six years ago against a background of high pressure selling of encyclopaedias and other books, and certain other goods, on a door-to-door basis. The methods then adopted by salesmen assumed the nature of a major scandal. The legislation has generally given protection to housewives in their own

homes. Victoria was the first State to introduce this sort of legislation, and other States have since adopted similar measures. However, the problem is still with us, with the result that the Standing Committee of State and Commonwealth Attorneys-General requested a special report on the law relating to consumer credit and money lending. This report, known as the Rogerson report has been printed. One portion of the report deals with door-to-door sales. This Bill proposes to make four changes in the principal Act to bring it into line with the recommendations made by that Committee to the Attorneys-General. It is understood that the other States in Australia are likely to adopt the recommendations.

The first of the changes will ensure that the legislation will apply to sales made not only at the purchaser's home but at any place other than the premises at which the vendor normally carries on business. I shall mention some general reflections on this subject in the Committee's report, which states at page 59, chapter 21—

> Door-to-door selling has been the source of frequent complaint, both in Australia and overseas, for many years. Unethical or undesirable door-to-door selling practices in the United Kingdom have been graphically catalogued in Elizabeth Gundrey's book, *A Foot in the Door*. The United Kingdom Molony Committee in 1962 stated that the activities of door-to-door salesmen "provoked a greater wrath and indignation among our representors than any other subject." The Committee, after detailing some of the practices in more common use, concluded: "By whatever proportion of door-to-door salesmen such practices are followed, and with whatever frequency, a considerable volume of evidence insisted that they are widespread (and successful) enough to amount to a serious social evil."

That report was considered by this House when it examined the provisions of the Bill which became the Door to Door (Sales) Act 1963. The report, in referring to Victorian legislation, states—

> In Australia, the Victorian Consumers' Protection Council, set up under the Victorian Consumers' Protection Act, 1964, in its various annual reports to Parliament, has listed a number of unsatisfactory door-to-door selling practices. We have also studied a number of individual complaints in this field which have been received and dealt with by the Victorian Consumers' Protection Council. We note that an overwhelming majority of persons making submissions to us favour some action in the field of door-to-door selling. We believe that the conclusions reached by committees of inquiry overseas in this respect are equally justified in Australia.

One of the difficulties in the existing legislation has been that a credit purchase agreement has to be made at the purchaser's place of residence. The intention of the first amendment contained in the Bill is to enlarge that provision to make it apply to an agreement made anywhere except at what are described as "the appropriate trade premises". The Committee recommended along these lines—

> We consider that the most satisfactory way of proceeding is to provide, as is done in the United Kingdom Act, that the legislation applies to all consumer credit sales made at a place other than appropriate trade premises. "Appropriate trade premises" are defined in the United Kingdom Act as premises where the seller normally carries on business or where goods of the description in question are normally offered for sale.

As will be seen, that recommendation is carried out in the Bill.

The second amendment provides that the provisions relating to the consequences of terminating a credit purchase agreement shall be expanded and shall set out in greater detail the obligations of the parties relating to repayment of money that has been paid under the agreement, and the return of goods that have been given in part exchange. The purchaser's obligations in relation to goods delivered to him under the agreement are also set out in some detail, and in future the purchaser's obligations will be to hand over the goods at his own premises to the vendor or to send them to the vendor. The Bill also provides that certain terms included in an agreement will be void if they purport to limit in any way the purchaser's rights to terminate the agreement or affect the obligations put upon the parties by the Act.

As is usual in legislation of this kind, ways have been found to get around the legislation, and the Committee referred to this matter at page 61 of its report, as follows:—

> Experience has shown that door-to-door sales legislation is not immune from the attempts at evasion to which protective legislation of this kind is usually subject. It is essential to include in any legislation a provision identifying offending clauses in agreements, and invalidating them . . . Two of the more common methods of attempted evasion are agency clauses in agreements appointing the seller agent for the consumer with the sole right to give any notice of cancellation, and secondly, choice of law clauses in agreements stating that the contract is governed by the law of some jurisdiction without a Door to Door Sales Act, or with an Act with more lenient provisions.

The "cooling-off" period is being increased from 5 to 7 days. To enable the purchaser to have the benefit of the Act, the right to terminate the agreement will run from the date on which the agreement was made or, if goods or services to which the agreement relates are not then received, from the date on which they were first received. The Committee actually recommended seven business days, but on consideration it was found that this would sometimes be difficult to determine, especially at periods such as Easter and Christmas. The term "seven business days" is a little uncertain, but it has been thought fit that the "cooling-off" period should be increased to seven days, and this is provided for in the Bill under consideration.

The Hon. A. K. BRADBURY.—Would it not have been more convenient to have a period of fourteen days at Christmas and Easter?

The Hon. R. J. HAMER.—It was the recommendation of the Committee but, in practice, one can see difficulties at certain times of the year. This Bill endeavours to meet the Committee by increasing the cooling-off period from 5 to 7 days.

The Hon. A. K. BRADBURY.—Some business houses may be closed over these particular periods.

The Hon. R. J. HAMER.—That does not matter so long as the notice is given by the purchaser within the specified period.

The PRESIDENT (the Hon. R. W. Garrett).—Debate should not take place at this stage; the details of the Bill should be discussed when the Committee stage is reached.

The Hon. R. J. HAMER.—Clause 2 of the Bill inserts a definition of "appropriate trade premises", which are the premises at which the vendor normally carries on business or at which goods of the company to which the agreement relates are normally offered for sale.

Clause 3 restates the present subsection (2) of section 2 of the principal Act in accordance with the new concept that the Act should apply to sales made at a place other than appropriate trade premises. One form of evasion has been that salesmen have taken potential customers outside and made them sign an agreement in a car, or at the corner store, or somewhere else, but not at their own homes.

Clause 4 restates the present section (3) of the principal Act, which sets out the requirements with which credit purchase agreements must comply, and clause 5 makes consequential amendments to section 4 of the principal Act.

Clause 6 re-enacts section 5 of the principal Act and adds two new clauses, which detail the effect of termination of a credit purchase agreement and make provision for the case where goods are given in part exchange.

Clause 7 makes consequential amendments to the principal Act, and clause 8 provides for the inclusion of a new section providing that certain terms in agreements are void if they limit particular rights of the parties under the other sections of the principal Act. Clause 9 makes amendments to the schedule consquential upon the amendments to the principal Act.

It is necessary to keep abreast of developments in door-to-door selling techniques to ensure that the benefits of social legislation such as the Door to Door (Sales) Act shall continue to be effective. The expansion of the provisions of the present Act will go far to give the further protection now necessary for the consumer. 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 Tuesday, March 24.

TOWN AND COUNTRY PLANNING (RESPONSIBLE AUTHORITY) BILL.

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

That this Bill be now read a second time.

This is a short measure to deal with a predicament in which the Town and Country Planning Board finds itself following a judgment given late last year by the Full Supreme Court.

Under the Town and Country Planning Act, the Board may at the request of the Minister prepare a planning scheme for any area, and in the normal course the local municipal council becomes the responsible authority for the carrying out and enforcement of the scheme for that part of the area of the scheme in its municipal district.

It had always been assumed that the carrying out and enforcement of a scheme was a function the exercise of which commenced only when the scheme came into operation, namely, the date on which notice of approval of the scheme by the Governor in Council was published in the *Government Gazette*, and that meanwhile the powers authorized to be exercised in relation to a planning scheme in the course of its preparation would be exercisable by the authority preparing the scheme—the Town and Country Planning Board.

However, the Court adopted the view that functions within the ambit of carrying out and enforcing a planning scheme were exercisable, firstly, only by the responsible authority for that purpose—that is, the council—and, secondly, prior to the coming into operation of the scheme as well as subsequent thereto. On this basis it was held that the Board had no authority to acquire land at Phillip Island for the purposes of wildlife conservation.

The wider effect of the judgment is more disturbing. The Board sought the advice of the Crown Solicitor in relation to an advertising sign erected contrary to an interim development order. The advice given was that the Board through one of its officers may prosecute the person responsible for having erected the sign without a permit, but that it was powerless to effect the removal of the sign. While the Court stated that the local council could exercise the powers of enforcement which the Board could not, it is rather anomalous that the Board is unable to enforce its own land use control by interim development order pending approval of the planning scheme.

The Board currently has in various stages of preparation some 21 schemes, for the most part covering water storage and coastal areas, and there is the real fear that as the effect of the judgment of the Court becomes more widely known, developers will take advantage of it, and the control the Board is intended to exercise will become, to a substantial degree, ineffective. Areas along the coast would be particularly vulnerable in this regard.

The powers and functions lacking to the Board would include land acquisition, payment of compensation, removal of unauthorized structures, and obtaining court orders restraining contraventions of or compelling compliance with interim development orders or planning schemes. It is essential that the Board should have these powers while a planning scheme is in the course of preparation, and the provisions of clause 2 will restore what, up to date, everyone thought was the position.

The request of the Minister to the Board to prepare a planning scheme for Phillip Island was dated 24th January, 1961. The provisions of the Town and Country Planning Act 1961 constituting the Board a body corporate took effect on 21st February, 1962. This led Mr. Justice Gowans to ask during the hearing of the Phillip Island case whether there had been any legislation preserving the actions of the Board prior to incorporation. Counsel for the plaintiff did not attempt to rely on the fact that such a legislative provision was lacking, but subsequently the Board's counsel expressed the view that this was a real weakness and strongly advised that it be given prompt attention. Three other planning schemes being prepared by the Board also need this protection. Clause 3 inserts appropriate provisions in the Town and Country Planning Act 1961 with effect from the date of the commencement of that Act.

The Town and Country Planning (Amendment) Act 1968, *inter alia*, altered the constitution of the Board by the addition of a full-time deputy chairman, and opportunity is being taken to overcome any legal weakness in that enactment. Clause 4 does this with effect from the 16th July, 1969, on which date the relevant provision of that Act came into operation.

Whilst the Bill tightens up the legislation, it is important because the Town and Country Planning Board is in charge of the planning schemes for some vital areas of this State, and it would be a tragedy if the Board was unable to exercise sufficient powers of enforcement during the planning stage.

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 Tuesday, March 24.

JUDGES PENSIONS BILL.

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

That this Bill be now read a second time.

This Bill proposes three major changes in relation to Judges' pensions. It covers not only Judges of the Supreme Court but Judges of the County Court and Chairman of General Sessions who are at present on pensions, but there will be no appointments of Chairmen of General Sessions as such in future. The changes proposed are, firstly, to relate the pensions payable to Judges to the salaries for the time being payable in place of the existing system which relates the pensions to a proportion of the salary at the date of retirement.

The gradual decline in the value of money has consistently provided a problem for those living on pensions and superannuation payments, and this problem has been tackled in a variety of ways to assist retired school teachers, railway employees and public servants. The way chosen to help retired Judges is to fix their pensions as a percentage of the salaries payable to Judges at the time under consideration rather than at the time of retirement of the Judge. It is important that the judiciary should be secure in the knowledge that they and their widows will be adequately covered during their retirement years.

The Hon. J. M. TRIPOVICH.—Will a similar principle be adopted for public servants?

The Hon. L. H. S. THOMPSON.—At this stage I cannot forecast other changes, but this is the method recommended for Judges. The second important provision in the Bill will, for the first time, introduce the principle that a judicial pension shall be terminated if the retired Judge accepts an appointment to any judicial office in or outside Victoria and shall be suspended while he holds any office or place of profit under the Crown in the right of the Commonwealth or of a State or if he engages

in the practice of the profession of a barrister or solicitor in any State or Territory of the Commonwealth or as employee of a barrister or solicitor in connexion with any practice.

Whilst these improvements are being made to the general system of providing pensions for Judges, it is desirable that retired Judges should be deterred from taking positions which might be incompatible with the independence and dignity of the judiciary generally. It should be noted, however, that the Governor in Council will have the authority to waive the powers of termination or suspension of a pension to which I have referred if it is considered desirable. A Judge might accept a position as a Royal Commissioner, and the Governor in Council should have discretionary authority to waive these provisions in exceptional circumstances.

The new provisions will not apply to Judges who retired before 15th February, 1970. The third important principle in the Bill is to increase the pensions payable to widows of Judges from half of the pension paid to the retired Judge to 5/16ths of the salary for the time being paid to Judges of similar status to that held by the deceased husband. This will bring the scale of widow's pensions into line with the scale applying to widows of public servants and Commonwealth Judges. The Bill represents an important and generous step forward to provide adequately for retired members of the judiciary, and I commend it 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 Tuesday, March 24.

SOLICITOR-GENERAL (PENSIONS) BILL.

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

That this Bill be now read a second time.

It adopts the same principle as that contained in the Judges Pensions Bill except that it applies to the Solicitor-General. Its effect is to tie the pension of a former Solicitor-General or his widow to the current salaries being paid to a puisne Judge or the widow of a puisne Judge as the case may be.

The pension payable to the widow of a Solicitor-General will be 5/16ths of the salary being paid to a puisne Judge. The Bill preserves the established practice of aligning the position of Solicitor-General with that of a puisne Judge. A former Solicitor-General will be in a similar position to a retired Judge with respect to returning to active legal practice and the taking of other Crown or judicial appointments. The Bill contains no provision to allow a Solicitor-General to elect to remain under the existing provisions of the Act because the present incumbent of the office has indicated that he does not want this. The general principles of the Bill, which are in accordance with established practice in this field, follow those outlined by me in connexion with the Judges Pensions Bill. I commend the measure 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 Tuesday, March 24.

MARKETABLE SECURITIES BILL.

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

That this Bill be now read a second time.

Legislation relating to marketable securities was adopted in this Parliament in 1966 and was amended in the following year in some matters of detail. The system of transfer of securities introduced by the legislation has well proved its worth and has considerably eased the work of stockbrokers and operated in the interests of the investing public. The

system introduced by the legislation dispenses with the need for witnessing of signatures on transfer forms and for the transfer to be signed by the transferee except in the case of the transfer of shares with an outstanding liability.

It has been shown that two further amendments to the legislation are desirable. The present Act applies only where a broker or broker's agent within the meaning of the Stamps Act 1958 affixes his stamp to the transfer. The Bill proposes an extension of the application of the system to trustee and nominee corporations which will be prescribed by regulation. Such corporations which in the ordinary course of their business hold securities as trustees for beneficiaries will be permitted to employ the method of transfer established by the Act.

The other amendment relates to the signature of the transferee on a transfer of securities with an outstanding liability. At present, it is necessary for the transferee to sign the document on a transfer of any shares with an outstanding liability, but the Bill will not require the signature in future in respect of the transfer of shares in a no-liability company. The great majority of shares traded on exchanges with an outstanding liability are in fact shares in no-liability companies. The amendment will therefore be of substantial benefit to the efficiency of transfers of those shares.

It is, of course, important that legislation of this kind should be substantially uniform throughout Australia so that securities in companies incorporated in the Commonwealth can be readily traded on stock exchanges anywhere. The opportunity has been taken to re-enact the legislation in a form that will result in substantial uniformity with other States and the Australian Capital Territory. Certain problems which had arisen in connexion with questions of jurisdiction have been clarified, and the liability of brokers whose stamps are affixed to transfers has also been revised. Jurisdiction will depend on the place of incorporation of the company, and jurisdiction in respect of indemnities given by brokers will depend on the place where the broker affixed his seal.

On the motion of the Hon. Archibald Todd, for the Hon. J. W. GALBALLY (Melbourne North Province), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, March 24.

WESTERN PORT (STEEL WORKS) BILL.

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

That this Bill be now read a second time.

On 19th December, 1969, the Premier signed an agreement with John Lysaght (Australia) Limited to enable the establishment of a steel mill complex at Westernport. This Bill seeks to ratify that agreement, which provides for the complex to be developed in three major stages, as follows:—By 31st December, 1973—completion of the cold strip mill; by 31st December, 1980—completion of the hot strip mill; and by 31st December, 1985—commencement of the establishment of the fully integrated steel works. The first and second stages are to cost the company approximately $100 million and, on the completion of the third stage, a sum approximately $1,000 million will have been spent by the company.

This project will be the third to be established in as many years in Westernport. Following the substantial land transactions in the Long Island area in 1967, Esso-BHP and Cresco Fertilisers commenced construction works and are, in fact, now established as operative companies. If this agreement is ratified, the stage will be set for John Lysaght (Australia) Limited to commence construction as soon as they are ready.

The establishment of this heavy industrial complex, the first in Victoria, will ultimately involve a workforce of 5,000 to 6,000 people. With

the attendant supporting industries—housing, schools, roads, rail facilities, and so on—there will be employment for many more thousands, resulting in an industry and community difficult to foresee in the long term, and certainly adding to the growth and prosperity of the State in a most significant manner. Initially, the cold strip mill is to have a capacity of 500,000 tons of steel products per annum, with facilities for expansion to 1.5 million tons per annum. With the completion of the whole complex, the output of the plant will initially be 2 million tons of steel, to be doubled in the next stage. It is possible that the plant will eventually produce up to 12 million tons per year.

Part I. of the agreement sets out definitions and terminology. For the information of honorable members, the "foreshore", to which the agreement refers has an area of approximately 190 acres, and the "reclamation area" comprises approximately 940 acres. Part II. sets out the company's obligations which, briefly, are to establish the cold and hot strip mills, reclaim the reclamation area and provide for the construction of the wharfage which will be owned and operated by the company.

It will be noted that it is an obligation of the company to control pollution which may be generated by the plant "in accordance with the law relating to the control of pollution and the preservation of marine life for the time being in force"; in other words, with all the Acts or regulations at any time controlling water pollution.

The Hon. I. R. CATHIE.—Would it not be better for the House to debate the Water Pollution Control Bill before it considered this measure?

The Hon. R. J. HAMER.—I see no reason for doing so.

The Hon. I. R. CATHIE.—How then can honorable members understand the law relating to pollution?

The PRESIDENT (the Hon. R. W. Garrett).—There is no water pollution control Bill before the House; officially honorable members do not know of such a measure.

The Hon. R. J. HAMER.—The company will be obliged to conform with whatever Acts and regulations are in force at any time. The Government is conscious of its responsibilities to control pollution in all its forms at Westernport. It is also aware that steel mills have been a source of heavy pollution throughout the world in the past. The Government is determined to ensure that this does not happen at Westernport. The company is also well aware of its responsibilities and is taking positive steps to avoid the dangers inherent in both air and water pollution. It has the advice of and has employed overseas consultants to assist in pollution controls, which are estimated to cost approximately $5 million in the first two stages.

The Government has also been active in these matters. It established the Permanent Heads Steering Committee on Water Pollution which has appointed three sub-committees—a standards committee, a legislation committee, and a Westernport Bay pollution committee. This latter committee, under the chairmanship of Mr. A. Butcher, Director of Fisheries and Wildlife, consists of specialist officers from the Department of Health, the Fisheries and Wildlife Branch, the State Rivers and Water Supply Commission, the Public Works Department, the Town and Country Planning Board, the Department of Agriculture, and the Mornington Peninsula and Westernport Planning Authority. The members are experienced chemists, engineers and planning officers who have inspected pollution control measures in steelworks in other States, collated information available through technical sources and conferred with specialist consultants on both pollution and environmental problems associated with Westernport.

As a result of the work of the committees, the Steering Committee has been responsible for—

1. Recommending to the Government the establishment of a water pollution authority to control water pollution throughout the State. Legislation for this purpose will shortly be placed before Parliament.

2. The appointment of an eminent firm of consultants from the United States of America to advise and provide the expertise on pollution control, particularly that relating to steel mills. This firm is acting as adviser with respect to the company's pollution control proposals and, at the same time, is advising on proposals for an ecology and environmental study of the whole of the Westernport area.

In addition the senior executive engineer of the Public Works Department, Mr. M. Perry, leaves for the United States of America and Japan this week to study—

(*a*) Pollution problems associated with steel mills.

(*b*) Port complexes associated with steel mills.

There has been considerable development in the United States of America on control measures consequent upon Government legislation and proposals, and several steel mill complexes constructed and in course of construction in Japan have up-to-date technology in respect of pollution and harbor facilities. A copy of Mr. Perry's report, which will be provided on his return, will be made available to the House if it is the wish of honorable members.

The Government is also seeking advice from any other source of information available to it. I instance the work of the Monash Engineering School team headed by Dr. Hindman. Liaison exists between the Public Works Department and this team, with agreement to meet at regular intervals for interchange of information. Only yesterday, I learned that the Monash team was considering a physical and a mathematical model study of Westernport. Such a study will provide useful information to the Department. Whilst the Monash team will not be in a position to provide the expertise and experience associated directly with steel mills, the information it has, and will obtain, will add to the knowledge of the problems to be faced, and solved. Lysaghts are also in consultation with the Monash team for the same purposes.

It will be clear that both the Government and the company are seeking all the assistance possible from within and outside the State to control any possible pollution that is likely to affect the total environment. It is right and proper that action of this type should be taken. Westernport will not become an industrial wasteland.

Part III. sets out the State's obligations, which can be summarized as follows :—

WHARFAGE : The company will be permitted to construct, own and operate 3,000 ft. of wharfage prior to the construction of the hot strip mill and extend this to 4,000 feet after the commencement of the construction of the hot strip mill at the southern end of the water frontage. On commencement of the fully integrated mill, this company may extend the wharfage the full length of the water frontage—that is, a total of 10,500 feet.

Prior to 1985, the State may, if required by circumstances, construct 1,500 feet of wharfage for general purposes at the northern end of the frontage to the plant site, reclaim behind the wharf line and do whatever dredging is required to provide access to the wharf.

After 1985, and in the event that the company constructs the integrated mill, the State, on three years' notice by the company, will surrender its wharfage to the company at the current value, less depreciation, and including such dredging

costs applicable to that wharf. This proposal would then allow the State to develop alternative wharfage as required at little additional cost to the State.

DREDGING: Dredging of the approach channels, berthing and turning areas will be undertaken by the State at the State's expense. The cost of dredging, estimated at $8.5 million will be recouped in the normal way through wharfage charges.

RECLAMATION: One of the problems associated with a steel complex is the disposal of waste materials brought about by the steel making processes. Together with dredging material and surplus materials from the construction of the site, the slag will be used to reclaim behind the wharf line. This will probably not be completed before the year 2000, following which date provision is made to dispose of 150 million cubic yards of slag in locations desirable for reclamation purposes, and determined having in mind environmental needs.

LAND: The State will surrender the 190 acres of the foreshore, presently a swamp, to the company in return for an equivalent area, the location of which will be in the Shire of Hastings and suitable for public recreational purposes such as a golf links, sports ovals, and so on. The State will also grant to the company, in fee simple, the reclamation area for the consideration of the sum of $700,000 to be paid in ten equal instalments. The foreshore and the reclamation area are required for plant purposes and handling of products from wharf to plant and vice versa. If, at the end of 99 years, portion of the reclamation area has not been reclaimed, that portion will revert to the State.

Existing roadways within the plant site will be closed and made available to the company. Clearly, public roads within the plant site would interrupt the flow of production.

NAVIGATIONAL AIDS, ROADS, RAIL, ELECTRICITY, WATER SUPPLY, AND SO ON. These are to be provided by the State with costs being recouped through the usual charges for these services.

Part IV. of the Agreement sets out the financial provisions in respect of the wharfage charges. The charges provide for the company to pay a wharfage rate of 20 cents a ton on all goods other than for constructional purposes moved both inwards and outwards. This rate is comparable with those in other States for similar materials and may increase in proportion with the increase in general cargo rates in the port of Melbourne up to the 1st January, 2000. If the return from wharfage in any one year is less than 10½ per cent. of the total dredging costs, the company will pay the difference, provided that, in the first year, the prescribed amount shall not exceed $100,000. This guaranteed rate of 10½ per cent. on cost will run for a period of twenty years after the year the expenditure is incurred. On and after the 1st January, 2000, the company and the State will consult regarding new charges which will be comparable with charges in similar ports in Australia. Costs to the State in servicing the expenditure would at present total 6½ per cent.; consequently, there will always be a minimum net return to the State of 4 per cent. However, based on tonnages supplied by the company, the gross return to the State should increase up to 27.6 per cent. in the twelfth year, which would give a net return of 21.1 per cent. and amount to approximately $1.8 million gross or $892,000 net. The returns to the State will naturally depend on the progress made by the company.

Part V. of the agreement authorizes the State to construct the 1,500 feet of wharfage previously mentioned. During the time this wharf is owned

and operated by the State, the company is relieved of any obligation to reclaim behind the wharf, which may be used by the company if it so desires.

The remainder of this part sets out administration clauses which require no further comment other than a reference to clause 12, which provides for the surrender by the company of up to 50 per cent. of the reclamation area, and a like percentage of the water frontage, at a cost of $750 per acre if the company does not commence construction of the fully integrated mill by 1985 or such other date as determined.

The agreement is most complicated, but the Bill itself is simple, and I commend it to the House.

The Hon. I. R. CATHIE (South-Eastern Province).—I move—

That the debate be now adjourned.

I suggest that the debate be adjourned for three weeks.

The Hon. R. J. HAMER (Minister for Local Government).—I ask Mr. Cathie to agree to an adjournment of the debate for one week. He has been aware of this measure, and I hope the House will be in a position to debate it next week.

The Hon. I. R. CATHIE (South-Eastern Province) (*By leave*).—The Minister said that the agreement was most complicated. I have yet to contact public authorities such as the Shire of Hastings and the regional planning authority on the Bill. I will agree to an adjournment of one week but I make the request that, if I desire additional time, the Minister will agree to a further adjournment.

The motion for the adjournment of the debate was agreed to, and the debate was adjourned until Tuesday, March 24.

MELBOURNE (VETERINARY SCHOOL) LANDS BILL.

The debate (adjourned from February 24) on the motion of the Hon. G. L. Chandler (Minister of Agriculture) for the second reading of this Bill was resumed.

The Hon. G. J. O'CONNELL (Melbourne Province).—It seems that in the dark ages of 1913 an area of about 4 acres of Crown land at the corner of Flemington-road and Park-street, Parkville, in the City of Melbourne, was permanently reserved as a site for the purposes of a school of veterinary science at the University of Melbourne. The Crown grant was issued in the joint names of the Minister of Agriculture and the University of Melbourne, with the authorized use of the land being limited to the purposes for which the site was permanently reserved.

The School of Veterinary Science was erected on the site and, in the years which have passed, other organizations have erected buildings on the land, with the concurrence of the University. The site is now occupied by the School of Veterinary Science which encompasses the Veterinary Research Institute of the University of Melbourne, the Commonwealth Scientific and Industrial Research Organization, and the Walter and Eliza Hall Institute of Medical Research. The Director of Agriculture considered that the current use of the land did not strictly conform to the original purpose for which it was reserved. On consulting the Crown Solicitor, his view was confirmed, especially in regard to the use of the site by the Commonwealth Scientific and Industrial Research Organization and the Walter and Eliza Hall Institute.

The purpose of this Bill, therefore, is to legalize the activities which have been conducted on the site for many years. A resurvey of the area disclosed that the site actually comprises 4 acres 5 perches, and provision is made in the Bill to adjust the reservation to accord with the site as resurveyed. As the Minister for Agriculture has stated, the Bill will clarify the existing position, so that the Commonwealth Scientific and Industrial Research Organization can proceed with needed work connected with its activities. The Opposition has no objection to the measure.

The Hon. S. R. McDONALD (Northern Province).—The Country Party supports this Bill. As the Minister of Agriculture and Mr. O'Connell have said, its purpose is to validate a situation which has developed over a long period on land occupied by the Veterinary Research Institute at Parkville. The land was originally reserved in 1913 for the purposes of a school of veterinary science at the University of Melbourne. Since then, the School of Veterinary Science and the Veterinary Research Institute have operated successfully. Much could be said about the activities of the Veterinary Research Institute and also of the service rendered to the State, and to the stock industry in particular, by its present director, Dr. Fuller.

The original purposes of the reservation have been departed from to some extent. The Commonwealth Scientific and Industrial Research Organization has part of a division operating on the site, and the Walter and Eliza Hall Institute has buildings there. On legal advice, the Director of Agriculture has decided that the situation should be validated and, as I have indicated, that is the purpose of this Bill, which the Country Party believes to be reasonable and worthy of support.

The Hon. J. M. TRIPOVICH (Doutta Galla Province).—As the member representing the area concerned, I should like to make a few comments on this Bill. I should point out that in the area in which this land is located, my colleague, Mr. O'Connell, represents one side of the road, and I represent the other side. When the land was originally reserved for certain purposes, it adjoined the Melbourne stock market, and there could not have been a better site for a school of veterinary science than the land at the corner of Park-street and Flemington-road, backing on to Storey-street. However, as can be seen from the plan in the schedule, what was a stock market is now the site of the Royal Melbourne Hospital.

The Hospital is trying its hardest to extend its area at the expense of the University High School. The School of Veterinary Science has nothing in common with any of its neighbours. I do not know what will survive in the area, but there is certainly no room for expansion of veterinary science facilities on this block. I would suggest that the area could have been better used in later years for an extension of the Royal Melbourne Hospital. At some time, the Government will have to decide what organization will occupy the remainder of the area—the University High School or the Royal Melbourne Hospital.

I welcome the development of the site for the purposes for which it was originally reserved, but I believe the development of the area as a whole should have been properly taken into consideration. The School of Veterinary Science would be better situated adjacent to a stock market than adjacent to the Royal Melbourne Hospital. I do not offer these comments as any criticism of the School. I merely point out today's developmental problems of the University High School and the Royal Melbourne Hospital, each pressing its claim for extensions and the Government's apparent failure to note the failure.

The motion was agreed to.

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

The sitting was suspended at 6.34 *p.m. until* 8.4 *p.m.*

CARRIERS AND INNKEEPERS (AMENDMENT) BILL.

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

Discussion was resumed of clause 2, providing, *inter alia*—

2. For section 26 of the Carriers and Innkeepers Act 1958 there shall be substituted the following heading and sections:—

'*Innkeepers.*

26. (1) In this Act—

"Inn" means a common inn.

"Innkeeper" means the keeper of an inn.

. . . . . .

27. For the purposes of this Act, a traveller shall be deemed to be a guest at an inn only on days during which he is entitled to use a room at the inn that has been engaged by or for him for sleeping.

The Hon. R. J. HAMER (Minister for Local Government).—Progress was reported on clause 2 to enable the Government to consider some means of defining the word "inn" because the Bill imposes on an innkeeper certain duties to look after the belongings of people staying at his establishment, and certain liabilities on him if those belongings are lost or damaged. This is necessary because to some extent the Bill expands and clarifies this liability. Mr. Swinburne raised the question whether it was sufficient to define an "inn" as simply "a common inn".

This definition is derived from the common law of England, which has been established over a long period. It seemed sensible, on reflection, that if we are trying to codify the law and make clear to innkeepers what their responsibilities are, we should be clear also as to the sort of people who will be affected.

When the Bill was last under consideration, the Government circulated a suggested amendment. As a result of the discussions which then took place, that amendment has been revised and a new one circulated. It must be remembered that the Bill is now setting out to define an inn. The basis of the definition derives from the common law, and it appears roughly in this form in the English Act. For the first time, the words "hotel" and "motel" are being included in the Victorian legislation. Mr. Elliot pointed out that the English legislation probably did not cover this subject in the same way as was necessary in Victoria because motels are much more common here than they are in England, and it is likely that even more motels will be provided in future.

It is proposed that the definition of an inn will be any hotel or motel and any place which offers food and drink and, if the traveller so requires, sleeping accommodation. The limitations being imposed are that the person must be a traveller, that he must be or appear to be able and willing to pay a reasonable sum for what is being offered, and that he must also be in a fit state to be received in the establishment. This amendment appears fair enough, and it must give an innkeeper a reasonable chance to reject someone who is obviously unable to pay or is not in a fit state to be received. Apart from that, the innkeeper is offering his establishment for the use of the traveller—that is, the public.

There are a couple of interesting aspects about the amendment. For the first time, an Act of Parliament adopts a common law description, which I think is a very good thing. Secondly, so far as I am aware, it is the first time that the word "motel" will appear in a statute.

The HON. I. A. SWINBURNE.—It appears in the Liquor Control Act.

The Hon. R. J. HAMER.—That may be so; it certainly appears in planning schemes and by-laws made by local authorities. In any event, I asked the Clerk to determine whether the word "motel" was defined in the *Oxford English Dictionary*, which is more or less our bible. I am informed that it does not appear, although the copy in the Chamber is a 1955 edition. The Clerk informs me that it does not appear in the latest edition either. However, *The Random House Dictionary of the English Language*, which is published in New York, defines a motel as—

a roadside hotel providing travellers with lodging typically in bedrooms which are united under one roof but have individual entrances, and with nearby parking space.

I think honorable members can accept that as a description of the type of accommodation with which we are dealing.

The amendment is probably a happy compromise; I am sure that Mr. Swinburne will agree that it is an improvement on the definition in the

Bill as drafted. An attempt is being made to let people know the categories of persons who are affected by the Act and what their responsibilities are. After all the work behind the scenes, so to speak, I now move—

That, in sub-section (1) of proposed new section 26, the words "a common inn" be omitted with the view of inserting the words "any hotel or motel and includes any establishment held out by the proprietor as offering food, drink and, if so required, sleeping accommodation, without special contract, to any traveller presenting himself who appears able and willing to pay a reasonable sum for the services and facilities provided and who is in a fit state to be received".

The Hon. D. G. ELLIOT (Melbourne Province).—I thank the Minister. It seems that at least we are developing some indigenous laws. I do not know of any motel in England and perhaps that is why the definition of the word "motel" does not appear in English dictionaries. I thank the Minister for referring the matter to Mr. Hunt to determine the precise letter of the law. Between us, I think we have solved the problem. The Labor Party certainly agrees with the amendment. Only one thing worries me, and that is the responsibility of the innkeeper. No doubt if the Australian Hotels Association agrees that its members should assume this responsibility that is as far as we can go.

The Hon. I. A. SWINBURNE (North-Eastern Province). — The Country Party is prepared to accept the amendment as a reasonable approach to the problem. During the Minister's second-reading speech, I interjected because I felt that the interpretation of "inn" originally given was very wide of the mark so far as the ordinary person was concerned. I appreciated the difficulty of defining a common inn. At that stage I stated that it was an inn. Now an inn is to be defined as any hotel or motel and will include any establishment which offers food, drink and sleeping accommodation. In my opinion, the definition is wide enough to cover all of the categories of inn. As Mr. Elliot stated, it covers the reason for which the Bill was introduced, namely, the requirement for the proprietors of establishments to provide safe-keeping for valuables up to the value of $100. I think the proposal is fair and reasonable, although I know that many persons such as amateur photographers take into hotels and motels equipment which is of very much greater value. However, the amendment covers the objection which I raised earlier, and the Country Party supports it.

The amendment was agreed to.

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

That the expression "27. For the purposes" be omitted with the view of inserting the following:—

"27. (1) An inn within the meaning of this Act shall, and any other establishment shall not, be deemed to be a common inn; and the duties, liabilities and rights which immediately before the commencement of this Act by law attached to an innkeeper as such shall, subject to the provisions of this Act, attach to the proprietor of such an inn and shall not attach to any other person.

(2) For the purposes."

This amendment is the obverse of the coin. It takes out of the ambit of the principal Act those persons whose establishments do not fit the description of an "inn" but which might come within the common law description.

The Hon. D. G. ELLIOT.—Such as straight boarding-houses.

The Hon. R. J. HAMER.—That is so, also restaurants which provide food and drink but not accommodation, guest houses, apartment houses, and so on, which provide all services but not to the public. The Parliamentary Draftsman advises that if the matter is to be defined in this way those establishments which otherwise would be embraced in the common law description should be excluded.

The Hon. D. G. ELLIOT (Melbourne Province).—In a quick scout around of proprietors of the smaller hotels, I discovered that none of them were aware of their responsibilities in relation to a direct request by a lodger to leave valuables with

them for safe-keeping. In the event of refusal to do so, because of lack of facilities or other reason, if the valuables were subsequently stolen the publican could be liable for the whole amount lost. I consider that the Australian Hotels Association is somewhat remiss in not having advised its members on this matter, which I adverted to during the second-reading debate. At least those concerned should be advised of their responsibilities which, in the case of small hotels in Melbourne and throughout the State, are very great. In the extreme one might consider the hypothetical case of a person who plays on the ignorance of the publican and has a definite plan to steal valuables worth $2,000 or $3,000 in the event of the publican refusing to lock them up. The Australian Hotels Association should advise its members with the object of submitting a proposal to the Government at some future date.

The Hon. R. J. HAMER (Minister for Local Government).—I agree with the view expressed by Mr. Elliot. Publicans ought to be advised of their responsibilities, and I shall direct the matter to the attention of the Attorney-General with a view to his requesting the Australian Hotels Association to take some action. In any event, when the Bill becomes law I think it would be wise for the hotelkeepers' organization to inform its members of the new arrangements.

The Hon. J. M. TRIPOVICH.—What action can the publican take?

The Hon. R. J. HAMER.—He can take out insurance.

The Hon. I. A. SWINBURNE (North-Eastern Province).—I followed the Minister's explanation of the amendment with great interest, but I am not much the wiser. Having interpreted something, now we are defining what is not included in the interpretation. Complicated legal jargon is used. The Minister may understand it, but it appears to be a clumsy way of dealing with the matter. I feel that it would be difficult for the layman to understand and therefore it is not good law.

The Hon. R. J. HAMER (Minister for Local Government).—I am not a draftsman and therefore I do not know how to improve the amendment. It makes sense to me, although I agree with Mr. Swinburne that the language is complicated. The Draftsman has to ensure that in redefining a group or class of people and applying liabilities to them, people who do not fall within the category but who, up to date, may have fallen within the description under the common law of England as applied here, are excluded. I shall bring Mr. Swinburne's comments to the attention of the Attorney-General. If an amendment or clarification is required and it can be effected, I shall be the first to support it. I prefer clear and simple language rather than complicated language in statutes. I agree that the amendment is a little convoluted, but I cannot see how to draw it more simply.

The Hon. D. G. ELLIOT (Melbourne Province).—In his usual adroit manner, the Minister for Local Government has been most tactful and has secured a convenient way out. I am sure the honorable gentleman will pass the point on to the correct authority. However, I take it that the desire is to make absolutely certain that all establishments apart from motels or hotels are clearly defined so that their proprietors will not have the same responsibilities as are being applied to the innkeeper as classified. Otherwise boarding-houses, apartment houses, restaurants without accommodation, and so on, could come within the scope of the new provisions. Although I appreciate the intention of the amendment, the fact remains that there are many establishments in Melbourne whose proprietors call them motels but which really are not. There are half a dozen so-called motels in St. Kilda yet cars have to be parked in the streets. The task of definition is

difficult, but I see no reason why a place like the Gatwick in Fitzroy-street, in which 50 or 60 people live, should not come within the same classification as hotels. There is a restaurant situated conveniently nearby, but I do not know whether it is owned by the same proprietor. The issue is complicated in regard to the delegation of responsibilities and that sticks in my craw. Unless proper advice is given to everyone concerned, there could be some sorry results.

The amendment was agreed to and the clause, as amended, was adopted.

The CHAIRMAN (the Hon. G. J. Nicol).—Order! Before proceeding I invite Mr. Merrifield's attention to a long-standing rule of the House that the Clerks' table is reserved for the use of the Minister or member of the Opposition who is in charge of a Bill.

Clause 3 (New Fourth Schedule inserted in No. 6214).

The Hon. I. A. SWINBURNE (North-Eastern Province).—During the second-reading debate, I directed the attention of the Minister to the final words in the Fourth Schedule—

> This notice does not constitute an admission that the Act applies to these premises.

Having gone to the trouble of applying the principal Act to a certain category of person, the Bill requires him to put up a notice in a prominent place. Then words are added which appear to be completely contrary to the principle of the legislation. I realize that the phraseology means that the person concerned is not admitting guilt. Surely if the person comes within the category laid down he should not be permitted to state that the notice which he is required to exhibit does not constitute an admission that the Act applies to his premises.

Although he might be in a fit state to be received, a traveller might have had a tiring day. If he says to the proprietor, "I want to hand you my valuables," and the proprietor replies, "This does not apply to me; read my notice," how can the traveller obtain any assistance from the notice? The arrangement is loaded in favour of the proprietor, and the traveller has no rights. The issue is being confused. If the traveller loses his valuables, he has to go to the trouble of proving that the building in which he spent the night falls within either of the two categories mentioned in the Bill. I do not know whether the Minister can tender me some legal advice on this point, but it appears to me to be contrary to the principle behind the Bill. Surely a building is either an inn or a common inn. The onus should not be on the traveller to prove which category a building is in.

The Hon. R. J. HAMER (Minister for Local Government).—Honorable members should remember the purpose and point of displaying this notice. What the Bill is saying is that an innkeeper may limit his liability to $100 for the loss of property by any traveller who is a guest at his inn, but only if the innkeeper displays the notice. The purpose of the notice is to inform the guest that the limitation of liability applies and to enable him to take some action. A sensible guest will say to himself, "My goods are worth more than $100. If mine host is responsible only to a limit of $100, I must take some other action." The action he takes is to deposit his valuables with the innkeeper, who is then liable to an unlimited extent.

The Hon. R. W. MAY.—What is the position if money is taken from a wallet and the wallet is left behind? There is no insurance cover so long as the wallet remains.

The Hon. R. J. HAMER.—I should not have thought that was the position; I should have thought he suffered damage to the extent of the money he lost.

The Hon. ARCHIBALD TODD.—Who proves that he had the money?

The Hon. R. J. HAMER.—Of course, he has to prove it. One always has to prove loss by some means; if

one cannot prove loss, one cannot recover. That is a common legal problem. If a person can establish that he lost money or valuables or anything else to the value of only $100, he can make a claim against the innkeeper. If the value is more than $100, he cannot recover the excess because the innkeeper has protected himself by giving the guest the opportunity of handing the property over to him and putting it into his custody.

To return to Mr. Swinburne's question, the only way in which the innkeeper can limit his liability is by displaying the notice. If the innkeeper has doubts whether he is within the Act or not, the only course he can take is to display the notice in case he finds that he is within the Act. All the last sentence of the notice says is, "Do not take it that because I am displaying the notice that I am admitting for all purposes that I fall within the ambit of the Carriers and Innkeepers Act. I am putting up this notice in case I am covered." That is reasonable, and such a provision is found in other Acts. It would be regrettable if all a traveller had to do was to say to the innkeeper, "You put up the notice; therefore, you admitted you are liable in all circumstances and so are deprived of any argument that the Act does not cover the premises." I can appreciate Mr. Swinburne's point, but it is not unreasonable to put up a notice on the basis that the proprietor is saying, "I am not admitting that I am within the category of an innkeeper; I am putting up this notice so that you can deposit your goods with me."

The Hon. D. G. ELLIOT (Melbourne Province).—I shall pose a hypothetical case. I am sure the Minister is interested in a fair and square deal for everyone concerned in any legislation that he handles. Let us suppose that Mr. X comes to an hotel, motel or hotel-motel and he has $30,000 in his pocket. He says to the publican, fully knowing the law—he might be a bush lawyer and have taken the trouble to ascertain the position—"I want to deposit my money in your safe until tomorrow." The publican may refuse knowing that he has limited safe facilities, as have most publicans. Mr. X then makes certain that all and sundry are aware of the fact that he made an official request to the publican to retain the money for safe keeping. During the night the money is stolen. The guest might make sure that he has never gone out of the room; he might bring someone from elsewhere to prove it. One can see what is happening today in our society with crimes of larceny, assault with intent to rob, and goodness knows what. Shrewd persons, well versed in the art of crime, could use this as one of the greatest ramps of all time. To require an ordinary hotelkeeper to take out insurance to cover contingencies such as that would be a completely unfair imposition on the publican. It would cost him a small fortune for such cover. The publican leaves himself open if he does not accept that responsibility.

Until a year ago the publican, by law, had to keep free a room in which to keep corpses, if necessary. Only in 1970 has Parliament seen fit to take the horse and carriage out of the Act and to relieve the publican of the responsibility for the car that might be parked in the vicinity. I consider that this proposal warrants a closer scrutiny. It will create injustice to any hotelkeeper—particularly the medium and the small publican—who could not afford insurance to the extent required and who could easily be the victim of the procedure that I have outlined.

The Hon. I. A. SWINBURNE (North-Eastern Province).—I find myself on the opposite side to Mr. Elliot, who is taking the side of the innkeeper. I am attempting to put myself in the position of a traveller who is in a fit state to be received at the establishment. The first part of the title to the Bill is, "To amend the Carriers and Innkeepers Act 1958 with

respect to certain rights and liabilities of innkeepers." Mr. Elliot has discussed that aspect, but the title further states, "and persons having dealings with innkeepers, and for other purposes". As a traveller, I am at a loss to ascertain what the Bill means in relation to my interests. I agree with Mr. Elliot that it is not in the interests of the innkeeper, who has all the liability in relation to this matter, but the position of the traveller is difficult to ascertain. If the Government proceeds with the Bill in its present state, it will be of not much benefit to the traveller in whom I am interested. If the innkeeper is permitted to put up a notice stating that he has certain liabilities and this statement is then qualified, the traveller will not know where he is, and the legislation will be a farce.

The Hon. R. J. HAMER (Minister for Local Government). — This measure seems to have run into some unexpected difficulties. I am inclined to agree with Mr. Elliot to some extent. I refer to the position as it is now under the law, which is very simple. Section 26 of the Carriers and Innkeepers Act puts the liability the other way round. It states—

> No innkeeper shall be responsible for safe custody of any goods or chattels, the property of any lodger or guest above the value of Ten pounds unless such goods and chattels have been given into the care or charge of such innkeeper his servant or agent.

That is simple; there is no liability above $20 unless the goods have been delivered into the innkeeper's care or charge. As Mr. Swinburne said on behalf of the traveller, it would be wrong if the innkeeper could escape all liability simply by refusing to take goods which were tendered to him. Mr. Elliot claims that if the innkeeper has to take everything that is offered to him and is not allowed to refuse, he can find himself facing considerable liability. There is something to be said for both sides. I agree with what I think has been implied, that we are in the process of trying to make new law and to impose new liabilities, and that we should be careful because it may involve people in liabilities which cannot be foreseen. I am prepared to delay the passage of this Bill to enable further consideration to be given to it. I think that is a proper course. The law is simple at present, and if we change it we should be clear what we are changing. Although I do not agree with what Mr. Swinburne said about the notice, that point can also be examined. It seems to me to be reasonable that a hotelkeeper should be able to protect himself in case he is covered by the category under which this liability is imposed on him. Nevertheless, this can be examined.

The Hon. I. A. SWINBURNE.—I do not think it is acceptable to either side at present.

The Hon. R. J. HAMER.—I agree that it is capable of wooliness at some points, and we really should determine once and for all whether or not an innkeeper is entitled under any circumstances to refuse to accept his guests' goods and valuables.

The Hon. J. M. TRIPOVICH.—He should not have to accept responsibility for an exorbitant sum of money carried about by a person.

The Hon. R. J. HAMER.—It depends on what is meant by exorbitant, and all the circumstances. Subject to any other comments which may be helpful, I intend to suggest that progress be reported.

The Hon. D. G. ELLIOT (Melbourne Province).—At this juncture, I am speaking in the light of comments and representations made to me on behalf of many publicans. This proposal disturbs me because it places too onerous a responsibility on the publican. If the extent to which a guest could expect protection was limited to say $500 or $1,000, any publican could afford to pay for appropriate insurance cover. Then we would get somewhere near what might be the full intent of this Bill.

Progress was reported.

SECURITIES INDUSTRY 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.

MILDURA IRRIGATION AND WATER TRUSTS (AMENDMENT) BILL.

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

The House adjourned at 8.48 p.m.

Legislative Assembly.

Tuesday, March 17, 1970.

The SPEAKER **(the Hon. Vernon Christie)** took the chair at 2.19 p.m., and read the prayer.

QUESTIONS ON NOTICE.

STATE FINANCES.

RECEIPTS FROM COMMONWEALTH: DEBT CHARGES: TAXATION AND INCOME: OPERATION OF RAILWAY DEPARTMENT: DEFICITS.

Mr. LOVEGROVE (Sunshine) asked the Treasurer—

In respect of each of the financial years 1965–66 to 1969–70 inclusive—

1. What tax reimbursements were received by Victoria from the Commonwealth?

2. What State grants, special financial assistance or emergency grants, respectively, were received from the Commonwealth?

3. What loan moneys were made available to Victoria under the Commonwealth loan programme for—(*a*) Government works; (*b*) housing; (*c*) semi-government works; (*d*) local government works; and (*e*) any additional or emergency purposes?

4. What were the Victorian debt charges?

5. What was the total of Victorian taxes per head of population and what the Government received from each source of taxation?

6. What total moneys were received by the Government from all sources?

7. What interest the Government received?

8. What was the income and operating expenses of the Railway Department?

9. What concessions, subsidies and services were provided by the Railway Department as a matter of Government policy and what was the cost?

10. What deficits were budgeted for by the Government?

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

	1965–66.	1966–67.	1967–68.	1968–69.	1969–70 Budget Estimate.
	$'000	$'000	$'000	$'000	$'000
1.	191,922	208,790	228,254	250,563	275,000
2. Special revenue assistance ..	..	..	4,837	2,999	..
Financial Agreement—					
Interest on State debts	4,254	4,254	4,254	4,254	4,254
Other Grants of Revenue Nature					
Universities	8,071	9,211	10,991	12,108	13,247
Colleges of advanced education ..	..	1,302	2,788	3,194	4,718
Research grants	331	615	772	675	807
Independent schools	..	..	..	..	5,210
Tuberculosis hospitals	3,010	3,220	3,181	3,228	3,359
Blood transfusion services	144	276	176	193	215
Housekeeper services	8	8	8	8	8
Aboriginal advancement	..	..	..	44	58
Road safety practices	20	23	23	23	23
Natural disaster payments	40	..	5,291	6,000	276
Agricultural extension services ..	298	505	654	972	1,034
Minor agricultural research.. ..	..	..	..	..	11

	1965–66.	1966–67.	1967–78.	1968–69.	1969–70 Budget Estimate.
	$'000	$'000	$'000	$'000	$'000
2. *continued*—					
Grants of Capital Nature					
Universities	4,425	5,250	6,173	7,072	6,206
Colleges of advanced education	..	911	2,677	2,350	5,004
Teachers colleges	..	..	500	1600	3,250
Pre-school teachers colleges	..	..	..	20	100
Science laboratories	2,799	2,799	3,553	3,055	4,037
Technical training	336	3,050	5,091	1,550	4,092
School libraries	..	..	..	500	2,530
Mental health institutions	1,567	1,192	1,381	1,200	1,500
Tuberculosis hospitals	242	263	216	335	250
Aboriginal advancement	..	..	..	181	289
Natural disaster payments	..	..	2,709	3,000	93
Softwood forestry	..	..	300	500	800
Water resources investigations	80	77	131	159	192
King river dam	..	..	..	15	1,400
Dartmouth dam	..	..	..	..	60
Salinity reduction	..	..	600	800	300
Commonwealth aid roads	27,508	29,443	31,286	33,113	38,160
3. (*a*)	123,206	132,520	139,700	146,620	157,870
(*b*)	33,566	32,960	33,765	36,038	36,732
(*c*)	89,836	94,990	107,940	121,420	128,810
(*d*)	10,472	12,911	20,109	19,055	*
(*e*)	3,826	..	7,150	..	..
4.	113,041	121,681	131,199	141,676	154,484

*No specific total amount of borrowing authority is made available for local government bodies which, for Loan Council purposes, are those borrowing up to $300,000 in any year. There is no over-all limit on these borrowings, provided that the terms and conditions of individual loans are approved by Treasury in accordance with general Loan Council conditions.

5. Year and Per Capita.

	1965–66.	1966–67.	1967–68.	1968–69.	Estimate 1969–70.
	$'000	$'000	$'000	$'000	$'000
Probate duty	32,003	34,997	37,642	46,801	48,000
	$9.97	$10.88	$11.50	$14.08	$14.19
Land tax	19,881	21,132	20,976	21,839	23,250
	$6.20	$6.57	$6.41	$6.57	$6.87
Entertainments tax	502	520	523	530	540
	$0.16	$0.16	$0.16	$0.16	$0.16
Motor car third-party insurance	2,271	2,388	2,497	2,605	2,750
	$0.71	$0.74	$0.76	$0.78	$0.81
Totalizator	8,460	10,184	11,661	12,462	14,000
	$2.64	$3.16	$3.56	$3.75	$4.14
Tattersall duty	6,294	6,410	6,085	5,990	6,000
	$1.96	$1.99	$1.86	$1.80	$1.77
Stamp duty	33,313	36,617	48,808	69,496	74,700
	$10.38	$11.38	$14.91	$20.91	$22.08
Duty on insurance business	7,698	8,586	9,270	9,838	10,450
	$2.40	$2.67	$2.83	$2.96	$3.09
Betting instruments	3,227	3,370	3,436	3,431	3,430
	$1.01	$1.05	$1.05	$1.03	$1.01
Licensing Fund payment	7,648	8,563	9,276	10,275	10,800
	$2.38	$2.66	$2.83	$3.09	$3.19
Registration and inspection fees—factories and shops, lifts and cranes, boilers, &c.	687	728	957	1,170	1,150
	$0.21	$0.23	$0.29	$0.35	$0.34
Other taxation	1,816	1,872	1,905	2,197	2,141
	$0.57	$0.58	$0.58	$0.66	$0.63
Total Taxation	123,800	135,367	153,036	186,634	197,211
	$38.59	$42.07	$46.74	$56.14	$58.28

	Year and Per Capita.				Estimate.
	1965–66.	1966–67.	1967–68.	1968–69.	1969–70
	$'000	$'000	$'000	$'000	$'000
6.	940,951	1,079,063	1,151,151	1,257,097	..
7.	32,626	35,559	38,188	41,772	44,000
8. Income	99,673	104,989	98,786	100,328	102,202
Operating expenses	105,182	108,451	110,951	117,959	122,621
9. The Railway Department has made the following estimates of the cost of the various concessions, subsidies and services provided by the Railway Department as a matter of Government policy :—					
Concessions to pensioners, students, &c.	(*a*)	(*a*)	(*a*)	1,819	(*a*)
Freight rate concessions—					
Country industries	3,000	3,300	3,300	3,300	3,300
Decentralized industries	(*a*)	600	(*a*)	524	(*a*)
Kerang-Koondrook line subsidy under Act 5591 of 1951 ..	31	32	30	27	n.a.
(*a*) The amounts for these years have not been calculated by the Department.					
10.		2,423	..	..	20,379

STATE SAVINGS BANK.

CONCESSIONS TO ORGANIZATIONS.

Mr. EDMUNDS (Moonee Ponds) asked the Premier—

Why the State Savings Bank has followed other banks in withdrawing certain concessions to some organizations and what benefits are expected to flow to the banks from this action?

Sir HENRY BOLTE (Premier and Treasurer).—The answer is—

The State Savings Bank of Victoria has not followed the other banks, but has acted in common with and at the same time as the other banks. I am advised that the purpose was to rationalize exemptions which had got somewhat out of hand, and which involved significant subsidies from some bank customers to other bank customers.

PRISONS DIVISION.

GEELONG TRAINING PRISON: INMATES: ACCOMMODATION.

Mr. TREZISE (Geelong North) asked the Chief Secretary—

1. How many inmates are at present accommodated in the Geelong Training Prison?

2. What are the respective offences and sentences of these inmates?

3. How many inmates are within the age groups of 17–20 years, 20–50 years, and 50–60 years, respectively?

4. How many inmates are accommodated in each cell?

5. What is the overnight period that inmates are detained in cells and what sewerage, drinking and washing facilities, respectively, are provided for such inmates during this period?

Sir ARTHUR RYLAH (Chief Secretary).—The answers are—

1. 118.

2.

Offence.	No. of Prisoners.	Sentence Range.
1. Homicide	4	8 years–18 years
2. Assaults	13	3 months–2 years
3. Robbery with violence	5	2 years–5 years
4. Sex	15	3 months–10 years
5. Breakings	14	3 months–2 years
6. Larceny	7	3 months–9 months
7. Motor vehicles ..	24	7 days–2 years
8. False pretences ..	3	9 months–3 years
9. Drunk and disorderly	7	14 days–3 months
10. Vagrancy	..	Nil
11. Indecent, riotous and offensive behaviour, &c.	1	1 month
12. Breach of bond probation	..	Nil
13. Breach of parole ..	15	9 months–3 years
14. Miscellaneous ..	7	40 days–18 months
15. On remand ..	3	Nil
	118	

3. 24 between 17 and 20 years.
86 between 20 and 50 years.
8 between 50 and 60 years.

4. 84 in single cells.
34 in community cells accommodating from 3 to 6 in each.

5. Prisoners are locked in their cells at 5 p.m. and let out at 7 a.m.

Each single cell has a night-tub with a lid. Drinking facilities consist of a half gallon plastic water container and a plastic cup.

Prisoners are encouraged to shower prior to lock-up time and/or first thing in the morning. Hot showers are available at those times. A container of water for washing is also provided in each cell at lock-up time.

In community cells, 2 or 3 night-tubs are provided depending on the number of prisoners in the cell, and each prisoner is provided with a plastic drinking container and cup and washing basin.

FISHERIES AND WILDLIFE BRANCH.

SHIRE OF KERANG: INLAND FISHING LICENCES.

Mr. GINIFER (Deer Park) asked the Chief Secretary—

1. Where inland fishing licences can be obtained in the Shire of Kerang?

2. How many licences were issued and what fees were collected in respect of each agency during each of the past five financial years?

Sir ARTHUR RYLAH (Chief Secretary).—The answers are—

1. Within the Shire of Kerang, there are only two issuing centres, i.e., the police stations at Quambatook and Koondrook. However, the town of Kerang is situated in the Borough of Kerang and licences are also available from the fisheries and wildlife officer in the township of Kerang.

Centre.	1964–65.		1965–66.		1966–67.		1967–68.		1968–69.	
	No. of Licences.	Cost.	No. of Licences.	Cost.	No. of Licences.	Cost.	No. of Licences.	Cost.	No. of Licences.	Cost.
		$		$		$		$		$
Koondrook ..	61	58.50	33	30.00	37	60.50	29	49.00	40	72.50
Quambatook	5	5.00	4	4.00	10	20.00	..	..	3	6.00
Kerang ..	641	640.50	641	640.00	551	1,026.50	367	722.00	449	878.50

FIREARMS ACT.

LICENSING OF SHOOTERS: UNIFORM REGULATIONS: TRAINING IN USE OF RIFLES: VISITORS' PERMITS.

Mr. WILKES (Northcote) asked the Chief Secretary—

1. Whether he has given consideration to amendments to the Firearms Act 1958 to provide for the licensing of all shooters?

2. Whether the Government intends to act on the submissions made to it by the Sporting Shooters' Association of Australia, Victorian Division, which was supported by primary producers, conservation bodies and other sporting bodies?

3. Whether there is any reason why Victoria's approach to discussions with other States in relation to uniformity of Conservation and Firearms Regulations should not be based on the provisions of the Association's submission to the Government; if so, what is the reason?

4. Whether the Government has taken any action to correct anomalies in the Firearms Act 1958, particularly in relation to subsecion (3) of section 32?

5. What action has been taken to allow the training of young people, under supervision, in the safe handling and use of sporting rifles?

6. What action has been taken to institute visitors permits for legitimate interstate sportsmen who wish to compete in Victoria?

Sir ARTHUR RYLAH (Chief Secretary).—The answers are—

1, 2 and 3. Consideration has been given to the question of licensing all shooters.

No decision will be made until after the forthcoming conference of State and Federal Ministers.

4. The Government is not aware of the anomalies to which the honorable member refers.

5. Paragraph (g) of sub-section (1) of section 26 of the Firearms Act 1958 permits young people over eighteen years of age to receive instruction in the use of a firearm under the personal supervision of the holder of a firearm certificate and allows the possession and the carrying for the purpose of such instruction the firearm for which such certificate is in force.

6. Sub-section (3) of section 22A of the Firearms Act 1958 permits the issue to interstate visitors of a temporary authority to possess and carry pistols or rifles for target shooting contests in Victoria providing such visitors are bona fide pistol or rifle club members within their own State.

POLICE DEPARTMENT.

AVONDALE HEIGHTS POLICE STATION: STAFF.

Mr. GINIFER (Deer Park) asked the Chief Secretary—

In respect of the Avondale Heights Police Station—

1. What is the staffing schedule for this station and whether this station has been fully manned since its inception; if not, what circumstances caused it to be undermanned?

2. Whether any request has been made for additional men to be allotted to this station; if so, what was the result of such request and when the station staffing will be reviewed?

Sir ARTHUR RYLAH (Chief Secretary).—The answers are—

1. Originally 1 sergeant and 4 first constables and constables were appointed to this station when it opened on the 18th July, 1966. On the 25th August, 1966, the strength was increased by 1 senior constable. Also, on the 18th July, 1966, a division of the Criminal Investigation Branch, comprising 1 detective senior constable and 1 detective first constable, was established, initially on a temporary basis but it now has permanent status. From the 28th September, 1966, to the 16th October, 1968, one uniform member was performing National Service training but it was not possible to provide a replacement for this member.

2. Yes. On the 6th January, 1967, and on the 25th January, 1968, requests were made by the officer in charge of the station to the Superintendent, Bourke District, for an increase in strength. After consideration of the work-load, in conjunction with the overall availability of manpower, neither request was granted. Also, on the 13th June, 1967, the honorable member for Deer Park made representations to me on behalf of the Avondale Heights Community Youth Club for an increase in strength at the station. As mentioned at the time, apart from members of the Force stationed at Avondale Heights, further police support is given by means of regular patrols of the sub-district by the divisional van operating from Flemington, the Bourke District "Special Duties Squad" and units attached to the Wireless Patrol and Mobile Traffic Section, respectively. Any increase in the staffing of the station will depend upon an overall improvement in the manpower position.

GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES.

Motor Vehicles: Seat Belts.

Mr. DIXON (St. Kilda) asked the Chief Secretary—

1. What is the present position concerning the fitting and wearing of seat belts in all vehicles owned or controlled by State Government Departments and instrumentalities?

2. Whether, in view of the increasing road toll, the efficacy of seat belts in reducing this toll, and the recommendations of the Joint Select Committee on Road Safety, the Government will give urgent consideration to immplementing the compulsory wearing of seat belts for all occupants of vehicles under the control of Government Departments and instrumentalities?

Sir ARTHUR RYLAH (Chief Secretary).—The answers are—

1. Seat belts are fitted to all Government vehicles purchased after 1st January 1969. Direction regarding the compulsory wearing of seat belts is at present a matter for each individual administration.

2. The Government will give consideration to this suggestion.

COUNTRY ROADS BOARD.

Geelong Ring Road: Revised Route.

Mr. TREZISE (Geelong North) asked the Minister for Fuel and Power, for the Minister for Local Government—

When it is expected that the revised route of the R.1 ring road at Geelong as submitted by the Country Roads Board to the Town and Country Planning Board, will be finalized and gazetted?

Mr. BALFOUR (Minister for Fuel and Power).—The answer provided by the Minister for Local Government is—

The Town and Country Planning Board has had no official submission from the Country Roads Board.

Highways and Main Roads: Provision of Lighting.

Mr. SIMMONDS (Reservoir) asked the Minister for Fuel and Power, for the Acting Minister of Public Works—

Whether the Minister has received a request from the municipal section of the Municipal Association of Victoria seeking (*a*) legislation to permit the Country Roads Board to expend its funds in maintaining street lighting on State highways and main roads; and (*b*) contribution towards the cost of street lighting on State highways; if so, what action is proposed by the Minister?

Mr. BALFOUR (Minister for Fuel and Power).—The answer provided by the Acting Minister of Public Works is—

A request was received from the Municipal Association of Victoria, in the form of a resolution arising from the Association's last annual session, at a deputation to the Government on the 11th March, 1970.

The deputation was informed that an inter-departmental committee was now looking into the question of lighting on traffic routes as defined in the Standards Association of Australia Lighting Code.

MINES DEPARTMENT.

OIL EXPLORATION IN WESTERN DISTRICT: DAMAGE TO PROPERTIES.

Mr. FLOYD (Williamstown) asked the Minister of Mines—

Whether he is aware that United Geophysics, Shell Co. of Australia Ltd., and Frome-Broken Hill Co. Pty. Ltd. have been conducting oil exploration in the Western District, and that this exploration has caused material damage to farmers, farm buildings, and water bores, as a result of blasting; if so—(*a*) what recourse such farmers have to the State for not only compensation but for some action by the State Government to require these companies to cease operations until the legal claims of the complainants have been considered; and (*b*) whether the Mines Department will investigate and if necessary police and prosecute those companies which use explosive charges exceeding the strength required for preliminary exploration?

Mr. BALFOUR (Minister of Mines).—The answer is—

I am aware that United Geophysical Corporation has been conducting seismic surveys on behalf of Shell Development (Australia) Pty. Ltd. and Frome-Broken Hill Company Pty. Ltd. in the Western District.

I have been informed that one resident in the area has claimed that his house and water bore were damaged during seismic survey operations and that this resident has instructed his solicitor to act for him in this matter.

In view of the impending legal action relating to the alleged damage, no intervention by the Mines Department is contemplated and in any case intervention by the Department is not provided for in the Petroleum Act.

The Petroleum Act 1958 provides that the question of consent to operations on private land and compensation for the use of land and damage to property is a matter for agreement between the permittee and the landowner or failing agreement for determination by the Court of Petty Sessions.

In relation to the use of explosives for seismic survey purposes there are no statutory provisions concerning the strength required for preliminary exploration.

EDUCATION DEPARTMENT.

GEELONG TEACHERS COLLEGE: WORKS PROGRAMME.

Mr. TREZISE (Geelong North) asked the Minister of Labour and Industry, for the Minister of Education—

1. What improvement and/or development works are scheduled to be carried out at the Geelong Teachers College?

2. When such works were approved?

3. When it is expected such works will be carried out?

Mr. ROSSITER (Minister of Labour and Industry).—The answers provided by the Minister of Education are—

1. (*a*) Site improvement works including the resiting of tennis-basketball courts.

(*b*) Additional staff-office accommodation.

(*c*) Renovations.

2. (*a*) 7th June, 1967.

(*b*) 3rd September, 1969.

(*c*) 20th September, 1967.

3. (*a*) The site works scheme, with exception of tennis-basketball courts, has been carried out. The latter will be proceeded with in the near future.

(*b*) and (*c*) It is unlikely that these projects will be carried out this financial year, but the Public Works Department will be asked to put them in hand as soon as possible.

BRAYBROOK HIGH SCHOOL: COMPLAINT OF SMELL FROM FACTORY.

Mr. LOVEGROVE (Sunshine) asked the Minister of Labour and Industry, for the Minister of Education—

1. Whether the Education Department has received a letter from Braybrook High School complaining that a nauseating smell from a factory has prevented the School from working efficiently?

2. What action the Department proposes taking to protect the school from this nauseating smell?

Mr. ROSSITER (Minister of Labour and Industry).—The answers provided by the Minister of Education are—

1. Yes.

2. The Public Works Department has been asked to investigate the matter and advise the Education Department.

USE OF LAND IN EAST KEILOR.

Mr. GINIFER (Deer Park) asked the Minister of Labour and Industry, for the Minister of Education—

What plans the Education Department has for the utilization of approximately 20 acres of land situated in the region of Milleararoad and Buckley-street, East Keilor?

Mr. ROSSITER (Minister of Labour and Industry).—The answer supplied by the Minister of Education is—

The site is owned and set aside for future primary and post primary purposes.

No indication can be given, at this stage, when buildings will be provided on this site.

SCHOOL LIBRARIES: COMMONWEALTH GRANT: PRIORITIES.

Mr. EDMUNDS (Moonee Ponds) asked the Minister of Labour and Industry, for the Minister of Education—

When priorities will be announced for the construction of libraries from the Commonwealth library grant at high schools and technical schools, respectively?

Mr. ROSSITER (Minister of Labour and Industry).—The answer supplied by the Minister of Education is—

As in other sectors of the building programme, the Department has in the past worked on the principle that the secondary and technical divisions should establish priorities after an assessment has been made of the comparative needs of the schools.

It is not proposed at this time to publish a priority list of libraries to be built, as past experience has shown that this can result in considerable disappointment if, for unseen reasons, the priorities have to be changed. It is, however, believed that the matter can be satisfactorily handled by the divisions concerned releasing projects for documentation as the Public Works Department is able to handle the work.

MATHEMATICS AND SCIENCE CLASSES: INSTRUCTION TO SCHOOLS.

Mr. EDMUNDS (Moonee Ponds) asked the Minister of Labour and Industry, for the Minister of Education—

Whether a recent circular sent to principals of high schools, undersigned by Mr. Schruhm, stating that science and mathematics lessons will be dropped or reduced in lower forms, and further, that each school should endeavour to solve its own problems with staff provided, had the Minister's approval?

Mr. ROSSITER (Minister of Labour and Industry).—The answer provided by the Minister of Education is—

No, the memorandum had not been submitted for the Minister's approval.

QUESTIONS WITHOUT NOTICE.

DRIVING LICENCE TESTS.

Mr. WILKES (Northcote).—Is the Chief Secretary aware of the backlog at licence testing stations, at some of which queues are necessary at present? Is the Government making any provision to overcome the position?

Sir ARTHUR RYLAH (Chief Secretary).—I was not aware that there were queues at present, although licence testing stations are always busy before Easter and Christmas. I will see what can be done. The Opposition has supported the Government's policy of providing civilian licence testers. This might have added to the problem because civilian testers may not handle tests as quickly as members of the Police Force.

SCHOOL FIRES.

Mr. FENNESSY (Brunswick East).—In regard to the destruction of State schools by fire, which I greatly deplore, can the Chief Secretary inform the House what measures, if any, have been taken by the police to apprehend the arsonist or arsonists?

Sir ARTHUR RYLAH (Chief Secretary).—There has been close consultation between the Education Department and the Police Force on this matter. The Force has offered every assistance, firstly, to prevent fires being lit at schools—this is more important than apprehending those who cause them after fires have started—and, secondly, to apprehend the offenders. So far, the efforts have not met with much success. If I can give the honorable member for Brunswick East any further information, I shall do so.

STOCK EXCHANGE TRADING.

Mr. EDMUNDS (Moonee Ponds).—I ask the Premier whether, in view of recent speculative trading in shares on the Stock Exchange of Melbourne, the Government has given any consideration to increasing the rate of receipts duty on this type of transaction.

The SPEAKER (the Hon. Vernon Christie).—That question relates to a matter of Government policy, and is out of order.

SALES OF GAS TO JAPAN.

Mr. TREZISE (Geelong North).—I ask the Minister for Fuel and Power whether it is true that natural gas from the Bass Strait field will be sold to Japan at a rate cheaper than that at which it will be sold locally?

Mr. BALFOUR (Minister for Fuel and Power).—This question, although not in this precise form, has been asked before. Natural gas will not be sold to Japan; that would be impossible. To enable such sales to be made, there would need to be refrigeration and all sorts of other things.

I understand that Australian companies have entered into contracts to supply to Japan liquefied petroleum gas at a price lower than the price immediately ruling in Victoria.

EARLY MORNING AND EVENING SCHOOL CLASSES.

Mr. WILKES (Northcote).—I ask the Assistant Minister of Education: What provision is being made for senior students of certain secondary schools who will be expected to attend early morning classes because of shortages of teachers in certain areas? What provisions will be made for students who cannot possibly attend these early classes because of transport difficulties?

Mr. ROSSITER (Minister of Labour and Industry).—A similar question was asked last week. Arrangements for early morning classes, or classes outside the normal stream of school life, are within the jurisdiction of the principal of the particular school. Every principal of a high school who finds that he is required to organize classes outside normal school hours will make the arrangements necessary for them to be held, either before or after school, or will arrange for tutorials at some stage. This is a matter for the principal concerned.

Mr. WILTON (Broadmeadows).—I ask the Assistant Minister of Education: What action is being taken by the Government to overcome the necessity for school principals being forced into the position of making emergency arrangements for conducting early morning or late evening classes?

Mr. ROSSITER (Minister of Labour and Industry).—The question requires that I should give a survey of what the Government is doing and what it intends to do in regard to teacher training. This is a wide subject and I shall indicate two areas in which there has been major planning in relation to teacher education. Firstly, for the first time in Australia's history there has been established a college of technical teacher training; secondly, the Melbourne Teachers College has been expanded and further additions to the Secondary Teachers College will be carried out, and this will help to overcome the lag.

In addition, the Government is advertising for graduates from the normal stream of the community to take part in crash programmes of training for the secondary area. The Government is concerned about this problem so that teacher training will continue in this State. The Commonwealth Government and the States are in agreement in regard to programmes for teachers' colleges. During the next 3 or 4 weeks the Government will propound a proposal for the establishment of a Board of Teacher Education, which will revolutionize the training and administration of teachers in this State.

PENTRIDGE GAOL.

Mr. MUTTON (Coburg).—It has been reported that this week the Chief Secretary is to attend a conference with L. J. Hooker Limited. If that is so, will the honorable gentleman invite to that conference representatives of the Coburg City Council, the Broadmeadows City Council, and the State Parliamentary members of the districts concerned?

Sir ARTHUR RYLAH (Chief Secretary).—No. As I have already indicated, this is a purely preliminary discussion. I have already given an undertaking to the honorable member

for Broadmeadows that if anything arises from this conference I shall be only too happy to discuss it with him and the Broadmeadows City Council. I give the honorable member for Coburg the same undertaking, which applies to him and to the City of Coburg. I gather that the honorable member for Brunswick West, as usual, wants to get into the act, and if he wishes to have a similar undertaking for himself and the Brunswick City Council I am only to happy to give it.

PAYMENT OF STATE SUPERANNUATION CHEQUES.

Mr. SUGGETT (Bentleigh).—In view of the often unsatisfactory and unreliable nature of the postal services, will the Treasurer suggest to the State Superannuation Board that its cheques be posted on Wednesday in lieu of Thursday. It could be of great assistance to recipients of superannuation.

The SPEAKER (the Hon. Vernon Christie).—The honorable member is referring to State superannuation cheques?

Mr. SUGGETT.—Yes, Mr. Speaker. This matter is particularly relevant because Easter begins next week. Frequently cheques are received too late to be cashed for week-end shopping. I understand that in certain Departments the arrangement I have suggested is being carried out.

Sir HENRY BOLTE (Premier and Treasurer).—I am pleased that the honorable member has drawn my attention to this matter, and I shall have inquiries made.

BETTING ON FOOTBALL WITH TOTALIZATOR AGENCY BOARD.

Mr. WILKES (Northcote).—Has any approach been made by the Victorian Football League to the Chief Secretary for the use of the facilities of the Totalizator Agency Board for football betting?

Sir ARTHUR RYLAH (Chief Secretary).—I am becoming a little weary of answering this question. In answer to a question last week, I thought I made it perfectly clear that there has been an approach to use the Totalizator Agency Board facilities for a highest and lowest competition. This suggestion was made last year and has been repeated. I have already clearly indicated that at present the computer at the Totalizator Agency Board cannot handle such a competition and will not be able to handle it until new equipment has been received and is put into operation.

PENTRIDGE GAOL.

Mr. EDMUNDS (Moonee Ponds).—I ask the Chief Secretary, whether in his preliminary discussions tomorrow, he will inform the L. J. Hooker development company that any approval for the transfer of the Pentridge Gaol site would be approved only by Act of Parliament?

Sir ARTHUR RYLAH (Chief Secretary).—This matter is so obvious that it is ridiculous for the honorable member even to raise it.

TOTALIZATOR AGENCY BOARD PAY-OUT PERIODS.

Mr. TREZISE (Geelong North).—Will the Chief Secretary inform me what objection he has to the Totalizator Agency Board instituting a limited pay-out period at agencies after the last race on any betting day?

Sir ARTHUR RYLAH (Chief Secretary).—I have no objection, but there is no demand for it. When the Government instituted the Totalizator Agency Board, it said that it would not allow payments on the day of meeting. This undertaking was given to Parliament and to the Victorian people. If this policy is to be changed, the matter will have to receive considerable consideration, because it is not the policy of the Government to go back on an undertaking given to the people or to this Parliament.

CAR PARK AT FAWKNER RAILWAY STATION.

Mr. WILTON (Broadmeadows).—Can the Minister of Transport indicate what progress has been made

in regard to the establishment of a car park at the Fawkner railway station?

Mr. WILCOX (Minister of Transport).—I am not able to indicate what progress has been made. I know nothing about this project. I know that an honorable member—I think the honorable member for Broadmeadows—was interested in a similar car park proposal at Glenroy. This went ahead with considerable success. If the honorable member believes there is a necessity for a similar car park at Fawkner, I shall inquire about the matter.

FOOTBALL POOLS.

Mr. FLOYD (Williamstown).—Can the Chief Secretary inform me whether there is any evidence of a great demand from a responsible section of the community for football pools and, if so, will he take into consideration the claims of junior football organizations when coming to a final decision, even to the point of resisting football pools for the wealthy organizations?

Sir ARTHUR RYLAH (Chief Secretary).—I have no evidence of any great demand. If any such demand should arise, I should say "yes" to the second part of the question.

PRINCES HILL HIGH SCHOOL.

Mr. FENNESSY (Brunswick East).—Can the Assistant Minister of Education inform me whether any finality has been reached regarding the locating of temporary class-rooms for the Princes Hill High School?

Mr. ROSSITER (Minister of Labour and Industry).—The matter is still under consideration.

SCHOOL FUNDS.

Mr. GINIFER (Deer Park).—When new schools are expected to be established in any area, some people wish to raise funds prior to the opening of that school, but this is not now permitted. Will the Assistant Minister of Education ascertain whether it is possible for people in new localities, who wish to raise funds in the expectation of schools being opened, to have a fund opened within the Department so that the moneys so raised can be credited to the new school committee when the school is constructed?

Mr. ROSSITER (Minister of Labour and Industry).—The Government agrees with the proposal that communities should assist in raising funds for education purposes. If the honorable member for Deer Park can give me an example of a school committee raising funds for a school predestined, I shall examine the matter.

DUMPING OF RUBBISH BY OIL EXPLORATION COMPANIES.

Mr. B. J. EVANS (Gippsland East).—Has the attention of the Minister of Mines been directed to complaints by fishermen that rubbish is being dumped by off-shore oil exploration companies? If so, does he have power to order the recovery of this material? This is creating quite a problem at Lakes Entrance, which is an important fishing port.

Mr. BALFOUR (Minister of Mines).—This matter has not been drawn to my attention, but as Minister of Mines I have power to control what is done off-shore. I shall certainly have it examined.

PORT WELSHPOOL.

Mr. WILTON (Broadmeadows).—Can the Minister representing the Minister of Public Works advise me of the steps that have been taken to rebuild the port facilities at Port Welshpool which were destroyed by the explosion on the *Western Spruce* and from which funds money will be provided to cover the cost of rebuilding the facilities?

Mr. BALFOUR (Minister of Mines).—I have no knowledge of this matter, but if the honorable member will put his question on the Notice Paper I will ensure that it is answered.

EXPORT OF MERINO RAMS.

Mr. EDMUNDS (Moonee Ponds).—Can the Minister representing the Minister of Agriculture inform me whether the Government supports the Commonwealth Government's decision to allow the export of Merino rams?

Sir WILLIAM McDONALD (Minister of Lands).—In fairness to the Minister of Agriculture, this question should be placed on the Notice Paper.

Mr. FENNESSY.—What is the Minister's personal opinion?

Sir WILLIAM McDONALD.—I am opposed to it.

CENSORSHIP OF FILMS.

Mr. MUTTON (Coburg).—Can the Chief Secretary inform me whether there are any censorship provisions which could be exercised against the film, *The Set*, which is now being screened in a theatre in the city? In my opinion, this film should have been banned because it is demoralizing and degrading and not fit for exhibition.

Sir ARTHUR RYLAH (Chief Secretary).—The reports I have received about the film are very much along the lines suggested by the honorable member for Coburg. I thought it was a "crummy" film. The Government has no control over film censorship. This was handed over to the Federal Government many years ago.

Mr. SUTTON.—More recently than that.

Sir ARTHUR RYLAH.—It was long before this Government came into office and probably when a Labor Government was in power. The Government has control over advertising, but certainly not over films.

WORKING CONDITIONS OF SERVICE STATION LESSEES.

Mr. TREZISE (Geelong North).—Is the Minister of Labour and Industry aware of claims made by many service station lessees that their working conditions, particularly in relation to the financial return for the hours worked, are little better than slave labour? Will he institute inquiries into the working conditions of lessees of service stations in this State?

The SPEAKER (the Hon. Vernon Christie).—Order! The second part of the question is out of order, but the first part may be answered.

Mr. ROSSITER (Minister of Labour and Industry).—I am sorry that the second part of the question has been ruled out of order because I would have liked to answer it.

The SPEAKER.—Order! I invite the honorable member for Geelong North to ask the first part of the question again.

Mr. TREZISE (Geelong North).—Is the Minister of Labour and Industry aware of claims made by many people leasing service stations that their working conditions, particularly the financial return for hours worked, are little better than slave labour?

Mr. ROSSITER (Minister of Labour and Industry).—I am aware that such claims have been made in the community.

Mr. HOLDING (Leader of the Opposition).—Now that the Minister of Labour and Industry has indicated that he is aware of the allegations, can he inform the House what he proposes to do about them?

Mr. ROSSITER (Minister of Labour and Industry).—I am happy to inform the House what I propose to do. I propose to do nothing. I have no statutory power to do anything about it. Nothing in the statutes of the Department of Labour and Industry or of this State allow me to do anything about the matter.

Mr. TREZISE (Geelong North).—Has the Minister of Labour and Industry the power or the scope to institute an inquiry into these conditions?

The SPEAKER (the Hon. Vernon Christie).—The question has already been answered by the Minister.

ADMINISTRATION OF POLICE FORCE.

Mr. WILKES (Northcote).—I wish to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely, the failure of the Chief Secretary to properly administer the Police Force.

Approval of the proposed discussion was indicated by the required number of members rising in their places, as specified in Standing Order No. 8B.

Mr. WILKES (Northcote).—The people of Victoria are fed up with the Government's attitude to Ministerial responsibility. The Opposition wishes to know when the Government proposes to govern. Until now, particularly during this session, the Government has made no attempt to govern Victoria properly. The State has moved from crisis to crisis, from scandal to scandal, and from maladministration to maladministration, and also charges of corruption are being laid against a certain Department of the Government.

The SPEAKER (the Hon. Vernon Christie).—The motion deals with the Police Force.

Mr. WILKES.—I am leading up to that, Mr. Speaker. The State is in dire need of Ministerial control being exercised, but what do we find? If at any time the Opposition raises the matter of police administration, the Chief Secretary reacts or over-reacts like a boy. He suggests that any reference to the administration of his Department is a question of denigrating the Police Force. This is utter rubbish. Members of the Opposition and the people of Victoria are entitled to know what is occurring. The Chief Secretary knows that my practice, and that of the Opposition in this regard, is to raise matters with him and with his Department, if they can be expedited, but that certain subjects must be aired in public.

Instead of exercising Ministerial responsibility, the Chief Secretary recently appeared on a television programme. I watched the programme very carefully, as must have thousands of others in the community. The honorable gentleman got himself into a position where he was running away from the Chief Commissioner of Police and his predecessors; he suggested that they have had many opportunities to improve the basis of promotion in the Police Force under the present system and under the system advocated by the Chief Secretary. As a result of statements made by the honorable gentleman, the present Chief Commissioner, and former Commissioners, have had no alternative but to defend themselves in the press.

The police regulations are very succinct in respect of promotion. For the information of the House, I propose to quote regulation 385 with which the Chief Secretary would have been aware when he charged the Commissioners with not having used the powers they possessed concerning promotion in the Force. The regulation provides—

> In the promotion of any member of the Force consideration shall be given first to relevant efficiency and, in the event of equality of efficiency of two or more officers or members, then to relative seniority. In this clause, "efficiency" means special qualifications, fitness (including physical fitness), aptitude and potential ability to discharge the responsibilities of the higher rank, together with merit, diligence and good conduct.

The SPEAKER (the Hon. Vernon Christie).—I take it that the honorable member for Northcote is quoting from the regulations under the Police Regulation Act 1958.

Mr. WILKES.—Yes, Mr. Speaker.

The SPEAKER.—I remind the House that, in the terms of the motion and the subject of it, it would be out of order to debate promotions and the affairs of the officers of the Police Force which, under the Act, are correctly under the control of the Police Service Board over which the Chief Secretary has no control. A discussion of the operations of the Police Service Board and the conditions within the service which are under the Board's control would be outside the scope of this motion.

Mr. TURNBULL (Brunswick West).—I rise to a point of order. I submit with respect, Mr. Speaker, that you are quite wrong in your ruling. The Police Regulation Act provides that the Chief Commissioner shall appoint and promote members of the Force, including constables, first constables and senior constables. The right to promote sergeants, inspectors and superintendents resides with the Executive Council. The Police Service Board, which deals with pay and working conditions, also has an appellant jurisdiction in regard to those members of the Force who feel that they have been overlooked for either promotion or transfer.

The SPEAKER (the Hon. Vernon Christie).—On the point of order, I do not think the honorable member for Brunswick West is at variance with me. I said that all conditions of service and the control of staff of the Police Force came under the Police Service Board.

Mr. TURNBULL.—With respect, Mr. Speaker, you referred to promotion.

The SPEAKER.—I am sorry; I will withdraw the term. I did not mean to refer to promotion. The question of the handling of the Force is naturally one for the Chief Commissioner.

Mr. WILKES (Northcote).—If that is so, Mr. Speaker, the Chief Secretary did not give that impression when he appeared on television on Sunday evening or when the tape for the honorable gentleman's public appearance was cut. If the Chief Secretary was quoted correctly in the leading article of today's *Age* newspaper, the honorable gentleman adverted specifically to police regulations and Chief Commissioners. The article states—

> Sir Arthur said police regulations gave the Chief Commissioner ample power to promote a man on his qualifications. But he thought Chief Commissioner Selwyn Porter (1954-63) and his successors had "given it away" and "taken the easy way out". If this is so—and Sir Arthur ought to know since he is the Minister responsible for the Police Force—it is hardly surprising that the Victorian Force continues to lose talented and highly qualified men.

I do not wish to canvass the question of the Chief Commissioner's responsibility in regard to promotion. The present system of promotions is clear. The promotions Board, on which there is a chief inspector and a superintendent, is responsible for making the necessary recommendations to the Chief Commissioner. If the Government wants to alter the policy, it is within its right to do so.

I am arguing that the Chief Commissioner of Police, as have other Chief Commissioners before him—and rightly so—is carrying out the policy of the Government of the day. Surely, if the Chief Commissioner is carrying out the Government's policy, the Minister in charge—and the Government—must accept responsibility for it. I contend that in view of the Government's policy and the exhibition which the Chief Secretary gave on television the other evening, much is wanting in police administration in this State. A former Chief Commissioner, who was eulogized on a number of occasions in this Chamber by members of all parties, had no other recourse than to write to the press and defend himself. In today's *Age* this statement appears—

> "In the interests of the Victorian public and the police, I feel I should speak out about this matter of promotions and its related problem—salaries," Mr. Arnold said.

The article further stated—

> State Government regulations forced Police Commissioners to apply the present method of promotion which had a heavy emphasis on seniority, he said.
>
> And low salaries forced police to take second jobs in an effort "to make ends meet", Mr. Arnold stated.

The article went on to discuss other matters which are not germane to this argument, but later continued in this way—

> Government regulations allowed a Police Commissioner to take a promising man and promote him over senior men—but this action could always be overruled by appeal to the Police Board.

The present Chief Commissioner was not backward in getting into the newspapers to defend himself against an attack by his Minister. The article states—

> Policemen were promoted on merit and personal ambition, and not solely on seniority, the Chief Commissioner (Mr. Wilby) said yesterday.

He went on to say that police regulations did not allow for promotion on seniority alone, and he quoted a number of examples. If the Government is not satisfied with the manner in which the Chief Commissioner and the Police Service Board are handling promotions in the Police Force, the Minister should do something about the matter instead of appearing on a public television programme and exposing senior officers in the Force. The lack of responsibility displayed by Ministers of this Government is outrageous.

If one listened to the Chief Secretary, one would think that everything was all right in the Police Force. The honorable gentleman made some reference to the Kaye inquiry and referred to it as the abortion inquiry. It is not an abortion inquiry; it is an inquiry into allegations of corruption in the Police Force.

Sir ARTHUR RYLAH.—Everybody, including you, refers to it as the abortion inquiry.

Mr. WILKES.—The Chief Secretary makes that claim, but it is far more serious, and its repercussions are far more serious in their effect on the good name of the Police Force.

Sir ARTHUR RYLAH.—You want to emphasize the bribery aspect.

Mr WILKES.—The Chief Secretary is attempting to put words into my mouth. It is not a question of bribery; it is a question of corruption in the Victoria Police Force—allegations of corruption that must be proved. But more importantly, members of the Police Force must be protected. When members of the Opposition have asked the Chief Secretary whether he intends to extend this inquiry or whether he intends to institute another inquiry to protect the good name of hundreds of good officers in the Police Force, we have received no reply.

I contend that the image of the Victoria Police Force is being slowly destroyed in the eyes of the Victorian public. This is occurring not only because of the Kaye inquiry but also because the Force has not been able to provide the law enforcement that is required in this State today. Why is that so? Because this Government and the Chief Secretary—whether he has any power in Cabinet or not—have ignored some of the basic needs of the Victoria Police Force. One has only to consider some of the allegations and statements which have been made recently. An article in last Saturday's *Herald* states that a murder is committed every 12 days and a serious assault every 5 hours; that a rape or attempted rape occurs every 2 days; that thieves break into homes, factories and offices on an average once every 20 minutes; and that car thieves strike once every 56 minutes.

I do not intend to analyze each of these charges because that would be out of order, but I am prepared to rely on the Chief Secretary's figures as to the actual situation in Victoria. As recorded in *Hansard*, in answers to questions, the Chief Secretary stated that between the 1st December, 1969, and the 24th February, 1970, 3,686 bashings and assaults were recorded in Victoria by the Police Force which, under its present structure, has not been able to cope with the situation. The number of persons charged with these bashings and assaults would be comparatively small. This situation is the fault not of the Police Force but of the Government because it has failed dismally to provide a proper recruiting programme to encourage more men into the Force.

I rely again on the Chief Secretary's figures in relation to recruiting and the strength of the Force. At the end

of February, the actual strength of the Police Force was 4,726 men; the authorized strength—which is a misnomer—was 4,781, a difference of 55. It would not make any difference if the authorized strength were the actual strength; there would be a difference of only 55 men. The late former Chief Commissioner, Mr. Selwyn Porter, said that the Police Force was 1,000 men short. The Police Association and most law enforcement groups in this State make a similar assertion. The authorized strength could be 6,000 or 7,000 men; it would be safe for the Chief Secretary to state whatever authorized strength he chose, because he and the Government have failed to bring the actual strength up to the required level. It is misleading to use the word "authorized" in this context. Victoria has a ratio of 1 policeman to every 711 persons; this is an overstatement, because the figure includes cadets in training, so it would be more accurate to give the ratio for Victoria as 1 to 716 persons, compared with the New South Wales ratio of 1 to 625 persons. If one examines the expenditure per head of population on the Police Force, the Victorian figure is $6.22 per head, which is far below that of most other States and less than that of New South Wales, which has a much larger Police Force and certainly a much larger population for which to cater.

The Government and the Chief Secretary have shown some concern, because legislation passed by Parliament has accentuated the need to initiate the employment of civilians by the Police Force to take up the backlag. The current situation is that the Police Force in Victoria has a higher civilian content than that in any other State. The fact that watching companies employing as many men as the Police Force operate throughout Victoria on all types of watching duties and the fact that the civilian content in the Force is higher than that of any other State indicates that the Victoria Police Force is sadly understrength to fulfil modern day needs. The Chief Secretary must be aware of that. All the information we can obtain from him is that he cannot initiate a proper recruiting campaign because he cannot obtain more money from the Treasury.

What is disturbing to me, as it must be to the Government, is the number of men who leave the Police Force in any one year. In 1969, 304 men were recruited and 287 left, including 22 cadets. This shows that there is something wrong with the administration of the Force. It is the duty of the Government to the people of Victoria to find out what causes the high incidence of resignations. In 1967, there were 109 resignations; in 1968, 143; and in 1969, 186. The figures show a 72 per cent. increase in the number of resignations in two years. This is alarming. An examination of all the reasons would lead to certain conclusions, but I shall not take the time of the House on that aspect, which will be dealt with by other speakers.

On the Chief Secretary's figures, the total number in the Police Force in 1967 was 4,681; currently, the number is 4,726. This is an increase of 3 per cent. in strength in two years as against an increase of 72 per cent. in the number of resignations. If this alarming state of affairs is allowed to continue, law enforcement will be only a joke. This is not a matter of making things easy for criminals; they are already aware of the situation. The people of the State are concerned. Chief Commissioners, past and present, have made strong representations to the Government on what should be done about recruiting. No doubt the Chief Secretary, in his anxiety to provide better law enforcement, has attempted all sorts of measures, but the Government must honestly realize that those measures have failed. The Chief Secretary has not yet put into effect other measures which he has suggested to the press he proposes to initiate.

When the present Chief Commissioner took office, he said he had a five year plan for the police, and that

speed was the aim. Whether the Government acquiesced in his plan, we do not know, although we should like to know what has been done about it. In a statement in the *Sun News-Pictorial* of the 16th June, 1969, the Chief Commissioner outlined these points of his plan:—

The wireless patrol may be re-formed, renamed, decentralized, and placed under the regional control of district superintendents.

A new mobile traffic branch would be established in a new $400,000 police station in Whitehorse-road, Nunawading.

Introduction of computers.

A wider role for policewomen, including taking over some of the functions of D24.

Phasing out the present special patrol and expanding the Criminal Investigation Bureau by 36 men—the present strength of the special patrol.

Closing more small police stations that do not operate on a 24-hour a day basis.

The Opposition opposes the policy of closing small police stations while the present state of affairs exists, if there is to be a reduction of police services in some areas. According to the Chief Secretary's figures, it is in such localities that most petty crimes and larcenies have taken place, as well as most of the 3,000 bashings which have occurred. These crimes occur because there are no personalized police services in parts of the metropolitan area today. Service is centralized because of the failure of the Government to provide an adequate over-all service. A centralized service is not the answer. Such a service actually inclines to decentralized rather than centralized police control. In this day and age, it is accepted in every place in the world except Victoria that foot patrols are necessary. This is so in New South Wales, and also in South Australia, where I recently had the privilege of seeing the efficient administration in operation. The Chief Secretary says that today mobile forces are needed. That is true but, quite apart from the fact that our Police Force is insufficiently mobile, foot police are also needed.

Although Opposition members have raised all these matters from time to time, nothing has been done. Our suggestions have been rejected by the Chief Secretary on the premise that we are attempting to reduce the efficiency of the Police Force rather than to improve it. In the light of his disregard for the suggestions of his Chief Commissioners, how can one expect any of the measures suggested by them to be put in effect to help stop the rot?

The crime figures in Victoria are alarming. Today there was another bank robbery. There have been seventeen armed hold-ups since December of last year. If the mobility of the Force will prevent armed hold-ups, the Police Force ought to be mobile. The Government should consider giving a high priority to the suggestions of the Chief Commissioner and other high-ranking officers and should consider their philosophy of what would be a better and more equitable way of organizing an efficient and modern Police Force.

Members of the Opposition would be failing in our duty if we did not advise the Chief Secretary on how his Government should improve the efficiency of the Force. We do this at the risk of boring the honorable gentleman, because we have told him these things on many occasions. It appears that we have to reiterate what we have already said in pointing out that there are ways and means to improve the Force. The Chief Commissioner will advise him on these means, and so will we. The first and most positive step to that end would be a change in the Government's approach to recruiting. Its present approach is "old hat" and should be brought up to date, so that young men can consider employment in the Police Force as a career. With the remuneration presently offered by the Government, one cannot expect them to consider it a career.

The SPEAKER (the Hon. Vernon Christie).—I have pointed out that the

matter of terms and conditions of employment is under the jurisdiction of the Police Service Board, not the Chief Secretary.

Mr. WILKES.—The Government is represented on the Board.

The SPEAKER.—That subject is out of order.

Mr. WILKES.—I accept that the Chief Secretary and the Government refuses to accept any responsibility for the pay and conditions of the Police Force. There is no hope for the Police Force in Victoria when the Minister and the Government refuse to accept that sort of responsibility. Conditions of employment and pay are the crux of the matter. People cannot be expected to make a career in the Police Force if their pay is not commensurate with the duties they have to perform with the remuneration they would receive in private employment. That is why there are so many resignations from the Force. Only recently, a bright young detective took a job with G. J. Coles and Company as security officer for Victoria and Tasmania because he would receive greater remuneration from the company than he would as a member of the Victoria Police Force. As the Chief Secretary said on Sunday, the Commonwealth can pay more, so it takes trained men from Victoria. The administration is to blame.

It is a shocking state of affairs when eight officers, all trained in some level of accountancy, are taken from the Company Fraud Squad and transferred to other sections of the Police Force, particularly with the commercial immorality that exists in Victoria. This is a waste of trained and skilled man power of which the Chief Secretary is aware. The Opposition charges him with the responsibility of correcting this state of affairs so that trained and skilled men can be used in positions in which their training and skill are needed. Considering the number of commercial crimes that take place today and the number of ordinary people who are affected, we would expect eight men trained to some degree of accountancy in the Company Fraud Squad to be left there. There are dozens of illustrations of this point, of which the ambit of this debate is not sufficient to canvass.

To conclude, it is claimed that the duty of the Chief Secretary is to protect and advise his Chief Commissioners and his departmental heads. It is the Government's responsibility to lay down a policy for the Chief Commissioner and his senior departmental heads to follow.

Sir HENRY BOLTE.—Would you arm policemen?

Mr. WILKES.—I leave that to the better judgment of the Chief Secretary.

The SPEAKER (the Hon. Vernon Christie).—Order! The honorable member should address the Chair, and he has one more minute in which to complete his speech.

Mr. WILKES.—The Premier might be satisfied to know that a proportion of traffic policemen and policemen on the beat are armed. I commend the motion to the House. The Chief Secretary has fallen down on his job of administering the Police Force, and in doing so has exposed the weakness of the Government and displayed lack of Ministerial responsibility in not protecting his Chief Commissioner.

Sir ARTHUR RYLAH (Chief Secretary).—I frankly express my disappointment at the case put up by the Opposition. In fact, I do not believe the Deputy Leader of the Opposition really had his heart in the job. What is all this about? It is related to a statement I made last Sunday night on a television programme which was recorded last Friday. What in fact did I say? I referred to promotion in the Police Force and to provisions of the Police Regulation Act and the regulations. Incidentally, the Deputy Leader of the Opposition quoted the incorrect regulation when he referred to No. 805. To get the record clear, he meant regulation No. 385.

The honorable member mentioned the emphasis placed on efficiency, which is exactly what I referred to as part of a general coverage of a number of subjects. I was expressing an opinion when I said that successive Chief Commissioners had paid too much attention to seniority and too little attention to efficiency. Let us examine the situation. The provisions of Police Regulation No. 385 and those concerning promotion within the Public Service are similar. Each recommendation of a departmental head is subject to appeal. In the case of the Public Service, an appeal is made to the Public Service Board. In the case of the Chief Commissioner exercising his function as a departmental head, as it were, under the Police Regulation Act, an appeal is made to the Police Service Board.

In 1967 one appeal was made against the decision of the Chief Commissioner, and that was withdrawn. In 1968, there was a comparative Police Force strength in the vicinity of 4,700 and a Public Service strength of 12,000—in general terms, roughly two and a half times greater. In the year ended the 30th June, 1968, there were approximately 1,920 appeals against recommendations within the Public Service and during the corresponding period there were 5 appeals in the Police Force.

Mr. WILKES.—They have thrown in the towel.

Sir ARTHUR RYLAH.—I discussed the matter with the late Selwyn Porter. The point I am endeavouring to make—and I can understand that the Deputy Leader of the Opposition does not want me to make it—is simply this: In regard to promotion, the provisions of the Public Service Act and those of the Police Regulation Act are substantially similar. As I stated during the television programme, because of an unfortunate experience the late Selwyn Porter had when he was cross-examined up hill and down dale as to why he did not recommend the senior man, he gave away the question of promoting a junior man on the basis of efficiency. This policy was followed by his successors.

All that I intended to do—and I might have succeeded—was to encourage the present Chief Commissioner to promote on merit as well as seniority. I believe he was not fully reported. On television last night he put the record straight, and this could be the best thing possible for the Police Force. There are many capable and able men in the Police Force, and many have resigned because they firmly believed that seniority must win. It could well be that the resignations referred to by the Deputy Leader of the Opposition might not have occurred, or that many good men might not have left the Police Force, if they had had some hope that promotion by merit had a reasonable chance of being implemented. I believe many of them would take the chance of being appealed against if they felt that the Chief Commissioner was prepared to promote on merit and efficiency.

I do not want it to be suggested by the Deputy Leader of the Opposition that I used the figures for 1968 because they suited me. In 1969 there were approximately 1,908 appeals against promotion in the Public Service but only 7 in the Police Force. Does that not speak for itself? Does that not indicate that the junior man is not being appointed and that the senior man is? If what I said on the television programme has encouraged the Chief Commissioner—and I believe it has—to promote on efficiency rather than mere seniority, the State will have a better Police Force.

Reference was made to the failure of the Government to direct the Police Force in relation to what it should do. I have consistently said—and this was echoed by the Deputy Leader of the Opposition today—that the general administration of the Police Force should be left to the Chief Commissioner. However, I

point out that the Government encouraged the late Selwyn Porter, Mr. Arnold, and quite recently Mr. Wilby to stand up to the matter of seniority, and to promote on merit and efficiency ; of course, the Government and Parliament have given a lead. The old system was broken through by the appointment of assistant commissioners. The Government gave this House an assurance that these appointments would be on merit and not purely on seniority.

Mr. TURNBULL.—You "jumped" Mr. Wilby from sergeant.

Sir ARTHUR RYLAH.—We did not go quite that far. I shall cite the case of Mr. Wilby, the present Chief Commissioner. He was No. 84 in the seniority of inspectors when he was appointed Assistant Commissioner. He was appointed by the Government over 83 inspectors and approximately 21 superintendents. There were some immediate heart-burnings from senior people in the Force, but generally the Force welcomed the appointment.

Deputy Commissioner Jackson was No. 44 in seniority of inspectors grade 1 when the Government appointed him. Mr. Braybrook, Assistant Commissioner, Traffic, probably voted the most successful policeman ever to be appointed, was No. 28 in seniority of 83 inspectors grade 1. Mr. Carmichael, who every honorable member agrees is an outstanding policeman, was No. 12 in seniority out of 83 inspectors grade 1.

Mr. McLaren, Assistant Commissioner, Crime, who was the second superintendent to be appointed Assistant Commissioner in recent years, will make his mark in Victoria. Mr. Clugston was the first so appointed. Mr. McLaren was No. 14 out of 15 superintendents grade 2. I do not propose to go through all the matters raised by the honorable member for Northcote, but I shall refer to several of his comments. He said that there was a greater content of civilians in the Victoria Police Force than in any other Police Force in Australia. I remind him, and other members of the Opposition, that the constant plea in this House week after week and month after month is that policemen should be relieved of civilian duties. The Government has had tremendous success in this field; it has appointed many typists, stenographers, civilian licence testers, and civilian clerks to relieve the policemen of administrative work so that they can do the job as policemen.

When one talks in figures as to the ratio of policemen to population, one must have regard to this civilian content which the honorable member for Northcote praises one day and complains about the next day. The secretary of the Police Association has also got himself into that situation. He advocated—in fact pushed—for it and now he is concerned about it. I shall not get myself involved too much in relation to the police tribunal, because you, Mr. Speaker, have given a direction in that regard. However, for the first time that I can recall since this tribunal was established, a consent award was made last year with the full agreement of the Treasury, and it was a very good award for the Police Force. Some features were reserved by the Board for further consideration, but the award represented a substantial increase.

The SPEAKER (the Hon. Vernon Christie).—Order! The Chief Secretary should not develop that argument too much.

Sir ARTHUR RYLAH.—I could not agree more, Mr. Speaker, and I thank you for your indulgence. It has been suggested by the honorable member for Northcote—I believe to some extent with his tongue in his cheek—that the Government has excused itself on financial grounds. He knows only too well that the Treasury has approved the appointment of an additional 220 policemen, if they can be obtained. The Government has not directed the recruiting campaign ; it has left it to the administrators of the Police Force. It has given further support to any proposal that they might have, and only recently I had a

survey made in certain areas to assist them and to ascertain whether additional recruiting activities could achieve any result. I conferred with the Police Association only last Friday. The Government has further ideas to assist, and at least it persuaded the Association to allow Inspector Crowley to serve on a committee with members of the Force on this question of recruiting.

Mr. WILKES.—Has the Government increased the authorized strength by 200 men?

Sir ARTHUR RYLAH.—Some 220 policemen have been engaged in part fulfilment of the promise made by the Premier two years ago that 500 men would be recruited. The honorable member for Northcote pointed out that this authorized strength was not worth a cracker.

Mr. WILKES.—I said that it was a myth.

Sir ARTHUR RYLAH.—It is not a myth; it is a fact, and this is known by the Association. Last Friday week the Association asked me to restate the position, and I have done so.

I shall deal with the final attack made on me, relating to the proposals made by the Chief Commissioner for the development of the Force. The decentralization of the wireless patrol is on the way; so is the new mobile traffic station at Nunawading; the computer is subject to investigation; the special patrols are being phased out; and an increase in the Criminal Investigation Branch is under way. My colleagues will have more to say on some of the wider allegations which have not been supported.

Mr. HOLDING (Leader of the Opposition).—I shall refer to some examples of the ineptness of the Chief Secretary and the incompetence of the Government. The present situation must surely be without precedent in the annals of any Parliament which operates on the British doctrine of Ministerial responsibility. Only last week members of the Opposition witnessed on many occasions the intemperate outbursts by the Chief Secretary directed at a member of the Opposition who asked a question about Government administration which affected his Department. The answer given by the Chief Secretary was, in effect, "Why do you raise it in Parliament; why not write me a letter or speak to me privately about it?" On how many occasions have honorable members heard that statement made by the Chief Secretary?

On Sunday night I saw the saddest and sorriest spectacle that it has been my misfortune to witness when I saw the Chief Secretary on television, in a craven and wanton misuse of his responsible position, publicly assail and attack the present Chief Commissioner of Police and some previous Chief Commissioners. I am not interested in engaging in some sort of exercise in semantics with the Government about the police regulations or statutes. Only one question remains to be answered: Are the Chief Secretary and the Government responsible for the maintenance of law and order or are they not? Does the Chief Secretary accept Ministerial responsibility to this House for the actions of the Police Force or does he not? The matter is as simple as that. Let us not cavil at or get carried away with the interpretation of regulations.

So far as Parliament is concerned, members do not see Mr. Wilby, the present Chief Commissioner, or any of the former Commissioners. The concept of Ministerial responsibility involves the Chief Secretary in being answerable for their failures and for any act of administration that falls within his Department. If that is not the position, the Government should say so. Where is this Government and Parliament heading, when one picks up a daily newspaper and sees the headlines, "Rylah blames Police Chiefs on promotion"? Where is this gutless craven Government heading?

Honorable members may laugh, but when the Government is caught with the spectacle of its own ineptitude,

inefficiency and stench of corruption, the Chief Secretary, to crawl out from under, assails the Chief Commissioner of Police and lays the blame on him. If there is anything sadder than seeing the Chief Secretary attacking the Chief Commissioner of Police, it is seeing the Chief Commissioner forced into the public press to defend himself against the incompetent Chief Secertary.

The result is the spectacle of headlines in the press such as "Wilby hits at Rylah on police promotion." This is the Chief Secretary who says to an honorable member in this House, "You should not have raised this matter because you might affect the morale of the Police Force. Why did you not talk to me about it?" Is the House to imagine that communications between the Government and the Police Force have reached the stage where, if the Government wants to inform the Chief Commissioner of Police of a view it holds on methods of promotion, the Chief Secretary must appear on a television programme and say, "I am not happy about this and that."

Mr. WILKES.—The Chief Secretary said that the Chief Commissioner had given away promotion by efficiency.

Mr. HOLDING.—That is so. Has there previously been an occasion in the memorable history of this House when there has been the spectacle of a Chief Secretary publicly rebuking and by implication maligning, the Chief Commissioner of Police on the public forum of television? One may well ask how far this Government is prepared to go when it is caught with all the evidence of its incompetence and administrative failures. Does anybody seriously expect the people of Victoria to believe that if the Chief Commissioner of Police is not responsive to the policy viewpoints of the Cabinet and the Chief Secretary there are not appropriate and proper methods by which these views can be communicated to the Chief Commissioner?

Is it necessary for the Chief Secretary to appear on a television programme and publicly dissociate himself from the administrative decisions taken in regard to the Victoria Police Force which, under his oath, the Chief Secretary is bound to administer? Does the Government accept the view that it and the Chief Secretary are responsible for the maintenance of law and order or do they want to shelve the issue and put it on to the shoulders of the Chief Commissioner of Police? The meaning of the regulations has no relevance. If the regulations are not serving the policies of the Government, it has the numbers and the capacity to alter them. That is what Government is about.

Today the Chief Secretary indulged in an exercise in semantics. The first duty of any Government is the maintenance of law and order, and it is beyond argument that under the present Government law and order in Victoria is breaking down. What is the record that Government supporters will have to defend, and for this record I do not rely on what is printed in the newspapers? The Chief Secretary has stated that since 1st December, 1969, there have been 17 armed hold-ups and robberies in Victoria. There was another one today.

Mr. WILKES.—There have now been 22.

Mr. HOLDING.—That is so; nobody aspires to be a bank manager while this Government remains in office. There have been 3,686 assaults and bashings since 1st January, 1969. I am not relying on glaring headlines in the *Herald* which described Melbourne as the crime capital of Australia. The Chief Secretary should forget about the books which his fictional teenage daughter might read. Would the honorable gentleman allow his fictional teenage daughter to travel on a suburban train and get off at an unmanned railway station at 11 p.m.? He certainly would not do so if he was a responsible father.

What sort of community is Melbourne becoming under this Government and this Chief Secretary when we accept—as presumably the honorable member for Hawthorn does—that old ladies can be shot when standing in their front gardens? The honorable member for Hawthorn might be at cross purposes with members of the Opposition, but we believe that old ladies have the right to dig in their front gardens without being shot. We also believe that children should be able to go to films without being protected by armed guards and that citizens carrying out important professional duties should be able to execute those duties without having bombs thrown into their front gardens.

Mr. BILLING.—And members of Parliament leading street demonstrations!

Mr. HOLDING.—I understand that some members of this Parliament will be leading a demonstration of farmers up Bourke-street on Monday. So far as I am aware, the only company of any significance that is being investigated by the Attorney-General is a housing co-operative in which certain members of this Parliament are interested.

Mr. LOXTON.—More smear.

Mr. HOLDING.—I invite the honorable member for Prahran to read *Hansard*, from which he will find that a certain co-operative housing society is being investigated by the Attorney-General. It is almost typical of the efficiency of the Government that after a number of school buildings have been burnt down in the inner metropolitan area the only person apprehended to date has been the Minister of Education! A cat burglar is treating law enforcement in Victoria as a joke. He is so close to being a millionaire that he could get an invitation to a certain $100 a plate dinner.

Law and order in Victoria is the first prerequisite and duty of any Government, but this Government is failing lamentably. The people are tired of the scandal. If there is one thing worse than such a scandal, it is a Chief Secretary who walks away from everything and endeavours to put the responsibility and the blame onto a person who is in essence a public servant.

Opposition members will never accept that concept. The Chief Secretary is responsible for the administration of his Department. Whenever it is necessary to consider the administration of the Police Force, at no time will we look to Mr. Wilby or some superintendent or sergeant; the Chief Secretary is the only person who is answerable to this House.

For those reasons, I commend adoption of the motion as the only method by which the House can purge its honour and dissociate itself from the actions of the Chief Secretary, who has endeavoured to place the blame for the failures of the Government on to the heads of Chief Commissioners, past and present, in order ultimately to pave the way for a situation in which the Government can say to the people, "If there is a breakdown in law and order or in the efficiency and the administration of the Police Force, do not blame the Government; blame the Chief Commissioner." Such a concept is totally abhorrent to the concept of responsible government. For that reason, if for no other, members of the Opposition commend the motion ably moved by the Deputy Leader of the Opposition.

Mr. RAFFERTY (Glenhuntly).—From what has been said by the Leader and the Deputy Leader of the Opposition, this is another typical band wagon, sham attack by the Opposition aimed at gaining some political advantage prior to the election. In their speeches, both honorable members have asked the Government a number of questions. The first question posed forcibly by the Leader of the Opposition related to Ministerial responsibility. The honorable member said that it was a simple question and he wanted to know

whether the Government, through its Ministers, accepted Ministerial responsibility. From the excellent reply given by the Chief Secretary, which will be amply supported by other speakers, I should think that the honorable member has had his answer.

The Deputy Leader of the Opposition picked upon one small point from an excellent television interview on Sunday in which the Chief Secretary clearly explained his attitude towards law enforcement in this State, the responsibility of the Government and the responsibility which he personally has undertaken. I think it is fair to say that Victoria has never previously had a Chief Secretary who has done more for the State and for the improvement of conditions in the Police Force than has the present occupant of the office. It is just as fair to say that there have never previously been people who have done more to degrade and lower the standard of morale in the Force than the Leader of the Opposition and the Deputy Leader of the Opposition. On almost every occasion when the Deputy Leader of the Opposition speaks in this House, he makes some reference to the Police Force. Not once does he give credit; under the guise of criticizing the Government he always utters some criticism of the Police Force.

There is ample evidence to support the view that the attitude of the Chief Secretary during his term of office will be applauded by the community. The honorable gentleman instanced a number of reforms for which he has been responsible. The first reference related to the creation of the top three senior positions so that a greater degree of responsibility would rest in the hands of those responsible for the Police Force.

Mr. WILKES.—The top five.

Mr. RAFFERTY.—That makes the position even better. The positions and their resultant responsibilities were accepted by those members of the Police Force. The creation of the positions in no way lessened the Chief Secretary's over-all Ministerial responsibility. The Chief Secretary also mentioned the increased mobility of the Force. Again the responsibility of the Chief Secretary was in no way lessened. He assumed a greater degree of responsibility and there was a greater streamlining of the administration.

Great play was made by the Deputy Leader of the Opposition on the question of the civilian content of the Police Force. On many occasions, while ostensibly criticizing the Government but in fact criticizing the Police Force, the honorable member has said that the Government has not made sufficient use of civilian employees. In a letter dater 27th June, 1967, addressed to Mr. R. H. Arnold, Chief Commisioner of Police, Mr. W. D. Crowley, Secretary of the Police Association, stated —

> Lest you should consider the position is being exaggerated, I would respectfully point out that in the past 10 years, whilst the authorized Police strength has increased by 21 per cent. (from 3,772 to 4,571), civilian staff attached to the Police Department has increased by 54 per cent. (from 352 to 540). The percentage of Public Service staff is possibly greater as the figure of 540 has probably increased recently.

Today there is a greater civilian content in the Force, enabling policemen to be released to do a job on the beat. The honorable member himself acknowledged that the content is the highest in Australia. The Government is proud of this content and it is utterly stupid that the Government should be criticized on this account. As I said, it is purely a sham fight by the Opposition to try to capitalize on a statement in the press.

Mr. FENNESSY.—What do you think of the statement?

Mr. RAFFERTY.—I think exactly as the Chief Secretary explained this afternoon. There is a great deal of merit in what the honorable gentleman said. The Deputy Leader of the Opposition meticulously explained that there were a number of reasons why the Police Force was not up to its authorized strength.

The honorable member asked why so many police were leaving the Force. He is adept at reading newspaper articles that he likes and ignoring those that he dislikes. An article in today's press indicates that, by virtue of good government throughout the whole of Australia, a situation of over-full employment exists.

Mr. TURNBULL (Brunswick West).—On a point of order, I suggest that this matter is irrelevant to the debate.

The DEPUTY SPEAKER (Mr. J. D. MacDonald).—There is no point of order.

Mr. RAFFERTY (Glenhuntly).—Many members of the Opposition will be glad of that situation in a couple of months' time. Because there is over-full employment, many opportunities are created for members of the Police Force, who are as entitled to seek other jobs as is anybody else in the community. That is only one reason. One of the other reasons is that there is a lack of opportunity for members of the Force by virtue of the methods used for promotion. This is the very point that was emphasized by the Chief Secretary when he appeared on television ; it is also the point concerning which the Opposition has moved this phony motion.

The Chief Secretary stated that he hoped from his observation—and I sincerely hope from the observations made by Government members to-day —that the Chief Commissioner of Police and those who had the authority would see that ample opportunities for promotion would be available to younger men in the Force. The Chief Secretary emphasized what the Government did when it appointed three assistant commissioners and how it went about making the appointments to these top positions. No honorable member would criticize those appointments. In each instance, the promotions were gained by men who did not hold the senior position. The Chief Secretary simply stated that he hoped his remark would be sufficient to encourage the promotion of talented young men in the Force to better positions. If this is brought about, fewer members of the Force will want to leave. Those members of the Force who leave because they seek better opportunities in other employment will no longer have the need to leave.

Mr. WILKES.—Many of them leave because they want more money.

Mr. RAFFERTY.—It is not a question of more money. Because of an earlier ruling from the Chair, I am unable to discuss this aspect. However, the honorable member for Northcote spoke briefly on it, and I shall do likewise. The honorable member knows that there is a police tribunal which decides these matters. That tribunal was brought into being as a result of action taken by a Government of the same political persuasion as the honorable member for Northcote.

The motion refers to the failure of the Chief Secretary to properly administer the Police Force. The wording suggests that there is a total lack of awareness of responsibility on the part of the Chief Secretary. What could be further from the truth? The honorable member for Northcote criticized the Chief Secretary and claimed that he was not doing his job. In the course of his remarks, he referred to the abortion inquiry. I invite honorable members to consider what happened in regard to this inquiry. As soon as the Chief Secretary realized that something was amiss, he took action to start an inquiry. As the inquiry progressed in its frustrated way, the Chief Secretary again acted promptly to instigate the Kaye inquiry. Are these the actions of a Minister who is unaware of what is happening in his Department? The actions of the Chief Secretary clearly indicate a keen awareness of his responsibility and if honorable members are fair—occasionally Opposition member are —they will recognize that no other Minister in Victoria has been more aware of his responsibilities or

has done more to uplift the status of the staff of his Department and the Police Force than has the Chief Secretary.

The honorable member for Northcote referred to the ratio of police to population in the State. I shall accept the honorable member's figures, which were near enough to correct. The honorable member stated that although the authorized strength of police in Victoria was 4,781, the actual strength was only 4,726, representing a shortage of about 1.2 per cent. There is nothing unusual in this shortage when it is compared with the position in other parts of the world. For example, the total strength of the Police Force in the United Kingdom is 103,859, there being a shortage of 17,445. In the United Kingdom metropolitan area, the Force has a total staff of 25,417 and a shortage of 5,464. It should be emphasized that the current shortage in Victoria is caused primarily by a shortage of man power and a state of over-full employment.

Mr. WILKES.—The figures you quote are misleading.

Mr. RAFFERTY.—The figures I supplied concerning the Police Force in the United Kingdom are taken from page 96 of the report of Her Majesty's Chief Inspector of Constabulary for the year 1968. If Opposition members believe that the figures I have quoted are misleading, they should think again. The figures are accurate. If more time were available, I could amply demonstrate why honorable members should vote against the motion. I shall round off by saying that it is a sham motion in an endeavour to climb on the bandwagon. Opposition members know that the Chief Secretary has done a first-class job and has shown that he is fully prepared to accept Ministerial responsibility. The motion should fail.

Mr. TURNBULL (Brunswick West).—The motion has been prompted by an appearance by the Chief Secretary on television. An interesting article in the Melbourne *Herald* of 16th March stated—

> The Chief Commissioner of Police, Mr. Wilby, today denied a claim by the Chief Secretary, Sir Arthur Rylah, that police are promoted by seniority. Sir Arthur, on HSV7's "This Week" last night accused the Chief Commissioner of not exercising enough strength when choosing men for promotion.

Extreme disquiet exists amongst the public concerning the efficiency of the Police Force and its ability to cope with the increasing numbers of various types of crime which are prevalent in Victoria. The efficiency of the Force depends largely upon the administration of the Police Regulation Act and the regulations made thereunder by the Governor in Council—which, of course, is the Government—and the amount of money made available to the Chief Secretary by the Treasurer for the administration of the Force.

I listened with interest to the honorable member for Glenhuntly who, apart from one or two statements, reiterated what the Chief Secretary previously stated. In referring to quotas, the honorable member cited certain statistics relating to the Police Force in the United Kingdom. As I understand the position, the strength of Victoria's Police Force today is 4,831, which represents a ratio of 1 policeman for every 720 residents. It is interesting to note that the Royal Commission in Great Britain recommended a quota of 1 policeman for every 536 persons. Victoria is the worst State in Australia so far as the ratio of police to population is concerned and would have to employ another 700 men to bring it up to New South Wales, which is the second worst with a ratio of 1 to 620.

It is obvious that the inefficiency of the Victoria Police Force rests to a great extent with the Government. Under the Police Regulation Act the Governor in Council has the right to appoint the five top men in

the Police Force—the Chief Commissioner, the Deputy Chief Commissioner, and three assistants. In appointments to those positions no regard is had to seniority; no doubt they are based on efficiency. Generally speaking, no criticism was offered by any member of the Opposition in relation to the latest appointments. If I recall correctly, the present Chief Commissioner, Mr. Wilby, rose from the rank of sergeant to his present position although he had qualified to be an inspector.

In his statement, the Chief Secretary attempted to run away from the criticism that has been levelled at the Government in relation to the crime rate in Victoria. The honorable gentleman simply said, "The Chief Commissioner is responsible; he is appointing men only on seniority." An examination of the Act reveals that the responsibility for appointments above the rank of sergeant rests with the Government. All recent appointments, apart from the top five to whom I referred previously, including Mr. Ford, were made by this Government, and, as I understand the situation, all of those officers held senior rank at the time of their appointment. It is all very well for the Chief Secretary to try to pass the responsibility for the faults in the Force on to the Chief Commissioner.

The strength of the Force is a matter very much for the Treasury. The Chief Commissioner can employ only as many men as he can pay from the money made available. Therefore, if the Police Force is undermanned the responsibility lies with the Chief Secretary. The honorable gentleman is not a junior Minister but the Deputy Premier, and I have no doubt that, if he desired, his voice would be heard in the Treasury to make more money available not only for more men in the Police Force but also more motor vehicles, buildings and modern scientific equipment.

One of the difficulties of the Police Force is that it lacks sufficient officers, of whom, according to my calculations, there are 133 in the Force—all appointed by the Governor in Council. The Minister of State Development, who is now at the table, might have recommended the appointment of some of these men. Obviously, the Police Force lacks supervision.

Mr. WHEELER.—That is a slur on the top brass.

Mr. TURNBULL.—My remarks are directed at the Government for not appointing sufficient officers to the Police Force; I make no attack on any member of the Force. According to newspaper reports, supervision has been lacking. If the Government increased the number of officers in the Force, greater supervision would be possible.

Every policeman has to pass examinations, both theoretical and practical, before he is promoted from sub-officer to officer. If the Government considers that there are not enough efficient men in the Force, it should amend the regulations under which the examinations are conducted. I do not think the regulations have been amended to any extent by this Government. When examinations are held, 60 per cent. or 70 per cent. of the candidates pass. Perhaps the examinations are not sufficiently penetrating.

Years ago, when a Country Party Government was in office, the committee which conducted the practical examination included a lawyer. This Government has banished the lawyer from the examining committee, which includes Mr. Aird and Mr. Mornane, the Crown Solicitor. I am informed on good authority that when a lawyer was a member of the committee the practical examination was more searching and selective than it is today. The examining committee does not include even a criminologist, but two policemen are members of it. I suppose they know the

difference between right and wrong, but they have not undergone a law course, which I contend would be of advantage from a practical point of view.

When the Government is put to the test, its only reply is, "The Chief Commissioner is picking men only according to seniority". In the fifteen years in which he has occupied the position of Chief Secretary, the honorable gentleman has been appointing to officer rank those men who were senior. I contend that the Chief Secretary stands condemned by his own words. The honorable gentleman has not informed the House how he considers the crime rate can be reduced or whether more policemen, vehicles, equipment and better methods of scientific investigation should be provided. The Chief Secretary has merely "gone for a blast" and has fallen in the fat because both the present Chief Commissioner and his predecessor have joined issue with the honorable gentleman's statements. If the Chief Secretary considers that promotion in the Police Force should be other than on the ground of seniority, why does he not amend the regulations? The Government has a majority in this House, so the Chief Secretary could make whatever rules he chose.

The honorable gentleman says that he has left the making of rules to the Police Department. When he finds himself under attack, he tries to lay the blame on the Chief Commissioner. That is a miserable attitude. As I understand the position with regard to payment of the Force, the Government is a party, just like any other party, to a system of fixing wages by arbitration. We have been told that the Premier and Treasurer agreed to the making of a consent award, and we congratulate him for that action.

One question raised by the Premier was whether police should be armed. My opinion is that the ordinary policeman should not be armed as a matter of course. However, he should be permitted to carry arms when he knows that he is to undertake a dangerous mission. That rule, which is followed by the British Police Force, was adopted in Victoria under the late Mr. Alex. Duncan when he was Chief Commissioner. It seems that it has been changed because I recently heard an honorable member say that an officer engaged on traffic work was carrying a revolver while he was in court. I sincerely hope we do not reach the position that applies in the United States of America, where police in the ordinary course of duty are armed with revolvers.

Mr. WHEELER (Essendon).—Mr. Speaker—

Mr. GINIFER.—This is your swan song.

Mr. WHEELER.—If this happens to be my swan song, I hope I make some worth-while contribution to the proceedings. That would be different from the approach of the honorable member for Deer Park who has done nothing constructive since he has been a member of this House. The Opposition made a great display this afternoon, firstly, from the Deputy Leader of the Opposition and then from the Leader of the Opposition, who, in his usual way, put on a great act, like some Academy Award winner and attempted to rubbish the Chief Secretary. If this State has ever had a dedicated member of the Cabinet, it has been the present Chief Secretary. Over the years, I have had occasion to telephone the honorable gentleman, and I found that I could contact him from 8.30 a.m. to any hour of the night.

The House should remember some of the achievements of the Chief Secretary. He has attempted to increase the mobility of the Police Force; he has introduced civilian driving licence testers; and he has closed obsolete police stations. The Opposition did not favour the closing of those stations, and the honorable member for Brunswick West, in particular, complained when the police station in his area was closed. However, that action was taken to give better police

service to the people in the metropolitan area. The Chief Secretary arranged for the extension and rebuilding of Russell-street police station, and for the establishment of the Dawson-street Traffic Branch. He brought about the employment of reservists on orderly work in courts. There are 1,150 civilians employed in non-enforcement sections of police work. That is something in which this State leads Australia, and Victoria should be very proud of it. The Chief Secretary also arranged for the use of a number of private cars on police work. Opposition members take every opportunity in this House to rubbish the Police Force. They try to pin on the Chief Secretary the blame for everything that goes wrong, but honorable members realize that, at all times, the Police Force is under attack.

The Deputy Leader of the Opposition said that the recruitment programme for the Police Force was inadequate. There are 4,751 men in the Force, which represents 1 policeman to every 702 of the population. In 1954-55, under the great Cain régime, there was 1 policeman to every 800 of the population. Yet Opposition members try to ridicule the Government. If we need more police than 1 to every 702 of the population, taking into account children, teenagers and adults, it is not a disgrace to the Government—it is a disgrace to humanity. The honorable member for Bunswick West said that the comparative strength of the Police Force was much below that in New South Wales. The honorable member must take into consideration that in New South Wales, where I agree there is 1 policeman to each 602 of the population, the police must cover wide open spaces where an officer may have to travel hundreds of miles from one small town to another.

The Deputy Leader of the Opposition spoke of the turnover in the Police Force. That results from the employment opportunities throughout Victoria in our affluent society. In private business enterprises today, the turnover of employees is far greater than it is in the Police Force. With the human element, with people chasing money and looking for better jobs, and the effect of distant fields looking greener, there is a great turnover in all classes of employment, and perhaps people cannot be blamed for looking for better opportunities.

Honorable members interjecting.

The DEPUTY SPEAKER (Mr. J. D. MacDonald).—There are far too many interjections. The *Hansard* reporter is having difficulty in hearing the honorable member for Essendon. Interjections are disorderly and must cease.

Mr. WHEELER.—There was a reference to watching companies and a statement that the rate of crime would be far greater if it were not for them. All types of companies employ watching services, and why should they not do so?

Mr. WILTON.—Do you employ watching companies for your dairies?

Mr. WHEELER.—Of course we do.

The DEPUTY SPEAKER.— The honorable member should ignore interjections.

Mr. WHEELER.—It is difficult to ignore all of them, Mr. Deputy Speaker, because there are so many. There is nothing wrong with the employment of watching companies by someone who wants his assets protected. Police have the duty to enforce law and order and cannot be everywhere at once. The degree to which law enforcement is necessary is surely a disgrace to Christianity and humanity.

The Deputy Leader of the Opposition spoke about the poor old lady who was shot by an irresponsible youth when she was in front of her home. If the honorable member referred more to some of the television programmes of today and some of the pornography and other so-called literature that is on sale in the shops, instead of criticizing the Chief Secretary, some young people might have

less incentive to copy the type of action they see on television and read about. The honorable member would be better employed in criticizing these things than suggesting that there should be a policeman in every house to stop irresponsible youths carrying on in such a way.

On the television programme which has been mentioned, the Chief Secretary did not attack the Chief Commissioner. He truthfully told viewers the actual method of promotion in the Police Force and indicated that he favoured promotion by merit. I have always agreed with that attitude.

I shall now quote from the *Police Journal* of January, 1968, in which the Secretary of the Association, Mr. W. D. Crowley, stated—

> Although the Police Association has nothing in its Constitution supporting promotion by seniority, it is usually found at general meetings of members that there is a tendency to support the senior applicant or selectee for any appointment or promotion. This is the system the members have lived with since they joined the Police Force; they understand it; they find it fair, and the Police Force seems to run reasonably well under it. Perhaps some of the more ambitious younger members would say "in spite of it"!

However, it seems that some change in the promotional pattern must take place, yet today Opposition members have taken the Chief Secretary to task because he made almost the same statement as was made by Mr. Crowley.

The Leader of the Opposition has been reported in a newspaper as comparing Victoria with the city of Chicago. The honorable gentleman went so far as to say that Victoria would soon be a "little Chicago"; that is an insult to the inhabitants of this State. I point out that in 1966 the population of Chicago was 6.6 million people, whilst that of Victoria was approximately 3 million. In that year the comparative figures for Chicago and Victoria respectively were: Murders, 512 and 93; rape, 1,222 and 96; robbery, 16,720 and 365; assault, 11,330 and 1,288; and automobile thefts, 30,946 and 8,957. Even though Victoria cannot be proud of the latter figure, it does not compare with the figures for Chicago. Honorable members should examine the facts and not accept the distorted impression presented by the Deputy Leader of the Opposition. The motion moved by the honorable member is futile, empty and ridiculous.

Mr. WILTON (Broadmeadows).—We have just heard from the honorable member for Essendon what started out to be a swan song and finished up as a croak. The honorable member, together with the honorable member for Glenhuntly, attempted to bolster up the Government and endeavoured to palm off on to the House a speech delivered by the Chief Secretary.

In supporting the motion ably moved by the Deputy Leader of the Opposition, I point out that the Chief Secretary croaked through a series of figures in an attempt to answer the charges which have rightly been made against the Government. It was interesting to hear the Chief Secretary conclude his speech by telling the House of all the matters that are under consideration by the Government. As far back as June of last year, these matters were under consideration, when the present Chief Commissioner of Police made an announcement to the press listing all the points contained in the programme for the year. Today—almost twelve months later—nothing of this programme has materialized. An examination of the record will show what the present Chief Secretary had to say in this Chamber in September, 1954, when he was the honorable member for Kew. At that time he castigated the Government of the day, and in particular the then Chief Secretary, for the shortage of police, and he expressed grave concern about the rate of car thefts in the State. However, the honorable gentleman has had sixteen years in which to do something about these problems. For the benefit of the Minister of Labour and Industry, who is now awake, I

shall quote from volume 243, at page 750, of *Hansard* of the 22nd September, 1954, when the present Chief Secretary was referring to the problem of car thefts. He stated—

> I suggest that consideration should be given to some form of monetary punishment to be inflicted upon those who are released under a bond.

He went on to say—

> If a condition was imposed that they should pay so much a week towards the damage done to a car or loss suffered by the owner being deprived of the car while it was being used joy-riding, I feel that there would be a reduction in the number of these offences.

Since this Government has come into office what has been done by the honorable gentleman? In view of the thoughts expressed by him in this Chamber in 1954, one would have thought that, if he were sincere, at the first opportunity he would take steps to influence the Government to bring down legislation or pass regulations to give effect to his suggestions. But the Government has not done so.

On that occasion the honorable gentleman was also critical of the shortage of police in this State and criticized the Government of the day for its inability or failure to recruit police. Over the period he has occupied the portfolio of Chief Secretary one would have thought that the honorable gentleman would devote his energy in doing something to solve this problem. The honorable member for Glenhuntly and the honorable member for Essendon have told the House what a hard working Minister the Chief Secretary is, but what are the facts in regard to crime in Victoria? Bank robberies are the order of the day, and one is surprised to pick up a newspaper and not find a headline informing the public of another bank holdup. What is the situation in the community for normal, law-abiding citizens who wish to go about their business and pleasures without the danger of being molested or attacked? One can go to any suburban railway station, whether at Kew or Broadmeadows, and see parents waiting for their teenage children or husbands waiting to pick up their wives because it is not safe for them to walk from the station to their homes.

The honorable member for Essendon spoke about watching companies. This Government is forced to employ watching services to protect its own buildings, and is spending tens of thousands of dollars of taxpayers' money a year to look after the State Offices. I am sure that you, Mr. Speaker, are concerned about this situation, not only in your high office, but as an honorable member with a responsibility to your constituents. That is the Government's method of providing protection to the citizens of Victoria.

We accept the principle that it is not fit and proper for citizens to arm themselves for their own protection. That is the responsibility of the law enforcement authority of Victoria, and it is the Government's responsibility to ensure that that authority has the equipment and the man power to discharge its duties to the community. The adjournment motion is not an attack on the Police Force, as was suggested by the honorable member for Essendon. It is an attack on the failure of the Government, and of the Chief Secretary in particular, to maintain the Police Force fully equipped with the necessary requirements to combat crime in a modern society and to enable that body to discharge its responsibilities to the community.

Every honorable member knows the dedication that this community receives from members of the Police Force. The police officers in my electorate would be among the most overworked officers in the State because every station is undermanned. I do not suggest that I am the only honorable member faced with that problem, because other honorable members have received complaints about the under-staffing of stations in their electorates. The

criminal elements of Australia can come into Victoria with impunity to carry out their acts of house-breaking, shop-breaking and armed holdups, and in some instances certain types of criminals roam the streets of the city and larger provincial centres with impunity.

Because of the failure of the Government to take action, the situation has been reached where, in desperation and to protect their property, school councils are being forced to employ watching companies. They get no assistance from the Government. It was interesting to hear the Chief Secretary cite a long list of figures of the various positions held by the different officers in the Force before their promotion. In 1954, the honorable gentleman was most critical of the then Government for failing to take certain action. In the fifteen years that have elapsed, the situation has got worse; more road deaths have occurred and the carnage on the roads is a disgrace. The Chief Secretary has said, "I do not know why people have accidents on the roads; they drive on straight highways, so do not ask me; come and see me privately about the matter." If he cannot tell the honorable member the answer in the House, how can he provide it privately? I support the motion, ably moved by the honorable member for Northcote. If Government members have any semblance of sincerity and responsibility they will vote for this motion. If they vote against it, it will stand on the record that they are prepared to follow party policy and pirate their own principles.

Mr. B. J. EVANS (Gippsland East).—The motion before the House is brief, simple and precise; its purpose is to discuss the failure of the Chief Secretary properly to administer the Police Force. Much has been heard about past performances, and the present situation. The debate has hinged on what occurred on a weekend television programme. I was surprised to know that so many honorable members have the time to watch television. It is a luxury for myself and my colleagues. Therefore, we are at a disadvantage because we did not see the television programme. We base our comments on what was reported in the press and on the remarks made in the debate today.

In the past, members of the Country Party have defended many of the criticisms made about the Chief Secretary, but on this occasion we can go only on the general public attitude. Reference has been made to lack of public confidence in the administration of the Police Force. Without going into detail or canvassing any particular point of view, it is fair to say that if the Government can accept credit for everything of a worth-while nature that has been done for the Police Force over the years, it must accept a debit for events which reflect discredit. No one is happy with the general administration of the Police Force. On those grounds members of the Country Party propose to support the motion before the House. It is pointless to go into the minor details of every aspect of administration. I content myself by reiterating the view that the general administration of the Force leaves much to be desired from the public point of view.

The House divided on the motion for the adjournment of the House (the Hon. Vernon Christie in the chair)—

Ayes	..	28
Noes	..	41
Majority against the motion	..	13

AYES.

Mr. Broad	Mr. Mutton
Mr. Cochrane	Mr. Phelan
Mr. Divers	Mr. Ring
Mr. Edmunds	Mr. Ross-Edwards
Mr. Evans (*Gippsland East*)	Mr. Simmonds
Mr. Fennessy	Mr. Stoneham
Mr. Floyd	Mr. Sutton
Mr. Ginifer	Mr. Trewin
Mr. Holding	Mr. Turnbull
Mr. Lind	Mr. Whiting
Mr. Lovegrove	Mr. Wilkes
Mr. McDonald (*Rodney*)	Mr. Wilton.
Mr. Mitchell	*Tellers:*
Mr. Moss	Mr. Buckley
	Mr. Trezise.

NOES.

Mr. Balfour	Mr. Reese
Mr. Billing	Mr. Reid
Mr. Birrell	Mr. Rossiter
Sir John Bloomfield	Sir Arthur Rylah
Sir Henry Bolte	Mr. Scanlan
Mr. Borthwick	Mr. Smith (*Bellarine*)
Mr. Darcy	
Mr. Dixon	Mr. Smith (*Warrnambool*)
Mr. Doyle	
Mr. Dunstan	Mr. Stephen
Mr. Evans (*Ballaarat North*)	Mr. Stokes
	Mr. Suggett
Mrs. Goble	Mr. Tanner
Mr. Hayes	Sir Edgar Tanner
Mr. Jona	Mr. Taylor
Mr. Loxton	Mr. Vale
Mr. MacDonald (Glen Iris)	Mr. Wheeler
	Mr. Wilcox
Sir William McDonald	Mr. Wiltshire.
Mr. McKellar	
Mr. McLaren	*Tellers:*
Mr. Manson	Mr. Templeton
Mr. Meagher	Mr. Trethewey.
Mr. Rafferty	

PAIR.

Mr. Clarey	Mr. Porter.

BOARD OF INQUIRY (CORRUPT PRACTICES) BILL.

For **Sir ARTHUR RYLAH** (Chief Secretary), Mr. Reid (Attorney-General), by leave, move for leave to bring in a Bill relating to the board of inquiry into allegations of corruption in the Police Force in connexion with illegal abortion practices.

The motion was agreed to.

The Bill was brought in and read a first time.

Mr. REID (Attorney-General).—On behalf of the Chief Secretary, I move—

That the Bill be printed and, by leave, the second reading be made an Order of the Day for later this day.

Mr. MOSS (Leader of the Country Party).—Can the Government indicate what is proposed? I understand that there is no objection to the Minister's second-reading speech being made today. The Secretary of the Cabinet informed the Deputy Leader of the Country Party that the Government was anxious to have this Bill passed. If the explanatory speech were given today, the Country Party could examine the Bill overnight. My colleagues and I have not seen a copy of it. Is the Government prepared to follow that course?

The SPEAKER (the Hon. Vernon Christie).—I suggest that that point may rightly be taken on the question that the Bill be read a second time.

Mr. REID (Attorney-General).—I understand that later today the Chief Secretary intends to move that the Bill be read a second time. The honorable gentleman will then determine the question of the period of adjournment of the debate that he desires.

Mr. HOLDING (Leader of the Opposition).—The Chief Secretary has given me a roneoed copy of the Bill. It is an extremely simple measure, the purpose and intent of which is quite clear. The Opposition is fully apprised of what is involved and is happy to deal with it now.

Mr. REID.—I understand that the Bill is not ready.

The motion was agreed to.

STAMPS (SALARY OR WAGES) BILL.

Mr. REID (Attorney-General) 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 repeal the provisions of the Stamps Act 1958 relating to the payment of duty on salary or wages.

A resolution in accordance with the recommendation was passed in Committee and adopted by the House.

On the motion of Sir HENRY BOLTE (Premier and Treasurer), the Bill was brought in and read a first time.

COMPANIES ACT.

REPORT OF COMPANY LAW ADVISORY COMMITTEE.

Mr. REID (Attorney-General).—By leave, I move—

That there be laid before this House a copy of the report of the Company Law Advisory Committee to the Standing Committee of Attorneys-General on accounts and audit.

This report relates to the Companies Bill. I propose to move that it be read a second time later this day if that course is practicable. If it is not, I shall do so tomorrow.

The motion was agreed to.

Mr. REID (Attorney-General) presented the report in compliance with the foregoing order, and it was ordered that it be laid on the table and be printed.

WOMBAT BONUSES BILL.

Sir WILLIAM McDONALD (Minister of Lands) moved for leave to bring in a Bill to amend the Vermin and Noxious Weeds Act 1958 with respect to payment of bonuses for destruction of wombats.

The motion was agreed to.

The Bill was brought in and read a first time.

RICHMOND AND HAWTHORN LANDS BILL.

Sir WILLIAM McDONALD (Minister of Lands).—I move—

That this Bill be now read a second time.

As the short title indicates, the proposals submitted for the consideration of honorable members under the provisions of this Bill relate to lands in the cities of Richmond and Hawthorn. The areas in the City of Richmond all form parts of Richmond Park, which is Crown land permanently reserved as a site for public park and recreation, and for which a Crown grant, restricted to the purposes of the reservation, issued in 1886 in the names of the Board of Land and Works and the mayor, councillors and citizens of the City of Richmond.

Under the provisions of section 5 of the Richmond (South-Eastern Freeway) Lands Act 1967, No. 7519, certain land surplus to Melbourne and Metropolitan Board of Works requirements in connexion with its river diversion and freeway works on land north-west of Heyington railway station will ultimately be transferred to the Crown and included in the Richmond Park reservation and Crown grant. Portion of that land, including the old bed of the Yarra river is involved in the Boulevard excision proposals in the present Bill.

Although the section of the Yarra Boulevard traversing Richmond Park was constructed by the Public Works Department about 40 years ago, and has until recently been maintained by that Department, its route through the Park has never had the status of a public road. Now that the maintenance of the Boulevard is being taken over by the Country Roads Board, it is considered desirable that the section traversing Richmond Park should have the same official standing as that section which traverses Yarra Bend Park.

With the passing of the Kew and Heidelberg Lands Act 1933, No. 4194, that section of the Boulevard was excluded from Yarra Bend Park and under the provisions of section 4 of that Act, was proclaimed as public highway by Order in Council of the 29th January, 1935. Notice of the proclamation was published on pages 413 and 414 of the *Government Gazette* of the 6th February, 1935.

Because of Melbourne and Metropolitan Board of Works freeway construction operations in the vicinity of MacRobertson bridge, the original route of the Boulevard in that locality will need to be reconstructed in an altered position, but it will not be possible to define its new location by survey until the Board's reconstruction works have been completed. It is therefore proposed that a strip of land, containing not more than 21 acres be excised from Richmond Park, subject to later survey, so that the Boulevard route between MacRobertson bridge and Bridge-road may be established as a public highway.

The second proposed excision from Richmond Park is also linked with the Board's freeway construction operations, and involves an area of not more than 3 roods and 10 perches, the position of which is indicated

approximately on the plan included as the First Schedule to the Bill. The lands at St. Kevin's College, which are adjacent to Gardiners creek in the vicinity of its junction with the Yarra river, have been adversely affected by the South-Eastern Freeway construction works, in that the College was deprived of the opportunity of establishing a boat house and ramp on its own land, and it is considered equitable that some land should be provided to compensate for this disability.

It is proposed, therefore, that an area not exceeding 3 roods and 10 perches be excised from the reserve, subject to later survey, in order to provide the College with a site on which to construct a building to house various types of boats and other gear associated with the sport of rowing, and to allow sufficient space to cover necessary boat-launching operations. It is also proposed that the excised area will be leased, under the provisions of section 134 of the Land Act 1958, to the trustees of the Christian Brothers, who are incorporated under an Act of the Parliament of New South Wales to hold lands on behalf of the teaching community which conducts the College.

The third excision proposed in regard to Richmond Park covers an area of not more than 2 roods and 35 perches, the approximate position of which is indicated by cross-hatching on the plan included as the Second Schedule to the Bill. This area has been sought by the Minister of Education as a site on which to establish rowing facilities for Richmond High School, and it is proposed that, to enable that development to be undertaken, the land be excised from Richmond Park, subject to later survey, and added to the High School site which has been permanently reserved by virtue of the Richmond High School Land Act 1967, No. 7603.

It is understood that the Monash University and Power House may be interested in obtaining sites for rowing facilities, but no applications have been received by the Department of Crown Lands and Survey from them. The Government is prepared in due course to give favorable consideration to introducing similar legislation for the provision of suitable sites for these purposes.

The final phase of the Bill relates to a portion of Morrison-street in the City of Hawthorn, containing an area of 2 roods 8 perches as indicated by hatching on the plan in the Third Schedule. It is proposed that the indicated section of Morrison-street be closed as road and sold in fee simple to the Presbyterian Church of Victoria Trusts Corporation, with the object of restoring to some extent the damage which has, of necessity, been occasioned to the grounds of Scotch College by the freeway construction operations.

In the course of departmental investigations into the proposal, some limited use of the land for pedestrian traffic was indicated, and to compensate for this it is proposed that a strip 10 feet wide along the north boundary of the land held in title by the Melbourne and Metropolitan Board of Works, and indicated by cross-hatching on the plan in the Third Schedule, will become a public highway.

The proposed Crown grant in respect of the closed section of Morrison-street will issue to the Presbyterian Church of Victoria Trusts Corporation, because of the fact that the adjoining land, on which Scotch College is conducted, is owned by that corporate body which was incorporated under the Presbyterian Trusts Act 1890, No. 1175. Notice of incorporation of that Church Trust was published in the *Government Gazette* of 28th November, 1890, page 4542.

Clause 1 of the Bill cites the name of the proposed enactment as the Hawthorn and Richmond Lands Act 1970. Clause 2 provides the interpretation of the expression "reserved land" as used in later clauses. Provision is made in sub-clause (1) of

clause 3 whereby, after survey definition of the land required for the Yarra Boulevard, the Minister may recommend to the Governor in Council that the area which shall not exceed 21 acres in all be excised from the Park reservation. Sub-clause (2) sets out that on receipt of that recommendation, the Governor in Council may by proclamation published in the *Government Gazette* excise the area so recommended from the Order in Council and Crown grant relating to Richmond Park. By the provisions of sub-clause (3), the area so excised becomes unalienated Crown land, and is deemed to be proclaimed as road under the provisions of section 25 of the Land Act 1958.

Clause 4 contains provision, in sub-clause (1), for later survey definition of land corresponding as nearly as practicable with, but not exceeding in area 3 roods and 10 perches, the land indicated by hatching on the plan in the First Schedule. The sub-clause also provides that, if on submission to him of a plan of survey of that land, he is satisfied that the land as surveyed does so correspond, the Minister of Lands may recommend to the Governor in Council that the land shown in the plan of survey be excised from the Park reservation.

Sub-clause (2) of clause 4 makes provision whereby the Governor in Council, on receiving such recommendation, may by proclamation published in the *Government Gazette* excise the land so recommended from the Order in Council and Crown grant for Richmond Park. Under the provisions of sub-clause (3), the land so excised becomes unalienated land of the Crown and may be leased, pursuant to the provisions of section 134 of the Land Act 1958, to the trustees of the Christian Brothers for the purposes of a boat-house and dressing rooms and purposes connected therewith for use in connexion with St. Kevin's College.

Similar provision is made in sub-clauses (1) and (2) of clause 5 for excision from the park reservation and Crown grant of an area not exceeding 2 roods and 35 perches, the approximate location of which is indicated by cross-hatching on the plan in the Second Schedule. Sub-clause (3) of clause 5 sets out that the land so excised shall become unalienated land of the Crown and shall be deemed to be permanently reserved as an addition to the land indicated by hatching on the plan in the Second Schedule, which was permanently reserved for the purposes of a State high school by the Richmond High School Land Act 1967. The additional land so provided has been sought by the Minister of Education to provide a site on which to establish rowing facilities for that School.

Clause 6 contains provision in sub-clause (1) whereby the portion of Morrison-street in the City of Hawthorn, indicated by hatching on the plan included as the Third Schedule of the Bill, is closed as a road, and may be dealt with as unalienated Crown land. This section of road has had some use as pedestrian access to the river by a few local residents, and it is considered that the provision of the public highway 10 feet wide, farther north, as set out in sub-clause (3), should serve the future needs of those residents.

Sub-clause (2) of clause 6 provides that, subject to payment to the Treasurer of Victoria of the sum of $28,800, the closed portion of Morrison-street may be granted by the Governor in Council to the Presbyterian Church of Victoria Trusts Corporation. The monetary consideration was fixed in accordance with a valuation of the land, furnished by a qualified officer of the Valuer-General's staff, in which allowance was made to cover easement requirements of the State Electricity Commission of Victoria.

The amount of $28,800 referred to in the Bill is to be paid by the Presbyterian Church Trust, which will be reimbursed by the Melbourne and Metropolitan Board of Works as part

of the over-all settlement by the Board of the Trust's claim for its loss of other land of the College required by the Board for purposes of the freeway construction. It is also proposed that such settlement will include the transfer by the Board, to the Church Trust, of the land held by the Board in freehold certificate of title volume 8740, folium 170, of which the strip 10 feet wide along the northern boundary, as indicated by cross hatching on the plan in the Third Schedule, is to become a public highway by the provisions of sub-clause (3).

The Board has taken approximately 2 acres of Scotch College land along the eastern boundary of Gardiners creek and it is proposed that this land be replaced with the closed portion of Morrison-street and the land in title 8740/170. In addition, the Board will also replant certain trees and reinstate one of the college ovals. It is understood that no firm claim for compensation has been lodged by the Church Trust and it is believed that the present proposals will make this unnecessary, as being in full settlement of all claims for compensation, including injurious affection. In sub-clause (4) of clause 6 the Registrar of Titles is authorized and directed to make any necessary adjustments to the certificate of title affected by the dedication referred to in sub-clause (3).

Clause 7 provides that no liability shall attach to the Crown in respect of any act, matter or thing arising out of this legislation.

The First Schedule to the Bill indicates the approximate position of the area not exceeding 3 roods 10 perches, which is proposed to be excised from Richmond Park, in order that it may be leased pursuant to the provisions of section 134 of the Land Act, to provide rowing facilities for St. Kevin's College. The Second Schedule indicates the approximate position of the area not exceeding 2 roods 35 perches which it is proposed to excise from the Park reservation so that it may be added to the adjoining High School reserve for development for purposes of a boat-house for the School.

The plan included in the Third Schedule to the Bill shows the area of 2 roods 8 perches of Morrison-street, Hawthorn, which is proposed to be closed as road and granted to the Presbyterian Church of Victoria Trusts Corporation. The plan also indicates the land in freehold certificate of title volume 8740, folium 170, which the Board of Works proposes to transfer to the Presbyterian Church Trust, and it also shows by cross-hatching the portion of that land which is to be dedicated for use as a public highway. I commend the Bill to the House.

Mr. WILTON (Broadmeadows).—I move—

That the debate be now adjourned.

The Minister's notes refer to an excision from Richmond Park of an area comprising 2 roods 3 perches. Later, there is reference to a payment to the Treasury of $28,800. Is that figure correct?

Sir WILLIAM MCDONALD.—Yes.

The motion for the adjournment of the debate was agreed to.

Sir WILLIAM McDONALD (Minister of Lands).—I move—

That the debate be adjourned until Tuesday next.

Mr. WILTON (Broadmeadows).—I feel that an adjournment of only one week would make the task of the Opposition rather onerous. I do not know how long the Government has had this Bill under consideration, or how long the Lands Department has been working on it, but a number of groups of people are concerned. I take it that they include the Richmond City Council, St. Kevin's College, and possibly the Melbourne and Metropolitan Board of Works. An adjournment of two weeks would not be unreasonable.

Sir WILLIAM McDONALD (Minister of Lands).—I would be prepared to offer the honorable member the facilities of the Lands Department to help him in making his investigations. I assure him that there is nothing complicated in the Bill. If he has the assistance of departmental officers, the period I suggest will probably be adequate.

The motion was agreed to, and the debate was adjourned until Tuesday, March 24.

DAIRY PRODUCTS (BOARD MEMBERSHIP) BILL.

Mr. BALFOUR (Minister for Fuel and Power).—I move—

That this Bill be now read a second time.

Its purpose is to enlarge the membership of the Victorian Dairy Products Board from 5 members to 6 to include a representative of the Victorian Division of the Australian Institute of Dairy Factory Managers and Secretaries.

Since the original enactment of the Dairy Products Act in 1933, the composition of the Victorian Dairy Products Board has consisted of five members appointed by the Governor in Council. Of the members so appointed—

(*a*) one shall be a person nominated by the Minister;

(*b*) one shall be a person nominated by the body known as the Co-operative Dairy Factories Association of Victoria as representing that body;

(*c*) one shall be a person nominated by the body known as the Proprietary Milk Products Manufacturers Association of Australia as representing that body;

(*d*) one shall be a person nominated by the body known as the Victorian Dairyfarmers Association as representing that body; and

(*e*) one shall be a person nominated by the Minister as representing consumers of dairy products.

Each member of the Board, with the exception of a member filling an extraordinary vacancy, holds office for three years and is eligible for reappointment if duly nominated.

As the name of the Proprietary Milk Products Manufacturers Association of Australia, one of the nominating bodies specified in the Act, has been changed to the Proprietary Dairy Factories Association of Australia, the necessary consequential amendment has been included in the Bill.

Pursuant to section 7 of the Dairy Products Act 1958, the Minister is required from time to time, after consultation with the Board and after ascertaining that the supply and distribution of butter or cheese at reasonable prices to consumers thereof in Victoria will be ensured, to determine quotas for butter and cheese, respectively, which may be sold within the State.

No manufacturer shall during the quota period sell in the course of his intra-state trade or commerce in Victoria an amount of butter or cheese—manufactured in Victoria, by him during or prior to that period—which bears a higher proportion of the amount of butter or cheese manufactured in Victoria by him during that period than the proportion set forth in the quota for butter or cheese for that period.

The Act provides only for the determination of quotas but the articles of association of the Commonwealth Dairy Produce Equalization Committee Limited provide for the allotment of shares to members of the Dairy Products Board in each State, thereby ensuring preservation of a close liaison between the committee and these boards. The management of the affairs of the company is vested in a board of directors comprising a maximum of eighteen members who are drawn from and nominated by the shareholders in each State, representation being on a basis of 50 per cent. of the total number of shareholders in each State.

The main objects of the Committee are to maintain, develop and preserve the dairying industry in Australia, promote and protect the interests of producers and secure to manufacturers of dairy produce, as far as possible, equal returns from sales. This is effected through an equalization or pooling arrangement operated under a deed of agreement with manufacturers.

It can therefore be seen that membership of the Victorian Dairy Products Board may entail responsibilities far beyond the provisions of the Dairy Products Act 1958, and representations have been received from the Victorian Division of the Australian Institute of Dairy Factory Managers and Secretaries for an amendment to the Act to provide for the appointment of a representative of the Institute with a view to balanced representation of butter and cheese manufacturers on the Board and on the Equalization Committee.

These representations have been supported by the Victorian Butter Manufacturers Association, the Australian Casein Manufacturers Association, the Victorian Cheese Manufacturers Association, and the Co-operative Dairy Factories Association of Victoria, whilst the executive of the Victorian Dairyfarmers Association and the dairying division of the Victorian Farmers Union have indicated that they have no objection to the proposal. The Government considers that it is desirable that the Victorian Division of the Australian Institute of Dairy Factory Managers and Secretaries should be represented on the Victorian Dairy Products Board and the Bill gives effect thereto.

Clause 3 provides the amendment necessary following the change of name of the nominating body formerly known as the Proprietary Milk Products Manufacturers Association of Australia. The clause also increases the membership of the Board from 5 to 6 to include the nominated representative of the Victorian Division of the Australian Institute of Dairy Factory Managers and Secretaries. Because of this increase in membership, provision has been made for the quorum for meetings of the Board to consist of 4 members instead of 3 as required at present.

Clause 4 specifies that the first term of office of the additional appointee shall expire on the 14th February, 1973, which will coincide with the expiry date of the current term of office of the other members. The remaining provision in the Bill preserves the legal identity of the Board notwithstanding the alteration of its constitution. I commend the Bill to the House.

On the motion of Mr. LIND (Dandenong), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, March 24.

LOCAL GOVERNMENT (AMENDMENT) BILL.

Mr. BALFOUR (Minister for Fuel and Power).—I move—

That this Bill be now read a second time.

This is a further Bill to make general amendments to the Local Government Act. Quite a number of the amendments are of a purely editorial nature and I propose to deal only with matters of substance.

Clause 2 has as its main purpose the amendment of the provisions dealing with the qualifications of councillors. Sub-section (1) of section 51 currently requires a councillor to be the owner or occupier of rateable property of a net annual value of at least $40. An occupier—but not an owner—must have been so qualified for at least three months prior to nomination day for the election at which he is a candidate. It is now proposed that owners shall also hold their qualifications for at least three months prior to nomination day, and this provision is to apply to the cities of Melbourne and Geelong.

Sub-section (1) of section 51 is currently the only provision of Part III. of the Local Government Act which does not apply to those cities. This amendment will not affect councillors who are in office when it takes effect.

The second amendment in this clause provides that a person who for a period of twelve months has failed to pay any rates due to a municipality shall not be capable of being or continuing a councillor of the municipality.

Clause 3 provides the amendments necessary to give effect to recommendations of the Statute Law Revision Committee on the operation of sections 53 and 181 respectively which provide for the disqualification of councillors on the ground of interest and for restrictions on councillors speaking and voting on matters in which they have pecuniary or other valuable interests.

The present provisions in section 53 relating to the disqualification of councillors on the ground of interest and the exceptions thereto in certain circumstances are being repealed, and in their place it is being provided that persons offending against section 181 —speaking and voting on matters in which the councillor has a valuable interest—or against the provisions of the Crimes Act prohibiting secret commissions will be disqualified from office for a period of seven years after conviction unless the court otherwise decides.

The fixed rate at which councillors are paid travelling expenses is altered by clause 4, which provides that they shall be reimbursed at the same rate as council officers. This is a rate prescribed under the Public Service Act. Clause 5 reduces the minimum age for enrolment on the municipal roll from 21 years to 18 years. While the number of persons between the ages of 18 and 21 who would become eligible for enrolment may not be great, the Government feels that there is no reason why such younger folk who are appropriately qualified should not have a voice in municipal affairs. It will be recognized, of course, that young people mature earlier and are generally better educated than their counterparts of a generation ago.

Paragraph (*a*) of clause 6 repeals an unnecessary paragraph. The condition for enrolment on the municipal roll in paragraph (*c*) of sub-section (1) of section 73 is already covered by paragraph (*a*) of that sub-section. Paragraph (*b*) deals with the appointment by corporations of persons to be enrolled on the municipal roll as representatives of those corporations. The amendment will permit corporations to appoint persons other than officers and members in cases where no officer or member is eligible to be enrolled.

Paragraph (*c*) of this clause provides that the deposit of $50 which the returning officer receives from each candidate with his nomination shall be paid into the Municipal Fund and further that it may be paid by bank cheque as well as in cash. Currently the Act requires the returning officer to pay the expenses of the election from the deposits and, if necessary, seek reimbursement from the Municipal Fund. In practice this is not observed and it is proposed to amend the Act accordingly.

Clause 7 makes changes relating to the conduct of elections. Currently, it is required that there shall be one booth for every 600 voters enrolled. While this number may be reasonable when voting is compulsory, it can be excessive where voting is voluntary. Changing the number to 1,000 as the Bill proposes will enable councils to provide accommodation appropriate to the circumstances.

The current use of the terms "polling place" and "polling booth" in the Act has given rise to some measure of confusion probably because present-day conditions are so different from conditions when the legislation was originally enacted years ago. In practice "polling place" is used to describe the location at which the poll is taken and

"polling booth" means an alphabetical division of the polling place with a table for the poll clerks and compartments at which the voters may vote. Amendments being made are designed to ensure that wherever they are used in the legislation the terms will have these meanings.

Clause 8 brings into conformity with modern practice provisions relating to the duties of the returning officer, officers presiding at polling places and poll clerks.

Clause 9 also deals with elections of councillors. Paragraph (*a*) remedies an omission from the Act by providing authority for sealed parcels of ballot papers and rolls to be opened for the purposes of the regulations relating to compulsory voting. Paragraphs (*b*), (*c*) and (*d*) make it plain that election expenses incurred by returning officers are to be paid out of the Municipal Fund, which is the current practice to which I earlier alluded. Paragraph (*e*) empowers a stipendiary magistrate to engage persons to assist him in a recount of votes at an election of councillors. In proceedings in the Supreme Court recently the learned Judge held that a stipendiary magistrate who had engaged assistance for a recount had adopted a course unauthorized by the Act.

In paragraph (*h*) a similar provision is being made in respect of polls on proposals for the constitution or alteration of the constitution of municipalities, on proposed changes in the basis of rating, and on proposals to borrow moneys for permanent works and undertakings. Paragraphs (*f*), (*g*) and (*i*) provide for references to ratepayers to be replaced by references to enrolled persons. "Ratepayer" is no longer an appropriate term where the intention is to refer to persons entitled to vote. Paragraph (*j*) applies that provisions relating to recounts to Melbourne and Geelong for the purposes of polls under Part II. of the Act relating to the constitution or change in constitution of municipalities. Since 1965, it has been possible to have such a poll in the City of Melbourne.

Clause 10 concerns long service leave for municipal employees. At present an employee with fifteen years' or more service who resigns or is dismissed for reasons other than age or ill health may be paid in lieu of long service leave such amount as the council sees fit provided that this does not exceed the money value of his leave entitlement. It is now proposed that it shall be mandatory for councils to pay the full money value of the leave entitlement in such cases. Councils will still have discretion where the service is less than fifteen years.

Clause 11 is a further provision to give effect to the recommendations of the Statute Law Revision Committee on the disqualification of councillors on the grounds of interest and restrictions on councillors speaking and voting on matters in which they have an interest. As mentioned earlier, the provision for disqualification of councillors on the grounds of interest is to be repealed. A councillor who has a direct or indirect pecuniary interest in a matter before the council will be required to declare that interest and retire from the chamber during consideration of the matter. Particulars of any disclosures will be recorded in a book and councillors may make general disclosures of their interests which will also be recorded in this book. This book will be available for inspection by any person entitled to vote at the municipal elections. The Minister will have power to permit councillors to take part in discussions and vote on any matter in respect of which they would otherwise be disabled. This power may be exercised to ensure that the transaction of business will not be impeded because there are insufficient councillors available. Removal of the disability may be for a stated or indefinite period.

The doubts and difficulties arising from the present legislation on this subject are well known in municipal circles. In recent years the number of exceptions to the general rule of disqualification on the grounds of interest has been greatly increased, but this has resulted only in further uncertainty. The system recommended by the Statute Law Revision Committee operates successfully in New South Wales and it can reasonably be expected to do so here.

A number of unrelated amendments are contained in clause 12, paragraph (*a*) of which reduces from 25 days to 20 days the minimum period between the council meetings at which the respective resolutions for the making of a special order and for its confirmation are passed. The purpose of this change is to enable a council which meets every three weeks to make a special order in two consecutive meetings.

Paragraph (*b*) will have the effect of making generally available to councils a power currently exercisable only in the Mallee country as defined in the Land Act to make by-laws regulating or prohibiting fallowing or burning off within three chains of a public highway where sand is likely to accumulate on the highway. The definition in the Land Act is to be repealed and it is necessary to repeal the reference to it in the Local Government Act. This will leave the power available to all councils who need to use it.

Paragraph (*c*) increases to $100 the maximum penalty which at present applies generally for breaches of by-laws. The current maximum of $40 was fixed in 1874. Paragraph (*g*) substitutes an up-to-date list of authorized investments for those currently specified in the Act. The revised list has already been prescribed for other local authorities. Paragraph (*h*) provides for the appointment of a Municipal Valuation Fees Committee. A council wishing to carry out a general revaluation may request the Committee to fix a minimum fee for the valuation. Currently a contract valuer cannot be appointed to carry out a general valuation unless the Valuer-General certifies that the remuneration and the other conditions of employment will enable a satisfactory valuation to be made.

When the Committee has been appointed, the valuer may apply on the basis of his willingness to carry out the valuation for a fee fixed by the Committee or such higher fee as may be agreed on with the council. This will provide an alternative to the certificate of the Valuer-General as to the fee.

Clause 13 provides for a new category of rateable property upon which the general rate may be levied at a lesser amount in the dollar than on other property. This is land on which there is a single self-contained dwelling rated by the municipal council wholly or partly on the basis of unimproved capital values. The property must be declared by the valuer to be materially increased in value by reason of the fact that it is in an area in which some use of the land other than as a site for a single self-contained dwelling is permitted under a planning scheme. In many instances home owners in these circumstances must pay very high municipal rates and it is not practicable for them to sell and move to another area. These properties will be known as "residential use land" and "residential use rate" may be levied on them at a lower rate in the dollar than on other land. As with urban farm land provision is to be made for part of the rates remitted in this way to be recovered when the property is sold. The difference between the residential use rate and the normal rate over the preceding five years will then be payable to the council.

Clause 14 amends the provisions under which any person may obtain from the municipal clerk a certificate as to moneys owing in respect of a particular property and as to any notice served in respect of that property. At present the clerk is

required to show on any such certificate particulars of any order made on the owner of the property under Division 5 of Part IV. of the Health Act. This is an order requiring the owner to permit the making of a drain through his property for the drainage of other properties. The Act does not at present require that any certificate in respect of the other properties shall show that an order has been made. The other properties are those whose owners will be liable for the cost of the drain and certificates given in respect of those properties should show that an order has been made. It is the purpose of the amendments to require that this shall be done.

Clause 15 also contains a number of unrelated amendments of which paragraph (*e*) is the only item of substance. It authorizes councils to charge fees for sealing plans of consolidation provided for in the Transfer of Land (Subdivision of Allotments) Act passed last year.

Clause 16 makes a number of amendments to the provisions which enable a council to demand as a condition of sealing a plan of subdivision of residential land that the subdivider give to the council 5 per cent. of the land for recreational purposes or pay to the council cash in lieu of the land. The effect of the proposed amendment will be to ensure that council may elect to take either the land or the money and, if it elects to take land, may specify the portion required; to require that in order to determine the value of the land where a cash payment is demanded a valuation shall be carried out at the date on which the plan was submitted to council and that, the payment shall be calculated on the site value of the land; and moneys received by the council under these provisions may in future be used for improving recreation lands if the Minister consents. Currently they may only be used for purchasing land.

The principle of contributions by developers towards the provision of recreational lands is extended by clause 17. Contributions are at present required when land is subdivided and sold for residential purposes and when buildings are subdivided and sold for residential purposes under the Strata Titles Act. In each case an increase in the population density results with a corresponding demand for more recreation areas. This also occurs when buildings are erected and subdivided into a number of residences for leasing and it is now proposed that a contribution also shall be required in these cases.

The present provisions on this subject in the Strata Titles Act will be repealed and one set of provisions will apply both to strata title projects and leasing projects. The demand will be made at the point where application is made for a building permit and the applicant will be required to pay or give security for an amount being 5 per cent. of the site value of the land or the proportion thereof equal to the proportion of the building to be used for residential purposes. A valuation must be made at the date of the application for the permit. Clause 18 provides a right of appeal to the arbitrator against the refusal of a council to seal a plan of consolidation in accordance with section 569AB of the principal Act.

Clause 19 contains two unrelated proposals. Paragraph (*a*) adds a general power to make regulations to Division 9 of Part XIX. which deals with municipal control of land subdivision. The immediate need for this is the necessity to prescribe a time within which a person intending to appeal to an arbitrator under subsection (9) of section 569E or section 570 must serve notice of that intention on the council. There is no clear authority in the Sale of Land Act to make such a rule.

Paragraph (*b*) amends the definition of "Construct" in the portion of the Act dealing with the construction of private streets. The effect

will be to make it plain that councils may include in the costs which may be charged to frontages under a private street construction scheme the costs of necessarily relocating or altering services of any other body —such as the Postmaster-General's Department or the State Electricity Commission—providing public utility services. The work may be done by the council with consent of the other authority or by the authority at the cost of the council.

Clause 20 provides for the fixing of the cost on which the supervision fee can be calculated when a private crossing is constructed by some person other than the council. Clause 21 empowers councils to provide and maintain centres for the cleaning of vehicles used for carrying stock. Roadside cleaning of stock transports can cause nuisance and spread stock disease. Councils providing these services will be able to borrow for the purpose and impose suitable charges.

Clause 22 does three things. Paragraph (*a*) empowers the committees controlling regional library services to impose penalties not exceeding $10 for breaches of any rules regulating the use of the services. Paragraph (*b*) empowers councils to enter into agreement with the Minister of Education to improve lands provided for the recreation of pupils of any State school so that they may be used by residents generally for recreation at week-ends and on public holidays.

Paragraph (*c*) concerns the arrangements which councils may enter into for assistance to decentralized industries. It is proposed to empower councils to make such arrangements with industries which are being established outside the municipal district. This will involve agreement with the other municipal council concerned. This situation can arise when an industry is attracted to a provincial city or town and finds it convenient to use a site on the outskirts of the urban area and in the territory of the adjoining shire. Paragraph (*d*) also concerns the assistance which councils may render to decentralized industries in their municipal districts. The amendment will enable councils under agreement with such industries to erect houses for employees.

Clause 23 is a further provision relating to aid for decentralized industries. At present an agreement for the reduction of rates on a decentralized industry may be made under Part 14A. It is proposed to transfer this Part to Part 40A which contains the other provisions on assistance to decentralized industries. The area in which rating agreements may be made is currently described as the area outside a radius of 25 miles of the Melbourne General Post Office. It is now proposed to adopt the metropolitan area within the meaning of the Town and Country Planning Act as the area outside which rating agreements may be made.

Clause 24 proposes three amendments to the principal Act. Paragraph (*a*) further amends the provisions relating to assistance or decentralized industries. It is proposed to empower councils to enter into agreements to assist business undertakings as well as manufacturing or processing industries. The area in which assistance may be given is also to be made uniform with that prescribed for rating agreements—that is, the area outside the metropolitan area within the meaning of the Town and Country Planning Act.

Paragraph (*b*) amends section 889, which enables a municipal officer to require any person found committing a breach of legislation administered by the municipality to state his name and address. In a recent judgment the Supreme Court held that the Summary Offences Act was not legislation administered by the municipality. A similar view could be taken of such legislation as the Health Act and the Litter Act. The proposed amendment will ensure that section

889 will apply to any legislation under which a council officer may prosecute or lay an information for an offence. Paragraph (c) increases from $40 to $100 the general maximum penalty which applies for offences against the Act or by-laws where no other penalty is specified. This is in accord with the increase in the maximum penalty for offences against by-laws provided for earlier in the Bill.

The items in clause 25 make minor corrections to the principal Act, whilst clause 26 repeals certain provisions of the Melbourne and Geelong Corporations Act 1938 relating to the qualifications of councillors. As I mentioned in dealing with clause 2, all of the provisions of Part III. of the Local Government Act on this subject will in future apply to Melbourne and Geelong. I commend the Bill to the House.

On the motion of Mr. GINIFER (Deer Park), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, March 24.

SECURITIES INDUSTRY BILL.

The debate (adjourned from March 3) on the motion of Mr. Reid (Attorney-General) for the second reading of this Bill was resumed.

Mr. HOLDING (Leader of the Opposition).—The Opposition does not oppose the Bill, the purpose of which, as stated by the Attorney-General, is to protect operations on the stock market. The measure is designed to ensure that the market operates in a fair and open way, and that persons do not manipulate it by illegal means for their own profit. The difficulty in drafting legislation of this nature is that it is always circumscribed by the Commonwealth Constitution whereby even with the best will in the world it is extremely difficult for any State Government to prevent practices which are generally abhorred in the community. There are considerable legal difficulties in laying down standards. No matter how well intentioned it may be, what can the Government do in the case of a company which is registered outside Victoria—such as in the Tasminex case—and issues a prospectus in another State, but trades on our own stock market?

This is the difficulty facing the Government of the day in using legislation in a realistic way to achieve the worthy objects so clearly expounded by the Minister. Nevertheless, this measure is undoubtedly a step in the right direction. If perhaps at some stage the Commonwealth decides to set up an Australian Securities Commission to operate on a national basis, in my view that would not militate against the operation of legislation such as this. Until the Commonwealth is in a position to offer that sort of protection on a national level, it is incumbent on State Governments to legislate to cover to the fullest possible extent whatever loopholes may exist in the law and to endeavour to protect the community.

In view of the nature of the Stock Exchange I do not know how, with the best intentions in the world, it is possible to protect people from the consequences of what is essentially their own greed. When there is a highly speculative market—at present we are caught up in a mineral boom—and people believe it is possible to buy today a bundle of shares whose value will multiply considerably within a month or so, the situation is prone to market rigging. One of the good features of the proposed legislation is that it is supported by the Stock Exchange of Melbourne and contains provisions for the creation of a fidelity fund which was sought by the Stock Exchange. That on its own represents a positive step forward.

Fortunately, members of the Stock Exchange have not shown the capacity to defalcate with the same regularity as has occurred in certain

other professions. However, it is important to protect the reputation of the average share broker and company which is quoted on the Exchange, and the fund should work on the basis that if an occasional individual does not live up to the high standard of ethics which operates within the Stock Exchange those who suffer can be recompensed. The same provision applies in the case of members of the legal profession who do not live up to the high standards of conduct and ethics which obtain within that profession. Therefore, the creation of fidelity funds to provide some measure of security for the average citizen from practices which fortunately have never really marred the operation of the Stock Exchange is an advantage. For these reasons, the Opposition not only does not oppose the Bill but commends it to the House.

Mr. ROSS-EDWARDS (Shepparton).—The Country Party supports the Bill. As the Attorney-General stated in his second-reading speech, perhaps it is unfortunate that the measure had to be brought forward at a time when the Stock Exchange is facing the greatest problems which have confronted it for 30 or 40 years. The Bill must be viewed in the light of possible amendments to the Companies Act which I trust will follow the report of the Eggleston committee. In future alterations to the rules of the Stock Exchange will have to be approved by the Minister. This will tend to bring the Exchange under Government control to a greater extent than has occurred in the past.

Perhaps the most important feature of the Bill is the guarantee fund which will be set up in a similar way to that which operates within the legal profession, whereby one-third of the amount held by stock brokers in trust accounts will be set aside and interest will accrue on them. The benefit of this money will be given to the people of Victoria who invest their money through stock brokers. It is interesting to recall that when a similar fund was proposed for the legal profession hostility to it arose from some members of the community who considered that trust moneys were sacred and should not earn interest. However, I feel that the only beneficiary of trust funds not earning interest for the public is the trading banks of Australia which must have made a fortune out of such moneys in the past.

An interesting point is that no special provision is made in the Bill for stock brokers to contribute annually on a fixed scale. I do not mention that in any sense of criticism. I know that, from time to time, contributions have been made to cover deficiencies. However, I should appreciate it if the Minister would advise honorable members at the Committee stage whether any annual contributions are made by individual stock brokers, as is the case in the legal profession, to help build up the fund. Huge amounts of money are handled on the Stock Exchange today and unless the guarantee fund is built up very quickly to a considerable sum it will not mean very much in the immediate future.

I consider that the Stock Exchange will see in this Bill a clear warning that it must look to its own affairs and control them more diligently than it has in the past. Perhaps one outstanding example to the layman occurred in what is known as the Tasminex affair. One night the shares went mad on one exchange. A fantastic statement was reputed to have been made by a director of that company. I think the stock exchanges of Australia had many hours' warning, but the shares were traded when the exchanges opened next day. What happened is history. The shares went from a single figure quote to $71. This gave inflated values to other shares on the market, and no doubt it brought hardship to many people who accepted a newspaper report at its face value. On that occasion the Stock Exchange had the

opportunity to step in and take the shares off the market, but it did not do so. I feel that on that account the Stock Exchange is subject to criticism. Now the Stock Exchange is being warned to organize its affairs properly, in which event it will be able to continue to conduct its own affairs, but if it does not do so I believe that this Government or some future Government would be forced to take over the control of the Exchange, which I do not believe would be in the best interests of the State.

Mr. McLAREN (Bennettswood).—This Bill carries further the provisions of various Acts, including the Stock and Sharebrokers Act, by providing additional protection to the community which invests in shares. The measure also covers some of the loopholes which have been revealed by the activities of some companies and brokers on the exchanges. As the honorable member for Shepparton said, the stock exchanges of Australia, and particularly the Stock Exchange of Melbourne, have a very grave responsibility to see that control is exercised not only over the brokers who are responsible members of the Exchange but also over the listed companies whose shares are quoted on the Exchange.

As the honorable member for Shepparton also said, there is a very great responsibility on both the companies listed on the Exchange and the Exchange itself to ensure that the activities of the market are controlled so that they do not go mad, as has occurred over the past few months. The fact that the market is evening out is an indication that there is a settling of the market, and I trust that the Exchange will control activities in this way. I also agree with previous speakers that there is a necessity to introduce a very substantial fidelity fund to cover any losses which may occur on the Exchange and to afford protection for the public.

Lastly, I should like to refer to Part VII. of the Bill relating to trading in securities, which deals with false trading and markets, market rigging transactions, effecting market price by fictions, and false or misleading statements about marketable securities. Substantial penalties are provided for the offences created up to a maximum of imprisonment for not more than five years or a fine of not more than $10,000. I am sure this will be a strong warning to persons who trade in any way in securities against making statements which may affect the market. I, too, commend the Bill to the House.

Mr. TREWIN (Benalla).—I expected to hear some animated debate on this Bill which, in my view, is probably overdue. It is a case of closing the stable door after the horse has got out. Probably no one considered that legislation of this nature, placing restrictions on share brokers and the Stock Exchange, was necessary because those concerned have always been deemed to be reputable persons carrying on a reputable type of business. I trust what has happened will not reflect too deeply on the reputation of the Stock Exchange.

The past 12 or 18 months has been a time of opportunities. The person who had the right information was able to take advantage of those opportunities ; but if he was stabbing in the dark, or guessing, the venture turned out to be not so good. Millions of dollars have been drained out of circulation into the hands of some people, and it has yet to be discovered who those persons are or where the money has gone. It is all very well to say that this huge market has made a contribution to the welfare of the nation. I consider that it has upset the economy to such an extent that it will have a marked adverse effect on the welfare and the economy of this country.

Certain information which was given to the public and not repudiated has had a damaging effect on the morale of persons who wish to invest in securities. I trust that other States of the Commonwealth will introduce similar legislation and that there will

be co-operation between the States in connexion with the securities industry.

Mr. TAYLOR (Balwyn).—When a Bill such as this is introduced, it must be borne in mind that one cannot protect persons from their propensity to gamble. This measure is not intended to do that. In the case of the Tasminex issue, a lot of gambling occurred and some extraordinary statements were made. Some of the blame for the situation has been placed on the Stock Exchange of Melbourne, but I point out that these shares are registered on the Tasmanian Stock Exchange, so any necessary action in this regard should be taken in Tasmania.

Members of the Stock Exchange of Melbourne already pay into a trust fund. The proposal for the establishment of fidelity funds is a good move —not that the Stock Exchange of Melbourne requires protection, because on occasions its members have paid money out of their own pockets to protect clients of brokers who made errors. The provisions contained in the Bill will enable better control to be exercised over finance brokers and investment advisers, who will have to pay a fee to become registered. This fee will form a fidelity fund to protect investors against any manoeuvring by this group of people. This is a particularly good move, because at present there is no protection for the investing public. In future, dealers and investment advisers will be required to keep trust accounts.

The provisions of the Bill will clear up many issues which have previously been the subject of debate. By and large, the people of Victoria have been fortunate because there has been little complaint about the ethics of the Stock Exchange of Melbourne, whose members have protected their reputation by taking action under their own rules. I could—but will not—name many cases in which action has been taken, but I know this particular Exchange has acted properly and correctly. I am not one of the members who are prepared to knock the Stock Exchange of Melbourne. I consider that this is a good Bill, and I support it.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2, relating to commencement.

Mr. REID (Attorney-General).—I appreciate the contributions made by honorable members in the second-reading debate, and I acknowledge the co-operation of members of the Opposition and of the Country Party in their support of this important measure. The honorable member for Shepparton expressed some apprehension that the obligations of brokers to contribute to a fidelity fund were not sufficiently specific. In my opinion this point is amply covered by a combination of clause 48, which indicates the sources from which the fund is to be built up; clause 53, which specifies certain contributions; and clauses 41 to 44, which set out the arrangement for the handling of deposits with the fund, which are on lines similar to those adopted by the legal profession.

If there is any specific matter about which the honorable member for Shepparton is concerned, I shall be glad to discuss it with him and, if necessary, appropriate amendments can be made in another place. I assure the honorable member for Benalla that this measure is part of a pattern of legislation which will be substantially the same in all States and is the result of long discussions in the Standing Committee of Attorneys-General.

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.

The sitting was suspended at 6.25 *p.m. until* 8.4 *p.m.*

MILDURA IRRIGATION AND WATER TRUSTS (AMENDMENT) BILL.

The debate (adjourned from February 24) on the motion of Mr. Borthwick (Minister of Water Supply) for the second reading of this Bill was resumed.

Mr. FLOYD (Williamstown).—This Bill is an anticlimax to an excellent measure which was introduced by the Minister of Water Supply last year and which referred to the First Mildura Irrigation Trust. On that occasion the Opposition put a tremendous amount of effort into working out what was required in what is known as the mid area. We realized at the time that there was urgency in amalgamating certain lands in the mid area to enable the Trust to do certain things. During the debate last year reference was made to the First Mildura Irrigation Trust and we wondered where the others were. However, we found it was the first, the beginning and the end.

The Government has now found a couple of flaws in the Act. On occasions members of the Opposition have cause to tell the Government that it tries to hurry too much with legislation, but on this occasion we consider the amendments contained in the Bill to be desirable. It has been discovered that the Trust can obtain a considerable amount of money by mortgage instead of by issuing debentures. That sort of development could not be envisaged when the previous amendments were being considered. Therefore, we have no objection to the proposal contained in the Bill relating to the borrowing of money.

The other matter referred to in the Bill, namely, penalties for offences against the regulations, could probably have been dealt with by regulations. Most commissioners of water trusts are part-time officials, but they do a responsible job. Public spirited men are prepared to do this work, whether it be on a sewerage trust, on a water trust or on a council. However, in our very selective community they must be careful that they do not make errors that will cause them to be implicated in affairs which might embarrass them in their private lives.

Members of the Opposition have no objection to the two amendments contained in the Bill and we have no criticism to offer to the effect that the Government should have thought of them before. We do not oppose the Bill; in fact, we agree with it.

Mr. WHITING (Mildura).—The purpose of the Bill is to improve on amendments made last year to the Mildura Irrigation and Water Trusts Act. The Act contains provision for the development of the area between Mildura and Redcliffs which has been referred to as the mid area. The Bill authorized the Trust to proceed with that development, but it took some time to get the project under way. When the Commissioners of the First Mildura Irrigation Trust considered raising the necessary funds they found that at the moment lending authorities are not keen on lending on debentures alone and there was not provision in the Act to allow the Commissioners to borrow money by any other means. One of the amendments contained in the Bill will enable the Trust to borrow money upon the security of the charge by granting a mortgage of the general fund of the Trust. The provision relating to borrowing by debentures is being retained in case in future it is possible to borrow money by this means. Borrowing by mortgage was overlooked when the Act was amended last year and the Commissioners will now be pleased that their borrowing powers are being expanded. They are grateful to the Minister of Water Supply for his assistance and they are hopeful that if the Bill is accorded a speedy passage through the House they will be able to proceed with the development of the mid area which has so far advanced to the stage where it is connected to the water supply.

The other provision in the Bill relates to penalties for breaches of the regulations. Whilst it is not envisaged that this provision will be used in the near future there is always the possibility of regulations being contravened and therefore some form of penalty is necessary. Members of the Country Party support the Bill and hope that it will enable the First Mildura Irrigation Trust to continue with the development of the mid area and improve irrigation facilities in the district.

The motion was agreed to.

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

BOARD OF INQUIRY (CORRUPT PRACTICES) BILL.

Sir ARTHUR RYLAH (Chief Secretary).—I move—

That this Bill be now read a second time.

Honorable members will be aware from reports in the daily press that a writ has been issued against Mr. Kaye Q.C., who constitutes the board of inquiry into the allegations of corrupt practices in the Police Force, and against Mr. John Winneke, counsel assisting the board. It would not be proper for me to make any comments on the matter raised by the writ, and I should like to make it clear at the outset that this Bill does not propose to affect the outcome of that writ in any way. However, the issue of the writ has brought to the notice of the Government the possibility that many people who would like to hinder, delay or frustrate the inquiry might be tempted to take various legal steps with that in mind.

I am sure all honorable members will agree that it is of the utmost importance in the interest of the public of Victoria that the present inquiry should be as complete as possible and, for that purpose, the Government believes that it is essential to put beyond any question of doubt that the board and counsel appearing before the board have all the rights, privileges and immunities that they would have if they were concerned in an action in the Supreme Court. One of the most important of these immunities is an immunity from suits for defamation, as in relation to judicial proceedings it is quite clear that all concerned have absolute privilege.

The Government's legal advisers are by no means convinced that absolute immunity does not exist in relation to the present proceedings before the board, but there is no direct authority on this matter, and it is believed that this question above all should be put beyond doubt, so that the board and the counsel assisting the board in particular may proceed with their difficult and onerous tasks without being distracted by threats of legal proceedings.

It must be remembered that the absolute privilege given to judicial officers and those assisting in judicial proceedings is not given for the benefit of those persons but because it is essential to the proper functioning of the legal system. This has been extremely well put by Lord Justice Lopes in the *Royal Aquarium and Summer and Winter Garden Society Limited V. Parkinson,* reported in 1892 I. Q.B. at page 451, and I quote his remarks—

> The authorities establish beyond all question this: that neither party, witness, counsel, jury, nor Judge can be put to answer civilly or criminally for words spoken in office; that no action of libel or slander lies, whether against Judges, counsel, witnesses, or parties, for words written or spoken in the course of any proceeding before any court recognized by law, and this though the words written or spoken were written or spoken maliciously without any justification or excuse, and from personal ill-will and anger against the person defamed. This absolute privilege has been conceded on the grounds of public policy to ensure freedom of speech where it is essential that fredom of speech should exist, and with the knowledge that courts of justice are presided over by those who from their high character are not likely to abuse the privilege, and who have the power and ought to have the will to check any abuse of it by those who appear before them.

I do not think it is necessary to labour the point before this House that absolute privilege is a privilege in the public interest and not in the interest

of individuals because every member of this House enjoys absolute privilege in relation to all statements made in this House so that he may carry out his functions properly. I commend the Bill to the House. I hope the Opposition and Country Party will ensure that this Bill is passed tonight because it is a matter of some urgency.

Mr. HOLDING (Leader of the Opposition).—The Opposition realizes that this is a matter of urgency and that the Bill should be passed now. I do not wish to enlarge on the matters raised by the Chief Secretary in his second-reading speech. When the board of inquiry in question was established, the Opposition felt that the terms of the inquiry were too narrow. However, irrespective of whether the terms of inquiry are too narrow or too broad, the critical factor is that the board of inquiry is performing a task for which it was appointed and it should have the protection that goes with this important function. There can be no variation from that principle and the Opposition will co-operate to ensure that the board and counsel appearing before the board will have the full protection of this Parliament. There is no doubt that Mr. Kaye has been confronted with an extremely difficult task and he is acquitting himself well. If it is necessary for Parliament to move expeditiously to provide adequate protection for Mr. Kaye, the Opposition will do all in its power to ensure that this is done. I commend the Bill to the House and trust that it will have a speedy passage.

Mr. MITCHELL (Benambra).—The Country Party joins with the Chief Secretary and the Leader of the Opposition in emphasizing not only the necessity for Parliament to pass this Bill but also the speed with which it must be passed. I believe we are faced with a problem that is deeper than many people realize. First of all, our Police Force which, down the years, has been a splendid organization has had allegations made against it.

The SPEAKER (the Hon. Vernon Christie).—The honorable member for Benambra may not discuss the matter of the inquiry, but only the Bill.

Mr. MITCHELL.—I appreciate your ruling, Mr. Speaker. In his second-reading speech, the Chief Secretary referred to allegations of corrupt practices in the Police Force. This strikes at the very basis of public confidence in the Police Force.

The SPEAKER.—The honorable member for Benambra should debate the Bill.

Mr. HOLDING (Leader of the Opposition).—I raise a point of order. In fairness to the honorable member for Benambra, I submit that this is a Bill which goes to the very inquiry itself. It deals with the board of inquiry and the capacity of the board to operate ; it also deals with the legal practices and privileges of the board and, by implication, it adverts to a particular set of proceedings before the board. I should hope that the honorable member for Benambra would have regard for the provisions relating to matters that are *sub judice* but if he, or any other member, wishes to refer to the board during the debate on this Bill, I think he should be permitted to do so. I cannot see any way in which the Bill can be debated without reference to the board. With respect, Mr. Speaker, I believe that your ruling has imposed undue restriction on the honorable member for Benambra. Clause 3 provides, *inter alia*—

> It is hereby declared that the Board legal practitioners and other persons appearing by leave before the Board and witnesses in the inquiry before the Board shall have and shall be deemed always to have had the same rights privileges and immunities in and in relation to any act matter or thing done in or in relation to or arising in or out of the inquiry by the Board or any report of that inquiry . . . .

I should think this clause would entitle the honorable member for Benambra to refer to the board of inquiry, provided that he does so prudently. While it is proper that honorable

members should assist the Government to have this Bill passed by Parliament expeditiously, it is not proper that their rights should be restricted.

The SPEAKER (the Hon. Vernon Christie).—I uphold the point of order only to the extent to which the Leader of the Opposition used the word "prudently".

Mr. MITCHELL (Benambra).—I am only too eager to comply with your ruling, Mr. Speaker, and the customs and usages of this House. However, I point out that clause 2 of the Bill refers to both the Victoria Police Force and the board of inquiry. Jealous as I am of the rules of this House, I emphasize that this is something which is vital. Honorable members know exactly what happened in Victoria during the police strike. We must examine this measure thoroughly and ensure that there is not one tittle of reflection on the Police Force and no pandering to the foul harpies who thrive on a foul trade.

The SPEAKER.—The honorable member for Benambra is now dealing with the subject-matter of the board of inquiry.

Mr. MITCHELL.—I am not concerned only with the shattering of public confidence over this matter. In his second-reading speech, the Chief Secretary stated that it was in the interests of the public of Victoria that the present inquiry should be as complete as possible. I was endeavouring to stress the importance of making the inquiry complete and ensuring that no agent of this foul trade uses legal means to hold up the inquiry, which I hope will vindicate our Police Force and also put the spotlight on a filthy trade. The Leader of the Opposition said that the board of inquiry, counsel and witnesses should have the rights, privileges and immunities that they would enjoy in the Supreme Court. The Country Party is wholeheartedly behind this proposition, but we want to know why the Government has been so dilatory and adopted such a shilly-shallying approach to this matter.

The SPEAKER.—The honorable member for Benambra is again referring to the subject-matter of the inquiry.

Mr. MITCHELL.—This is the second measure which the Government has introduced to rectify problems that have arisen concerning the board of inquiry. In his second-reading speech, the Chief Secretary stated that the Government's legal advisers were by no means convinced that absolute immunity did not already exist in relation to proceedings before the board. Why does not the Government have the matter clarified by its legal advisers? All honorable members are cognizant of the dilatory approach of the Government to matters of this type. The Country Party supports the Bill.

Mr. TURNBULL (Brunswick West).—I commend the Government for introducing this Bill. I am pleased to note that clause 3 provides that the board shall have, and shall be deemed always to have had, the same rights, privileges and immunities that are applicable in any action before the Supreme Court. This simply means that the board and counsel are protected from go to whoa in the inquiry.

Mr. WILKES (Northcote).—This is a necessary Bill in respect of the board of inquiry. I remind the Government that, in view of the fact that this measure refers specifically to the board of inquiry into the allegations of corrupt practices in the Police Force, it may be necessary at some later stage to introduce legislation to protect future boards of inquiry. It is essential that the legislation should be sufficiently embracing and water-tight to protect those persons who are responsible for the conduct of future inquiries of this type.

The SPEAKER (the Hon. Vernon Christie).—The honorable member for Northcote is discussing the matter of legislation.

Mr. WILKES.—I am discussing the Bill. If this measure were not passed by Parliament, the whole inquiry

could be aborted. That is the reason why the Opposition supports the measure. I should like to pose one question to the Chief Secretary: If the inquiry does not conclude before Parliament goes into recess, will the Chief Secretary be prepared to call Parliament together to discuss the report of the board of inquiry?

The SPEAKER.—The honorable member for Northcote should take up this matter at question time and not during the debate on this Bill.

Mr. WILKES.—The Opposition supports the Bill because it will provide protection for Mr. Kaye, Mr. Winneke, and those persons who have been charged by the Government to carry out this important inquiry on behalf of the State.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Interpretation of "Board").

Sir ARTHUR RYLAH (Chief Secretary).—I thank the Leader of the Opposition and his Deputy for their co-operation in this matter, and I compliment the honorable member for Benambra who has capably represented his leader. I agree with the remarks of the Deputy Leader of the Opposition, except when he was out of order. The whole question relating to boards of inquiry and Royal Commissions must be examined. I remind the Leader of the Opposition and his colleagues that the Royal Commission on communism was set up by an Act of Parliament and its privileges were guaranteed by the Act. Obviously, that was thought necessary.

I have been chided by the honorable member for Benambra for not foreseeing all these problems. In the first place, the Act provided penalties associated with boards of inquiry which were substantial and effective before the current inquiry began. There may be good reason for that. I doubt whether there has been such an important board of inquiry before. In relation to Royal Commissions, the problem of privilege has been the subject of a certain amount of going to and fro between the Court of Appeal in England, the High Court of Australia, the Supreme Court of Victoria, and the Privy Council. It is essential for the future that any Government, irrespective of its composition, should have a good look at this problem. It may well be—and I commend this to my colleague, the Attorney-General—that the whole question of privilege for Royal Commissions, boards of inquiry, and so on, should be referred to the Statute Law Revision Committee for consideration and report. That could be of tremendous value to this Parliament and to the State.

Mr. HOLDING (Leader of the Opposition).—As I said earlier, the Opposition is eager to assist the the Government in assuring this measure a speedy passage. One problem about the board of inquiry to which the Bill refers is that it is like a continuing episode of a well-known television series. Serious allegations have been made. Last week, the Premier informed honorable members that it was his intention that Parliament should rise in the very near future. Without commenting on the duration of this session, I point out that the board of inquiry may not present its report until after Parliament has risen, in which case honorable members will not have the opportunity to consider its contents until next session.

In fairness to the Police Force and all the various people involved in the inquiry, it would be better for the report to be the subject of debate in Parliament before it was the subject of debate on the hustings. I therefore press the Chief Secretary for an undertaking on this. I agree with what has been said by the honorable member for Benambra. The serious allegations made go to the whole question of public confidence

in the Police Force. That should be considered by the Parliament when the board makes its report. If the report is made, say, a week after Parliament rises, Parliament should reassemble to consider it. The Chief Secretary should give an assurance that, in those circumstances, Parliament will be summoned.

I believe it would be a serious diminution of the rights of Parliament if the report were presented and, instead of being debated in Parliament, became a matter of comment and canvassing of the issues in the newspapers. There is no possibility that the Chief Secretary will not be asked to comment when the report is made, and there is no possibility that the Leader of the Country Party and I will not be asked to comment. The proper place for comment is in Parliament. I therefore ask the Chief Secretary to give a clear and unequivocal assurance that, if Parliament has risen before the report of the board is completed and presented, the Government will call Parliament together for the specific purpose of considering the details of the report.

Mr. MITCHELL (Benambra).—I join with the Leader of the Opposition on this matter. As I said during the second-reading debate, we have already seen two things done. Firstly, a Bill providing for stiffer penalties was introduced into this House. Everything was all right then. In the following week, the aspects which are dealt with by this Bill arose, and we are presented with this measure. I should like the Attorney-General and the Chief Secretary to give an assurance that they are absolutely certain that the situation is now adequately provided for. It is not proper that Parliament should be presented with several Bills dealing with the one subject. In some respects, the Government has been faced with an unprecedented situation. Ramifications and implications which have not been known for a long time have appeared.

Members of the Country Party are eager to help the Government on this matter. We are in full sympathy with the Government in making these provisions, but we want to be certain that, this time, every foreseeable contingency has been met. There should not be need for further legislation on the matter. The Country Party pledges that, if there is a need to call Parliament together again to deal with the situation, its members will be here willingly and will do everything they can to help.

Sir ARTHUR RYLAH (Chief Secretary).—In answering the very reasonable argument advanced by the Leader of the Opposition, I inform him that I will give the matter consideration. At this stage, I am not prepared to give an undertaking because I do not have a clue as to how long the board will continue to sit. As to the suggestion by the honorable member for Benambra with regard to the Government's seeing every possibility and guarding against it, I remind him that he was the Attorney-General of this State between 1950 and 1953 and that, at that time, Parliament was constantly considering Bills to overcome problems that he did not foresee. In any event, I am sure that our legal advisers have given us the best possible advice. I will not give an assurance, but I hope this will be the last Bill on the subject.

Mr. MITCHELL (Benambra).—With all due respect to the Chief Secretary, I am afraid that he had a bad memory and is rather romancing. I do not think his statement was accurate.

Sir ARTHUR RYLAH.—It is your romance with the Labor Party.

Mr. MITCHELL.—What about the romance of the Government party with the Democractic Labor Party?

The CHAIRMAN (Mr. J. D. MacDonald).—The honorable member for Benambra must confine his remarks to clause 2.

Mr. MITCHELL.—There was an atmosphere of romance and counter-romance, Mr. Chairman, but I will return to clause 2. The Country Party is not completely happy that the Government is seized of the importance

of legislation on this subject. It should give a firm and categorical assurance that everything possible has now been done, and that there will be no need for further legislation on the subject. It should give a further assurance that if, by any chance, everything has not been provided for, Parliament will be called together. The House will go into recess for the elections almost in a matter of days and will not be called together again until the new Parliament meets, probably in June. That will be a long time.

The CHAIRMAN.—The debate should be related to clause 2, not to the duration of the session. I invite the honorable member for Benambra to confine his remarks strictly to clause 2.

Mr. MITCHELL.—Clause 2 refers to the board and to the Victoria Police Force. The Country Party regards both of these as being extremely important, and wants to help in every possible way. In relation to the Police Force and the board, members of the Country Party want a firm assurance from the Chief Secretary that Parliament will be called together if it is necessary. If that is done, the honorable gentleman can be assured that the Country Party will be the first to answer the call.

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

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

JUDGES' SALARIES AND ALLOWANCES BILL.

The dabate (adjourned from February 25) on the motion of Mr. Meagher (Minister of Housing) for the second reading of this Bill was resumed.

Mr. TURNBULL (Brunswick West).—This is a short Bill, the effect of which is to increase the salaries and allowances of Supreme Court and County Court Judges. The increases granted represent approximately 20 per cent. of the present salaries. One has to guess to ascertain the basic principle followed by the Government in making these increases. However, one must pay regard to the salary increases granted by the Commonwealth Government to the Commonwealth superior court Judges and it is clear that the Victorian Judges are also entitled to increases.

The Chief Justice of the Supreme Court will receive an advance from $19,500 to $23,600, plus an allowance of $1,200 making a total emolument of $24,800. His allowance has been increased by $200. Puisne Judges will receive a salary of $21,350, plus an allowance of $850, making a total emolument of $22,200. The allowance has been increased by $150.

One must pay regard to what has happened in the Commonwealth courts. The Chief Judge of the Conciliation and Arbitration Commission receives a salary of $24,000 plus an allowance of $1,500 making a total emolument of $25,500. The ordinary Judge receives a salary of $22,000, plus an allowance of $1,000, making a total sum of $23,000. Therefore, it can be seen that the salaries of the Judges in the Victorian courts are being brought fairly close to those of their counterparts in the Commonwealth sphere. One must congratulate the Victorian judiciary. This State has never known any scandal—if one might call it that—concerning the judiciary, and no Victorian Judge has been criticized by the superior courts, which speaks volumes for the speed and efficiency with which these gentlemen carry out their judicial duties.

The Judges of the County Court will receive an increase of $2,700 and a slight increase in their allowance. What I have said about the Supreme Court Judges applies equally to the County Court Judges. I have no doubt that the Government has maintained the relativity between the two branches of the judiciary. Members of the Opposition welcome the Bill and commend it to the House.

Mr. ROSS-EDWARDS (Shepparton).—Members of the Country Party support this Bill, which is necessary when one considers the increases in salary given to people outside the Parliament. Before these increases were considered, there was little incentive for members of the bar to become County Court Judges. I commend the Bill to the House.

The SPEAKER (the Hon. Vernon Christie).—I am of the opinion that the second reading of this Bill requires to be passed by an absolute majority.

As there are no voices for the Noes and there are more than 37 members present in the Chamber, I declare the second reading passed with the concurrence of an absolute majority of the whole number of the members of the Legislative Assembly.

The Bill was passed through Committee and reported to the House without amendment, and the report was adopted.

The motion for the third reading of the Bill having been carried by an absolute majority of the whole number of the members of the House, the Bill was read a third time.

PUBLIC OFFICERS SALARIES AND ALLOWANCES BILL.

The debate (adjourned from February 25) on the motion of Mr. Meagher (Minister of Housing) for the second reading of this Bill was resumed.

Mr. TURNBULL (Brunswick West).—Members of the Opposition support this Bill, which relates to the salaries and allowances of certain public officers. Some of these officers receive salaries by the provisions of the principal Act, some require the recommendation of the Executive Council before the amendment expressed in the Act is payable, and the emoluments of a further group, which includes the greater number of officers, are fixed by the Governor in Council.

The provisions of this Bill grant a 20 per cent. increase on present salaries. The previous adjustment of salaries payable to both the Judges and the public officers was made in November, 1967, and the increases were made retrospective to 1st July, 1967. On that occasion the salary was increased by 10 per cent. The Government was good enough to give members of the Opposition a list of the salaries which the Governor in Council proposes to fix, in a long list of categories which appear in clause 13 of the Bill. The list starts with the Director of Adult Education and finishes with the Director of Tourism.

In some ways the increases proposed are related to those to be granted to the Judges, and whilst I commend them I cannot nominally understand some of them. The salary proposed for the Chairman of the State Electricity Commission is $21,700, whereas that proposed for the Chairman and General Manager of the Gas and Fuel Corporation is $19,850. I cannot understand why the Government differentiates between these two officers. I should have thought, especially at the present time, the Chairman and General Manager of the Gas and Fuel Corporation should receive the same salary as the Chairman of the State Electricity Commission.

The Chairman of the Hospitals and Charities Commission and the Chairman of the Mental Health Authority will each receive $17,750, but the Chairman of the Housing Commission will receive only $15,850. It is difficult to realize how this difference occurs because the Chairman of the Housing Commission is charged with the responsibility of caring for a large volume of the State's assets in the form of the houses built by the Commission. I think he is underpaid. The Government should try to bring the salaries of these officers up to a common amount because it is difficult to differentiate between their responsibilities.

The Chairman of the Melbourne and Metropolitan Board of Works, who holds a responsible position, will receive $15,050, whereas the Chairman of the Public Service Board will receive $17,750. The Chairman of the Country Roads Board will receive the same salary as the Chairman of the Housing Commission. There is no rhyme or reason in the amounts proposed and an inquiry should be conducted into the relativities of the positions. The Chairman of the Melbourne Harbor Trust will receive $15,850. Quite recently an engineer employed by the Trust under an award made by the Commonwealth Conciliation and Arbitration Commission was receiving more than the Chairman; this situation will be rectified by the Bill. However, the Chairman of the Trust is badly done by when his salary is compared with those proposed for other positions for which the responsibility is much the same.

The Chairman of the State Rivers and Water Supply Commission, which is probably the biggest public utility in Victoria, will receive $17,750, whereas the Chairman of the Railways Commissioners will receive $21,750. There seems to be a need for a reassessment of these salaries. I do not suggest that any of them should be reduced. On the contrary, the movement should be upwards.

The motion was agreed to.

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

MELBOURNE LANDS EXCHANGE BILL.

The debate (adjourned from March 4) on the motion of Sir William McDonald (Minister of Lands) for the second reading of this Bill was resumed.

Mr. WILTON (Broadmeadows).—The purpose of the Bill is to give legal recognition to a land deal concerning a Government building located at the corner of Collins and Spring streets—the office of the Local Government Department—and two parcels of land in Parliament-place. The Minister of Lands has acquired for himself quite a reputation as a trader in goods. I daresay that his success in that field has encouraged him to extend his dealings into real estate.

In explaining the measure, the Minister indicated that the Government had been advised that, architecturally, it would be desirable to acquire the two properties in Parliament-place which adjoin those firetraps which the Government has owned for some time. The honorable gentleman also indicated that at some time in the future the Government proposed—I do not know how the Government proposes to bring this about because its future is very limited—to use this land for the extension of Government offices. Eventually it intends to demolish the buildings in Parliament-place, including the two involved in this deal.

The Minister has explained that one property is occupied by professional people and that the second, a multi-storied building, contains a medical clinic. The honorable gentleman considers that an exchange should take place whereby the professional people will be able to transfer their activities to the corner of Collins and Spring streets, which has a tram service to the door. The area is often referred to as the Paris end of Collins-street. It is an attractive part of the city. This aspect should have been given more consideration when the Government was discussing the proposal prior to the measure being drafted.

When entering into transactions involving the exchange of Crown land or other land, the Government ought to adopt modern business methods. Frequently, members of the Government inform honorable members how progressive and businesslike the present Administration is.

Sir WILLIAM MCDONALD.—Do you believe the Valuer-General should be disregarded?

The SPEAKER (the Hon. Vernon Christie).—Order! Under the Standing Orders interjections are disorderly. If the honorable member speaking does not choose to reply, no further interjections should be made.

Mr. WILTON.—When the Minister engages in business transactions, he should be prepared to bargain on behalf of the people of Victoria.

Mr. WHEELER.—How do you know that he has not?

Mr. WILTON.—There is nothing in the Minister's second-reading speech to indicate that he has done so. The Government owns a very valuable property situated on the corner of Collins and Spring streets, in the City of Melbourne.

The SPEAKER.—The honorable member has mentioned that fact at least three times.

Mr. WILTON.—I realize that, Sir, but I feel that I have to repeat it to drive it into the heads of honorable members opposite, particularly the Premier. As I was saying, the Minister should be expected to exercise some of the great trading ability that he displayed when he acquired for the State a fudge machine, a toaster, and a few other odd bits of bric-a-brac. When he was handling this particular transaction, one would have expected the honorable gentleman to display the same strong businesslike attitude.

The SPEAKER.—I remind the honorable member that he has also mentioned that point at least twice before.

Mr. WILTON.—I think it should be emphasized. It is an important point. In his second-reading speech, the Minister of Lands said nothing about the undoubted trading ability which he possesses. The honorable gentleman is hiding his laurels under a bushel. One would expect him to reaffirm the position that he has taken up in the community as the Government's Chief Trader Horn. I emphasize that the site which the Government will exchange for these two properties in Parliament-place is a choice business site, which should have been a strong bargaining point in the Minister's arguments.

The motion was agreed to.

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

LAND SETTLEMENT (FINANCIAL) BILL.

The debate (adjourned from February 17) on the motion of Sir William McDonald (Minister of Lands) for the second reading of this Bill was resumed.

Mr. WILTON (Broadmeadows).—The purpose of this Bill is to increase from $30 million to $40 million the amount of moneys which may be issued from the Loan Fund for the purposes of the Land Settlement Act 1959. In his second-reading speech, the Minister of Lands informed the House that because the statutory amount provided under the existing legislation would possibly be exceeded as a result of Government policy, it was necessary for Parliament to pass this amending financial Bill, to which the Opposition raises no objection. I am disappointed that when dealing with this question the Minister did not devote closer attention to the need for taking the necessary steps to ensure that the Rural Finance and Settlement Commission would have adequate finance with which to carry out its responsibilities.

The SPEAKER (the Hon. Vernon Christie).—The honorable member for Broadmeadows has every right to be heard by the House without interjection and without the attention of honorable members being directed to activities outside the Chamber.

Mr. WILTON.—I regret that the Minister did not take the opportunity to include in the Bill some provision whereby the Government could take appropriate action to assist persons who are already settled on properties but who have experienced extreme financial difficulties due to circumstances beyond their control.

The SPEAKER.—The honorable member for Broadmeadows should speak to the Bill and not discuss what it ought to provide.

Mr. WILTON.—I shall be guided by you, Mr. Speaker. I have no intention of deliberately transgressing your ruling or past practices of this House. Although the Opposition does not oppose the Bill, I register my disappointment that the Government did not broaden its scope to assist the settlers to whom I refer.

Mr. MOSS (Leader of the Country Party).—The simple purpose of this Bill is to increase from $30 million to $40 million the borrowing powers of the Rural Finance and Settlement Commission. The Country Party supports the Bill. The Minister made a lengthy second-reading speech on this measure, and I presume that honorable members are entitled to canvass the various aspects to which the honorable gentleman referred. The Minister stated, *inter alia*—

> It is better to concentrate dairying in the areas where the most efficient production can be undertaken and to legalize marginal areas for purposes for which they are better suited economically.

I wish to refer to the situation, as I know it, and as honorable members know it, at the McNicol and Retreat estates at Casterton. A great deal of concern has been expressed in regard to the economics of the dairying blocks which were established there some years ago. The Rural Finance and Settlement Commission made a mistake when it endeavoured to put settlers in that country for dairying purposes. I do not intend to canvass which Government was then in power, but these men were placed on land which was not suitable for dairying. It is fine wool country, and everyone who knows anything about that territory appreciates the fact that the settlers are having a great job to make ends meet or even to exist on the present blocks. Consequently, efforts have been made by settlers to find some solution to their problem.

I do not agree with the honorable member for Broadmeadows. I contend that under the Act action can be taken to settle some of them elsewhere if they wish to continue in dairying and at the same time perhaps double the size of the blocks, or if one person goes off, by arrangement and agreement under the administration of the Rural Finance and Settlement Commission, the blocks may be enlarged so that one settler will have two blocks and be able to go into some other form of production. What the Government is hanging its hat on at present is the dairying rehabilitation scheme which was announced by the Federal Government a considerable time ago. Although the Federal Government claimed it as its scheme, it is now looking to the States to carry out the administration and to take financial responsibility for the loan funds involved. That is the point on which the Rural Finance and Settlement Commission is objecting to the situation, because the proposal is far too vague. I agree with the Commission in this regard.

The following letter was written by Mr. J. D. Anthony, Minister for Primary Industry, to the Minister of Lands:—

> In recent considerations, Cabinet took the view that funds provided by the Commonwealth for the Reconstruction Scheme should not be used for clearing additional land on existing farms or contiguous Crown Lands as this would run counter to the basic objective of reducing butter fat production. As a general policy it has been agreed by Cabinet that funds from the $25 million which will be made available to the States for the operation of the scheme will not be used in clearing lands in the manner mooted by the shires with whom you have corresponded. Of course it is the prerogative of the State to develop any Crown Lands under its immediate jurisdiction but it is hoped this will not be done in such a way as to negate the objective to which I have referred.

I do not agree with that latter statement, either, but I shall leave that for another occasion.

The point I was making is that in letters to individuals at the McNicol and Retreat estates the Minister of

Lands has stated that it is proposed to proceed with this rehabilitation proposal. I shall read the letter if the matter causes the Minister any concern. The following is a letter, dated 27th February, 1969, to Mr. Green, which is signed by the Minister of Lands:—

> In reply I have to advise that Victoria, in concert with the other States, has placed proposals before the Commonwealth in connection with the Marginal Dairy Farms Rehabilitation Scheme. To date agreement has not been reached on the details of the Scheme, but negotiations are proceeding.
>
> When I am in a position to proceed, individual settlers on Retreat and McNicols estates will each be notified.

That is pretty clear.

Sir WILLIAM MCDONALD.—Do you disagree with any part of that letter?

Mr. MOSS.—I shall inform the Minister where he is wrong, and that will not be difficult. As I have said previously, the Minister stated that he would proceed on the basis of the dairying rehabilitation scheme. I contend that the Rural Finance and Settlement Commission made a mistake in the first place in putting these men on land which was not suitable for dairying. The Minister for Primary Industry has said that the Commonwealth Government does not propose to do this sort of thing under the dairying rehabilitation scheme. That should be plain enough.

Sir WILLIAM MCDONALD.—Are you telling me that the Federal marginal reconstruction scheme will deliberately exclude soldier settlers?

Mr. MOSS.—Not at all. The Minister's imagination is running wild tonight. The honorable gentleman seems to be touchy about this business; I suppose it is because it is in his area and he realizes the folly of what is going on at present. The men concerned were placed on land which was fine wool growing country to follow dairying pursuits. This was not right and it should be acknowledged. If the Minister sought the advice of the Rural Finance and Settlement Commission as to whether it was a mistake, the Commission would undoubtedly inform him that it did make a mistake in putting men on that land to undertake dairying. Consequently, the responsibility is not that of the Federal Government but that of the State Government, and the position should be rectified immediately. If these men are going to remain there for years and years——

Mr. WILTON.—They will go broke.

Mr. MOSS.—Most of them are broke now, although a few are happy about the situation.

Sir WILLIAM MCDONALD.—Are you saying that the McNicol and Retreat estates are excluded from the Commonwealth proposal?

Mr. MOSS.—I am saying nothing of the kind. I am saying that Mr. Anthony said that. The point I wish to make as forcibly as I can is that if the Victorian Government made a mistake—whichever party was in power—surely it is the Government's responsibility to rectify the situation. It is not good enough for the Government to wait another ten years and say, "As soon as we get the matter straightened out we will do something."

The men concerned are forced to continue dairying because they cannot do anything else economically on the properties which they occupy. Consequently, the Federal scheme may or may not be of benefit to Victoria or to the dairying industry; it has to be proved. I contend that the Minister of Lands should face up to the situation, acknowledge that a mistake was made and try to get these men on to a suitable basis, so that they can either take a block at Heytesbury if they wish to continue in dairying or double the size of their present blocks and go into some more economical form of production. Those are the exact words used by the Minister. Before the Bill passes through this House, I hope the honorable gentleman will throw some light on this situation.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Increase in aggregate amount which may be applied from Loan Fund).

Sir WILLIAM McDONALD (Minister of Lands).—The Leader of the Country Party has adverted to the difficulties being faced by soldier settlers on the McNicol and Retreat estates near Casterton. He said, on the authority of a statement which he claimed was made by Mr. Anthony that these estates would not come within the purview of the marginal dairying reconstruction scheme. I am not aware of that statement by Mr. Anthony. I should have thought that I was fairly conversant with the marginal dairying reconstruction scheme. My understanding is that farms on estates similar to Retreat and McNicol are the very type of dairy farms which would come within the purview of the scheme.

I do not disagree with the assertion of the Leader of the Country Party that in the circumstances the areas on which the settlers are placed are too small. I agree with the honorable member that the individual farms and, more particularly, the area in which the farms are situated are not well chosen for dairying. I do not think the Rural Finance and Settlement Commission would dispute that there are better areas for dairy farming. However, the honorable member must remember that the Soldier Settlement Commission of the day was faced with the situation that too little money was available for too many soldier settlers. The public clamour was for the settlement of more settlers. The obvious answer was that more settlers could be settled in dairy farming than in, for instance, fine wool growing, which the honorable member has suggested would have been better.

Let us admit that a mistake was made, but let us also admit that this mistake was made in good faith in the circumstances of the time. We must not rely on the magnificent hindsight, with which we are all so very well equipped, to blame the Commission which, in my opinion, has one of the best records for administration of any in Australia.

I can only reiterate that I believe the Leader of the Country Party has erroneously attributed the statement to which he referred to Mr. Anthony. I believe the statement is inaccurate and that the marginal reconstruction scheme, when implemented, should take account of dairy farms wherever they are situated in Victoria and whether or not they are soldier settler farms. In my opinion, the estates mentioned may very well come within the purview of the scheme, and the opportunity will be given to settlers of both the estates to partake in the scheme if they wish.

I want to make only one more comment. The proposal which is under consideration will be a voluntary scheme. These settlers, or any other dairy farmers, will be given the opportunity to apply to come within the scope of the scheme. There will be no compulsion on them to move out. The Leader of the Country Party knows that this is an attempt, not only in Victoria but throughout Australia, to take dairy farmers out of areas which are unsuited to dairying. It is also intended to take out of the industry dairy farmers who are unsuited to it, because of their capital structure, or whose farms are unsuitable for dairying because of the quality of their soil, or the climate of the area in which they are operating, and to make the land available to primary industry to which the district is better suited.

The honorable member knows all this. It would be unfortunate if settlers who were misplaced or adversely placed were given an erroneous idea of the Government proposals. I hope the settlers to whom the honorable member alluded will come within the purview of the scheme and be assisted by it.

Mr. STEPHEN (Ballaarat South).—My concern is that the Leader of the Country Party may have insinuated that only certain soldier settler dairy farmers are in trouble. I believe the honorable member may have suggested that the money authorized to be borrowed by this Bill can or may be applied to assist only dairy farmers who find themselves in trouble at this moment. A great number of soldier settlers, as well as other farmers, are in trouble, and they are not necessarily in the dairying industry.

I have a fair knowledge of many estates, not all of them in my electorate, where the settlers are in trouble. Farms with areas of between 280 and 350 acres were made available or sold by the Rural Finance and Settlement Commission—then the Soldier Settlement Commission—on the understanding that each block would support a family as a mixed farming proposition. With hind-sight, we know that the areas are far too small. We also know that those who purchased farms on the open market and obtained what were viable units some 5, 6 or 10 years ago now find that they are no longer viable units. These people, along with many soldier settlers, are in trouble.

I do not want to delay the business of the House, but I want it clearly placed on record that not only dairy farmers are in trouble; there are many others. Many farmers carrying on mixed farming on small properties and many others, with slightly larger properties, who run merino sheep and produce wool, are in as much trouble as many dairy farmers with small properties; in fact, they could be in more trouble. I hope some of the extra money which this Bill authorizes the Commission to borrow will be used in solving the problem, not only of soldier settlers, but of all farmers who find themselves with too small an acreage at this stage of our economic development.

Mr. MOSS (Leader of the Country Party).—I appreciate the remarks of the Ministers of Lands; we agree upon the fact that these people are on land which is not suitable for the occupation in which they are at present engaged. The honorable gentleman says that he did not disagree with my argument.

Sir WILLIAM MCDONALD.—I have already told the settlers that.

Mr. MOSS.—They are anxious that the Minister should follow up the matter with some action. The Commonwealth proposal has been discussed for a number of years. If the Government and the Rural Finance and Settlement Commission are to sit back and say, "This is the chance to get out of a mistake made in the first place", it will take another ten years to straighten out the matter. The Government is not doing the fair thing by the men on the blocks. It is not a new project. In many instances properties that have been approved and accepted are unsuitable for the particular occupation in which the holders are engaged. It has happened in the Murray Valley. No problems were encountered in amalgamating two orchard blocks and making a large dairy block. No problem existed in moving settlers off blocks unsuitable for fruit because of the water-table, on to other areas more suitable. In other cases, moves by settlers have proved highly successful.

Let us not sit back and hope that the Commonwealth will come to agreement with the States, because the matter has been going on for years and it will continue to do so. While the scheme might be suitable for certain areas in Victoria, basically it has to be tidied up. I know the views of the Chairman of the Rural Finance and Settlement Commission, because he has expressed them to conferences for some time. People have been settled on blocks sponsored by the Government, and surely it is the responsibility of the State to ensure that they do not stay there for another ten years and have their lives ruined. This is a matter of urgency, and ample precedent exists for something to be done.

Mr. WILTON (Broadmeadows).—I am in complete agreement with the point of view expressed by the Leader of the Country Party. It is erroneous for the honorable member for Ballaarat South to say that the difficulties experienced by settlers on the McNicol and Retreat estates were due to the fact that the allotments were originally granted on the assumption that they were large enough to sustain mixed farming. At no time was it suggested that this was so. As a matter of fact, some settlers with whom I discussed this problem indicated that point of view most forcibly to the Rural Finance and Settlement Commission. These settlers were born and bred in dairying districts and they told the Commission that they could not make a go of dairying on these blocks.

The Leader of the Country Party indicated that it was not a question of which Government was responsible for the establishment of these two estates ; the fact that the problem now exists and has been in existence for some time should be examined. The Minister of Lands knows of the problem because it exists in his electorate. He has had meetings with the settlers on the subject. He speaks tonight as though this rehabilitation programme is just around the corner, that it will be ratified tomorrow, and that these people will have the opportunity of applying for assistance. He cannot give the Committee any assurance that there will be any ratification ; in fact, the indications are that it will not be ratified because it is a voluntary scheme. If one reads the speech of the Federal Minister, one can accept that the Commonwealth Government is thinking in terms of Queensland and northern New South Wales. It has taken the view that Victoria is in the unique position of being the best dairying State in the Commonwealth.

Mr. WILCOX.—That does not mean that the State has no marginal dairy farms.

Mr. WILTON.—For once I agree with the Minister of Transport.

Sir WILLIAM MCDONALD.—If the honorable member for Broadmeadows agrees that marginal dairy farms exist in Victoria, it is reasonable to believe that they should come within the purview of this scheme.

Mr. WILTON.—It is not a question whether they should or should not come within the purview of the scheme ; it is a question whether they do come within it. Do these people starve to death in the meantime or do they go on the dole? Do they lose their properties and 15 or 20 years' hard work before the Government is prepared to take action? If the Government were sincere—if it had any real desire to give assistance to these settlers—it would take action on its own initiative. I know that the Government has never heard of the word " initiative ". For once in its life, I hope the Government will take some initiative. It should not rely on the argument that when the Federal Government finally ratifies this scheme the problems will be solved. When is the Commonwealth Government going to ratify it? Can the honorable gentleman inform the Committee when the scheme will come into operation? He cannot do so, for the simple reason that the chances of the scheme ever being ratified are slim indeed.

The Federal Government might have promoted the scheme with the best intention in the world, but, because the States cannot agree, it is no nearer getting the proposals off the ground than when they were advocated earlier. I have asked question in the House on this subject on several occasions and the honorable gentleman has told me, " My officers are progressing with negotiations. " Of course, one can make progress until hell freezes over, but that will not solve the particular problems of the people on the McNicol and Retreat estates. The only way in which their problems can be solved is, as the Leader of the Country Party has indicated, by action from this Government. He has already indicated the steps that have been taken in regard to

other settlers. It was considered that it was a practical proposition, but because of the developments that occurred during the initial years of settlement it was decided that the original concept would not work, and the Government of the day took action. I do not know which Government it was, but the point made by the honorable gentleman was that the Government of the day took action to resettle these people. Surely it is not too much to expect from the Minister that he in turn will take similar action so that these people may receive a reasonable deal.

When I was discussing their problems I asked these settlers what their reaction would be to a ballot system, under which 1 of 3 would leave the settlement, and they readily accepted the proposal. They considered that would be a fair and reasonable way of determining who would go and who would stay. The Minister would not have the vexed problem of making the decision because the settlers are agreeable to a ballot system.

Unless the Minister can give the Committee an indication when the Commonwealth scheme will be put into effect, he has no right to use as an argument against his Government taking any action the possibility of something happening in the distant future. It is not an answer to the point raised by the Leader of the Country Party and I suggest that, in the interest of the welfare of settlers involved in the two estates, the Minister should take a positive approach to the problem.

Mr. STEPHEN (Ballaarat South).—I wish to correct a misstatement of the honorable member for Broadmeadows. When I mentioned mixed farming, the honorable member insinuated that I was referring to the McNicol and Retreat estates. In fact, my small contribution to the debate was on a broader scale, as I was referring to estates about which I have close knowledge. They are the Ingliston estate at Ballan, and the Shelford, Golf Hill and Moranghurk estates.

I desired to point out that soldier settlers were confronted with a vexed problem, which is not confined to the McNicol and Retreat estates. Therefore my appeal to the Minister and to the Government is that any help that may be given as a result of an increase in the borrowing powers of the Rural Finance and Settlement Commission should be given on a broad basis. If assistance is to be given to settlers who find themselves in difficult circumstances—and the Government has indicated sympathy in this direction—I ask the Minister and the Government to consider the problems of individual settlers, not only those who are associated with the McNicol and Retreat estates.

Because of his close association with his Department and the Rural Finance and Settlement Commission, the Minister is well aware that there are many other estates on which will be found individual settlers who are in a fairly parlous position. I appeal to the Minister and the Government to consider this problem on a broad scale and not to confine their interest to the difficulties experienced on two particular estates.

The clause was agreed to.

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

RIVER MURRAY WATERS BILL.

The debate (adjourned from March 4) on the motion of Mr. Borthwick (Minister of Water Supply) for the second reading of this Bill was resumed.

Mr. FLOYD (Williamstown).—This is one of the most important Bills to be presented to this House. Before going into details, I explain for the benefit of those honorable members who were not present during the Minister's second-reading speech that the purpose of the measure is to provide a new reservoir on the Mitta Mitta river in the north-east of Victoria. This storage will take the place of the much publicized Chowilla dam

that was to have been built some years ago on the lower reaches of the River Murray.

The Opposition is faced with the proposition of accepting the agreement entered into a year ago, by the Prime Minister and the Premiers of New South Wales, Victoria and South Australia, and of deciding whether it should accept the decision made at that time to build a dam on the Mitta Mitta river. That is the issue now. It is not a competition between Dartmouth and some other dam or a comparison of Dartmouth with some other dam. The issue is the way in which members of the Opposition accept and ratify an agreement in principle that was made by three Premiers and the Prime Minister in March, 1969.

This is an interesting measure. Firstly, it proposes to ratify an agreement made between the Prime Minister and the Premiers who met to discuss the conservation of water which is of prime importance not only to Victoria but also to the rest of Australia because, apart from Antarctica, Australia is the driest continent in the world. It has been said in this House on many occasions that the flow of the Mississippi river, the Nile river, the Amazon river or the Yangtze Kiang river in one year is greater than the flow of all Australian rivers combined. We like to think of Australia as the biggest—in many respects it is—but the River Murray is infinitesimal compared with river systems in overseas countries. So it behoves any Government not only to preserve the flow of the River Murray and its tributaries for flushing out the salinity in the lower reaches but also to conserve the flow in the good years to take care of the bad years.

Australia is a young nation which this year is celebrating the bicentenary of the discovery of its east coast by Captain James Cook. For 60 of those 200 years not a great deal was known about Australia. Eventually, Bass and Flinders discovered Bass Strait, and Hume and Hovell and other explorers suffered great privations in travelling from Sydney to Melbourne—a journey which we can now complete in one hour by aeroplane. These explorers found that Australia was lacking a good quality water supply that other nations accept as a right. Therefore, we must find some way of conserving our water.

This Bill seeks to vary the River Murray Waters Agreement which had its beginnings in 1914—only fourteen years after a conglomeration of Colonies became a nation. Something had to be done to look after the water supplies of New South Wales, Victoria and South Australia. The River Murray runs for 1,600 miles and one of its tributaries, the Darling river, runs for 1,700 miles. It is fed by other rivers in Queensland. In 1914, our forebears were able to get together on the eve of a war with a view to ensuring that range wars over water, similar to those that have occurred on the Mississippi and other rivers, did not occur in Australia. It is to the credit of the intelligent people of those days that they got together and formed the River Murray Commission. Its purpose was to ensure that the people living on the lower reaches of the River Murray got their just dues. That is elementary, but some difficulties were encountered in working out the details. The River Murray Commission has done an excellent job over the years. The Agreement came into being in 1915, and it has been altered only slightly since because of the general realization that the waters of the River Murray must be fairly shared among the States.

After a number of preliminary skirmishes, the stage has been reached where there is before this House a Bill whose purpose is to make major alterations to the River Murray Waters Agreement. In 1963, the Agreement was varied to allow for the construction of the Chowilla dam. In 1961, in desperation, the South Australian Government thought it was an excellent idea because

South Australia had suffered droughts in earlier years and it has no great streams to supplement even its metropolitan water supply, which depends on a couple of holes in the hills. South Australia relies to a great extent on the River Murray for water.

A Federal election was due in 1961 and the Commonwealth Government —which this Government hates but will not say so—as is its usual custom at election time, threw out a sop. Sir Thomas Playford, who was getting old in his job, was anxious to do something before he retired. He dreamed that the construction of Chowilla dam could solve the water problems of South Australia. He hurriedly put up the proposition, so hurriedly that subsequent events demonstrated that whoever put up the scheme ought to be ashamed of himself. However, in its desire to offer sops to State Liberal Party Governments, the Federal Government jumped on the bandwagon and provided Sir Thomas Playford with this wonderful propaganda just prior to a State election.

The DEPUTY SPEAKER (Mr. J. D. MacDonald).—Order! I find considerable difficulty in relating the honorable member's remarks to this Bill. I ask him to deal with the measure.

Mr. FLOYD.—I intend to deal exclusively with the Bill and to explain that Chowilla was a fake. I intend to quote the Premier and other honorable members of the Liberal Party to show that they fully supported the scheme. The proposal was a fake and a political gimmick.

The DEPUTY SPEAKER.—Order! This Bill does not deal with Chowilla dam.

Mr. FLOYD.—It does, Mr. Deputy Speaker.

The DEPUTY SPEAKER.—I ask the honorable member to make his point.

Mr. FLOYD.—In his second-reading speech, the Minister dealt extensively with the Chowilla dam proposal and I shall not desist from referring to it.

Mr. BORTHWICK (Minister of Water Supply).—Mr. Deputy Speaker, I rise in an endeavour to clarify the terms of the agreement for your interpretation. The agreement, which forms the schedule to the Bill, basically amends the River Murray Waters Agreement, which provided for the construction of Chowilla dam, and largely replaces that project with the Dartmouth proposition. It is my view that any honorable member would be correct in making a comparison between the benefits of the earlier project and this project. In fact, to debate the measure honestly, one must do this.

The DEPUTY SPEAKER.—I appreciate the comments by the Minister because the Bill is a very short one, and it really depends upon the schedule. For the guidance and assistance of honorable members, I express the opinion that possibly this is what might be described as a Committee Bill. I seek the co-operation of the honorable member for Williamstown and ask him to proceed.

Mr. FLOYD (Williamstown).—Mr. Deputy Speaker, if I cannot proceed in my own way, I shall not continue with my remarks. I respect your ruling and I will endeavour to obey it. It is impossible to discuss this measure without making comparisons between the Chowilla project and the proposal to construct a dam at Dartmouth. I suggest that I am entitled to place my own interpretation upon the political gimmick of 1961.

This measure is important not only to Victoria but to the whole of Australia. It alters an agreement; it rids the River Murray Commission of its obligations to proceed with the proposal, under the River Murray Waters Act 1963, to construct Chowilla dam; and it authorizes work to proceed on the Dartmouth project. There are certain other aspects which the Government and the River Murray Commission support in relation to the variation which has taken place since 1963.

The Opposition realizes that it is not practicable to reject the Bill because it provides for an excellent dam to be constructed on the Mitta Mitta river. Nobody in his right senses would oppose the conservation of more water anywhere in Victoria or elsewhere in Australia. Accordingly, the Opposition goes along with the measure. It does not like the fact that the Bill is a standover measure; that one must take Dartmouth or leave it. The Bill cannot be amended. The Opposition has decided to take it.

Over the years, the Government has gained a reputation for bringing in vital legislation at the end of a session. I do not know whether it is by design, ignorance, incompetence, or inexperience. Undoubtedly, one or two members of Cabinet have said, "Introduce the Bill and let the Opposition take it or leave it." Honorable members are faced with the position of either rejecting the Bill and being denigrated by the public, or accepting it with all its imperfections. Imperfections appear in plenty in legislation introduced by the Government, which has a reputation for rushing Bills through, knowing that one day somebody will find the faults, that amendments can then be introduced, and that the Opposition will go along with them.

On this occasion, honorable members are forced to debate a Bill of this magnitude within a fortnight. The Government, having made an error, expects honorable members, in their innocence and a spirit of charity, and on acceptance of the Government's word before an election, to accept the Bill. A fortnight ago I rejected the idea. A couple of the black sheep on the Government back benches suggested that the Opposition did not do its homework. I am not interested in the bleatings of those black sheep, but I inform them that members of the Opposition undertake their homework. If the Government did its homework it would be unnecessary for it to introduce so many amendments to Bills.

The Opposition's fear is that if this Bill is allowed to go through in a fortnight, the Government—if it is re-elected—will next session seek to amend it. Opposition members do not delay the resumption of the debate on a Bill merely to be contrary. We care for the State, and we do not think that the Government gives sufficient thought to the Bills that it presents to Parliament.

The Government argues that in 1961 everybody went into raptures when it was decided to proceed with Chowilla dam, which was to be the greatest water storage ever built in Australia. Extending over 520 square miles, it was to have a capacity of 5 million acre-feet, and South Australia was to be given supplies when that State was short of water. The Government, running along behind the Menzies Government, could not ratify the agreement quickly enough in 1963. In 1961, the Government went into raptures in this House over the Chowilla project. I intended to bring the relevant copies of *Hansard* with me into the Chamber to remind honorable members just how wonderful the Chowilla dam was going to be. Now, 2 or 3 years later, it is all finished!

Although the Minister of Water Supply states that the Opposition was previously enraptured with the Chowilla reservoir proposal, I remind the House that we expressed certain doubts concerning it, as did many other people. In fact, any person with a knowledge of water would have done so because it is not sound policy to build a water storage at the mouth of a river. It is wiser to build a storage at the head of a river so that the stream can be commanded from its head down to its mouth. A river would not flow down to the mouth if it did not run downhill and, therefore, its flow can be commanded

on the way down. It is interesting to note that it was proposed to construct the reservoir at a site 390 miles from Adelaide when there were other excellent sites 1,000 miles upstream. At the time, the Opposition queried the validity of this hasty decision, which had been conceived in 1961 for the purposes of the Menzies Government as a sop to bolster Sir Thomas Playford's brainchild, which turned out an abortion.

By 1963, the Government had not learned a lesson and it was prepared to introduce legislation to amend the River Murray Waters Act, which is what this House is doing again tonight. The Act was amended in 1963 for the purpose of building the great Chowilla dam—a storage of 5 million acre-feet covering an area of 520 square miles at an average depth of 14 feet. Sir Thomas Playford wanted to go it alone, but the Premier of Victoria said, "Don't go it alone; we love the crow-eaters. We will stick with you. I know the Chowilla dam will inundate a large area of Victoria and a fair portion of New South Wales and also encompass Lake Victoria, which is a very good storage in its own right. Despite the evaporation, this area of 520 square miles of water at an average depth of 14 feet will supply Adelaide and South Australia with sufficient water to satisfy their requirements." Of course, South Australia recognized that a reservoir at Chowilla was better than nothing.

A change of heart then took place and, despite the gerrymander, there was also a change of Government in South Australia. Suddenly, it was found that the great investigations that had taken place concerning the proposed Chowilla reservoir could not justify increasing the amount of money that it was intended to spend on the new reservoir from $28 million to $70 million. Members of the Liberal Party frequently accuse Opposition members of not doing their homework; in this case, it is obvious that the Government did insufficient homework concerning the Chowilla proposal. At the time, everybody got in the procession supporting the Chowilla project and everybody loved it because the word "Chowilla" had a magic ring about it; it has a psychological effect on everybody. I am informed in the Library that the correct pronunciation of Chowilla is "Charla." It was named after a station in the area and it is called the place of spirits. A small creek, known as the Chowilla creek, runs into the site that was to have been the Chowilla reservoir. I deprecate the fact that it is a place of spirits, and I shall deal with that later.

In 1961, on one of the rare occasions when the Premier has participated in a debate on the annual Water Supply Loan Application Bill, the honorable gentleman went into ecstasies over the proposed Chowilla reservoir. He so mesmerized honorable members that few participated in the debate. We knew that the Chowilla reservoir would be the beginning and end of all water storages on the River Murray. The honorable member for Midlands, however, expressed certain doubts concerning the proposal. He said it was possible that if a storage was provided at Chowilla and water was sent down from the upper reaches and settled in the storage, it would forgo the flushings that are necessary to clean out the salinity of the Murray. Flushing would occur if the storage were constructed higher up the stream. Of course, we were assured by the experts at that time that Chowilla was the place where the storage should be constructed. When one looks back with all due regard to our South Australian neighbours, who were desperate for water, it is evident that they would take anything, because anything was better than nothing.

Sir Ronald East, who has been eulogized in this place, said that no matter what evaporation occurred, there would be sufficient water in the Chowilla dam to satisfy Adelaide's needs for twelve months. He stated that the annual evaporation at

Chowilla would be equal to the annual use of water in Adelaide. Is it any wonder that the poor, humble Opposition should give way to the experts? Of course, there occurred a change of Government in South Australia and a change of mind concerning the Chowilla proposal. It has now been decided that the Snowy Mountains Authority shall inquire into the best dam sites on the River Murray and, although some of our colleagues in South Australia and in the Federal sphere are supporters of the Chowilla proposal, they cannot dispute the integrity or the ability of the Snowy Mountains team.

Although I did not speak when the Chowilla project was being debated, I am prepared to put out my neck tonight, supported by the Snowy Mountains Authority. It is remarkable to a layman that Victoria fell for a storage on the lower reaches of the River Murray. The obvious site for a storage is near the source of a river. Firstly, there is the advantage of gravitation. Secondly, the area is secluded. If I know anything about God's own country, up at Benambra where the Mitta Mitta flows, the Board of Works would not be perturbed at the prospect of someone launching a boat in the river or throwing in pieces of wood, or fishing. I have had the opportunity of visiting this area. I am sure the honorable member for Benambra would not object to the pure water in this beautiful valley, with its steep gulleys and narrow neck, being captured in the good years to be released down the Murray in the bad years.

I complained previously that members of the Opposition did not have sufficient time in which to consider this measure, and I asked the Minister for maps and other information. The honorable gentleman replied, "You can have what you want; I will fly you up there." Some members of the Liberal Party said, "Leave him there." I flew to the area on Friday, the 13th, and have returned. I accompanied the honorable members for Oakleigh, Moonee Ponds and Mildura, and a Commissioner of the State Rivers and Water Supply Commission. It was an excellent trip, and I have no complaints. The Minister has done his best, and members of the Opposition appreciate it. Nevertheless, why Victoria has to rush in is beyond the comprehension of members of the Opposition. Victoria was the first State Government to pass legislation dealing with the Chowilla project. Apparently, Victoria must be first in everything, but it just does not work. I realize that an election is imminent, but Victoria is to be first again. I remind honorable members of the old motto "once bitten twice shy". Would it not be logical for Victoria to wait until South Australia passes complementary legislation in regard to the Dartmouth dam? After all, South Australia is a recipient of water from the River Murray. Victoria rushed in in 1961 and 1963 and baled out in 1967. We are now considering a new project—the Dartmouth dam, which is a perfect propoistion. Of course, Victoria must get in right away although no other State wants to be in it. New South Wales will be dragging its chains for a long time.

Now I want to say something nice about the Dartmouth proposition which may retrieve some of the Government's tattered reputation. It is an excellent site, between deep gullies. Chowilla was to extend over 520 square miles, with a depth of 14 feet. By comparison, Dartmouth will cover 25 square miles, and goodness knows how deep it will be. I understand that the wall will be 600 feet in height, whereas the Chowilla wall would have been 48 feet high. It is proposed to construct a 100 megawatt power station at Dartmouth. which will add to the State's supply of electricity. How could a power station be constructed at Chowilla? It would take all one's time to wade in it.

Sir HENRY BOLTE.—It would be good for ducks!

Mr. FLOYD.—Williamstown ducks would not go there for the week-end. In view of the experience of the Government, the State Rivers and Water Supply Commission and the River Murray Commission it is difficult for members of the Opposition to work out how Victoria fell for the Chowilla gimmick in 1961. Tonight, members of the Labor Party have to decide whether to accept or reject the Dartmouth proposal. We intend to put our necks out and state that we accept it. A survey has been conducted by the Snowy Mountains Authority, which we accept, and we will suffer the consequences in any subsequent debate if our decision is wrong.

Sir HENRY BOLTE.—Dunstan won't be too pleased about that!

Mr. FLOYD.—Never mind about Dunstan—the Premier is a political shyster. The honorable gentleman is not content to muck up Chowilla; he is attempting to muck up my speech. As I have said previously, the Premier cannot always be wrong. I supported the honorable gentleman in connexion with the Big river on the premise that he cannot always be wrong. It is unfortunate that on each occasion when he is right I am on his side.

The Dartmouth dam will impound only 3 million acre-feet compared with 5 million acre-feet at Chowilla. The area in which water will be conserved is much smaller, which reduces the possibility of evaporation. The rainfall in the area is 40 inches a year. This quantity could not possibly be lost through evaporation, but in the Chowilla area evaporation is three times the annual rainfall. Water would be sent down to the Chowilla reservoir to be evaporated—not used. It is elementary to conserve water at the source, use it on the way down, send it through irrigation channels and play the game of put and take which the River Murray Commission has always played. The matter is as simple as that. One cannot play put and take at the end of the river. In north-eastern Victoria, the Kiewa and Mitta Mitta rivers flow into Lake Hume. On the other side of the border, the Murrumbidgee and other rivers flow into the River Murray. The States are compensated for the tributary flow into the main stream, and diverters can take out water as part of the tributary flow. This is not possible farther downstream, because the water cannot be pushed back.

Another good point about this Bill is that there is to be a perpetuation of the agreement that water will come from the Menindee Lakes. Why those lakes were ever created, I do not know. I remember, as a boy in Broken Hill, that we used to depend on water from Steven's creek and always hoped that, some day, there would be a pipeline from the Darling river. By the time I left there, at about the age of eleven, that had not come. Now, not only does Broken Hill receive water throught a 71-mile pipeline from the Menindee Lakes, but the Broken Hill miners have something they never thought possible. They own yachts so that they can have a bit of a run on the Menindee Lakes; those lakes are closer to Broken Hill than Eildon is to Melbourne.

I think New South Wales has now realized that the Menindee Lakes are not as useful to that State as they are for the purposes of the River Murray Waters Agreement. The Agreement, which provided that water from the Menindee Lakes should be diverted to the Murray, expires this year, and it is to the credit of the Minister of Water Supply that the Agreement is to be perpetuated. This has probably been agreed to for the same reason that the projected Chowilla storage would have been no use to Victoria. The water from the Menindee Lakes cannot be taken back to the places which they were expected to serve. Perhaps this will be like the Ord river scheme and, in years to come, someone might thank us for our mistakes. Victoria, New South Wales, and South Australia, should be thankful that the agreement on the flow of water to the River Murray from the Menindee Lakes is to be perpetuated. The agreement will take

into account the needs of New South Wales itself, in respect of which the Minister gave some figures.

I shall not deal with the clauses of the agreement at this stage, as I understand it is intended that they should be dealt with in Committee. The Opposition has came down on the side of what is logical. The rejection of this Bill would not mean that the Chowilla project would proceed. We are not faced with a comparison between storages; the purpose of the Bill is to ratify an agreement. If the Bill is not accepted by Parliament, the Dartmouth reservoir will not be built. In its lower reaches, the salinity of the River Murray sometimes reaches 600 parts per million, although only water with salinity of 300 parts per million is safe for irrigation purposes. The present degree of salinity is less than what is regarded as safe, and the Dartmouth storage will assist in keeping salinity at a safe level. Therefore, it is right that we should get on with the job now so that it will be finished by 1976.

It is part and parcel of this Bill to make it possible to build the Dartmouth reservoir. The Bill also allows for the improvement of Lake Victoria in the Chowilla area. If it is agreed by the States, a considerable sum of money will be spent in enlarging Lake Victoria as a storage, and there will be a pipeline from the River Murray to Lake Victoria and another from Lake Victoria to the Murray. Originally, Lake Victoria was to be absorbed in the Chowilla Dam and would have disappeared. It is logical to have a storage there. We have not seen the last of the Chowilla project tonight.

After the River Murray Commission has started on the Dartmouth reservoir, it should make Chowilla its next project. The Opposition pins its faith on the investigations made by the Snowy Mountains Authority and the State Rivers and Water Supply Commission.

On the Dartmouth project, the same scientific feasibility tests should be made on a possible storage at Chowilla. The reason for the farce about Chowilla was a lack of thorough investigation. We all took the word of everybody around the place. Everyone became emotionally involved with the idea that South Australia must have water at any cost. The Bill relating to Chowilla was passed by Parliament and it was loved by all, but by some more than others.

The Opposition supports this Bill to enable the Dartmouth reservoir to be built. The sum of $57 million will be provided, and there will be restrictions under the terms of another Bill. I am delighted that there will be safeguards. The Opposition believes that Parliament should go ahead with the other Bill, but I point out that the River Murray has a very poor flow as compared with the great rivers in other parts of the world, and every opportunity should be taken to store its waters. Therefore, the Chowilla project should be reinvestigated scientifically and a storage, complementary to Dartmouth, should be constructed. Furthermore, the storage should not be called Lake Victoria because, as I said earlier, in a land of spirits we should make Chowilla live again.

Everybody loved the idea once. In 1961, the Premier mesmerized me with his oratory. If the idea was good then, there must be something good about it now. South Australia will benefit greatly from the Dartmouth reservoir, but South Australians will feel more secure if there is a storage at Chowilla as well. I put it to the Minister that, when he has worked out that there will be a pipeline from the River Murray to Lake Victoria and another pipeline back, he should forget about Lake Victoria and should work to have a storage there called Chowilla.

On the motion of Mr. WHITING (Mildura), the debate was adjourned.

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

ADJOURNMENT.

COUNTRY ROADS BOARD: PEDESTRIAN OVER-PASS IN MOONEE PONDS ELECTORATE—BUSINESS OF THE HOUSE: MATTERS RAISED ON ADJOURNMENT—ALLOCATIONS TO POLICE BAND.

Sir ARTHUR RYLAH (Chief Secretary).—I move—

That the House, at its rising, adjourn until tomorrow, at half-past Ten o'clock.

The motion was agreed to.

Sir ARTHUR RYLAH (Chief Secretary).—I move—

That the House do now adjourn.

Mr. EDMUNDS (Moonee Ponds).—I desire to raise a matter of urgent Government administration with the Acting Minister of Public Works in respect of a pedestrian over-pass to be constructed within the electorate of Moonee Ponds, of which notice was given by the Government in 1968, to service three schools in my electorate, St. Columbas College, Penleigh Girls School and Lowther Hall Girls School. The over-pass was designed to cross Buckley-street, which is an extremely busy road in the City of Essendon, particularly since the provision of boom barriers at Essendon railway station.

The SPEAKER (the Hon. Vernon Christie).—Order! The honorable member is making a set speech. There should be some question of Government administration.

Mr. EDMUNDS.—The urgency of the matter succinctly is this: Since 1968 the Government, through the Country Roads Board, has announced that it would provide an over-pass over Buckley-street within the City of Essendon, but up to now no plans for the development of this over-pass have come forward.

The SPEAKER.—The honorable member should state his question at question time.

Mr. EDMUNDS.—I believe that it is a matter of urgency. I have raised this matter on a number of occasions and school authorities have discussed the problem with me. I have attempted to obtain knowledge of the matter through the various Ministers.

The SPEAKER.—The honorable member has not stated what is the matter of urgency.

Mr. EDMUNDS.—The matter of urgency is that the Country Roads Board will construct this over-pass within the electorate of Moonee Ponds. Now that I have arrived at that point, I want to extend it a little further and say that this is a matter of urgency. With the assistance of the City of Essendon, the Government has constructed boom barriers in Buckley-street which have allowed motorists the facility of crossing.

The SPEAKER.—The honorable member is again making a set speech. The question of Government administration should be rounded off.

Mr. HOLDING (Leader of the Opposition).—I rise to a point of order.

Honorable members interjecting.

The SPEAKER.—Order! The Leader of the Opposition should be heard in silence. If he wishes me to hear the point of order he should proceed.

Mr. HOLDING.—The honorable member for Moonee Ponds is entitled to raise a matter of Government administration on a motion for the adjournment of the sitting. That is exactly what he has been doing. In doing so he has been continually interrupted by interjections and I believe that, in the nature of the adjournment debate, your rulings, Mr. Speaker, have been unduly restrictive.

The SPEAKER.—Has the Leader of the Opposition finished?

Mr. HOLDING.—With respect to your rulings, I am submitting to you, Mr. Speaker, that following the laxity which has operated in this House, quite properly in this matter, you are unduly restrictive.

The SPEAKER.—The honorable member is entitled to take a point of order. I suggest that he should come to the point of order, and I will then rule.

Mr. HOLDING.—I ask you, Sir, to consider, given the nature and the range of the matters which have been raised on the adjournment, whether or not your rulings, which have continually interrupted the honorable member for Moonee Ponds, have been unduly restrictive, and in fact have been operating against the traditions of this House.

The SPEAKER.—I will make a statement on the question of the adjournment tomorrow. On the point of order just raised, the honorable member for Moonee Ponds took about four minutes to come to the point of the subject-matter.

Mr. HOLDING.—He has more than four minutes——

The SPEAKER.—Order! The House will listen in silence. Tomorrow I will make a statement on the question of the adjournment debates, because I think one is due. The honorable member for Moonee Ponds may raise only one question. He has attempted to raise 2 or 3 matters, and in so doing is out of order. I tried to help the honorable member to come to the point of his question. I believe, from the Chair, I have been helping him. Tomorrow I will make a statement on the point of order and the question on speeches on the motion for the adjournment of the House.

Mr. HOLDING.—Thank you, Mr. Speaker.

Mr. EDMUNDS (Moonee Ponds).—The point I am attempting to raise with the Government and the Acting Minister of Public Works is that, since 1968, the people of this electorate have been waiting for a decision on the siting of the over-pass in Buckley-street to service the three schools in this area. I am attempting to elaborate that, since the installation of the boom barriers at Essendon railway station, a dangerous situation exists for students using the crossing. I ask the Acting Minister of Public Works to inform me and the electors of Moonee Ponds when a decision will be made on its construction.

The SPEAKER (the Hon. Vernon Christie).—Order! The honorable member's time is about to expire.

Mr. FLOYD (Williamstown).—Will the Chief Secretary examine the amount of money that should have been allocated to the police band 2 or 3 years ago? The sum was $12,000 and it was expected to pay for new instruments. The police band is the last State band. There are no fire brigade or Public Service bands. As honorable members are aware, everyone loves a band. The police band can march in the Moomba procession and do many things, but its instruments are stuck together with cellotape and sticking plaster. The band is required to give a royal performance and if I know anything about His Royal Highness, Prince Philip, he will surely detect that the instruments are stuck together with cellotape and sticking plaster. I know that this is a difficult matter, because the Chief Secretary cannot find money just when he wants to, but I seek his help. The money has been allocated, but has not been paid. As it is a public relations job and the police band needs the money, I ask the Chief Secretary to assist in this matter.

Sir ARTHUR RYLAH (Chief Secretary).—I thank the honorable member for Williamstown for his support. He overdid it a little, but only 24 hours ago I applied to the Treasurer for help in regard to this problem. I hope it can be solved, and I assure the honorable member that I am appreciative of his good wishes.

In regard to the matter raised by the honorable member for Moonee Ponds, I point out that the Government has agreed to accept questions without notice.

The SPEAKER (the Hon. Vernon Christie).—Order! I suggest that this matter will be dealt with in my handling of the point of order tomorrow and that the subject raised by the honorable member for Moonee Ponds should be answered by the Chief Secretary.

Sir ARTHUR RYLAH.—In answer to the oracle, or the quiz kid——

Mr. HOLDING (Leader of the Opposition).—On a point of order, Mr. Speaker, I suggest that the Chief Secretary should confine himself to the use of the correct terminology and address the honorable member in appropriate terms. If the honorable gentleman wants to trade language across the table, the Opposition will be delighted to accommodate him.

The SPEAKER.—Order! The Chief Secretary knows that under the Standing Orders he should refer to the honorable member as such.

Sir ARTHUR RYLAH.—I accept your correction, Mr. Speaker. Apparently the honorable member for Moonee Ponds does not approve of the Government's assistance to his electorate by providing a boom barrier at the Buckley-street crossing. This is perfectly clear from what he said today. I should have thought he would be pleased about it, but apparently because the Government did this he is now attacking the Government over something which it has not done. During the period for questions without notice this morning, the honorable member had an opportunity of raising the matter when the Minister representing the Minister of Public Works was present. He did not do so, but during debate either he or members of his party asked two questions. Tonight he has asked his question deliberately to obtain space in the local newspaper.

The SPEAKER.—Order!

Sir ARTHUR RYLAH.—I appreciate that the honorable member needs it.

Mr. HOLDING (Leader of the Opposition).—On a point of order, Mr. Speaker, I suggest that the Chief Secretary should confine himself to answering the question. The local newspaper of the honorable member for Moonee Ponds happens to be in his electorate, which is more than can be said for the Chief Secretary.

The SPEAKER.—Order! I invite the Chief Secretary to finish his remarks by answering the question simply.

Sir ARTHUR RYLAH (Chief Secretary).—I should have answered the question earlier because the answer is a simple one. I will draw this matter to the attention of the Minister representing the Minister of Public Works, but it is a pity that the honorable member for Moonee Ponds did not raise this matter when the Minister was present during the period for questions without notice.

Mr. HOLDING.—Half of your Ministers are not present.

The SPEAKER.—Order!

Sir ARTHUR RYLAH.—On a point of order, Mr. Speaker, this is the sort of snide nonsense by which the Leader of the Opposition seeks to get on television and radio.

The SPEAKER.—Order! I will put the question and not listen to the point of order unless the House composes itself.

Sir ARTHUR RYLAH.—On a point of order, Mr. Speaker, the Leader of the Opposition has said that the Ministers of the Government are not present. I direct his attention to the fact that the Minister of Water Supply, the Minister of Labour and Industry and Assistant Minister of Education, the Premier, the Minister of Lands, and the Minister of State Development are in the Chamber. That is not a bad effort so far as the Government is concerned.

The SPEAKER.—Order! There is no point of order.

The motion was agreed to.

The House adjourned at 11.11 *p.m.*

Legislative Council.

Wednesday, March 18, 1970.

The PRESIDENT **(the Hon. R. W. Garrett)** took the chair at 2.59 p.m., and read the prayer.

HOUSING COMMISSION.

ACQUISITION OF PROPERTIES IN PRAHRAN: DEVELOPMENT.

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

(*a*) What was the price paid by the Housing Commission for acquisition of properties in Bendigo, King, Princess and Bangs streets, in the City of Prahran?

(*b*) Does the Commission propose to develop the area itself or is it intended to dispose of it for private enterprise to develop?

For **the Hon. G. L. CHANDLER** (Minister of Agriculture), the Hon. V.O. Dickie (Minister of Health).— The answers are—

(*a*) To date $762,888 has been expended on the acquisition of properties in the area.

(*b*) The Commission has not as yet finalized plans for the redevelopment of the area.

EDUCATION DEPARTMENT.

TECHNICAL SCHOOLS: STAFF SHORTAGES.

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

(*a*) How many technical schools are in Victoria?

(*b*) How many of these schools are without qualified full-time librarians, physical education teachers, and music teachers, respectively, and which such schools in the Northern Province are without such staff?

(*c*) What plans does the Education Department have for remedying these deficiencies?

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

(*a*) 107.

(*b*) *Full Time*—

Librarians	12
Physical education ..	40
Music	46

Shepparton South Technical School is without a full-time music teacher; other technical schools in the Northern Province have full-time librarian, physical education teacher and music teachers on their staffs.

(*c*) Sufficient qualified teachers to meet all our needs are not available in the above three teaching areas at present. However, we have a comprehensive programme of teacher training with record numbers in our teachers colleges and other institutions of teacher training. The training of librarians and teachers of music and physical education is included in the programme.

TEACHER EDUCATION.

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

(*a*) Has any committee been set up to examine proposals for a board of teacher education; if so—(i) who are the members, and whom do they represent; and (ii) when was each member appointed; and (iii) what meetings have been held?

(*b*) Has any letter been sent from the Education Department to teacher training colleges concerning proposals for teacher education; if so—(i) when; (ii) what were the main points; and (iii) was any date proposed by which replies were to be forwarded?

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

(*a*) A committee of inquiry has been established to examine the future of State teachers colleges including proposals for a board of teacher education.

(i) Mr. L. J. Pryor, Director of Teacher Education, chairman. Mr. D. M. McDonell, Principal, Secondary Teachers College. Mr. W. Eunson, Principal, Melbourne Teachers College. Mr. C. McDonald, Senior Lecturer in Education, Burwood Teachers College. Mr. P. Brereton, Senior Lecturer in Humanities, Technical Teachers College. Mr. R. Row, Assistant Director of Primary Education. Mr. D. Satchell, Assistant Director of Secondary Education.

(ii) On 6th August, 1969.

(iii) Nine meetings have been held to date.

(*b*) Yes. (i) Letters dated 11th November, 1969, and 2nd March, 1970.

(ii) Possible composition, powers, function and duties of college councils. Possible composition and duties of a teacher education authority.

(iii) One week after 2nd March, 1970, if possible.

PROPOSALS FOR TEACHERS REGISTRATION BOARD.

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

What bodies in the community have made representation for a teachers registration board, when were the representations made, and what were the main points submitted in favour of such a board?

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

Over the past five years approaches have been made by the Victorian Council of State Schools Organizations, the Victorian Teachers Union and the High Schools Principals Association regarding the establishment of a registration board, and submissions have also been made by a number of other interested bodies. Preparation of a statement setting out the information requested by the honorable member would take a considerable amount of work and time and I do not propose to divert officers from other duties for this purpose. If the honorable member is interested in an approach made by any one of these bodies, information will be supplied.

NIDDRIE HIGH SCHOOL: MATHEMATICS, ENGLISH AND SCIENCE TEACHERS.

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

What action is being taken or has been taken to have mathematics, English, and science teachers appointed to the Niddrie High School to overcome the shortage of teachers of these subjects and the heavy work load placed on present teachers of these subjects?

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

It is known that Niddrie High School requires two extra teachers of mathematics and science and also a part-time teacher for English. However, Niddrie High School is entitled to a staff of 44 teachers but the staffing officer has aimed to staff all schools at 15 per cent. in excess of this. This would give Niddrie High School 50.6 teachers. In fact they have 53.4 teachers overall.

KEILOR PRIMARY SCHOOL: REBUILDING OF TOILETS.

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

(*a*) When will the toilets at the Keilor Primary School be rebuilt?

(*b*) What is the estimated cost of rebuilding these toilets?

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

(*a*) It is anticipated that tenders for the new toilet block at Keilor Primary School will be invited before the end of next month.

(*b*) It is not proposed to disclose the estimated cost of the work as this could affect tender prices.

HIGH SCHOOLS FOR STUDENTS IN KEILOR AREA: TRANSPORT FACILITIES.

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

(*a*) Has any decision been made by the placement committee as to which high school the students from the area surrounding the township of Keilor will attend in the near future; if so, what school will the students be required to attend?

(*b*) Has the placement committee taken into consideration the transport facilities available to reach the schools at St. Albans Park and Keilor Heights, respectively; if so, with what results?

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

(*a*) No. Consideration is being given to both Keilor Heights and St. Albans Park, but there is no decision.

(*b*) The existence of a new bus route is known. Pupils at Keilor are closer to St. Albans Park High School. However, the placement committee will have to consider a wide set of factors before establishing zones or offering common zone choices.

TEACHING OF ENGLISH TO MIGRANT CHILDREN IN STATE SCHOOLS: COMMONWEALTH ASSISTANCE.

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

(*a*) Have any requests ever been made to the Commonwealth Government for assistance, either in the provision of finance or facilities, in the teaching of English to migrant children at State Schools; if so, when and what were the results?

(*b*) Does the Government believe it can meet the need from its current resources; if not, what action is proposed?

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

(*a*) Yes. At a meeting in Canberra on the 12th January, 1970, the officer in charge, migrant education, discussed with

representatives of the Department of Education and Science, the Immigration Department and the Commonwealth Treasury the need for financial assistance for the education of migrant children.

Matters discussed included additional accommodation and the need to provide additional learning materials and equipment. Following this meeting my Department forwarded on 16th January, 1970, details of the estimated cost involved in meeting the needs of migrant children. The Department of Education and Science has acknowledged this letter and stated that the information provided would be of assistance in preparing a proposal on the matter of Commonwealth assistance.

(*b*) As indicated under (*a*), Commonwealth assistance is anticipated.

PRINCES HILL STATE SCHOOL: ENROLMENTS: PLAYING SPACE.

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

(*a*) How many pupils are attending the Princes Hill State School in Pigdon-street?

(*b*) What area of playing space is available at present?

(*c*) Is it proposed to site temporary class-rooms on this site for the tuition of pupils from the Princes Hill High School; if so—(i) how many buildings will be so sited; (ii) how many pupils will be catered for; and (iii) what area of the present site will be occupied.

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

(*a*) 849.

(*b*) Approximately 1 acre.

(*c*) No decision has yet been reached as to the location of portable class-rooms to accommodate pupils from Princes Hill High School.

BOORT PRIMARY SCHOOL: EXTENSIONS.

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

When will tenders be called for building and other extensions to the Boort Primary School, and how many additional rooms will be provided?

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

It is anticipated that tenders for the building of two class-rooms at the Boort Primary School will be invited during term 1, 1970.

One of these rooms is to replace an old class-room demolished last year.

FIRES IN HIGH SCHOOLS: DISPLACEMENT AND TUITION OF PUPILS.

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

(*a*) In respect of the Princes Hill High School, the Spensley-street Primary school, No. 3146, and the Collingwood High School, respectively:—(i) how many pupils were displaced due to fires; and (ii) at what locations and under what conditions are they receiving tuition?

(*b*) Is the present position deemed to be an emergency demanding the use of the Government's special powers of land acquisition?

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

(*a*) 419 pupils were displaced by the fire at Princes Hill High School. They are receiving tuition at the School on a shift basis.

Approximately 390 pupils were displaced by the fire at the Spensley-street Primary school, No. 3146. They are located at rented premises in Fitzroy, Collingwood, Clifton Hill, Gold-street Primary School, No. 1360, and in a portable class-room on the school site in Spensley-street.

They are receiving tuition at normal school hours.

(*b*) No.

EDUCATION OF PUPILS IN STATE SCHOOLS: COST.

The Hon. F. S. GRIMWADE (Bendigo Province) asked the Minister of Education—

What was the average cost per pupil for education at State, primary, secondary and technical schools for the financial years 1967-68 and 1968-69?

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

In view of the complex nature of technical schools involving, *inter alia*, the attendance of apprentices and other part-time students, it is not possible to determine an accurate *per capita* cost. However, in order to meet the requirements of the Australian Education Council, as from and inclusive of 1968-69, financial reporting has been amended by the inclusion of secondary technical costs with costs of high schools, &c., to give a total secondary education cost. On this basis, the answers are—

1967-68 Primary $230.00.
Secondary $411.80.
1968-69 Primary $262.33.
Secondary $490.80.
(including secondary technical).

RAILWAY DEPARTMENT.

EXTENSION OF ALTONA LINE TO WESTONA.

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

Has any further consideration been given by the Victorian Railways Commissioners to extending the rail line from Altona to Westona; if so, when is work likely to start on this line?

For **the Hon. G. L. CHANDLER** (Minister of Agriculture), the Hon. V. O. Dickie (Minister of Health).—The answer is—

The extension of the line from Altona to Westona will be undertaken when sufficient funds are available. The matter will be considered when the railways loan works programme is being prepared for the 1970-71 financial year.

DIGGERS REST LEVEL CROSSING: DAMAGE TO GATES BY MOTOR VEHICLES.

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

(*a*) How many times in the past five years have the railway gates, on the Calder highway at Diggers Rest, been damaged by motor vehicles?

(*b*) What was the total cost of repairing such damage?

(*c*) Is it proposed to have grade separation installed at this location, if so; when?

For **the Hon. G. L. CHANDLER** (Minister of Agriculture), the Hon. V. O. Dickie (Minister of Health).—The answers are—

(*a*) 15.

(*b*) $3,756.

(*c*) There is no grade separation project at this crossing under consideration. However, I understand that the Country Roads Board has taken some steps to reserve land at Diggers Rest in the event of such a scheme being included in future planning. I believe these reserved areas are shown on the relevant town plan of the Shire of Melton.

KILMANY STATION: TELEPHONE FACILITY.

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

Has the telephone been removed from the Kilmany railway station; if so, will he take up with the Railway Department the matter of the reconnection of the telephone in the interests of service and convenience of property owners and others using this station?

For **the Hon. G. L. CHANDLER** (Minister of Agriculture), the Hon. V. O. Dickie (Minister of Health).—The answer is—

Yes. I understand that the Railways Commissioners will review the position.

COUNTRY ROADS BOARD.

GEELONG-ROAD – WILLIAMSTOWN-ROAD INTERCHANGE: LAND RESUMPTION.

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

(*a*) What progress has been made with land resumption at Mount Mistake for the Geelong-road and Williamstown-road interchange?

(*b*) When is work likely to start on this project?

The Hon. R. J. HAMER (Minister for Local Government).—The answers are—

(*a*) Thirty properties will be affected by the improvements to be carried out by the Country Roads Board to the West Footscray railway over-pass and adjacent intersections on the Princes Highway West.

Notices have been served on all property owners from whom land is to be acquired. To date, negotiations have been completed with and payments made to 18 property owners and 4 houses have been removed.

It is expected that negotiations for the acquisition of the remaining 12 properties will be completed by the end of 1970.

(*b*) Early in 1971.

ROYAL BOTANIC GARDENS.

COMPENSATION FOR MR. FRANK FOR EQUIPMENT.

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

(*a*) What payment has been made to Mr. Frank upon equipment purchased by him for a restaurant in the Royal Botanic Gardens?

(*b*) What equipment was secured by the Government as a result of this payment?

(*c*) How much was paid upon each individual item?

(*d*) From what source was the payment made?

(*e*) Were loan funds or Consolidated Revenue used in the payment and, if the latter, what vote will be debited?

For **the Hon. G. L. CHANDLER** (Minister of Agriculture), the Hon. V. O. Dickie (Minister of Health).—The answer is—

Mr. Frank was paid $5,000 on condition that equipment purchased by him at a cost of $3,300 (in round figures) was handed over to the State. The difference of $1,700 was in respect of other expenses incurred by him on the project.

The equipment as listed was duly handed over—

	$
Cutlery	1,847.47
Milk dispenser ..	497.68
Toaster	149.88
Sandwich wrapper ..	105.99
Fudge machine ..	67.02
Hot chocolate dispenser	240.17
Cash register ..	400.00

The amount of $5,000 was paid from Consolidated Revenue.

The appropriation will be Division 54.3.14 of the Supplementary Estimates.

BREAD INDUSTRY.

PROSECUTIONS FOR BAKING OUTSIDE PRESCRIBED HOURS.

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

In the past two years, how many people have been prosecuted under the Labour and Industry Act 1958, for the making or baking of bread outside the prescribed hours?

For **the Hon. G. L. CHANDLER** (Minister of Agriculture), the Hon. V. O. Dickie (Minister of Health).—The answer is—

During 1968, proceedings were taken on 66 occasions for such offences. During 1969, that number fell to 11, presumably because the Bread Trade Wages Board removed restrictions on hours of work from its determination.

HOUSING COMMISSION.

HOME UNITS IN MELBOURNE PROVINCE: PURCHASE: EVICTIONS: RENTS: WAITING TIME.

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

(*a*) How many home units in the Melbourne Province have been purchased from the Housing Commission in the past three years, and in what localities?

(*b*) How many tenants have been evicted from Commission homes in the province in the past three years?

(*c*) What are the maximum and minimum rents charged for 2-bedroom flats, 2-bedroom houses, and 3-bedroom houses, respectively, in this area?

(*d*) What is the waiting time for vacant units in the province?

For **the Hon. G. L. CHANDLER** (Minister of Agriculture), the Hon. V. O. Dickie (Minister of Health).—The answers are—

(*a*) 24.

(*b*) There have been 6 physical evictions. There have been 53 evictions where the tenant or purchaser has vacated of his own accord after the necessary warrant for eviction had been signed and passed to the police for execution.

(*c*)

	Minimum.	*Maximum.*
2-bedroom flats	$8.40 p.w.	$10.30 p.w.
2-bedroom houses	$8.40 p.w.	$10.30 p.w.
3-bedroom houses	$8.90 p.w.	$10.80 p.w.

These rentals apply to civilian tenants in the whole of the metropolitan area.

(*d*) The Commission has built extensively in various parts of the province in both houses and flats.

Vacancy rates vary to such an extent as to make a general estimate of waiting time for the entire province impractical. However in localities such as Flemington, Kensington and Collingwood where vacancies occur regularly the waiting periods are as follows:—

2-bedroom flats ..	6 months (approx.)
3-bedroom flats ..	18 months (approx.)

SINGLE UNIT HOMES BUILT FOR RENTAL.

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

In each of the years from 1967 to date, how many (if any) single-unit homes (giving locations) have been built for rental to persons other than members of the armed services?

For **the Hon. G. L. CHANDLER** (Minister of Agriculture), the Hon. V. O. Dickie (Minister of Health).—The answer is—

No single-unit homes are built specifically for rental or purchase. It is the policy of the Commission to allocate all new units becoming available in any one year on the basis of 50 per cent. for tenancy and 50 per cent. for purchase.

Considerable research would be entailed in determining the number of newly constructed homes which were allocated to rental within the period requested by the honorable member.

DECENTRALIZATION.

ESTABLISHMENT OF DECENTRALIZATION FUND.

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

Has the Government given further consideration to the establishment of a decentralization fund as recommended by the Decentralization Advisory Committee; if so, with what result?

For **the Hon. G. L. CHANDLER** (Minister of Agriculture), the Hon. V. O. Dickie (Minister of Health).—The answer is—

The answer to this question is set out on page 3057 of *Hansard*, dated March 14th, 1970.

BALLARAT AND BENDIGO TRAMWAYS.

REPLACEMENT.

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

Has the Government given any further consideration to replacing the outmoded tram services at Ballarat and Bendigo with up-to-date public transport systems; if so, with what result?

For **the Hon. G. L. CHANDLER** (Minister of Agriculture), the Hon V. O. Dickie (Minister of Health).—The answer is—

In 1968, the Government planned that the obsolete tramway services in Ballarat and Bendigo should be abandoned and replaced by a modern omnibus service, but the proposals were disallowed by this House.

Since then the collection of documentary evidence on the establishment of alternative bus services has continued so that Parliament can be informed in greater detail regarding the services which could be made available. The replacement of the tram services in these cities is still under consideration.

DEPARTMENT OF HEALTH.

SCHOOL FOR AUTISTIC CHILDREN.

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

What is the current position of the School for Autistic Children previously operating at Springvale, and is the future of this school as yet assured?

The Hon. V. O. DICKIE (Minister of Health).—The answer is—

The School for Autistic children conducted by the Victorian Autistic Children's Association is currently still operating at Springvale.

The Association has been offered the use of the Black Rock Presbyterian Church Hall and provided the necessary standards are maintained, subsidies will continue to be paid at the appropriate rates.

WOOL INDUSTRY.

MERINO RAM EXPORT EMBARGO.

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

What is the Government's considered attitude to the lifting of the Merino ram export embargo by the Commonwealth Government and its ultimate effect on the Victorian wool growers?

For **the Hon. G. L. CHANDLER** (Minister of Agriculture), the Hon. V. O. Dickie (Minister of Health).—The answer is—

The Victorian Government believes that there are strong reasons for opposing the sale of Merino rams to our overseas competitors and is aware that it is not the only State Government with this attitude.

Whatever may have been said to the contrary, competition from overseas buyers for Merino rams will tend to raise the prices, reduce the numbers and lower the standard of rams available to Australian wool growers, in the short term at least.

Commercial wool growers will receive no advantage from raising the embargo unless wool prices actually improve as a result.

Without stringent controls, there is a risk that valuable sheep may be lost to this country. Effective controls will be difficult to implement and may eventually create more ill will in overseas countries than does the present blanket embargo.

While there may be some financial advantage to the exporters of rams, this will only be at the expense of the industry at large.

MUNICIPALITIES.

RATEABLE VALUES IN NORTHERN PROVINCE.

The Hon. M. A. CLARKE (Northern Province) asked the Minister for Local Government—

What was the total rateable value of each of the various municipalities included wholly or in part in the Northern Province in the years 1959–60 and 1968–69, respectively?

The Hon. R. J. HAMER (Minister for Local Government).—The answer includes a lengthy table and I seek leave of the House to have it included in *Hansard* without my reading it.

Leave was granted and the answer was as follows:—

The information sought is shown in the following table. In cases where a municipality has rated on U.C.V. the equivalent N.A.V. has also been included.

NORTHERN PROVINCE. Municipalities.	1959–1960 Valuation.		1968–1969 Valuation.	
	N.A.V.	U.C.V.	N.A.V.	U.C.V.
	£	£	$	$
Bet Bet Shire	79,481	..	632,150	..
Charlton Shire	146,521	..	741,688	..
Cobram Shire	216,756	..	1,615,349	..
Cohuna Shire	193,714	..	1,075,270	3,699,319
Deakin Shire	345,743	..	1,632,529	..
East Loddon Shire	198,940	..	1,302,248	..
Echuca City	248,275	1,289,179	1,188,170	6,908,046
Euroa Shire	309,568	..	1,515,813	..
Gordon Shire	233,078	..	1,586,821	..
Goulburn Shire	223,994	..	537,554	..
Huntly Shire	108,684	..	584,140	..
Kara Kara Shire	216,208	..	981,258	..
Kerang Shire	415,325	..	2,421,475	13,216,769
Kerang Borough	..	..	610,474	3,071,048
Korong Shire	250,361	..	1,690,048	..
Kyabram Borough	175,673	..	893,597	..
Nathalia Shire..	286,079	..	857,678	..
Numurkah Shire	435,699	..	1,238,315	..
Rochester Shire	458,438	..	2,723,268	..
Rodney Shire	505,226	..	2,986,462	..
Shepparton Shire	341,955	..	2,457,156	..
Shepparton City	653,441	..	3,538,179	..
St. Arnaud Town	91,200	..	339,918	..
Tungamah Shire	245,569	..	1,325,088	..
Violet Town Shire	161,589	..	577,799	..
Waranga Shire	341,732	..	1,155,264	..

POLICE DEPARTMENT.

POLICE FOR CRIME PREVENTION, DETECTION AND TRAFFIC CONTROL DUTIES.

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

(*a*) How many police (uniform and plain clothes) are available for crime prevention and detection within the greater Melbourne area, and what estimated population is living in this area?

(*b*) How many police are utilized for traffic control duties in the area each day, and for what period in each working day?

For **the Hon. G. L. CHANDLER** (Minister of Agriculture), the Hon. V. O. Dickie (Minister of Health).—The answers are—

(*a*) In the Greater Melbourne metropolitan area, there are 3,560 members of the Force. This number includes uniform, traffic and Criminal Investigation Branch members. The primary objects of all police are the prevention of crime and the detection and prosecution of offenders. The estimated population of the Melbourne metropolitan area as at 30th June, 1968, was 2,195,136.

(*b*) The average number of city traffic police performing foot traffic control duties each day is 64 and the average number of mobile traffic police performing traffic control duties in the Greater Melbourne metropolitan area each day is 110. These members perform these duties for 8 hours each day. Periods of duty are between 6.45 a.m. and 2 a.m. of the following day.

In addition, uniform members attached to police stations in the Greater Melbourne metropolitan area perform traffic control duties at busy intersections during peak traffic periods. Also police cadets assist in the manning of school crossings. The number of these members and cadets and the time spent by them on traffic control duties vary according to circumstances and available man power. Figures are not readily available.

DEPARTMENT OF AGRICULTURE.

PROPOSED ECHUCA OFFICE: ANNUAL RENTAL.

The Hon. S. R. McDONALD (Northern Province) asked the Minister of Agriculture—

What annual rental is to be paid for office accommodation for the proposed district agricultural office in Echuca?

For **the Hon. G. L. CHANDLER** (Minister of Agriculture), the Hon. V. O. Dickie (Minister of Health).—The answer is—

$6,900 per annum, including storage facilities and on-site parking for six vehicles.

BOARD OF INQUIRY (CORRUPT PRACTICES) 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.

JUDGES' SALARIES AND ALLOWANCES BILL.

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

PUBLIC OFFICERS SALARIES AND ALLOWANCES BILL.

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

MELBOURNE LANDS EXCHANGE 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.

LAND SETTLEMENT (FINANCIAL) 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.

RIVER MURRAY WATERS 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.

RIVER MURRAY WATERS (DARTMOUTH RESERVOIR) 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.

SUBORDINATE LEGISLATION COMMITTEE.

REPORT ON SUBORDINATE LEGISLATION.

The Hon. K. S. GROSS (Western Province) presented the report of the Subordinate Legislation Committee upon the general inquiry into subordinate legislation, together with appendices and minutes of evidence.

It was ordered that they be laid on the table, and that the report and the appendices be printed.

LITTLE DESERT SETTLEMENT COMMITTEE.

REPORT.

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

That this House takes note of the report and approves the findings of the Little Desert Settlement Committee.

Let nobody think the Little Desert scheme has been abandoned. That is by no means so. This morning, the Minister was reported as saying nothing of the kind.

The Hon. MURRAY BYRNE.—That has been publicly corrected; it was a misquote, apparently.

The Hon. J. W. GALBALLY.—I am pleased to hear that. Despite the assurance the Minister of Lands has or has not given on the future of the Little Desert, it is plain that the Government is lying doggo until after

the elections, hoping, as a result of its disgraceful redistribution, to get a majority in this House. If it does obtain a majority, there will be no more Select Committees to interfere with its mischievous endeavours.

The Hon. H. M. HAMILTON.—That is a rather extravagant statement.

The Hon. J. W. GALBALLY.—I consider that it is mild, as I shall set out to establish.

Some destruction of the Little Desert has already begun. Trees have been felled for roads up to a width of 6 chains. Of course, this activity was stopped belatedly last year; honorable members will recall the harrowing week we had with the Government trying to make up its mind whether to go out honourably or to cling to office dishonourably. It chose the latter course, as nobody doubted it would. At that time, when it was mooted that Supply might be refused, if we had insisted that the Premier and the Minister of Lands, at the price of getting Supply, should go down to the Little Desert and spend a fortnight there gathering specimens of the fauna and flora—of which there are thousands of varieties—both honorable gentlemen would have set off immediately.

The question whether the Government will abandon its proposals will be determined largely by the attitude of this House to my motion because the action taken by this House in appointing the Select Committee made this House the spokesman not of the Government but of the people of Victoria.

The Hon. G. L. CHANDLER.—Do you still think this House should be abolished?

The Hon. G. L. CHANDLER.—The Minister is inviting me to say that the Select Committee has done a magnificent job. Self praise is offensive, and I decline the invitation. As I said, the Select Committee spoke not for this Government but for the people of Victoria—a rare thing in this Parliament. The people should know that all the findings of the Select Committee were unanimous; there was not one dissent on one matter in the report. That goes for the body of the report, the conclusions and the recommendations. It was not difficult, because most of our conclusions came from an examination of the Government's monumental files which we were able to secure and which the Government chose deliberately to ignore.

No one who wished to give evidence before the Committee was refused; all whom we sought to give evidence appeared before us graciously, willingly and helpfully—save two, the Premier and the Minister of Lands. What a curious thing it was that the trustees of the people who advocated the scheme as being for the benefit of the people preferred the cosy secrecy of the Cabinet room to the spotlight—the glare of the witness box. Or perhaps they thought they would be confronted not with the glare of the witness box but with the chill winds that sometimes beat around the spot where awkward questions might be asked. Their public duty in ascertainment of the truth in the affairs of public life was plainly to give evidence before a Parliamentary Committee.

The Hon. SAMUEL MERRIFIELD.—It was all on oath.

The Hon. J. W. GALBALLY.—If we could have got them to attend, we would not have minded if they had not taken the oath; we would have met them half-way. Their attitude towards this public duty was in marked contrast to the number of people who voluntarily came before the Committee with no reward, in their own time, and gave the Committee the benefit of their specialized knowledge. They had nothing to gain, and they ran the gamut of ridicule and condemnation by Government spokesmen, cranks and the like.

We must thank those people, and thousands of others like them, if the Little Desert is to be saved from

pillage. The community owes a great deal to those people and to the ready assistance that was received from the daily press. It is beyond argument that if any six members of this House had the task of deciding the fate of the Little Desert, they would have reached the same conclusion as we did; for try as we could, we were unable to get any evidence to advocate settlement of that area. We had hoped that we might get such evidence from the Premier or the Minister of Lands.

We thought Mr. Morton, of the Rural Finance and Settlement Commission, to whom the Government appealed in its dilemma, and the Department of Agriculture might have provided the answer. I read in the daily press today that the Minister of Lands leaned heavily on the advice received from that gentleman. When he came before us—he was a very pleasant man—we could not get him to commit himself, no matter how we tried. When asked whether or not it was a good scheme—this is quoted in the report—all we could get from him was, "I would not like to say yes, and I would not like to say no". That was the nearest that we got to anybody being in favour of the scheme. There is some rhyme or song about that theme.

The Hon. D. G. ELLIOT.—"She didn't say yes and she didn't say no."

The Hon. J. W. GALBALLY.—That is so. Opinions differ as to whether newspapers create public opinion or reflect it—perhaps they do both. Even the press was opposed to the Government's scheme. Many people had never seen the Little Desert; some of them saw the proposal as a destruction of conservation, a pollution of the environment, and an exploitation of Australiana for dubious commercial enterprise. By far the most deadly form of pollution in Victoria today is this Government; it is without honour and without principle.

The Hon. H. M. HAMILTON.—Can't you get out of the gutter for a change?

The Hon. J. W. GALBALLY.—I know that it hurts Mr. Hamilton to be told the truth. That is the type of mud slinging that members of the Liberal Party have indulged in with regard to the Labor Party for years and years, and now they do not like being told the truth. The Minister of Lands has claimed that he has been misrepresented. Sly man that he is, he would not come before the Committee to have his point of view heard, and Mr. Hamilton now says that I am in the gutter.

The Hon. H. M. HAMILTON.—Well, you are.

The Hon. J. W. GALBALLY.—I will not have people talking about my being in the gutter. If I am in the gutter, Mr. Hamilton has lived in it all his life. If the cap fits he can wear it.

The Hon. H. M. HAMILTON (Higinbotham Province).—Mr. President——

The PRESIDENT (the Hon. R. W. Garrett).—Even before I hear Mr. Hamilton's point of order, I ask Mr. Galbally to withdraw his remarks. I think he indicated a certain amount of dishonour on the other party, but I shall let that pass.

The Hon. J. W. GALBALLY.—Let it pass! You cannot stop me.

The PRESIDENT.—Order! I shall let it pass because it did not reflect on individual members. However, I think that the last remark should be withdrawn.

The Hon. J. W. GALBALLY.—I shall not withdraw unless Mr. Hamilton withdraws his remarks.

The PRESIDENT.—I shall hear Mr. Hamilton.

The Hon. H. M. HAMILTON.—If I am dishonourable——

The PRESIDENT.—That is not imputed. Mr. Galbally's remarks were directed towards the Government and not to individual members.

The Hon. H. M. HAMILTON.—If I am dishonourable, then I might have lived in the gutter all my life with members of the Opposition. I am

sorry if I cast reflections on Opposition members, although I feel that I have elevated them above their status.

The PRESIDENT.—Order! The matter has become rather complicated, and I think it will be resolved if Mr. Galbally returns to the subject-matter of the debate.

The Hon. J. W. GALBALLY (Melbourne North Province).—I shall deal with the folly of the Minister of Lands. It cannot be denied that he promoted an uneconomic scheme. The Government cannot escape the responsibility of shrugging the matter off on to a foolish and obdurate Minister. The Little Desert settlement was ultimately determined by Cabinet, which formed part of the Trojan horse of complicity, and its members must all hang together. They went against the advice of the Department of Agriculture and everybody else who knew anything about the Little Desert and who said that it was an uneconomic proposition that would not stand examination.

The Hon. G. J. NICOL.—Is that quite correct?

The Hon. J. W. GALBALLY.—Yes.

The Hon. G. J. NICOL.—Would you still say that after examining the full minutes of evidence?

The Hon. J. W. GALBALLY.—If Mr. Nicol can point to any passage in the evidence to show that it is an economic proposition, I shall be delighted to look at it. The most disquieting feature of the whole affair is the indifference that the Government showed towards informed opinion from the Department of Agriculture. It was easy for the Government to fob off university professors and the like as having little practical experience, but that could not apply to the Department of Agriculture. Mr. Newman, a member of the Land Utilization Advisory Council as long ago as 1959—long before this matter arose—said that the economic development of the Little Desert was most hazardous. That was before the present development was mooted with the consequent pressure that might be expected.

When the scheme was announced in Parliament, the people of Horsham and the surrounding districts who knew about the area said, "Don't go on with this". Senior officers examined the matter and a report was forwarded to the Minister of Agriculture, which was subsequently sent to Cabinet. They all said that this scheme was no good. What did the Government do? It let the Minister of Lands commit himself notwithstanding the opinion of the Australian Mutual Provident Society. The Government succeeded in concealing these facts from the public. Notwithstanding the warnings of the Department of Agriculture, the Government publicly propounded that the scheme was economically attractive. It had been warned against proceeding with it not only by the Department of Agriculture but by the Land Utilization Advisory Council which had made a preliminary report to the effect that no settlement should be undertaken without an economic appraisal. The Government brushed those facts aside. It is contrary to Parliamentary government for either Cabinet or the Minister to prey on the ignorance of the electorate. Why was no white paper issued by the Government setting out the pros and cons of the proposal, and the attitude of the Department of Agriculture? If it had not been for the Select Committee of the Legislative Council, these facts would never have come to light. "Trickery disguises intelligence" was the form of the Government. It said, "We know more than the university professors and the Department of Agriculture; we will not tell you what the Department said about it." That was trickery. Here was the development of a conflict between the Ministerial advantage and the right of the public to know the facts. The public was never told.

The Minister of Lands—I am not criticizing him for it because I am used to it now—criticized the report

in terms that resembled his criticism of the ill-fated and now abandoned Royal Botanic Gardens restaurant. He is playing an old tune badly. The Minister of Lands is a man who cannot change his mind, and he will never change the subject. The task in Victoria today, more than ever, is to try to shift the balance of political power away from this Government and back to the country and the people. Apart from all the other aspects, that is what the Little Desert has thrown up. The executive Government has smothered the facts that the public are entitled to know. We commend the officers of the Department of Agriculture for their stand on this matter. They did not rush in and seek publicity; they prepared careful and considered reports based on information tendered by men on the spot who knew the land.

That raises a most important issue as between lands and agriculture. There has never yet been a Minister of Lands who did not want to open up more lands. There is nothing novel in that, but some have shown more restraint and judgment than the present Minister. I submit that lands should be opened up only after a proper appraisal, and how better can this be done than by the Department of Agriculture? The experts from the Department of Agriculture know all about soils and other relevant matters. It is unthinkable that the Minister of Lands should not have sought advice from the competent staff of the Department.

The Hon. L. H. S. THOMPSON.—When the Committee visited the area, did it find any practical support for the scheme?

The Hon. J. W. GALBALLY.—The Committee learnt that the condition of local farmers on the perimeter of the Little Desert area was poor in the extreme. Evidence to this effect was tendered by Mr. Newman and Mr. Morton. The Valuer-General also supplied figures relating to sales and valuations, as well as other information, and this information revealed that local farmers were miserably poor. Mr. Newman stated that a few farms had been opened up in the area in 1958, that he had had a long association with them, and that when he returned recently to inspect the farms he was bitterly disappointed. Members of the Committee inspected the area and, although I am not an expert, Country Party members of the Committee, who know something about the land, agreed with Mr. Newman's comments.

The Hon. G. L. CHANDLER.—The Kaniva Shire Council was wrong in what it was endeavouring to do!

The Hon. J. W. GALBALLY.—I am not judging the Kaniva Council, which showed great discretion and judgment over this matter. The position of the Council is one that calls for some active support by the Government. Kaniva is a small community and, like many other small towns, it is confronted with certain local problems. The idea that twelve absentee farmers living in Collins-street would assist the Kaniva Council is beyond comprehension. I have great sympathy for the Council, which consists of men of sense and sensibility who were urging that nothing foolish should be done. We were told that settlers on the perimeter of the Little Desert, who had gone there in 1958, had more or less left their farms—they had not abandoned them—to work on the roads or perform other work from which they could derive a living. If I recall Mr. Morton's evidence correctly, he said that he had heard that these farmers were in a bad way financially.

The Hon. W. V. HOUGHTON.—The farms cannot run themselves; someone must live on them.

The Hon. J. W. GALBALLY.—I am not certain that Mr. Houghton's assertion is correct.

The Hon. W. G. FRY.—Did the Kaniva Council give evidence before the Committee?

The Hon. J. W. GALBALLY.—Yes; the Council's evidence is available for perusal. The Committee also met the

councillors from the Kaniva Council. The conflict between the Minister of Lands and the Department of Agriculture raises an issue of grave constitutional importance. What is the use of having a Department of Agriculture if no one is going to take notice of it? Why should the Minister of Lands, on his own say-so, be able to open up lands without having to accept the advice of the Department of Agriculture? I was unable to find in the voluminous departmental files anything to indicate that the Minister of Lands had sought advice from the Department. It would have been remarkable for the Government to have commenced an enterprise of this type without first seeking advice from the Department of Agriculture. Apparently, the Minister of Lands did not care what happened to the settlers in the Little Desert area so long as he could go on destroying it.

I ask the House to put its seal on the abandonment of the Little Desert proposal and to adopt the findings of the Committee. In addition to hearing a good deal of evidence, the Committee visited the Little Desert and carefully examined the various Government files relating to it. It appears that since the Committee commenced its deliberations the agricultural position in the Little Desert has deteriorated even further. The figures that were supplied to Parliament recently by the Minister reveal that the price of wool had dropped considerably since that time. It is desirable that the Government should announce in this House today that it will accept the findings of the Committee and that the Little Desert proposal will now be abandoned for ever.

The Hon. G. L. CHANDLER (Minister of Agriculture).—It is regrettable that Mr. Galbally made a personal and vicious attack on the Minister of Lands. I should have thought that if Mr. Galbally's case was as strong as he claims it is—many people in the community believe it is a strong case—there would be no need to bring personalities into the debate. It was unworthy of Mr. Galbally to act in this manner.

The Hon. J. W. GALBALLY.—I have had to put up with a bit of it myself, and I am tired of it. The Minister of Lands claimed that he was misrepresented on the Royal Botanic Gardens issue.

The Hon. G. L. CHANDLER.—I have been informed by the Minister of Lands that the statement in today's newspaper which is alleged to have been made by him is not a true interpretation of what he said. When I made a statement to this House concerning the Little Desert proposal last December, I was speaking on behalf of the Government. I gave an unequivocal assurance that no money would be spent on the Little Desert. During the debate on the Public Works Loan Application Bill, I indicated to honorable members that, if my assurance was not acceptable to the House, the Government would be receptive to a suggestion that an amount of $200,000, which was to be made available under the Bill for road construction in the Little Desert area, would be deleted from the measure. Mr. Swinburne accepted my assurance and moved for the deletion of a certain item in the schedule to the Bill, and the motion was accepted by the House.

I have not heard Mr. Galbally say that one person supported the opening up of the Little Desert. However, I have been informed that evidence, including written submissions, was given by the Kaniva Shire Council and by councillors from that municipality in support of the proposal. Although the Little Desert Settlement Committee, in its wisdom, decided that its recommendation would follow certain lines, in fairness to the other point of view, Mr. Galbally could at least have admitted that some people favoured the Little Desert scheme. If ever the Legislative Council has fulfilled the purpose for which it exists, it has done so in connexion with this issue. I cannot understand why anybody could believe that a House of

review of this type should not be available to meet situations of the type that have arisen over the Little Desert proposal. I believe many people would say, "Thank God for the Legislative Council and its work as a House of review".

The Little Desert Settlement Committee submitted three recommendations. I do not think the position has changed since December of last year when an assurance was given that no money would be spent on the Little Desert project and that no further road construction work would be undertaken. A scientific committee—the Land Utilization Advisory Council—which was set up by the Government is studying various aspects of the Little Desert, and honorable members have been loud in their praise of the work of this organization over the years. The Government has supported the Land Utilization Advisory Council from the point of view of conservation. The Land Conservation Bill, which is currently before another place, will meet the position which is envisaged in the third recommendation of the Committee.

The Hon. SAMUEL MERRIFIELD.—We are not permitted to discuss that Bill.

The Hon. G. L. CHANDLER.—Members of the Labor Party do not want to discuss it. I believe the Little Desert project is dead and, for my part, it will never be resurrected. It is all very well for members of the Labor Party to laugh at my statement but, if a Labor Party Government or any other Government desired to resurrect the Little Desert proposal and to use Crown land for this purpose, it would be necessary to follow the procedure suggested in the third recommendation of the Committee.

The Hon. J. W. GALBALLY.—We are asking the Government to implement the third recommendation.

The Hon. G. L. CHANDLER.—In the other place, the Opposition attempted to delay a certain Bill so that it could not be passed this session. The Labor Party cannot have it both ways. Mr. Galbally knows that the measure to which I refer embodies what has been set out in the three recommendations by the Committee.

The Hon. J. W. GALBALLY.—I have not seen the Bill.

The Hon. G. L. CHANDLER.—I can understand that the honorable member would not want to see it.

The Hon. J. W. GALBALLY.—Do not get down into the gutter.

The Hon. G. L. CHANDLER.—I will not do so, but I cannot make myself believe that Mr. Galbally is as blind as he pretends. I have indicated my attitude and the attitude of the Government on this matter. The Little Desert project will not be resurrected except in conjunction with other Crown lands and following an investigation by the scientific committee which I think all honorable members will agree has a stronger personnel, from the conservation point of view, than the former Land Utilization Advisory Council.

Parliament, every political party, and the community in general have an obligation to ensure that conservation is undertaken on such a basis that this generation and future generations will have the benefit of Crown lands, national parks and similar areas, because undoubtedly, unless a vigorous and far-sighted policy is adopted, the State is faced with only a fringe of the difficulties that will arise with an increased population.

The Hon. SAMUEL MERRIFIELD.—The Government got off to a bad start, though.

The Hon. G. L. CHANDLER.—Mr. Merrifield can say what he likes, but the Government has not got off to a bad start. I have not heard members of the Labor Party say one word about the work which the Government has already undertaken in regard to national parks and conservation. In the Dandenong Ranges alone, in the past ten years a total

sum of between $30,000 and $40,000 has been expended in purchasing land for conservation, national parks, fire protection and similar purposes. No honorable member can say that the Government is not alive to the problem, because its record in regard to national parks is a good one.

The Hon. I. R. CATHIE.—Not in comparison with other States.

The Hon. G. L. CHANDLER.—I have not heard Mr. Cathie say a good word about Victoria yet. He is a knocker and there are plenty of knockers in this community.

The Hon. J. W. GALBALLY.—Do not get down into the gutter.

The Hon. G. L. CHANDLER.—I will not get down into the gutter, and I will not withdraw my statement. I could have written the three recommendations, as could many other people in the community.

The Hon. J. W. GALBALLY.—Do you agree with them?

The Hon. G. L. CHANDLER.—I previously indicated my attitude. This report is a fizzer because the Little Desert project is dead and it will not be resurrected except upon the recommendation of a committee as indicated in the third recommendation at the conclusion of the report of the Select Committee.

Finally, I believe the Government —whether the present or any subsequent Government—has a terrific responsibility in regard to conservation, pollution and a large number of problems that lie ahead. The Government has an excellent record of conservation and it should not be judged purely upon the Little Desert.

The Hon. I. A. SWINBURNE (North-Eastern Province).—I had some thoughts in my mind prior to the Minister's reply to Mr. Galbally but, in view of his praise for the Government and his condemnation of a scheme which was put forward by the Government, I am now wondering just where I should start and finish. I am a little bewildered. In presenting the report, the Committee has set out the pertinent facts. Its recommendations are based upon the views expressed by witnesses who appeared before it. Wide views were held by witnesses from all sections of the community who were interested in developing the Little Desert. I support Mr. Galbally's statement that the only person whom the Committee would have liked to appear before it was the Minister of Lands, but he declined to appear. That is his prerogative, and I have nothing further to say on the matter.

The Committee heard evidence from land consultants, economists, pastoral consultants, conservationists, departmental officers, university professors, all of whom held various views on what the area holds for the future of the State. Admittedly, some land consultants supported development of the Little Desert, but admitted that they were unable to provide figures which would, in the view of the Committee, demonstrate the economic advantage to be gained by an individual going into the area unless he had a large income and received great benefit by taxation rebates.

The Hon. H. M. HAMILTON.—You did receive evidence from some people who favoured the proposal?

The Hon. I. A. SWINBURNE.—Certain witnesses supported development of the Little Desert and the surrounding areas under certain conditions. Before the Committee was appointed, Mr. Mansell and I inspected the area, and in January this year the Committee carried out an inspection. On both those visits, there was ample evidence that it is difficult country, and that certain individuals were ploughing considerable sums of money into particular developments. When Mr. Mansell and I visited the area, councillors and officers of the Shire of Kaniva made themselves available. They transported us throughout the area and provided us with all the available information.

Again, when the Committee undertook the inspection, these same people took us into South Australia, where we inspected up to 100 different properties that had been developed over 30 or 40 years, and also properties adjoining the Little Desert. I believe the Shire representatives did their best to give members of the Committee the advantage of their experience. These representatives also gave evidence before the Committee. Different viewpoints were expressed, which is understandable when it is realized that the councillors comprised land developers, owners of property adjoining the Little Desert—properties which they had been unable to sell—and businessmen. Like everybody else, I should like to see something done to assist the development of the town and the Shire of Kaniva.

All honorable members will appreciate that every member of a committee has a duty to judge the case on the evidence submitted, and I believe that is what the Select Committee set out to do. Interested parties presented evidence on what they felt should or should not be done with the area. Many people and organizations had become interested in the Little Desert since the proposal was first put forward to open up a larger part of the area of the Little Desert. Although the Minister capitulated and reduced the area concerned, it did not take the heat off the honorable gentleman. The findings of the Committee are in accord with the facts placed before it. There was little evidence that anybody knew sufficient about the area to give an evaluated answer to the many problems existing within the Little Desert.

When this matter was being hotly debated, in an endeavour to get something done, some of the area was added to the national park. Like the Leader of the House, I have had a long association with national parks in this State, and I hold strong views on what should be done to preserve such areas.

Mr. Arthur, the technical officer of the National Parks Authority, gave evidence that the Authority had no proof that the area which was eventually proclaimed as a national park was the proper area, or whether it contained the various features which are necessary in a national park. The Government did not bother to seek the Authority's advice on this matter. Eventually, an area of 83,000 acres was dumped into its lap. Before it is proposed to develop an area, some evaluation of what is necessary in the interests of those who will use it should be undertaken.

The evidence submitted by the representative of the Fisheries and Wildlife Branch indicated that, because the technical staff was not available to undertake an investigation, the Branch was unable to say whether the correct area had been allocated to it. Certain areas were also given to the Forests Commission. Because the Commission did not present evidence, the Committee is unsure whether the right areas were handed over to that body. Whether the right areas were to be made available for farming is also open to question.

The Hon. W. V. HOUGHTON.—The Committee did not question it?

The Hon. I. A. SWINBURNE.—Mr. Houghton had ample opportunity to be a member of the Committee, but he refused to grasp that opportunity. The members of the Committee could make a report only on the evidence placed before them. I believe the evidence has been summarized in the report, and, the findings of the Committee are in accordance with the evidence. If Mr. Houghton wants to challenge that statement, he can perhaps arrange for the appointment of another committee, which may have a different result. After hearing the views of the Leader of the House, I doubt whether Mr. Houghton would receive much encouragement.

The whole problem was that the Government, through the Minister of Lands, rushed in to divide up what

might be called the spoils of the Little Desert in an effort to achieve an objective of the Minister. Whether the Committee was completely right or wrong, that appears to be the core of the problem. From a review of the evidence placed before the Committee, and all the plans and files which the Committee examined, that appeared to be the situation. If any honorable member wishes, he can spend a fortnight after the House goes into recess in examining those files and he would find ample evidence that this was not a co-ordinated Government project but the project of one person who pressed for it.

As set out in its findings, the Committee felt that there was not sufficient scientific knowledge of the area to decide whether it should be used for any of the various purposes suggested. After cross-examining all of the witnesses, the Committee formed the opinion that there was no great agricultural future for the area. Those honorable members who have visited the Little Desert will agree that the past development does not present a happy story. In 1966, about ten blocks were made available for land settlement. The Committee inspected those blocks and nothing of what they saw was particularly encouraging.

The Committee could obtain no information from Mr. Morton of the Rural Finance and Settlement Commission or from the Secretary for Lands on the position of the settlers. The latter gentleman said that the settlers had fulfilled their settlement terms and were then on their own. To me, this does not seem to be correct, because their leases would carry on for a number of years. The Secretary for Lands was not prepared to give evidence on whether any money was owing on the blocks. However, as one who has been associated with the land, not only in Victoria but also in other States, I point out that the blocks which were settled did not appear to me to show any evidence of financial success.

As Mr. Galbally pointed out, most of the settlers found that to make a living they had to undertake work away from their blocks. This indicated that there was not much real prospect of successful settlement there. There was evidence that, if a person or company were prepared to plough money into a block, there could be a great agricultural development. Some of the properties inspected—in particular, one on the South Australian side of the border, and another on the Victorian side—showed that if enough money were put into a block, under certain conditions it was possible to produce growth conducive to raising good stock.

The Hon. W. G. FRY.—Did you have any evidence, from one of those who had made a success of his block, as to the economics of the situation?

The Hon. I. A. SWINBURNE.—I met the manager of the property in South Australia on two occasions. The first time was when I visited the area with Mr. Mansell. That gentleman gave us every assistance in providing information about what had been spent, what the property cost, what stock cost, and all the other economic ramifications. It was evident to the Committee when it visited the area that the block was being developed by someone who had considerable finance and was prepared to plough it into the project. However, at the time the Committee visited the area it was evident to the Committee as a whole, and particularly to Mr. Mansell and myself, that the owner of one property had started to run out of money, because his stock could not cope with the fodder on the property.

The Hon. K. S. GROSS.—He could have got more stock.

The Hon. I. A. SWINBURNE.—It is all right for Mr. Gross to say the owner could have purchased more stock, but stock costs a lot of money, and apparently he could not afford the stock he needed. He had many sheep on agistment. Anyone who

knows anything about grazing on lucerne knows that the cattle must be placed on it at certain times in order that the project may be a success. This property owner did not have sufficient stock on agistment to farm in a reasonable way. The property, Cherokee, in South Australia which the Committee visited was a great example of how successful a property could be if sufficient capital was employed.

However, all the land and agricultural consultants who gave evidence, and who are listed in the report, pointed out that considerable finance was necessary. It was estimated that, to develop a 4,000 acre block successfully, a sum of not less than $300,000 would be needed. When the project was under consideration, much was said about the number of applicants for blocks. Honorable members well know that Mr. Merrifield can concern himself with details. At various times, he and I went through the applications, and we found that of 83 applicants who were listed, only 2 would have a chance to even start to develop a block, let alone develop it successfully. It was evident that most of the applicants could not even drive up to the block and pitch a tent, let alone do anything to develop it. They apparently believed a fallacy.

The press publicity of the time apparently made it seem easy to them to obtain a property in the Little Desert and to develop it without much effort. The names of those who applied are on the file and, if anyone examines the file, it will be found that once a man left his job he would have no income. Those honorable members who have experience in developing land realize that no return would be received for about three years. Applicants for blocks in the Little Desert had no knowledge of what was involved. Unless someone had a very high income and would receive the benefit of taxation reduction because of losses, there was no possibility of successfully developing a property.

A representative of the Taxation Commissioner appeared before the Committee. From what he and the Valuer-General said, it appeared that there was no possibility of a project getting off the ground unless the person concerned was already in a very high income tax bracket. It had been said that when the blocks were developed the developer would obtain a benefit. But, over a term of ten years, a person developing one of the blocks would lose a considerable amount of money. If a developer wanted to sell the block to obtain a return, after it was developed and there were no more taxation benefits, he would meet grave difficulties. The Valuer-General indicated the sale price of some of the blocks of land surrounding the area, and the Committee came to realize that there was no future in a person's developing the land there and, once having received the taxation benefits, trying to sell it. It is possible that this is true only for the present. I think all honorable members realize that today land does not bring the price it would have brought five years ago. However, the Committee saw the figures covering a period, and the position has been the same for some time.

The Committee heard evidence from people who were keenly enthusiastic about the scheme and from others who opposed it, from conservationists, and from officers who had carried out inspections and who served in the area. There was no evidence of any substance which could lead the Committee to any finding other than that at which it arrived. I believe it would be proper for the House to carry the motion moved by Mr. Galbally. I ask honorable members to give earnest consideration to the motion, which is fully supported by members of the Country Party.

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—I hesitated to rise, Mr. President, because I felt that someone on the Government benches might want to take the opportunity to speak to the motion. This

is an important debate. In my view, it impinges on the credentials of the Government in determining fair play in a great developmental project. The Committee was investigating a proposal to establish only 12 settlers on the land. The original proposal was to establish 48 settlers. This was deemed to be a private scheme. It was said earlier that each settler would require $250,000. That meant that if 48 farms were to be established the project would cost something in the vicinity of $12 million. Such a project obviously required serious examination.

It was suggested by the Secretary for Lands that the Government was not putting money into the project, that the finance would come from private settlers and that they would take any risks. The Committee thought that was a cruel way to approach the matter, that if settlers were to be established as a result of deliberate action by the Government they should have had the benefit of a serious analysis of the prospects, and some justification for their hopes.

The Committee had before it all the relevant files and the evidence of the witnesses who appeared. An examination of the files from the beginning of the project reveals many interesting facts. The Minister presented figures in another place in another session of Parliament, and I think it is fair to refer to them. I shall not do so in detail, but they are the figures upon which the Government nailed its flag to the mast. Of course, it is now known that the Minister failed to include the price of stocking in his economic analysis which, so far as I know, was the only economic analysis made by the Government. This analysis was submitted to Cabinet and was the one upon which other members of Cabinet based their determinations.

When the evidence of the Department of Agriculture was presented to the Rural Finance and Settlement Commission, it appeared that Mr. Morton realized only on the morning that he submitted evidence to the Committee that the cost of stock had been omitted. When the chairman of the Committee asked Mr. Morton, "You are not suggesting it is the first time you heard it said that the Minister left out of the calculations the cost of stocking?", Mr. Morton answered, "Yes." Only one interpretation can be placed on that situation. The Rural Finance and Settlement Commission was the arbitrator in the dispute between the Department of Agriculture and the Lands Department. Of course, the Commission did not make an economic analysis of its own; it made only a general summary of the prospects of settlement, and that is the only form of evidence that Mr. Morton gave before the Committee. He did not enter into any economic examination of the Little Desert project. I point out that the Government could have made a proper analysis, but it chose not to do so. The Minister knows—and I sympathize with his predicament—that in effect his departmental officers' analyses were ignored.

When the development of an area of 4,000 acres of land is proposed, certain considerations must be taken into account. If the development is to take place piece by piece, spread over a lengthy period, it is obvious that certain charges are proportional to the area and a small allotment can be compared to a large area. However, when it is realized that there are standing charges, whether the allotment is small or large, it is obvious that the dice is loaded against the smaller development. If it is to be an economic proposition the best case to be made out for settlement in the area is on the basis of 4,000 acres to be developed within a reasonable time.

As the Minister tended to calculate on a six-year basis, I accepted that as the period in which to develop the farm. All my calculations were based on that level and I found that cultivation spread over six years would cost $140,000; establishing a water system, $30,000; cost of fencing,

$28,000 ; and cost of land, $24,000. It was agreed by the Minister and Mr. Holden, a critic of the scheme, that a utility truck woulld cost $2,000 ; that tools would cost $2,000 ; and that a house would cost $8,000. Frankly, for a project of this size no one would build a house in that country, with the long haulages involved, for $8,000. I consider that $9,000 would be a more realistic figure, and that is what I allowed. A tractor and trailer would cost $3,700, and the farm sheds $6,900. Contingency capital was agreed upon at $12,000, and $800 was allowed for a slasher for breaking down regrowth.

Taking one and a half sheep to the acre, there would be 6,000 head of stock at $9 per head, which would amount to $54,000. If the calculation had been based on two sheep to the acre, the cost would be increased by $18,000. Therefore, on the basis of one and a half sheep to the acre the cost would be $313,850, and for two sheep to the acre $331,850.

When it is realized how much money can be ploughed into this kind of project, a realistic view must be taken. The value of labour must be separated, whether it is provided by the settler or by employed labour. This has been allowed for by both the Minister and everyone else as a separate issue to the return on capital. The Minister allowed only $2,000 as being the amount paid under the Pastoral Award. Everyone else believed that such a sum would be insufficient. Mr. Holden allowed for $6,000, and I endeavoured to assess a fair analysis by increasing the amount at the rate of only $500 per year until all the stock were on the ground.

A person investing capital in such a scheme and providing the capital himself would expect a normal return just the same as any other investor in a business proposition. I based my calculations on two rates of interest —6 per cent. and 7 per cent. However, the Reserve Bank recently announced an increase in overdraft rates, and therefore it is doubtful whether money could be obtained at less than 7 per cent. I shall leave until later the proposition that a man may work on the basis of ploughing back his income.

I shall now take twelve calculations, based on the price of wool at the rate of 40 cents, 45 cents and 50 cents per pound at one and a half sheep to the acre, then take the same figures for the price of wool at two sheep to the acre, allowing for interest at the rates of 6 per cent. and 7 per cent. It is interesting to note that interest accumulates considerably in the early years and that if an overdraft were required, or a person was allowing himself interest on his money, the following amounts would be required: At 6 per cent. interest, running one and a half sheep to the acre, with wool at 40 cents per pound, an outlay of $486,000 would be required; at 45 cents per pound, the outlay would be $460,000; at 50 cents per pound, $438,000. At 6 per cent. interest, running two sheep to the acre, with wool at 40 cents per pound, the outlay would be $479,000 ; at 45 cents per pound, $451,000 ; and at 50 cents per pound, $419,000. At 7 per cent. interest, running one and a half sheep to the acre, with wool at 40 cents per pound, there would be an outlay of $523,000 ; at 45 cents per pound, $496,000 ; and at 50 cents per pound, $472,000. At 7 per cent. interest, running two sheep to the acre, with wool at 40 cents per pound, an outlay of $516,000 would be required ; at 45 cents per pound, $485,000 ; and at 50 cents per pound, $454,000. Therefore, it will be seen that a huge proposition is involved and that it is not simply a case of developing the land.

In May last year, the Secretary for Lands estimated that there had been 700 inquiries for land, and of that number only 84 persons lodged applications. I analysed these applications and found that quite a number came from country districts, although some were received from the metropolitan area and others from interstate. Of 540 inquiries that were analysed, 18

per cent. came from Victorian cities, 36 per cent. from country centres, 37 per cent. from South Australia, and 9 per cent. from the remainder of Australia. Of the final 84 applications, 11 originated from Melbourne and 24 from the rest of Victoria, including one which showed an interstate address but which was believed to have originated in Victoria, and 49 came from outside the State. Therefore, it will be seen that by far the greater proportion of these applications were from outside Victoria, so it was not citizens of this State who were going to be helped.

An analysis of occupations of the applicants showed that primary producers accounted for 45, other country applicants totalled 12, professional people 14, city business people 7, and other city people, 6. By virtue of their residence, some of these applicants were " Collins-street farmers ". It is obvious that some of them were battlers and that others believed they were going to establish a business enterprise and pay other people to carry it out.

In regard to the cost of development, the figures produced in my analysis did not compare unfavourably with those of the Minister. In fact, they were slightly less in relation to the development of the land, but when looking at some of the applications there is no doubt about the optimism of the applicants. The experts' figures, and many calculations based on them, quoted about $35 per acre for development. One of the applicants put in an estimate of $5 per acre, probably intending to scratch the land with a pick! Five applicants estimated the cost of development as between $5 and $10 ; 12 between $10 and $15 ; 6 between $15 and $20 ; 8 between $20 and $25 ; 5 between $25 and $30 ; and only 3 were near the $36.80 level.

It is clear that most of the applicants had no appreciation of the task they were to tackle. It is true that some of them might have intended to use their own labour. If so, they would have had to work at something approaching slave rates, which, for too long, unfortunately, have been associated with the history of land settlement in this State. As a business enterprise, applicants could not hope to carry out the work at the rates upon which they had based their estimates. In addition, the cost of plant must be considered. The applicants would have to provide huge trucks with dozer blades, chains, rippers and other necessary equipment. Many tens of thousands of dollars would be required for the purchase of plant. Therefore, no small settler would be able to supply the equipment and he would have to get the work done by contract. Frankly, most of them did not know what was involved.

With regard to persons possessing capital, an analysis showed that very few of the 84 applicants had anything like the amount that was necessary. Much of the capital they claimed to possess was unreal because it was already invested in other property which would have to be sold before the money would be available to plough into the new enterprise. Many of the applicants included in the capital which they stated they had available the cost of their Fairlane cars, life insurance policies, and so on. One applicant, who was 23 years of age, stated that his capital was $423,000. One can imagine whose capital he was referring to. The capital quoted by many of the applicants could be taken with a grain of salt. Most of them could not hope to finance the enterprise as a business undertaking.

I shall now deal with persons who had income from other sources. The witness who dealt with income tax indicated that, under section 75 of the Federal Act, rebates could be claimed by persons who ploughed money into land for agricultural development purposes. Strangely enough, some items are not covered by that section ; these include the cost of a dwelling house and necessary adjuncts, and stock. It is obvious that the persons concerned could only hope to regain part of the

value of the money which they put into the property on its ultimate increased valuation. There is no doubt that they would be required to invest a far greater sum than the value of the property itself. I calculated the actual capital improved value to be about $228,000. Yet capital in the vicinity of $400,000 or $500,000 would be required to make the proposition worth while.

Last, but not least, I point out that at the end of ten years when the income from stock reached its maximum—it would not be level plugging—outgoings, including interest payments and operating expenses, would exceed the income from the sheep. Obviously in all cases substantial sums of money would continue to be lost. The applicants included managing directors, medical practitioners, surgeons, company directors, and even a barrister. It will be noted that some notable persons on relatively high incomes were included in the applicants.

The Hon. F. S. GRIMWADE.—How high?

The Hon. SAMUEL MERRIFIELD.—I shall quote them. Of the 84 applicants who supplied particulars of income, 4 had suffered an average loss over the past 3 years; 6 had earned up to $1,000; 16 had earned between $1,000 and $3,000; 8 between $3,000 and $5,000; 18 between $5,000 and $10,000; 6 between $10,000 and $20,000; 1 between $20,000 and $30,000; 2 between $30,000 and $40,000; 1 between $40,000 and $50,000; and 2 over $50,000. It is interesting to note that in his analysis, Mr. Morton indicated that no bank or lending institution would support a proposition unless the settler could show that he had approximately 60 per cent. of the equity, in which case he would be allowed to borrow the other 40 per cent. Taking a property valued at $300,000 which was to be developed within seven years, approximately $45,000 a year would be required of which about $30,000 a year would be needed from income.

It will be seen that very few of the applicants would be able even to plough back income after allowing for their own living expenses and maintaining professional standards in a capital city. They would not be able to provide sufficient capital for the project. If it is accepted that these are the people for whom the scheme was being provided, it means that while everyone in the community who earns a small income is liable to pay income tax, the big man whose income is around the $30,000, $40,000 or $50,000 mark is being provided with an income tax escape route. The Committee considers this to be an immoral approach, particularly by the State which relies on receiving income tax reimbursements from the Commonwealth. It is true that these people could not hope to receive back all the money that was ploughed in, but it is also true that they would regain in valuation a greater percentage of their money than if they paid the full income tax. They would still make a capital gain at the expense of the small man to whom such an avenue would not be available.

What I have said summarizes the economic factors behind the investigation which the Committee made. After listening to the Leader of the House, I am gratified that the Government is pleased with the report, as was the case with the report of the Select Committee on the Royal Botanic Gardens. In effect, the Minister of Agriculture stated that the Government was adopting those reports. However, the honorable gentleman did not indicate that the Government intended to proclaim the land with which we are dealing under section 14 of the Land Act as a permanent reservation. Such action is the only protection which the public has against an unwise Minister or Executive desiring to undertake a similar venture in the future. If the

area were proclaimed under section 14 of the Land Act, at least the matter would have to be considered by Parliament before the Executive could proceed with any alienation. It is obvious that the Minister does not intend to take such action in this case. The Minister of Agriculture has given so many assurances in regard to this matter—last year on the Public Works Loan Application Bill and on the presentation of the report—that he would have gone so far as to indicate proclamation of the land, if that were the Government's intention, but he did not do so.

I listened to the evidence about the wonderful prospects of the area and its wildlife, which to some extent is unrivalled in the State. Many areas containing flora and fauna possess rainfalls, soil and locations which in themselves are a protection against the inroads of man, no matter what he may seek to do in damaging growth or the propagation of species. But in the Little Desert viability is extremely low because of the quality of the soil and to a lesser degree the rainfall. The natural environment can easily be upset. I can think of no better purpose than to maintain it in its existing state. Mr. Donath of the University of Melbourne gave evidence before the Committee and spoke of the green revolution in other countries.

Australia's overseas markets are suffering. Even the meat industry has suffered a setback because of the restriction of imports in the United States of America through Canada. Wool sales have declined this season to a disastrous degree—to a far greater extent than the Minister of Lands was prepared to concede in his analysis. Other proponents of the proposal also failed to concede this position. Therefore, it is doubtful whether the age-old argument in favour of settlement to cope with increased population can be sustained, particularly in relation to the necessary foodstuffs required by man. Rather than mess around with the area the authorities should not touch it. I am sure the public of the future would think more of the present generation if it took steps now to proclaim the Little Desert as a permanent wildlife reserve under section 14 of the Land Act. Such action would preserve the land for later generations with a far greater knowledge to determine, after proper survey, what to do with it.

I understand that the Minister of Lands is not proceeding with his Land Resources Bill and that after having jettisoned that measure it looks as though he is not very enthusiastic about his second legislative proposal. I think the approach is too hurried. There should be an historical approach to such a settlement proposition in relation to unalienated land. The Little Desert is one area of the State to which we cannot afford a short-sighted or short term approach. Too much damage could be done. The Ministerial file on the subject contains a comment from one person who wrote to the Minister to the effect that she could excuse a mistake but not the rape of her country. That is what is being faced at present unless the Government carries out to the full the recommendations of the Select Committee.

The motion was agreed to.

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

That the report of the Little Desert Settlement Committee be transmitted to the Legislative Assembly with a message respectfully requesting the Assembly to take note of the report and concur with the Legislative Council in its approval of the findings of the Committee.

The motion was agreed to.

MILDURA COLLEGE LANDS (AMENDMENT) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. R. J. Hamer (Minister for Local Government), for the Hon. L. H. S. THOMPSON (Minister of Education), was read a first time.

DEATH OF THE HONORABLE SIR HERBERT HYLAND, M.L.A.

The Hon. G. L. CHANDLER (Minister of Agriculture).—By leave, it is my painful duty to inform the House that our old friend, Sir Herbert Hyland, passed away a short time ago. He was the father of the Parliament, had a long political career and was respected by everybody. I think it would be appropriate if the sitting were now suspended until after dinner.

The PRESIDENT (the Hon. R. W. Garrett).—I am sure that honorable members very much regret the news given by the Leader of the House. We all had a great admiration for Sir Herbert Hyland and, as a mark of respect, the Leader of the House has suggested that the sitting should be suspended until later this day.

During his long Parliamentary career, Sir Herbert Hyland was Chief Secretary for 2 years, Minister of Labour and Industry for 1 year, Minister of State Development for 1½ years, Minister of Decentralization for 6 months, Minister of Transport for 7¾ years, Vice-President of the Board of Land and Works for 5¼ years, Minister of Prices for 2½ years and an Honorary Minister for 1¾ years, He has represented the Gippsland South electorate in the Legislative Assembly continuously since 30th November, 1929, and was re-elected unopposed on 5 occasions. He was knighted in 1952 and was a delegate to the Commonwealth Parliamentary Association Conference in Nairobi in 1954. He was Leader of the Parliamentary Country Party for 9¼ years and a member of the following Select Committees: Vacuum Oil Company Bill 1931; House Committee, for 11 years; Potato Marketing Committee 1953; Subordinate Legislation Committee for 4 years. He was also a member of the Public Works Committee for 3 years.

The sitting was suspended at 4.54 *p.m. until* 8.5 *p.m.*

MELBOURNE LANDS EXCHANGE BILL.

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

That this Bill be now read a second time.

Since 1966 the State, through the Public Works Department, has been negotiating the purchase of properties in the locality bounded by Parliament-place and Cathedral-place at East Melbourne, in the City of Melbourne, to provide a site for future multi-storied office accommodation for Public Service Departments in an area adjacent to the existing public offices in Treasury Place.

The completed purchases to date include the terrace buildings at numbers 2, 4, 6, 8 and 10 Parliament-place, and the Catholic Ladies College site at the rear of those properties. A terrace building used for professional rooms for doctors is situated at number 12 Parliament-place, whilst number 14, the adjoining property on the north, is occupied by a multi-storied medical centre. Both properties are owned by Professional Rooms Proprietary Limited.

As it is architecturally desirable that these two properties should be owned by the Crown, the Public Works Department conducted negotiations for their purchase, but at that time the owner company considered that it would be detrimental to the interests of its members to contemplate the sale of either property. As a possible solution, to enable the State to obtain the two properties, the question of the company agreeing to exchange them for the Crown property situated at the corner of Collins and Spring streets and known as number 61 Spring street, Melbourne, was subsequently discussed at a conference with representatives of the company.

As a result of that conference, the chairman of directors of Professional Rooms Proprietary Limited advised the Director-General of Public Works, on 12th September, 1969, that the company was prepared to consider

that proposal on the basis of the exchange being on equality of values with vacant possession of 12 Parliament-place to be given to the Crown not later than 1st July, 1971, and vacant possession of the Crown property at 61 Spring-street to be given to Professional Rooms Proprietary Limited not later than the same date; vacant possession of the buildings at 14 Parliament-place to be given to the Crown not later than 1st July, 1974, with each party to continue to collect the income, if any, and to be responsible for all outgoings for the respective properties as long as possession is retained.

Number 12 Parliament-place has been valued by the Public Works Department valuer at $61,500, but that figure was qualified by him to the extent that, as the property was purchased by the company in 1966 for $47,500 and the owner had since spent over $20,000 in remodelling and renovation works, it was extremely unlikely that the company would be prepared to consider sale below its book value of $69,000. Number 14 Parliament-place has been valued departmentally at $320,000. The property at 61 Spring-street, which was purchased by the Crown in 1901, is unreserved Crown land. The improvements consist of a 2 and 3 storied brick and stone building, at present occupied by the Local Government Department. This structure is about 70 years old, and reports indicate that it would not be economical to render the building suitable for modern office accommodation. The Public Works Department valuer has assessed the value of this property at $385,000.

In view of the valuation figures quoted, the Government considers that an exchange on equality of values is reasonable, and the proposal is submitted for the consideration of honorable members on that basis.

The Bill is a brief one consisting of two clauses. Clause 1 cites the short title of the proposed enactment as the Melbourne Lands Exchange Act 1970.

Clause 2 provides that, upon registration in the Office of Titles of the transfer to the Crown of the freehold lands in the three certificates of title indicated on the plan in the First Schedule, the land described in the Second Schedule may be granted in fee simple to Professional Rooms Proprietary Limited.

The First Schedule plan shows the three freehold certificates of title held by that company in respect of numbers 12 and 14 Parliament-place. Certificate of title 8664/778 relates to number 12, whilst certificates of title 4152/276 and 4152/277 cover the property known as number 14 Parliament-place. The plan included in the Second Schedule has been prepared from a recent resurvey of the property at 61 Spring-street. 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 Tuesday, March 24.

EDUCATION (TEACHERS REGISTRATION BOARD) BILL.

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

That this Bill be now read a second time.

This Bill is relatively uncomplicated; nevertheless, it is most important. For the first time in Victoria, the Bill will give teachers control over entry into the teaching profession. Since the early years of this century, the registration of teachers has been a vexed question. At present, the task of registering teachers in Victoria is carried out by three different bodies. The first is the Council of Public Education, which was established about 60 years ago. The Council is responsible for registering independent schools and their teachers. Permanent teachers in the State service are appointed by the Teachers Tribunal, which lays down minimum qualifications for permanent appointment. It is the responsibility of the Director-General of

Education to select people with adequate qualifications as temporary teachers in the State service.

Honorable members are aware that, in recent years, there has been much controversy about what qualifications should be possessed by teachers before they are appointed to schools, either in a permanent capacity or, and more particularly, in a temporary capacity. This Bill sets up an entirely new body representative of the various sections of the teaching profession. From time to time, in debate over this question, it has been suggested that teachers should be given the same right of control over membership of their profession as members of the medical profession enjoy. The same general approach has been adopted in this measure although the elective principle is applied to a far greater degree than it is in the medical profession.

For example, under the Health Act, the Medical Board is the body to register doctors. It consists of nine members of the medical profession nominated by the Governor in Council. The Teachers Registration Board will be set up in another way but with a number of elected members. The aim is that the Board shall represent the profession as a whole, and that only qualified teachers shall be members of the Board.

If Parliament approves the Bill, the new body will comprise seventeen members. The Director-General of Education will be the chairman. Three members will represent the Education Department. Three members will represent teachers, and they will be elected by the members of the respective teaching divisions. Three members will represent school principals, elected by the respective divisions, primary, secondary and technical. There will be three representatives of the independent schools. There will be a ratio of 3 to 1 of members representing State schools as compared with those representing independent schools. Three members will be representative of teachers colleges and two will be elected by members of the staff of State teachers colleges. One member will represent the universities faculties of education.

As a result of the passage of this Bill, the Council of Public Education will cease to exercise what has probably been its main function throughout the years. I thank the members who have served on that body loyally and effectively over the years in carrying out the difficult task of registering teachers for the independent schools. This step has been taken as it was thought desirable that there should be a body representative of the teaching profession as a whole.

I particularly direct attention to the proposed section 52A as contained in clause 16 of the Bill. That section states that there shall be a board called the Teachers Registration Board and lays down its composition.

Proposed new section 52c states that—

> The Governor in Council may make regulations with respect to—
>
> (a) the qualifications of persons seeking to be registered as teachers;
>
> (b) the granting by the Board of certificates of registration of teachers and the form of such certificates;
>
> (c) for the keeping of the register of teachers and the register of schools and the mode of registering and making additions or revisions;

I mentioned previously that, as the Council of Public Education will cease to register teachers, it was thought desirable to give the new body power not only to register teachers but also to register schools, which was a function previously carried out by the Council. This, of course, refers only to schools in the independent field. The provision continues—

> (d) the reciprocal admission of teachers from other States;
>
> (e) the proceedings of the Board; and
>
> (f) generally carrying this Part into effect.

It is provided in proposed new section 52J that after this measure comes into operation from a date to be fixed by proclamation of the Governor in Council no person shall teach in any school any of the subjects mentioned in the interpretation of "school" in section 35 of the Education Act, if he

is not registered for the time being in the register of teachers, or has not obtained the permission of the Board to be employed temporarily as a teacher in such school.

Clause 17 refers to the power of the Director-General to appoint temporary teachers. At present this is covered by section 55 of the Teaching Service Act 1958 and is to be amended so that only those teachers registered by the Board will be able to teach.

However, I direct the attention of the House to the fact that the subjects defined under section 35 may need certain additions because at present they do not cover music, art and crafts, woodwork and physical education. Perhaps some consideration should be given to the possible amendment of that section so that all teachers are covered. As honorable members are aware, this is a controversial subject. I have received numerous deputations over the past eighteen months; many groups of people have expressed views contrary to those of other groups, and sharply opposing points of view have been presented.

This Bill is a sincere and honest attempt to codify those views. It will provide a means of solving the controversial problems that arise in the field of teacher registration, and it will act as a unifying force within the teaching profession which, in the past, has been divided into too many sections. I commend the Bill to the House.

The Hon. I. R. CATHIE (South-Eastern Province).—I move—

That the debate be now adjourned.

This Bill provides for some important new principles and as only one week remains of the present session, I should like to know whether the Minister intends to proceed with the measure.

The Hon. L. H. S. THOMPSON.—Yes.

The motion for the adjournment of the debate was agreed to, and it was ordered that the debate be adjourned until Tuesday, March 24.

AUSTRALIA AND NEW ZEALAND BANKING GROUP BILL.

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

That this Bill be now read a second time.

It is introduced for the purpose of facilitating the merger between the Australia and New Zealand Bank Limited and the English, Scottish and Australian Bank Limited. Honorable members will be aware that a merger involving these two banks under a scheme approved by the High Court in the United Kingdom was introduced a year or so ago. The merger has been effected by a new company, the Australia and New Zealand Banking Group Limited, which has acquired all the shares in the two existing banks.

The merger was made with the approval of the Commonwealth Treasurer, who has indicated that in due course a licence to carry on banking will be granted under the Banking Act 1935 of the Commonwealth. However, whilst the merger has been completed in the commercial sense, the two separate existing banking entities are continuing to carry on business independently, and it is desired to merge the banking operations completely. Similar mergers have been carried out in the past between comparatively small banks without any special legislative assistance, but it is now recognized, in the United Kingdom and in other jurisdictions throughout the world, that the sheer volume of paper work involved in preparing full documentation to effect such a union makes it almost impracticable.

In recent times in the United Kingdom, the Parliament at Westminster has passed legislation to facilitate the merger of Barclays Bank with Martins Bank, and the Westminster Bank with the National Provincial Bank. There is at present before the United Kingdom Parliament a Bill to facilitate the merger of the Australia and New Zealand Bank Limited with the English, Scottish and Australian Bank Limited.

Furthermore, as part of the total re-organization, the Australia and New Zealand Banking Group Limited desires to transfer the incorporation and domicile of the Australian and New Zealand Savings Bank Limited from the United Kingdom to Victoria, a move which we welcome.

To a large extent the merger of the existing trading banks can be effected by the United Kingdom legislation. However, certain necessary steps cannot be taken by the United Kingdom Parliament and must be taken by the Commonwealth of Australia and the Victorian Parliament, as well as by the Parliaments of other States. It is expected that similar legislation confirming the United Kingdom legislation will be enacted in some, if not all, other States of the Commonwealth.

In relation to the merger of the savings banks after the Australia and New Zealand Savings Bank has been transferred to Victoria, the Victorian Parliament will stand in the same position in relation to the merger of that Bank with the E.S.&A. Savings Bank Limited as the United Kingdom Parliament does in relation to the merger of the existing trading banks.

The purpose of the legislation is fourfold. Firstly, it will reduce the volume of paperwork and cut red tape to a minimum. There are benefits for both the Victorian Government and the banks concerned; for example, it would be difficult for the Stamps Office and the Titles Office to handle all the necessary changes which would have to be made and which would cause a sudden flood of paper work to arrive at the desks of hard worked officers. The merger will involve the transfer of well over one million accounts and the transfer of borrowing arrangements for some hundreds of thousands of customers.

Secondly, it is desirable to preserve the rights of the staff of the existing banks and to give them complete continuity in relation to their employment. It is possible to do this by renewal of contracts, but a more effective and expeditious way to do it is through the form of this legislation.

Thirdly, it is necessary for the special provisions of the evidence legislation relating to bankers books to continue to apply to the existing banks, even after they have ceased to hold a banking licence.

Finally, it is necessary to provide for the incorporation of the new Savings Bank in Victoria and to make that Bank as nearly as possible the universal successor to all the rights and liabilities of the E.S.&A. Savings Bank Limited.

This legislation will not take effect until the passing of the United Kingdom legislation, which is expected to become operative from the 25th July, 1970, and it is hoped that the date to be appointed for the effective merger of the various banking activities will be 1st October, 1970.

Mr. Todd mentioned that the sum of $200 barely covered the cost of printing the Bill. That is an interesting point, and I mention that the charge for these Bills is laid down by the Standing Orders Committees of the respective Houses. The charge made in the Legislative Assembly is $823, whilst the charge in the Legislative Council is $200, so for the task of reviewing legislation at a higher level there is a lesser charge, but the task is performed just as admirably. I commend the Bill to the House.

The Hon. I. A. SWINBURNE.—What will happen to the stamps tax?

The Hon. L. H. S. THOMPSON.—I understand that negotiations are proceeding for payment of stamps tax, that the banks are prepared to pay the sum that otherwise they would have paid, and possibly more, and that negotiations are reaching the final stages.

On the motion of the Hon. D. G. ELLIOT (Melbourne Province), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, March 24.

MILDURA IRRIGATION AND WATER TRUSTS (AMENDMENT) BILL.

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

That this Bill be now read a second time.

Its purpose is to make two amendments to the Mildura Irrigation and Water Trusts Act 1958. Both of these amendments are of a machinery nature and have been requested by the First Mildura Irrigation Trust.

Clause 1 gives a short title for the amending Act and relates it to the principal Act. Clause 2 amends section 12c of the principal Act to allow the Trust to borrow by mortgage for water supply works which, under the provisions of Division 3A of Part I. of the principal Act, will ultimately be paid for by a special improvement charge on the land benefited.

An amendment to the principal Act some twelve months ago extended the general borrowing powers of the Trust, as provided by various sections of the Act, to allow borrowing by mortgage in addition to the issue of debentures, the only means then provided. This allowed the Trust to borrow by mortgage for the drainage of new areas, under Division 5 of Part I. of the principal Act. The amendment of section 12c in respect of water supply works to such areas was inadvertently overlooked, and that oversight is now being rectified.

The amendment is now urgently required to permit the Trust to proceed with development of the mid area between the Mildura and Red Cliffs irrigation settlements. The Trust has a firm offer of a substantial loan, but the lender is not prepared to accept debentures as a security. In recent years lenders have avoided debentures as a security owing to the administrative work involved, and practically all loans raised by local water and sewerage authorities are now secured by simple mortgages.

Clause 3 will enable regulations made by the Governor in Council in connexion with the election of Commissioners, under section 70 of the principal Act, to prescribe penalties for offences against such regulations. The penalties which may be prescribed are limited to $100 for each offence. In making new regulations recently for the election of Commissioners of the First Mildura Irrigation Trust and of the Mildura Urban Trust, it was discovered that no specific provisions existed in the principal Act to make contravention of these regulations an offence, and to enable penalties to be fixed by regulations. The amendment will rectify this position. I commend this 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 Tuesday, March 24.

JUDGES' SALARIES AND ALLOWANCES BILL.

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

That this Bill be now read a second time.

Its purpose is to increase the salaries payable to Judges of the Supreme Court and of the County Court, and it makes the necessary amendments to the Supreme Court Act and the County Court Act. The salaries of Judges were last adjusted in 1967. It is proposed to increase the salary of the Chief Justice of the Supreme Court from $19,500 to $23,600 a year and the salaries of the puisne Judges of the Supreme Court from $17,650 to $21,350 a year. The salaries of Judges of the County Court will be increased from $13,150 to $15,850 a year.

It is proposed also to increase the allowances payable to Judges. The allowance paid to the Chief Justice of the Supreme Court will be increased from $1,000 to $1,200, and the allowances paid to puisne Judges will be increased from $700 to $850 a year. The allowances paid to County Court Judges will be increased from $500 to $600 a year.

The other significant point in the Bill is that the increases will be retrospective to 1st January, 1970. Honorable members have consistently adopted the view that the salaries paid to Judges should be commensurate with their responsibilities and that the salaries should be adequate to attract the best possible men from the legal profession to this important high office. I commend the Bill to the House.

On the motion of the Hon. Archibald Todd, for the Hon. J. W. GALBALLY (Melbourne North Province), the debate was adjourned.

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

LAND SETTLEMENT (FINANCIAL) BILL.

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

That this Bill be now read a second time.

Its purpose is to increase from $30 million to $40 million the amount which may be applied from the Loan Fund for land settlement. The history of land settlement is worth referring to, particularly as this subject has been an issue before the House recently.

The Land Settlement Act introduced by this Government and passed in 1959 provided for a unique concept in civilian land settlement. It made provision for large-scale rural land development for primary production with the development being taken to the stage of the completed farming set-up with housing and farm shedding erected before occupation by settlers. The Act also provided for advances to be made to settlers for the purchase of livestock, plant and equipment and for carry-on expenses where this assistance was necessary. The Act authorized the issue and application from Loan Fund moneys of amounts necessary for the purposes of the Act, not exceeding in the aggregate $20 million.

Progress in settlement resulted in amending legislation being enacted in December, 1965, increasing the authorized limit to a total of $30 million, and the Bill provides for an increase of $10 million to $40 million.

The Rural Finance and Settlement Commission has undertaken land settlement projects at Heytesbury near Camperdown, Yanakie on Wilsons Promontory, at East Goulburn near Shepparton, at Rochester, and more recently in the Parish of Palpara in the south-west corner of the State. To the 31st December, 1969, 531 farms have been allocated on these projects.

At Heytesbury an area of 114,000 acres of virgin Crown land has been set apart and 325 farms allocated aggregating 61,750 acres, and 314 settlers are in occupation of their farms. In addition, 27,000 acres are under pasture which is being allowed to consolidate before subdivision and a further 10,000 acres are being initially cleared and ploughed. The settlers who are in occupation are successfully undertaking dairying under rainfall conditions.

As honorable members know, the dairying industry has its challenges. Because of problems which come in the wake of falling prices on overseas markets, there are those who advocate reducing dairying activity in Australia and oppose the setting up of new dairy farms such as those at Heytesbury. In considering such views, we must look at the whole scene. At Heytesbury, the uniformly heavy carrying capacity of the settlement farms and the closely settled project enables the bulk pick-up of farm cooled milk in quantities allowing for its quick manufacture into a diverse range of products in an economic and efficient way. In other parts of Australia, dairying is being carried out in areas where the more sparse location of the dairy farms and their limited production do not provide the same advantages to either the processor or the farmer. We cannot expect the same economy of production where the same scope of

production and economy of pick-up are not available. It would be reasonable to say that the economics of the dairying industry have resulted in a trend towards dairying being concentrated in those areas best suited to it but some action is necessary to speed up the process. At Heytesbury, the factors I have mentioned—that is, the density of settlement and high uniform production—have enabled the processing factories in the area to pay to the settlers the highest prices in Australia.

It may seem a contradiction on the one hand to speak of taking action to consolidate or reconstruct sections of the dairying industry and on the other hand to continue with the development of Heytesbury farms. However, it would be a poor answer to the problems of the industry to curtail development of the highly efficient areas and at the same time take action to bolster up the marginal farms. It is better to concentrate dairying in the areas where the most efficient production can be undertaken and to utilize marginal areas for purposes for which they are better suited economically. At Heytesbury the young farming community has demonstrated that it can produce as efficiently as any in Australia and far more efficiently than most. In fact, two of the settlers have already paid off their farms from income even though they had 40 years under their leases to do so. A further number of settlers have made substantial payments to their credit accounts over and above normal instalment requirements.

At this point I should like to mention the Commonwealth scheme for the reconstruction of marginal dairy farms. The Commonwealth's offers in this matter have not been acceptable to the major dairying States as they require the States to bear substantial financial obligations and risks whilst at the same time the Commonwealth is quite arbitrary as to how the States will administer the scheme. Negotiations are still proceeding and there have been more promising reports from the officers involved in the negotiations. I earnestly hope that we will soon make real progress to enable the scheme to get under way.

The Yanakie project, which is situated on Wilson's Promontory, has been completed. There are 30 farms which were developed for dairying with some mixed farming and all settlers have been granted purchase leases. The East Goulburn settlement project located at Invergordon near Shepparton provided for dairying holdings and soft fruit orchards, both under irrigation conditions. A total of 88 dairy farms and 79 orchard holdings have been allocated. The dairy farms on this project are making progress and are efficient producers. Soft fruit orchardists generally are experiencing difficulties and the settlement at Invergordon is no exception. Costs of production, devaluation of sterling, competition for overseas markets and adverse seasonal conditions have all contributed to making the lot of the orchardist very difficult at present. Development of the East Goulburn orchards has been substantially completed. The orchards were planted to considerable areas of peaches to make up in some measure those lost by flooding in 1956 and this contribution of peaches to the balancing of Australian canned fruit pack was deemed to be important. However, pricing policies at present seem to be encouraging pear production which is making difficult the position of peach growers, or those whose plantings are predominantly peaches.

In recent years there has been a trend to underground drainage on canning fruit orchards and, here, the Commission is assisting its settlers with finance towards the installation of such drainage. It was put to the Minister by a deputation of settlers that tariff on the slotted plastic piping used for underground drainage adds up to $40 per acre to the costs of drainage. The Minister took this up with the Minister for Trade and is

hopeful that submissions by grower-organizations to the Tariff Board will give some relief in this direction.

Victorian peach growers fare better than their counterparts in other States as is shown by the following figures disclosed by an economic survey carried out by the Commonwealth Bureau of Agricultural Economics:—

	Gross income per acre.
Goulburn Valley (Victoria)	$392
Murrumbidgee irrigation area—New South Wales	$297
River Murray irrigation area—South Australia	$274

Nevertheless, the problems that have been mentioned do exist and it has been pointed out to the Commonwealth Minister for Trade that whilst Victoria has given its attention to measures to preserve the balance of the export canned fruit pack we would not wish to find later that such policies are not in line with Commonwealth thinking —the important thing is to know just what the Commonwealth's thinking is. It seems that the Commonwealth does not always have a full appreciation of the situation in which some sectors of primary industry may find themselves placed—or, if it does, it certainly does not regard itself as having any responsibility. An example of this was the attitude of the Commonwealth towards dried fruit growers in the Sunraysia, Robinvale and mid-Murray areas who suffered rain damage to crops in February, 1969.

The State approached the Commonwealth on six occasions but met refusal after refusal. When the Commonwealth refused to provide any special assistance, it was necessary for the State to provide, from its own limited funds, assistance by way of loans to the needy growers.

The Rochester irrigation project is a more recent project, made possible by the completion of distribution works from the State Rivers and Water Supply Commission's Eppalock storage and this project will provide for 55 holdings for dairying under irrigation conditions. To date, 9 settlers are in occupation with a further 16 farms to be allocated this autumn. It is expected that most of the development work on this project will be completed over the next 2 or 3 years.

The Palpara project, comprising approximately 7,000 acres, was commenced last year, and it is expected that initial clearing treatment to the ploughing stage on 4,000 acres will be completed by May, 1970, preparatory to the first sowing of pasture in autumn of 1972.

I return to the question of funds. As at the 30th June, 1969, $27,785,226 had been expended under the Act from an approved total of $30 million. Of the amount expended $1,444,272 was in respect of advances made to settlers, and of this sum $1,303,501 has been repaid to State Loans Repayment Fund by settlers. Of the balance, $14 million is in respect of capital liabilities of settlers to whom purchase leases have been granted and these liabilities are repayable over a period of 40 years.

The Act provides that any excess costs of development over the purchase lease liabilities are to be transferred to and borne by the State. In respect of those farms for which capital liabilities have been fixed an amount of $2,478,362 has been transferred to the State in respect of excess costs of development including the provision of roading which is an item of heavy expenditure. The balance of the expenditure of $27.78 million is accounted for in Commission assets in the form of plant, equipment and project buildings together with land in varying stages of development from farms just allocated to land being initially prepared.

The loan allocation made to the Rural Finance and Settlement Commission for land settlement for the 1969–70 financial year is $2,350,000 which means that with expenditure

already at $27,785,226 the present limit of $30 million fixed by the Act will be exceeded when the current year's allocation is expended.

The Commission's activities are contributing to efficient primary production in this State, and there is no shortage of applicants with the competition for farms remaining very keen. It is the Government's intention to carry on with the projects which are at present under way and an increase in the Loan Fund authority of a further $10 million will permit successive Governments to provide the funds for these projects. I commend the Bill to the House.

On the motion of the Hon. Archibald Todd, for the Hon. SAMUEL MERRIFIELD (Doutta Galla Province), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, March 24.

PHILLIP ISLAND DEVELOPMENT BILL.

The debate (adjourned from March 11) on the motion of the Hon. R. J. Hamer (Minister for Local Government) for the second reading of this Bill was resumed.

The Hon. I. R. CATHIE (South-Eastern Province).—This Bill aims at establishing a Phillip Island Development Authority, and in so doing it introduces and raises new and, unfortunately for the Government, quite contradictory principles. Members of our party welcome the Minister's assurance that according to expert advice received at Government levels —both Federal and State—Phillip Island is listed as the third main tourist attraction in the whole of the Commonwealth of Australia, rating next to Central Australia and the Great Barrier Reef. The Town and Country Planning Board, in its report on Phillip Island, notes its potential for tourist development. It is said that reliable estimates indicate that the present intake of overseas tourists into Australia of 170,000 a year will increase to more than 400,000 within the next eight years. Honorable members can compare that rate of increase with that of the past eight years which was a little more than 100,000.

There can be little doubt in the community—there is certainly no point of contradiction from members of the Opposition—as to the attractions of Phillip Island as a tourist resort, not only to the Australian people, but also to overseas visitors. There is equally no argument from members of our party about the unique resources of flora and fauna on Phillip Island. It is already well known both here and overseas for its colony of seals; for the interesting and, in many cases, rare sea and land birds; for the shearwaters, commonly known as mutton birds; for the fairy penguins; and, of course, for the various koala reserves. These make Phillip Island something of a unique attraction.

I am pleased that in many cases local initiative has itself led to the development and protection of some reserves. I refer to the Rhyll Reserve, the majority of which was donated by a private individual. Much of the work in that reserve was undertaken by the people of the Island because they were aware of the future potential of the great resources which their Island possesses. I recall that in connexion with this particular reserve the people donated labour, materials and bulldozers to form a natural lake at the bottom of a valley. This lake has since been filled with water and, at the last count, something like 5,000 birds had been attracted to this habitat. There can be no doubt that these attractions and their planning and development are important to Phillip Island and the people who live there. They are also important to the residents of the city of Melbourne and Victoria and elsewhere in Australia who own holiday homes on the Island. They are equally important to those of us who visit the Island as day trippers with our families, and to the tourist trade, particularly visitors from overseas,

as I have indicated. But the issues between us are that the sort of development proposed in this Bill is wrong-headed and contradictory, and reveals a heavy-handed and bureaucratic procedure.

I share with the Shire of Phillip Island a concern at the growing tendency of the State Government in particular to whittle away the powers of local government. Phillip Island has had a long-standing problem of which I know the Minister for Local Government is well aware. In 1961, an interim development order was imposed upon the Island. In 1963, a planning scheme was prepared. Yet, from that day to this the Shire and those who are responsible for its administration in the interests of the residents have heard nothing about the various objections that have been lodged to the plan. They have made numerous requests to have that plan released so that they may become the proper authority to administer it. Over those long 8 or 9 years the answer has always been the same, that a decision is awaited on litigation over the Crown allotment for a property owned by a Dr. Reith.

It would appear that in that case the Town and Country Planning Board went about the matter in the wrong way. In fact, the Council was negotiating for this land and could have reached a satisfactory agreement if the Town and Country Planning Board had not interposed. I wish to quote from the *Wonthaggi Express* of 23rd January, 1969, in which Mrs. Reith, commenting on the request by the Shire that it should have the master plan and that it should be able to administer it, had this to say—

> Had it (the Town and Country Planning Board) not intervened everything would have worked out all right. At the time, we were negotiating to sell the land to the Penguin Reserve Committee.

Therefore, the penguin reserve had to do without this land and the Shire was denied the opportunity to administer its planning scheme. The case dragged on before the courts year after year, quite unnecessarily, when agreement could have been reached and was in fact in the process of being reached by the municipality.

During the Minister's second-reading explanatory speech, I interjected and asked "Do the local people want this Authority?" The Minister answered promptly, "Yes". I am at a loss to know who does want the Authority. I have no idea who has been advising the Minister and telling him that the people of Phillip Island want it. After all, why would they want another Authority imposed upon the Island when under the existing structure there are planning procedures which are quite adequate not only for planning but also for development. Indeed, if one examines the Bill and the proposed functions of this Authority, one finds that it is purely an advisory body; its main function is simply to advise the Minister. That is not planning. Presumably decisions are left with the Minister.

I now wish to examine the planning structures that are involved in this district; there is supposed to be a three-tiered structure of planning. Recently, the Mornington Peninsula and Western Port Regional Planning Authority was established. When the Minister states that people want the Phillip Island Development Authority the first thing one must do is to turn to the existing structures and ask, "Do you want the Authority?" The answer is a clear and resounding "No." I have correspondence signed by the secretary of the Mornington Peninsula and Western Port Regional Planning Authority urging me as a local member to oppose this new Authority. I also have copies of letters which were sent to the Minister for Local Government. There should be no doubt in his mind about the thoughts of this Authority. It takes the strongest exception to the Bill because it believes the measure completely disregards its powers and

duties, and attempts to impose another bureaucratic procedure on the structure that already exists.

Is it any wonder that the Regional Planning Authority views with grave concern this conflict of interests in the planning and the development of its area? The State Government should recognize this Planning Authority as a body competent to develop Phillip Island, and no attempt should be made to prevent that development. Two representatives of the Shire of Phillip Island are represented on the Authority. Grave implications arise from the fact that the Government has established this organization but lacks confidence in its ability to carry out its job. I agree with the sentiments expressed by the Authority.

The Regional Planning Authority does not want this Bill and neither does the Shire of Phillip Island. I accompanied my Leader, Mr. Holding and Mr. Edmunds, M.L.A. on a visit to Phillip Island where we met the council to discuss the future of the Authority. Members of the Council informed us that they would support an amendment which I shall propose during the Committee stage of the Bill to make the Shire and the local people the responsible authority for the development of their own community. Members of the Opposition believe that it is the proper planning approach in a modern and technological society.

The Hon. W. V. HOUGHTON.—Where will the funds come from?

The Hon. I. R. CATHIE.—I shall come to the question of the toll in due course, so Mr. Houghton should not get impatient. Members of the Opposition believe that a three-tiered structure is acceptable—a State planning council responsible for planning for the whole of the State to lay down guide lines for development; a regional planning authority with responsibility for filling in many of the details and applying many of the principles over broad regional areas; and the local council, which, in this case, is the Phillip Island Shire Council.

The Shire is willing and able to shoulder its responsibilities which include the development of tourism. I have one of the plans that are being discussed by the Shire of Phillip Island for the development not only of the national parks and reserves but also of tourism. The proposal involves the development of the Phillip Island penguin reserve and the Nobbies. These areas are probably the greatest tourist attractions in Victoria, and they attract many overseas visitors. The residents of Phillip Island are capable of administering their own planning and developmental procedures.

The local residents realize that Victoria needs to develop its national parks. Earlier the Leader of the House said that I was a knocker because I had stated that, in the development of national parks, Victoria was the most backward State in the Commonwealth. I refer to the Australia Conservation Foundation which, in its publication, sets out a statistical summary of Australian parks and reserves. When one compares the areas set aside as national parks in the various States, it can be seen that Victoria comes a bad last.

The Hon. V. O. DICKIE.—What about the ratio of the areas set aside to the size of the various States?

The Hon. I. R. CATHIE.—I shall cite the small State of Tasmania which has reserved 711,650 acres against Victoria's reserves of 492,296 acres.

The Hon. V. O. DICKIE.—I visited Tasmania last week, and I believe that nothing else could be done with the reserved land in that State.

The Hon. I. R. CATHIE.—I am surprised that a responsible Minister of the Crown should make such a slighting reference to a sister State. It shows how low this Government has descended. I have been trying to

ascertain who are the people the Minister for Local Government said wanted this Bill. It is not the Regional Planning Authority and it is not the Shire of Phillip Island. That leaves only the conservationists. It is clear that they have rejected the proposal in the same way as it was rejected by the Regional Planning Authority and the Shire of Phillip Island.

The Hon. A. J. HUNT.—That is nonsense.

The Hon. I. R. CATHIE.—Mr. Hunt attended a meeting called by the Liberal Party which moved to impose a toll on the community, and he now says that my remarks are rubbish.

The PRESIDENT (the Hon. R. W. Garrett).—Order! Mr. Hunt can speak later in the debate.

The Hon. I. R. CATHIE.—He interjected and he must take the reply.

The PRESIDENT.—Mr. Cathie should proceed with the debate on the Bill.

The Hon. I. R. CATHIE.—Mr. Hunt said that the conservationists wanted this Development Authority. A public statement was made in the local press that the conservation groups supported the proposed legislation. However, I have a letter addressed to my colleague, Mr. Edmunds M.L.A. from a Mrs. Temby, dated 5th March, 1970, in which she stated that she was present at the discussion of the Phillip Island Conservation Society held on 24th January, 1970, and that during the meeting two resolutions were passed, one expressing opposition to the formation of the Phillip Island Development Authority, and the other opposing the imposition of a toll on the bridge.

Mr. Hunt's statement that I was talking rubbish when I said that the conservationists opposed this measure indicates that he is out of touch with local affairs. From what I have said, it appears that only the Liberal Party is in favour of the Bill. Members of that party wish to impose a toll on the community. The people of Victoria will note that the Liberal Party supports the principle of tolls.

The Hon. MURRAY BYRNE.—The Labor Party has done so for years.

The Hon. I. R. CATHIE.—That is not so.

The Hon. MURRAY BYRNE.—The Labor Party in New South Wales imposed a toll to cross the Sydney Harbour bridge.

The Hon. I. R. CATHIE.—I am speaking of Victoria. When I interjected during the Minister's second-reading explanatory speech and queried his description of the toll as a tourist levy, I felt that we were getting into an argument on semantics. If it is said that a tourist levy is to be imposed on a group of people in the community, it means that an imposition will be levied on tourists but not on other people. This Bill provides not for a tourist levy but for a toll on all visitors to Phillip Island, many of whom will not be tourists but people such as myself who often go to the Island for other purposes. For instance, I frequently visit my brother-in-law.

Members of the Opposition have no intention of agreeing to clause 10, which is unfair, unjust and discriminatory. The toll will apply to the day tripper and the motorist who, in fact, has already paid for the building of the new bridge. Why should he be taxed again because he wants to cross this bridge which is the only means of access to the Island for the average person in the community? The overseas visitor will fly to Phillip Island and will not pay a similar toll on arrival at the aerodrome. I have a copy of the minutes of the meeting of the Shire Council representatives with the Minister for Local Government and the Minister of State Development on the 7th February, 1969. On that occasion it was indicated to the Council that the average tourist would spend two days in the Melbourne area. A package deal would

then be made available to him so that he could see Phillip Island and its wildlife. Good meals would be provided so that he could have a successful day. An air strip would be necessary, and probably a hovercraft. No toll would be paid by the overseas visitors who visited Phillip Island in a hovercraft or who flew there as part of a package deal. Presumably, those who travel to the Island by ferry will not have to pay the toll either. It all adds up to a selective tax.

Possibly, the Minister for Local Government will assure me that the local Shire wants the toll. He knows that it does not support the proposal because two resolutions have been passed by the Shire expressing opposition to it. The first resolution was passed on 17th April, 1968. The Minister was fully informed concerning the terms of the resolution. More recently, the following resolution was passed by the Shire :—

> That the Council be of the opinion that the placing of a toll on Phillip Island would be detrimental to the community.

The council has twice voted against the proposed toll. Members of the Labor Party fear that, if the Government gets away with the imposition of a toll on Phillip Island, it will extend the principal of tolls to other holiday and tourist resorts. If this happened, it would be a return to the past.

The Island has special problems. Because it is a small municipality, the revenue derived from rates is also small. Large numbers of day trippers visit the Island and demand, and in fact are entitled to, the normal tourist facilities. For example, they need toilets, parking facilities, access roads and so on. Members of the Labor Party realize that the burden of maintaining facilities of this type is too great for the local council, but we do not believe a toll is the answer to the problem of providing revenue for such purposes. Indeed, the toll could prove detrimental to the community in many respects. For example, when football clubs from Wonthaggi, Bass and surrounding districts visited Phillip Island, the imposition of a toll might deter supporters from going to the Island to support their teams. Football patrons would not want to pay 40 cents, 50 cents or 60 cents each time they visited the Island.

The toll would also be uneconomical. An examination of statistics provided by the Country Roads Board reveals that a total of 370,000 cars visited the Island during the past twelve months. A minimum toll charge of 20 cents for each car would yield only $74,000 in revenue. The Minister has already indicated that local residents would not be required to pay the toll charge, hence it is necessary to deduct from the total number of vehicles, 170,000 car movements across the bridge from San Remo, leaving a total of 200,000 cars on which the toll charge would be imposed. This would yield only $40,000 in revenue, from which it would be necessary to pay wages, which would cost a further $18,000, leaving the princely sum of $22,000! Out of this amount, it would be necessary to meet capital expenditure, maintenance charges, administrative costs and so on.

The Hon. A. W. KNIGHT.—What about the Premier's State tax?

The Hon. I. R. CATHIE.—The Premier is in enough taxation difficulties at the moment ; it is no wonder that he is resorting to the expedient of imposing a special tax on Phillip Island. Members of the Labor Party realize that the provision of funds for the maintenance of facilities for day trippers is too great a burden for the local council to carry. The proper way to approach the question and the only course for the Government to adopt is to say that the State and Federal Governments should shoulder their responsibilities for the development of tourist resorts throughout Victoria and Australia. These responsibilities are as much the responsibility of taxpayers as of ratepayers.

The Hon. I. A. SWINBURNE.—Why did the Government set up a Ministry of Tourism?

The Hon. I. R. CATHIE.—The establishment of a Ministry of Tourism was one of the greatest public relations exercises ever undertaken. Notwithstanding the establishment of the Ministry, no more money is available for tourism than in the past; the money is being spent on public relations exercises.

The second avenue from which moneys could be made available is an increase in loan funds and a guarantee of the existing level of borrowings. The third method is that of making direct grants available to the Shire.

In conclusion, I should like French Island to become part of the Shire of Phillip Island. Many great industries have already purchased land on French Island and, as industrial development proceeds in Westernport and on French Island, additional rate revenue will be received, and the Shire of Phillip Island will thus be assisted in the development of its tourist resorts. I do not propose to canvass the amendments which my party will move in Committee. It is intended to oppose clause 10 and to alter the composition and name of the proposed Phillip Island Development Authority.

The Hon. H. A. HEWSON (Gippsland Province).—It appears that the Minister for Local Government has again run into a spot of bother. Anticipating, of course, that he would run into trouble, the honorable gentleman adopted a somewhat naïve approach to the Bill. In a rather eloquent speech, the Minister endeavoured to soften up honorable members. He told the House the story of the birds and the bees, or perhaps I should say the mutton birds and the bears. Phillip Island, with its panoramic views, is an ideal place for young couples to sit along the bayside areas. Honorable members have been told of these things. Of course, many of us were lulled into a land of fantasy by references to the ozone, the penguin parade, the seal colony, and the habits of the seals. We have also been told that Phillip Island is a remarkable place, which is true. It is a remarkable place in which the local residents take great pride and, when a person has a pride in something, he is keenly interested in its development.

Mr. Cathie has emphasized that, because of the limited finance available to it, the Shire of Phillip Island is faced with a difficult task. Nevertheless, over the years, it has done a very good job and will continue to do that job if it can obtain assistance from the various Government Departments which should display a great interest in the Island.

Reference was made earlier, by interjection, to the establishment of a Ministry of Tourism. If the Minister intends to persevere with his proposal to establish an overriding authority for Phillip Island, he will be involved in all sorts of arguments. I can see no reason for the creation of this overriding authority. The Country Party objects to the formation of the proposed Phillip Island Development Authority on the ground that the local council will be given insufficient representation on it. Surely, the council should have a preponderance of members on the Authority, which should not be empowered to override all other authorities. In view of the fact that the Country Party proposes to oppose the toll, there appears to be no need for me to deal at length with the pros and cons of the Authority.

Mr. Cathie outlined the approach of the local people on Phillip Island to this Bill. I can verify a number of the points raised by Mr. Cathie, because I have received similar letters from persons who have expressed their opposition to the Bill. One resident of Phillip Island wrote to me expressing disappointment at the lack of knowledge of the area displayed by the local member of Parliament, the honorable member for Dromana in another place. He said that the local member showed

amazing ignorance of the area, particularly when he claimed that the Koala Preservation Committee would like to employ a full-time ranger. Of course, the Committee has had a full-time ranger for some time. I have a letter addressed to the secretary of the Country Party, Mr. Bradbury, which I am sure honorable members will find interesting. The writer states that she was advised to write to Mr. Bradbury regarding the false statements made by Mr. Dunstan of Dromana and Mr. Wheeler of Essendon during the Committee stage of the Phillip Island Development Bill in the Legislative Assembly. The letter states—

I refer to paragraphs 1 and 2 on page 2839, 25th February, 1970, (proof copy) and to paragraph 4 on page 2843. The statements made by these two members regarding the attitude of the Phillip Island Conservation Society are opposite to the facts. These are the facts: On January 24th at Phillip Island, a general meeting of the Conservation Society was held. One of the main items of business was a discussion of this Bill. The chairman had a copy of the Bill as presented for its first reading. I was present at that meeting and took an active part in discussion. After many points of view had been expressed the meeting passed two resolutions.

I have not the exact wording of these resolutions but one of them expressed opposition to the Bill as a whole and the other expressed opposition to the imposition of a toll. The secretary was asked to convey these resolutions to the local member, Mr. Dunstan.

He has been informed of them. The letter continues—

Considerable evidence was given by both Mr. Dunstan and Mr. Wheeler to the supposed views of the Conservation Society and in view of the complete falsehood of their claims I ask you to make a strong protest and correction when the Bill is considered in the Council. Professor John Swan, of Monash University, was also present, helped to formulate the wording of the resolutions and would corroborate my statement if you need this. His home telephone number is 82 6707.

I might add that the main arguments against the Bill were the same as those expressed by both Country and Labor members during the Committee stage of the Bill. It was also considered that the imposition of the toll would restrict the amount of money available for conservation to a share from the toll.

When the Country Party was the Government it abolished all tolls. It is to the credit of the late Sir Herbert Hyland that his last statement in the Legislative Assembly was on this matter. The Country Party has always been opposed to tolls. The motorist is a target for all sorts of tax impositions, and he will again be caught with a toll if this Bill is passed.

The Hon. G. J. NICOL.—What proportion of the community are motorists?

The Hon. H. A. HEWSON.—A large proportion of the population are motorists. Many young people, on attaining the age of eighteen years, obtain their own motor cars.

The Hon. G. J. NICOL.—The motorist is in fact the community?

The Hon. H. A. HEWSON.—Motorists represent a fair proportion of the community. The motorist is being taxed in various ways, by registration and increased rates for third party insurance. In addition, the Tourist Development Authority derives its funds from motor boating fees and certain other fees. A Ministry of Tourism has been established to cater for an industry which is recognized as one of the largest in any country.

The Government should concede that it is unnecessary to establish an overriding authority when there is already a Shire Council capable of administering the Island and the available finance. I remind the Government that the Island's community is managed by private enterprise. When we are dealing with persons who operate under private enterprise I know of no reason why they should not have a fair share of the say in how their surroundings should be handled. The Country Party will oppose the Bill.

The Hon. A. J. HUNT (South-Eastern Province).—If ever a measure represented a constructive approach towards conservation problems it is this Bill. If ever a measure deserved the support of those who

claim to work for conservation, it is this Bill. This is a conservation measure. It seems that many people use conservation just as a catch cry; they pay lip service to it without wanting to do anything constructive about it. It is a very nice catch cry. It is just as easy to say, "I believe in conservation" as it is to say, "I believe in better education". However, this is not good enough. Those who adopt this attitude are long on words and short on action.

In this measure, the Government has sought to take constructive action to help in the conservation of Phillip Island, in the promotion of its facilities, and in the protection of the great assets which exist there. The composition of the proposed Authority clearly indicates that this is a conservation measure because the Authority will comprise representatives of the Shire Council, of conservation interests, of the Fisheries and Wildlife Branch, and of various other interests.

The Authority's proper function will be to advise and assist in the conservation of what all honorable members have admitted are great national assets which deserve to be preserved and for which not enough can be done in the present situation.

Certainly, not enough can be done by a small Shire which has one of the lowest rates in Victoria—16 cents in the $1 net annual value or 13 cents in the $1 net annual value on farm properties. In fairness, how can the Council be expected to bear the burden of providing the facilities and protect the reserves and the natural assets which are required for the benefit not only of the Shire, not only of this State but of the country as a whole? How can anyone expect a small shire to provide the finance necessary for all these things?

Despite the fact that the Shire of Phillip Island receives a comparatively better deal from the Tourist Development Authority than does any other municipality in Victoria, the limited Government grants from that source cannot be expected to provide for all these needs.

The Bill provides a conservation authority with the financial ability to carry out its recommendations, which it must be admitted should be carried into effect. I do not know how often Mr. Cathie visits the Island, but I make a practice of going there regularly. Undoubtedly, many members of all parties visit the Island regularly.

If they do so and take an interest in what goes on there, they will know the parlous financial state of the reserves committees on the Island. The Koala Reserves Committee has an annual budget of $6,750, of which $6,000 is provided by the Tourist Development Authority, $200 comes from an annuity established by a public-spirited citizen, $50 from rents of a small part of the area, and $500 is a contribution by an allied body, the Penguin Reserves Committee. These are the total funds available to the Koala Reserves Committee whose budget for the next five years indicates a requirement of $22,000 per year, including $10,000 for maintenance and natural development, and $12,000 for special projects to provide facilities for the public who wish to use these reserves.

Where is this money to come from unless some special fund is created? Can we expect the Government to provide additional money for Phillip Island and less for education, hospitals, the Police Force or something else? The obvious answer is "No". It is necessary to generate a new source of funds, and this is precisely what the Bill proposes. It is designed to generate a new source of funds and to ensure that those who enjoy the facilities will help to pay for them.

The Hon. H. A. HEWSON.—You are not being constructive in your thinking.

The Hon. A. J. HUNT.—I am demonstrating that the Bill provides for the generation of additional funds to meet the demonstrated needs of the Island, which I as one of the local members believe ought to be met. I visit the Island regularly, and I know its assets. I know of the wading bird colonies in the area known as the Nits, where there are approximately 18 varieties of wading birds which have migrated from Europe and Japan; there are even cormorants from Russia. I also know of the penguin reserves, the mutton bird rookeries, the seal communities and the koala reserves.

All these things represent a great ecological, natural and national asset and we as a Parliament should be interested in preserving them, as well as providing facilities enabling the public to enjoy them. In other words, I believe in development with conservation, and I fully admit the difficulty of meeting those twin aims. They are the two aims of the Bill.

The measure provides an equitable source of financial support whereby those who enjoy the facilities will assist in paying for them. It has been suggested that the principle of a toll is an anathema. My dictionary defines a toll as "a duty or levy for the use of a public road, &c., or for services rendered". Who objects to payment for services rendered? No one objects to paying a reasonable contribution towards improvements in facilities which they use. In one way or another, everything has to be paid for. Even the expression "free as the air" is not completely true because if we want pure air, we have to pay for pollution control. In the same way, we have to pay for conservation, for the protection of great assets, and for the development of those assets in a form which the community can use and enjoy. This again is what the Bill seeks to ensure.

It is not a novel principle. Those who use various foreshore reserves throughout Victoria pay a fee for camping or parking. The fee is variously described as a tourist levy, a development levy, a camping rent or a parking fee. However, it is described, the principle is precisely the same.

Those who visit Mount Buller during the skiing season have to pay $1 for what is described as a parking fee. In fact, it is a tourist levy which provides funds for the Mount Buller Committee to develop the tourist facilities. Where is the difference between that principle and what is called a toll under this Bill? This fee is not meant to pay for the bridge; it is meant to pay for facilities in the tourist area. The Bill regards the whole of Phillip Island—and rightly so, in my opinion—as a tourist area.

Mr. Cathie and Mr. Hewson stated that conservationists are against the Bill. I reject that suggestion absolutely. The House will note that both speakers relied for their authority on Mrs. Ethel Temby of Eltham, who is not a local resident of Phillip Island, who has no special knowledge or qualifications relating to Phillip Island, who is not an office bearer of the Phillip Island Conservation Society and who despite her wonderful work for retarded children is hardly qualified to speak with any authority on this Bill.

I shall tell the House the facts concerning the Conservation Society meeting which has been referred to. Firstly, the executive committee of the Society carried unanimously a resolution supporting the principles of the Bill. Secondly, it called a meeting of members to which visitors were made welcome. The meeting was attended by 9 local residents and 56 visitors from Melbourne. To my knowledge the attendance of the 56 visitors from Melbourne was, in part at least, deliberately organized. At that meeting—which was in no sense a genuine meeting of members—a resloution was carried expressing doubts about the Bill and the

principle of the toll. The executive of the Conservation Society subsequently met again and reaffirmed its support for the Bill by 10 votes to 1 vote. One member perhaps thought he ought to pay some regard to the decision of the general meeting, irrespective of whether it was stacked. That decision was made at a meeting at which a person did not even have to be a member to vote. Those are the facts; so much for the authority of Mrs. Ethel Temby, which was relied upon by both the Labor Party and the Country Party! I assure the House that at all times the conservation interests on the Island have supported and will support the Bill because they know that it is designed to conserve the assets which exist on Phillip Island.

There may be a few persons on the Island, as one always finds in relation to any measure which imposes a charge, who fear that it will cut down the number of visitors to the Island and hence adversely affect their pockets. Is there any member of this House who genuinely believes that a levy of 20 cents or thereabouts will dissuade anyone from travelling to Phillip Island? That would be an infinitesimal part of the cost of the journey from Melbourne to Phillip Island. Honourable members know that over a period a car costs a motorist about 10 cents a mile to run, so 20 cents represents 2 miles of travelling. This is the contribution which the public are invited to subscribe towards the preservation of the assets of the Island. I believe anyone would willingly subscribe that sum of money.

Yesterday I spoke to a gentleman who runs a motel on Phillip Island. Recently he asked 50 people who stayed at this motel whether they supported, opposed or were neutral towards the question of a toll.

The Hon. D. G. ELLIOT.—Was it the Sunseeker motel?

The Hon. A. J. HUNT.—It was not, although someone associated with the Sunseeker happens to be in the precincts of the House. The gentleman who took the survey recorded the replies of 50 successive overnight visitors. All of them stated that they would not object to a toll to cross the bridge, knowing that it was a tourist levy.

The Hon. J. M. TRIPOVICH.—Was it a secret ballot?

The Hon. A. J. HUNT.—No, he took the names of the visitors, which are available for examination by members of the Opposition if they would like to see them. All of these persons recognized that the proposal was for the benefit of the Island.

Mr. Cathie suggested that this is a selective tax. Of course it is. It selects those who are going to use the facilities. What fairer form of tax could there be? If the Government proposed to tax every citizen in Victoria 2.5 cents per annum to provide facilities on Phillip Island, I can imagine what Mr. Cathie's reaction would be.

The Hon. I. R. CATHIE.—I would oppose it.

The Hon. A. J. HUNT.—Of course the honorable member would oppose it. He would say, "Why should people pay this tax? It is the responsibility of the Government to provide the money." However, from where would the Government obtain the money? Surely a tax to assist in providing certain facilities is best directed against the people who will use those facilities. I do not believe any honorable member would have a logical or valid objection to what Mr. Cathie derogatorily terms a selective tax. I believe its virtue is that the people who use facilities will pay the tourist levy to provide or improve them. Let us consider the other reserves on the Island. I have already mentioned the koala reserves. The Penguin Reserves Committee is also in trouble.

The Hon. D. G. ELLIOT.—It is one of the wonders of the world.

The Hon. A. J. HUNT.—I am sure that Mr. Elliot, with his great feeling for the importance of tourism and his desire to develop tourist facilities, will agree that it would be tragic to see the work of the Penguin Reserves Committee fail in any respect through lack of finance. For years the Committee has been struggling to balance its budget. This year, despite what I believe to be very good management, the Committee has sustained a deficit. It has been fighting increasing costs for years, and the deficit this year has been sustained at a time when many new improvements are urgently required. What alternatives face the Committee? It needs new finance either from the sources provided by the Bill or by raising charges to those who view the penguin parade. What is the difference? If people pay more to see the penguin parade, they are paying more to use the Island's facilities.

The Hon. M. A. CLARKE.—How much do they pay to see the penguin parade?

The Hon. A. J. HUNT.—At present the charge is 20 cents for adults; children are admitted free. At the moment the Penguin Reserves Committee is reluctantly reconsidering the question of children being admitted free. I hope the present practice will continue.

It has been suggested that all these things should be left to the Shire. Mr. Cathie referred in his speech and by way of interjection has just suggested again that this is the job of the Mornington Peninsula and Western Port Regional Planning Authority. I point out that this is not a development authority, but a planning authority. It was set up not to provide facilities but merely to establish plans. I think it is fair to say that I played some part in the formation of that Authority. At least I convened the conferences which made representations to the Minister for its establishment. I attended every one of those conferences and all the meetings of the Mornington Peninsula Municipalities Association on the subject. I think I can speak with a little knowledge of the purpose for which the Authority was established. Its purpose was to plan —not to develop reserves, not to provide toilet blocks for the public, and not to provide car parks. They are the functions of a separate type of authority.

As for the Shire providing facilities, I thought I had dealt with that suggestion earlier when I said that we could not expect a small Shire with limited revenue to provide facilities which go far beyond the bounds of serving its ratepayers, and are in fact intended to serve the people of the State as a whole as well as visitors from interstate and overseas. The Phillip Island Development Authority is intended to supplement the work of the municipality and to do things which the municipality cannot do and cannot rightly be expected to do.

I believe it will be a tragedy for the Island if the Bill is defeated or emasculated in such a way that the financial resources of the Authority will disappear, and that the teeth provided in the legislation will be drawn. I believe anyone genuinely interested in conservation will rue the day that this occurs.

The Hon. I. A. SWINBURNE (North-Eastern Province).—I have listened with great interest to Mr. Hunt, whom I have not seen so enthusiastic about an issue for a long time. I think the last time the honorable member was so wrapped up in a matter was some years ago when he brought to the attention of the House a matter relating to a dam. Of course, the honorable member faded out before long, and I realize that that will happen again on this occasion. Mr. Hunt has become the great conservationist of Victoria because he has a little interest in the Phillip Island area on behalf of a few

constituents. The honorable member has come up with a set of figures, and is defending the conservationists who live on Phillip Island. Of the total population of Phillip Island, 9 people attended one meeting and 11 people attended another.

The Hon. V. O. DICKIE.—It was a committee meeting.

The Hon. I. A. SWINBURNE.—I realize that 11 people attended a committee meeting, but at the public meeting to which Mr. Hunt referred, only 9 local people were present. Apparently there is not much interest in conservation among the people of Phillip Island. At least 56 people from outside the Island showed some interest. As has been suggested, I have no doubt that this was a result of organization. Every time the rights of the people are interfered with, an organization is set up. However, 56 people were sufficiently interested to come from Melbourne, as Government members suggest, to attend the meeting. My party has received more than nine letters from conservationists on Phillip Island. It is silly to suggest that the people of Phillip Island are wrapped up in conservation when only nine of their number attended a public meeting. If ever an argument fell flat on its face, it was that advanced by Mr. Hunt.

The honorable member went on to tell the House that, with the setting up of this Authority, advice would be available from the Fisheries and Wildlife Branch, from conservationists, and so on. I have been associated, as a member of a committee of the Mount Buffalo National Park, with the tourist industry in the area I represent, and I can inform him that this advice does not have to be paid for. It is provided by the taxpayers of the State, it is free from any Department and anyone can get it. There is no need to raise funds by placing a toll on motorists.

The Hon. MURRAY BYRNE.—One has to pay to enter the Mount Buffalo National Park.

The Hon. I. A. SWINBURNE.—That is not so. The charge which used to be made has been discontinued. A motorist can drive all around Buffalo, on and off the mountain, and unless he wants something to eat or drink, he will not have to put his hand in his pocket. The House has been told that the Phillip Island Shire Council is not competent to plan the development of its small Island. What is the position with every other shire council in Victoria? The Minister for Local Government, who introduced the Bill, administers the Town and Country Planning Act, under which municipal councils are the planning authorities for their own areas. Surely, in such a small area as Phillip Island, it should be possible for the local council to carry out its function without another body being superimposed on it.

If the principle advocated by Mr. Hunt were accepted, every other tourist area in the State would expect to be able to charge a toll. Immediately a motorist drove over the bridge at Wangaratta on to the Ovens Highway, he would be expected to pay a fee. I have had some experience of these things. When I first became a member of the committee of the Mount Buffalo National Park, on every Saturday and Sunday we employed labor to collect 20 cents per car and $1 per bus from those entering the area. At week-ends, up to 1,000 or more people came to the area, and there would be 200 cars and probably about 20 buses. However, we did not receive much more than the cost of collection.

Let us look at this matter in a practical manner. There is still pressure on the local committee to reinstitute a charge at Mount Buffalo. It has even been suggested that a house and toll gate should be built at the bottom of the mountain and that a fee should be collected from everyone who passes the gate. By the time the house and toll gate were paid for and provision was made for a sinking fund and the wages of the men who would have to be employed

on a two-shift basis, the proposition would prove to be uneconomical. But the Government wants to institute this sort of thing ; there is pressure from the Department. The people of the State, by paying their rates and taxes, provide these facilities, and they should be available free to the public.

If the principle is accepted for Phillip Island, the right to charge fees cannot be denied to any other tourist area. Apparently that is what the Government intends, if it still occupies the Treasury bench after the elections. The Government is bereft of any other idea to develop the tourist industry. The Government created a Ministry of Tourism, but it took two sessions of Parliament before the Government could be persuaded to allow the Minister to have some authority in his own Department. With the Labor Party, the Country Party insisted that the Minister and his Director should have sole charge of the Department. Now, it appears that the Minister will have no more money than before. Why should the Government go to the trouble of creating a new Ministry if it is not going to allow it to operate properly?

There are tourist areas all over the State. The area around Bright is one ; Swan Hill and Mildura are others ; there are also the Gippsland Lakes and Wilson's Promontory. There will probably be between 16,000 and 20,000 people visiting the area around Bright at the Easter week-end. Are we to stand on the approach roads to Myrtleford and collect a toll from every motorist because we have erected a couple of toilets and so on? I cannot understand why the Government endorses this principle which it asks the House to accept. I will not be a party to it.

The great City of Melbourne contains the Royal Botanic Gardens, which the Government attempted to ruin, and many other gardens. They are open to the public, and there is no charge to enter them. Surely it is not suggested that a toll should be imposed on people who wish to visit Melbourne to view all the wonderful gardens that the pioneers of this city provided. Surely no one will suggest that visitors to the Royal Botanic Gardens should be charged 20 cents.

The Hon. V. O. DICKIE.—Perhaps I should take note of all these suggestions.

The Hon. I. A. SWINBURNE.—The Minister of Health need not fear ; they will be recorded. I am surprised at the point of view expressed in this House by one who was Minister in charge of tourism and had great pride in his position. Mr. Hunt suggested that the imposition of a toll was most important because the money collected would assist in the development of Phillip Island. Surely he is not sincere in suggesting that this is the only way, or the right way, in which the Island should be developed.

The Hon. A. J. HUNT.—I cannot accept your suggestion that I am insincere.

The Hon. I. A. SWINBURNE.—If Mr. Hunt is sincere and that is his logic as a member of this House, and of the Liberal Party which forms the Government of this State, I do not think much of his ideas.

The Hon. A. J. HUNT.—You are the great magician.

The Hon. I. A. SWINBURNE.—I am not a great magician, but I have principles by which I will stand. I have seen the various attractions on Phillip Island, and I do not agree that it is necessary to charge a toll to visit them. I cannot abide the principle of charging tolls throughout the length and breadth of the State to develop our tourist industry.

The Hon. V. O. DICKIE.—Mr. Hunt did not say that.

The Hon. I. A. SWINBURNE.—I did not suggest that Mr. Hunt made that statement. I suggested that the Government might want to charge tolls everywhere. That is what it is trying to do in this State. My party

will not be a party to the charging of tolls to assist in the development of the tourist industry, particularly when they are imposed on the already over-taxed motorist.

The Hon. W. G. FRY.—The Country Party did well on the Great Ocean Road.

The Hon. I. A. SWINBURNE.—It was a Country Party Government which abandoned the toll on the Great Ocean Road and provided the necessary funds to develop the road and make it what it is today. I cannot believe the Government is totally bereft of either ideas or finance, although I know that it is beset with financial problems. It cannot be so bankrupt that it must institute a system of tolls. The Country Party opposes the Bill because of two principles. The first is that of superimposing an authority over the existing local government authority which is the right and proper body to develop Phillip Island. The second principle which we oppose is that of imposition of a toll. As Mr. Hewson has rightly said, the Country Party opposes the Bill in its entirety. If the motion for the second reading of the Bill is agreed to, my party will support amendments which I understand will be put forward.

The Hon. A. W. KNIGHT (Melbourne West Province).—In regard to this proposed legislation, I want to put the record straight. I purposely referred to proposed legislation because I understand that the Country Party has given an indication that it will support amendments which the Opposition proposes to move. The Minister for Local Government said that he doubted whether I had relatives living on Phillip Island. In replying to an interjection that I made at one stage, he said, "I do not think Mr. Knight has an aunt on the Island, but if he has, the answer is 'Yes.'" I assure the Minister that I have an aunt living on the Island.

The PRESIDENT (the Hon. R. W. Garrett).—The honorable member should speak to the Bill.

The Hon. A. W. KNIGHT.—With all respect to you, Mr. President, the Minister doubted my integrity on this matter, and I wanted to put the record straight; I do have an aunt living on Phillip Island.

The PRESIDENT.—Order! The matter has now been settled, and I invite the honorable member to continue on the Bill.

The Hon. A. W. KNIGHT.—I am endeavouring to continue without interruption. My aunt does not now support the Liberal Party as she did previously.

The PRESIDENT.—Order!

The Hon. A. W. KNIGHT.—The Minister referred to a levy and placed great emphasis on that word. However, the Bill does not mention a levy; it refers to the collection of tolls in respect of vehicles entering Phillip Island. *Webster's Third New International Dictionary* defines a toll as "to lure along and entice" and a levy as "the action of raising, the imposition or collection of an assessment, tax, tribute or fine". The Minister placed great emphasis on a levy to be imposed on people visiting Phillip Island. The honorable gentleman wishes to place an impost on me when I am visiting my relatives on the Island.

The Hon. G. J. NICOL.—It will be a good excuse for the honorable member not to visit his aunt.

The Hon. A. W. KNIGHT.—I am proud of my relatives.

The PRESIDENT.—Order! I thought we had disposed of Mr. Knight's aunt.

The Hon. A. W. KNIGHT.—I am sorry, Mr. President. I should not have taken notice of the interjection. I have had the pleasure of serving on the State Development Committee, which has made a report on the economic development of Gippsland and the tourist potential of Phillip Island. Mr Hunt referred to the Shire of Phillip Island, but I point out that the Island should never

have become a shire in its own right. The Government of the day failed in its duty in this respect, and I am sure that the Minister for Local Government will agree with my contention.

Mr. Hunt mentioned the rates imposed by the Shire, and it is interesting to note the conclusions of the State Development Committee as set out in its report. Additional revenue would be available for the development of Phillip Island if the rate were increased. Other municipalities have taken this action. I probably visit the Island more than other honorable members in this Chamber, and I am prepared to pay a toll—not a levy—that may be imposed on me. I have great pleasure in taking visitors to see the penguin parade in the evening. However, this legislation is slipshod because it does not take account of tourists who will arrive on the Island by plane or by ferry from Stony Point to Cowes. The proposed impost will be a charge against motorists only, and the citizens of the State will pay the toll whereas many overseas visitors will not.

When the State Development Committee conducted an inquiry in relation to Westernport, it was found that great development would take place on both Phillip Island and French Island when residential areas were opened up following the introduction of legislation affecting industry in the area. These people will not be charged a levy to travel across the bridge. It is clear that any impost will apply only to motorists.

The Hon. A. J. HUNT.—They would comprise approximately 99 per cent. of visitors.

The Hon. A. W. KNIGHT.—I know the area as well as Mr. Hunt. Will the members of football teams and other sporting clubs who visit the Island from Kilcunda, Inverloch, Wonthaggi and other places be required to pay the toll? It appears that the Government wishes to place this impost on members of sporting clubs and their supporters in this area.

The Hon. A. J. HUNT.—Has the honorable member read the Bill and noted the powers of exemption?

The Hon. A. W. KNIGHT.—I am prepared to debate the matter with Mr. Hunt at either Wonthaggi or Inverloch. At this stage the powers of the Bill are mandatory.

The PRESIDENT (the Hon. R. W. Garrett).—Order! The Bill should be debated in this House.

The Hon. A. W. KNIGHT.—The Government wants to charge a tax by way of a levy on people entering Phillip Island across the bridge, and it will be a charge on sporting bodies and their supporters who visit Phillip Island. The toll will prevent people from visiting Phillip Island. I refer honorable members to page 7 of the second progress report of the State Development Committee on the economic development of Gippsland and tourist potential of Phillip Island, where, under the heading "Pattern of Tourist Patronage" it stated—

> It is apparent that, with the advent of fast cars and all weather high-speed roads giving access to the island, people visiting Phillip Island are now preponderantly one-day visitors, or occupants of week-end holiday homes on the island. In this respect Phillip Island is not unique. The same pattern has become apparent as a widespread trend at many holiday resorts which are now much closer to the metropolis, in terms of travelling time, than they were formerly. This has had an inevitable effect on the growth of demand for hotel and guest house accommodation. Many visitors who formerly might have been expected to stay on the island for from one to several weeks are now content to visit it for one day only, returning to their homes that evening.

The report of the Committee is logical. With the development of the motor car the Government wishes to tax the motorist even further, but the day has come when the motorist has had a stomachful and will not pay more. This legislation is slipshod, and the levy should not be imposed on people wishing to visit the Island. There are other ways of raising money for the purpose required.

The Hon. R. W. MAY (Gippsland Province).—It is with a great deal of nervousness that I enter this

debate. Recently I visited Phillip Island and persons there asked me where I came from. They had noticed the sticker on my car indicating that I was a member of Parliament, and they asked me who were their local members.

Clause 9 of the Bill provides, *inter alia*—

. . . the Minister may request the Council to contribute towards the cost of such land or to make a loan or a grant to that Minister or authority.

This provision means that the Phillip Island Shire Council will have to make a contribution, which will limit the exemptions to be given to any body of persons visiting the Island. I wish to quote from a letter dated 13th March and written from Phillip Island. The Minister for Local Government paid a visit to the Island and outlined the proposals contained in this measure. Early in 1968, at a public meeting held at Cowes, according to information I have received, the Minister requested that this matter should be treated as confidential.

The letter states—

In early 1968 at a public meeting in Cowes Mr. Hamer announced that the Government was considering a toll on Phillip Island.

At the April council meeting the council of the day voted 5-4 in opposition to the proposed toll. This was reported in the local paper.

The movers of the motion were Councillors Hobbs and Hamilton. A deputation to the Government by 4 councillors informed the Government of their recommendation. Mr. Dunstan claimed that this meeting was confidential. A local Liberal Party branch meeting for members of the Liberal Party only, which Mr. Dunstan attended in January 1970, discussed the Bill and recorded general opposition to the main features. Mr. Dunstan avoided mentioning this in Parliament and has quoted the Phillip Island Conservation Society as being in support of the Bill. To this stage no survey has been taken to obtain the opinion of the majority of ratepayers. No public meeting has been held to obtain their wishes and no advertisement placed in the papers setting out the clauses of the Bill. In fact, the Government went out of its way to keep the details from the ratepayers until it came before Parliament. Even the Shire Council was not supplied with a copy of the Bill. Therefore it is surprising to see Phillip Island being quoted in Parliament as having requested the Bill and the toll.

The Bill was presented without the Council having received a copy or the knowledge of whether any of their recommendations had been taken into account. The Council then held a special meeting on 29/1/70 and passed recommendations including: (1) Removal of acquisition powers. (2) Greater council representation on the Authority.

The author of the letter went on to say—

Local residents are writing to individual members of the Country Party hoping to enlist their support.

The letter is signed by Noel J. Nicol. who has been a resident of Phillip Island for a considerable number of years.

It is only right that the views of the people of Phillip Island should be presented to the House. I have received other letters in which great concern is expressed at the effect that this Bill will have on the tourist industry on the Island. The feeling is that this is the thin edge of the wedge and that in the future the Minister could require the Council to pay subsidies for the development of tourist facilities which would result in an onerous burden being placed on the ratepayers.

Over the years, members of the Country Party have been consistent in their attitude towards tolls. A Country Party Government removed the toll from the Great Ocean Road and was congratulated by the Lorne Progress Association for doing so. People who have written to me and who spoke to me when I visited Phillip Island recently are opposed to the imposition of a toll. Therefore, I believe I have an obligation to present their views in this Chamber.

The Hon. D. G. ELLIOT (Melbourne Province).—Some of the principles contained in this Bill should be clearly enunciated. It is obvious that the Government has adopted an attitude of calling upon the people of Victoria to pay for pleasure and enjoyment and that in this instance it is applying the principle specifically to a playground of the people—Phillip

Island, which is beloved by all people. Nobody loves Phillip Island more than my family. The wonders of the penguin parade should be enjoyed by everyone. Members of my family witnessed the parade recently, and we spent an enjoyable night on the Island.

During this debate, the dangers of filching too many pleasures which should be the common right of the people have been clearly impressed on my mind. A classic example is St. Kilda beach which is visited by hundreds of thousands of people who have never lived in St. Kilda and who are never likely to live there. The problems facing the St. Kilda City Council in maintaining the beach are becoming absolutely impossible, and it will be necessary for the Government to grant the Council larger subsidies. A Port Phillip Authority was established, but nothing is being done to improve the St. Kilda beach. The Government should pay for the beautification of the foreshore, but if it did so it would probably want to charge an admittance fee to the beaches. Does the Government propose to take away the ordinary man's pleasure by imposing a levy to justify expenditure? This same principle could be applied to the road between Ouyen and Mildura or to Wilson's Promontory. It is a bad principle, which should be avoided as much as possible.

The toll which will apply to the Lower Yarra Crossing is different because that bridge will save countless man hours and many thousands of gallons of petrol. That justifies the imposition of a toll. The community at Phillip Island includes an active group of people who are interested in the welfare of the Island. They should be permitted to call upon expert advice to help them develop the Island for people who want to enjoy the pleasures it can give. At present Phillip Island is one of the few areas where the ordinary man can go for a holiday during the summer, and I hope it always remains this way. There is an inherent danger in imposing a toll, irrespective of whether the amount is 20 cents, 30 cents or 40 cents. I want people to go to Phillip Island in thousands and enjoy the sheer pleasure of the penguin parade and the other features of the Island. There is no justification for the toll.

Mr. Hunt said that the revenue derived from the koala reserve amounted to about $6,800 a year. If the Government granted the Phillip Island Shire Council more money, many of the problems confronting the Council might be solved. However, the Government proposes that the motorist shall pay for the development of the Island, but honorable members know that the motorist is already paying high charges for insurance, registration and petrol. Everything has been heaped on to the motorist, so why charge him if he wants to go to one of the most beautiful pleasure resorts in the world?

The principle embodied in the Bill is completely wrong and dangerous. Under an unscrupulous Government, a toll could be placed on anything. In Honolulu the only chance one has of having a swim on a reasonable sized beach is by becoming a paying guest of an hotel. I oppose the principle contained in the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1, providing, *inter alia*—

(1) This Act may be cited as the Phillip Island Development Act 1970.

The Hon. I. R. CATHIE (South-Eastern Province).—It has been suggested that if members of the Labor Party oppose the Bill they are opposing development and conservation, but that is not so. We wish to strengthen the Bill and the existing planning procedures, and therefore I move—

That, in sub-clause (1), the words "Phillip Island Development" be omitted with the view of inserting the words "Shire of Phillip Island Development".

This will give the Shire a greater say in the planning and development of its own community.

The Hon. R. J. HAMER (Minister for Local Government).—I can see no point in the amendment. Phillip Island is a place, and the title of the proposed Act is the Phillip Island Development Act. Irrespective of the instrument by which the development is to occur, it is still Phillip Island. I do not want to accept an amendment which does not seem to make much sense. Whatever happens to the constitution of the Authority, the proposed amendment will not help in any way. I oppose the amendment.

The Committee divided on the question that the words proposed by Mr. Cathie to be omitted stand part of the clause (the Hon. G. J. Nicol in the chair)—

Ayes	12
Noes	15
Majority for the amendment ..	3

AYES.

Mr. Campbell	Mr. Hamilton
Mr. Dickie	Mr. Hunt
Mr. Fry	Mr. Thompson.
Mr. Gleeson	
Mr. Granter	*Tellers:*
Mr. Grimwade	Mr. Gross
Mr. Hamer	Mr. Houghton.

NOES.

Mr. Bradbury	Mr. O'Connell
Mr. Cathie	Mr. Swinburne
Mr. Clarke	Mr. Todd
Mr. Hewson	Mr. Tripovich
Mr. Knight	Mr. Walton.
Mr. McDonald	*Tellers:*
Mr. Mansell	Mr. Elliot
Mr. May	Mr. Mitchell.

PAIRS.

Mr. Byrne	Mr. Merrifield
Mr. Chandler	Mr. Galbally
Mr. Thom	Mr. Dunn.

The amendment was agreed to, and the clause, as amended, was adopted.

Clause 2, providing, *inter alia*—

"Authority" means the Phillip Island Development Authority established under this Act.

"Phillip Island" means the Parish of Phillip Island in the County of Mornington.

The Hon. R. J. HAMER (Minister for Local Government).—In this Bill there is a measure of agreement—and a very small measure it is. We agree that Phillip Island is one of the great tourist attractions in the State, if not the greatest, and we agree that one reason for that is the unique quality of its wildlife, its scenery and its other attractions. We are all intent on preserving them; we are all intent on finding some way of assisting a shire council which is somewhat impoverished—not through its own fault, but simply because of its small size and limited number of ratepayers—and other people on the Island who are interested in its development, to realize its potential.

During the second-reading debate, the question was asked, "Who wants this Authority?" I shall name a few people who do. The first time, so far as I know, that it was proposed was in a report of the Town and Country Planning Board, which made an exhaustive inquiry into the Island. It was, and still is, the planning authority responsible for the Island. It produced a report which Mr. Cathie has mentioned, and it specifically recommended that the unique qualities of Phillip Island and its tourist potential could best be protected and preserved by the creation of an authority.

The Hon. M. A. CLARKE.—What was wrong with the Shire?

The Hon. R. J. HAMER.—I shall come to that in a moment; I am at present talking about what the Town and Country Planning Board recommended in its report, of which the Shire Council received a copy. This was the first time, to my knowledge, that the suggestion had been made that there should be a separate authority to perform similar functions to those set out in this Bill.

I now turn to the Shire Council. The Council studied the report. It asked me and the Minister of State Development to go down to the Island on several occasions to discuss this

subject. I went down several times, but perhaps the significant meeting was when the Shire Council came up to Melbourne on the 19th September, 1968. It produced a deputation, the notes of which I have here, and which were handed to me at the deputation. The notes are headed "Notes for Deputation to Minister for Local Government," and state—

(1) Setting up of Authority—(Phillip Island Development Authority).

This is from the Council!

The Council has agreed that an Authority be set up for the developing of the tourist potential and the ecological resources of Phillip Island.

Duties:

1. Its main job would be the co-ordination of the development of all reserves through their Committees of Management.

2. It should have power to disperse special Government grants and subsidies which would be outside the normal grants and revenue received by the Council.

The Council is to apply for and spend its normal grants independently of the Authority.

All of those things are preserved in the Bill. The next paragraph states—

Composition of Authority—Members: 3 Councillors.

That is provided in the Bill.

3 nominees—the Government to nominate three persons after consultation with the Council, and those persons to have an interest in national development.

1 from Fisheries and Wildlife Department and Soil Conservation Authority.

1 from Lands Department.

1 from Forests Commission.

1 from Tourist Development Authority.

1 from Koala Reserve Committee of Management.

With one or two variations, that is precisely the composition of the Authority proposed in this Bill. The notes contain some further detail about the term of office and the chairman. These were the outline notes produced by this deputation.

The Hon. ARCHIBALD TODD.—You sacked the Forests Commission.

The Hon. R. J. HAMER.—We did not think the Commission had any great interest in Phillip Island—not to the same extent as other bodies. There are not many forests or trees on the Island.

The Hon. I. A. SWINBURNE.—It is important that the trees that are there should be kept alive.

The Hon. R. J. HAMER.—I agree. Mr. Swinburne will be aware that unfortunately a good many of them have been chopped down in the course of time. What I am pointing out is that, having studied this report, the Phillip Island Shire Council itself came in a deputation to propose an authority almost exactly the same as that which the Government proposes in this Bill, and the composition of which was very similar to the present proposal.

The Hon. W. M. CAMPBELL.—If that is so, how can Mr. Cathie say that the Shire Council does not want the Bill as it is?

The Hon. R. J. HAMER.—I shall come to that point in a moment. The next occasion on which I recall seeing the Council was again in the company of the Minister of State Development. We were invited by the Council to discuss the principles of the legislation which would put into effect what the Council itself was suggesting. Mr. Cathie has quoted from some minutes of that meeting at which everything was discussed, including the levy. What Mr. Cathie did not quote was the last line, which, if my memory is accurate, states, "The Council unanimously agrees with the principles of the Bill." I challenge Mr. Cathie to say whether that is not correct.

This occurred on the 7th February, 1969, at the beginning of last year. That was before the legislation was even submitted to Cabinet for approval. The Government wanted to make sure that the Phillip Island Council was fully aware of what was proposed and was in agreement with the proposed method of assisting this Authority to carry out its task. The Council agreed unanimously, on the spot. I challenge Mr. Cathie to say whether that is not recorded in the sheet of the minutes to which he referred.

The last occasion on which the Government heard from the Council, officially, was after the Bill was presented, and I think Mr. May mentioned some criticism to the effect that the Council did not see the Bill before its presentation.

The Hon. R. W. MAY.—I have a letter here from the Shire president.

The Hon. R. J. HAMER.—That may be, but the Bill was presented before Christmas, and the Council and other people on Phillip Island had ample time to examine it. That was the correct course. Then the Council sought some changes in the Bill. It asked that the power of compulsory acquisition by this Authority should be deleted. Mr. Manson, the Minister of State Development, who was in charge of the measure, deleted that provision altogether. I think the Council also asked for increased representation. This was the first time, to my knowledge, that it raised this question. The reason why that request was not acceded to is that the Authority, of 11 members, is fairly large already. It includes 3 councillors, and that seems to be sufficient representation. However, that is a matter for debate. The Council did not oppose the Bill in principle at the beginning, at the second meeting or since it was introduced into Parliament.

The third group which can be said to support it consists, as Mr. Hunt said, of the conservationists.

The Hon. J. M. TRIPOVICH.—The 9 of them?

The Hon. R. J. HAMER.—The committee of the conservationists was unanimous. If Mr. Tripovich could get a committee of 11 members of some of his branches to be unanimous on any subject, it would be good going. I am not being rude, but the active people representing any group is comparatively small. The number at the committee meeting does not surprise me; in fact, it would be an achievement to get an attendance of 11 persons. Many more people are active conservationists on Phillip Island than the 11 people mentioned. They would run into hundreds from 6 or 7 different organizations.

The fourth group that certainly supported the Bill was the Chamber of Commerce. At its invitation I spoke to members of the Chamber, who recognize that Phillip Island has a great tourist potential, that it needs publicity and development for the sake of tourists, and that it requires facilities at the highest level. Those facilities are now being provided. A further group supports the Bill.

The Hon. A. J. HUNT.—The Phillip Island Promotion Society.

The Hon. R. J. HAMER.—That is so, and its members largely belong to the Chamber of Commerce. At all events, a number of representative groups are in favour of this Bill and want the Authority.

A familiar trend and pretence has been running through the debate, that somehow or other money can be spent, without having to raise it from somewhere. Mr. Cathie said that it should come from the State and Federal Governments.

The Hon. I. R. CATHIE.—From taxes?

The Hon. R. J. HAMER.—That is so, but they are imposed on the people. I suppose that if one were to trace it through, money would be raised from people who never visited Phillip Island. Mr. Cathie also said that guarantees might be given for loans raised by the Shire Council. He did not say—he should have done so—that loans have to be repaid and interest payments have to be made. He is proposing that the ratepayers of Phillip Island should pay to develop their own place. He proposed as an alternative that grants should be provided. I point out that the Shire of Phillip Island already

obtains grants from the Tourist Development Authority, as do many other places.

The Hon. D. G. ELLIOT.—How much?

The Hon. R. J. HAMER.—I do not know, but I could ascertain the amount of the grant. The Island also gets local government grants for municipal assistance.

The Hon. D. G. ELLIOT.—How much is provided from local government grants?

The Hon. R. J. HAMER.—Phillip Island gets its entitlement of $3,000 or $4,000. It also receives $6,000 for the koala reserve, and probably more money from the Fisheries and Wildlife Fund. It is a small place, but because of its manifold attractions it is given these grants. It is all very well to say that Phillip Island should be given further grants, but the money would have to come from taxation.

The Hon. D. G. ELLIOT.—Half a dozen other places in Victoria would be getting grants, and Phillip Island is only one.

The Hon. R. J. HAMER.—That is not disputed. Phillip Island deserves what it gets. The Bill adopts a different principle. It costs a small amount to get into many other areas in Victoria. If Mr. Cathie likes to visit Point Leo, a man with a small bag around his waist will ask him for 20 cents, which is normally called a parking fee. The proceeds are used for the development of the Point Leo area. Good facilities are now provided, and trees and shrubs have been planted on what was barren land. Anybody who wished to visit Point Leo would not be put off by a request for a 20 cent parking fee. Committees of management of many foreshore areas in Victoria levy a small charge and use the funds for the development of facilities such as toilets.

The principle contained in this Bill is not new; it will not establish a precedent for tolls to be imposed on roads and bridges throughout the State. For a variety of reasons, Phillip Island is being put as a special case. This small charge could be collected in other ways. It would be possible to impose parking fees at various spots, but these would be expensive to collect. It is far better to make a small impost on each car that crosses the bridge, provided that it is not a local car and does not come within the exemptions.

The Hon. J. M. TRIPOVICH.—Why should the Chamber of Commerce not make some contribution to encourage tourists to come to the Island?

The Hon. R. J. HAMER.—There is not a large community at Cowes, but the people there play their part. Restaurants and motels are being developed for the benefit of the tourists, and possibly that is the best that can be done. The toll should produce $25,000 or $30,000 a year to begin with. That would be spread around the committees of management to be used for the development of their resources and, above all, used in part to recover public land which should never have been alienated. The toll will play a great part in bringing back to the Island some of the attractions which it stood to lose.

Many foolish attitudes have been struck and a great deal of exaggeration has been made about this Bill. Whether or not people can revise those attitudes at this late stage remains to be seen—probably not. The Government does not apologize for introducing this measure; it is eminently justified, and it knows of no reason why the 250,000 visitors a year who delight in Phillip Island should not make a small contribution to the task of restoring all that was lost and making the area much better than it was before.

The Hon. ARCHIBALD TODD.—You stated that an income of $25,000 a year was expected?

The Hon. R. J. HAMER.—I quoted a figure of $25,000 to $30,000.

The Hon. ARCHIBALD TODD.—Is that a net figure after the salary of the secretary and the expenses of the members have been deducted?

The Hon. R. J. HAMER.—I gave a net figure. I do not expect that the secretary would be paid a large salary, and the members of the Authority would not be paid. Probably, the secretary will be the shire secretary or the shire engineer.

The Hon. D. G. ELLIOT.—Is it not asking the Government too much to expend the measly sum of $25,000 so that people can enjoy Phillip Island? Is the Government going to relieve itself of every responsibility in the book?

The Hon. R. J. HAMER.—Of course not.

The Hon. D. G. ELLIOT.—That is what the Government is contemplating, and that is where the danger lies.

The Hon. R. J. HAMER.—That is not so. The Government should not have to provide every cent that is needed.

The Hon. D. G. ELLIOT.—We trust you, but we do not trust the rest of your crowd.

The Hon. R. J. HAMER.—Let us talk about the principle. It is not a question of saying that the Government should provide $25,000 from some other source. If the Government was able to make such a grant, it would be in addition to the revenue derived from the toll.

The Hon. D. G. ELLIOT.—Let us hope it will be. We shall keep a close eye on it in the interests of the people of Phillip Island.

The Hon. R. J. HAMER.—I am glad that Mr. Elliot has the interests of Phillip Island at heart. I believe that he has, and that in his heart he does not object to this toll.

During the second-reading debate, reference was made to an "overriding authority." The Phillip Island Development Authority is intended to be nothing more than a co-ordinating body, consisting of experts in conservation and tourist development. They will bring their combined wits and wisdom together to assist all the authorities on the Island in the main task of development.

The Hon. D. G. ELLIOT.—With only three votes from people who live on the Island.

The Hon. R. J. HAMER.—Three councillors. There is no reason why other members of the Authority should not be from Phillip Island. They have something to contribute and they, like Mr. Elliot, have a love of the Island. The Authority is primarily an advisory and co-ordinating body. It does not take over any other committee or usurp any powers held by the Shire Council or the committees of management. It is precisely what the Town and Country Planning Board originally recommended and what the Shire Council requested. There is no warrant for regarding it as some intrusion or overriding power that will deprive the other bodies of their rightful duties and responsibilities.

The Hon. I. R. CATHIE (South-Eastern Province).—I reject any suggestion that I misquoted the documents in my possession. I quoted accurately from the minutes of the meeting. I further quoted two formal resolutions of the Shire Council which rejected the principle contained in the Billl. I desire to move two amendments to this clause, consequential upon the fact that it has already been decided to establish a Phillip Island Development Authority and to provide for the better development of Phillip Island and for other purposes. I now move—

That, in the interpretation of "Authority", after the word "the", the words "Shire of" be inserted.

The CHAIRMAN (the Hon. G. J. Nicol).—Before putting the motion, I point out that the amendments to clause 2 are consequential upon the amendment which has already been moved to clause 1. Furthermore, a number of amendments to clause 3

are consequential upon the first amendment that will be moved to that clause. A number of consequential amendments in the Bill, notably in clauses 4, 5 and 8. have been overlooked in the drafting. With the consent of the Committee, I shall ask Mr. Cathie, where there are several consequential amendments to one clause, to deal with them *in globo*.

The Hon. I. R. CATHIE.—I am prepared to do as you suggest, Mr. Chairman.

The CHAIRMAN.—It will be necessary to postpone clauses 4, 5 and 8 to enable the necessary consequential amendments to be prepared.

The amendment was agreed to.

The Hon. I. R. CATHIE (South-Eastern Province).—I move—

That, in the interpretation of "Phillip Island", the words "Parish of Phillip Island in the County of Mornington" be omitted with the view of inserting the words "Shire of Phillip Island".

This amendment is necessary because apparently there is a difference between the two expressions. For legal consistency, it is necessary to use the expression "Shire of Phillip Island".

The amendment was agreed to, and the clause, as amended, was adopted.

Clause 3, providing, *inter alia*—

(1) For the purposes of this Act there shall be established an authority to be called the Phillip Island Development Authority consisting of eleven members appointed by the Governor in Council of whom—

(*a*) three shall be members of the Council nominated by the Council;

. . . . . .

(*f*) one shall be a member or an officer of the Mornington Peninsula and Westernport Regional Planning Authority nominated by the Minister for Local Government; and

. . . .

(9) Subject to this Act the powers and duties of the Authority may at any meeting be exercised by a quorum consisting of not less than six members and during a vacancy in the Authority the continuing members may (subject to there being a quorum) act as if there were no vacancy.

The Hon. I. R. CATHIE (South-Eastern Province).—I move—

That, in sub-clause (1), the words "consisting of eleven members appointed by the Governor in Council of whom" be omitted with the view of inserting the words "appointed by the Governor in Council consisting of".

The CHAIRMAN (the Hon. G. J. Nicol).—For the information of the Committee, I point out that the next five amendments are consequential on the amendment which is now under consideration. Again, I suggest that Mr. Cathie should move the five consequential amendments *in globo*.

The Hon. I. R. CATHIE.—In moving this amendment, I contend that development and planning should begin with the Shire of Phillip Island. In other words, the first group of people who should be members of the proposed new Authority should be the councillors of the Shire of Phillip Island. If adopted, my amendment will result in an increase of the membership of the Phillip Island Development Authority, but I do not think the Authority will become unwieldy. It will still consist of persons with special knowledge of and experience in the conservation of wildlife, an officer of the Fisheries and Wildlife Branch, an officer of the Department of Crown Lands and Survey, an officer of the Ministry of Tourism, and a person with special knowledge of the tourist or travel industry. A later amendment, which I shall move, will delete from the Authority a representative of the Mornington Peninsula and Western Port Regional Planning Authority because the Shire Council already has two members on that Authority.

My amendment is designed to grant a fair basis of representation to the local community on the Phillip Island Development Authority. It is more democratic that the local Shire Council should have a majority of members on the proposed Authority because the Council is within the local community. The amendments will strengthen rather than weaken the proposed Authority which will

consist of expert officers who can assist in the planning and development of the unique and special attractions to which reference was made in the second-reading debate.

Most of the purposes for which this Bill is designed can be achieved by a properly prepared planning scheme. I believe that the duties and the responsibilities of the planning authority, as originally envisaged, would cut across many of the existing powers of the local planning bodies. Because planning and development are so closely integrated, I believe it would be quite wrong to separate them as was originally proposed. The Authority will basically remain one of expert officers; the relationship existing between the Mornington Peninsula and Western Port Regional Planning Authority and the proposed Phillip Island Development Authority will remain, which is the only right and proper way to plan and develop this area.

The Hon. R. J. HAMER (Minister for Local Government).—I must oppose the amendment on one ground, namely, that if adopted, it will make the proposed Phillip Island Development Authority an unwieldy body consisting of seventeen members. This would take away some of the vigour and effectiveness of a somewhat smaller body. When the membership of the Authority was being discussed originally with the local Council, there was a strong feeling among the councillors that it should not become too big and that the members of it should be able to contribute something to the preservation and development of the Island's resources. The Council has never asked that all councillors should be members of the proposed Authority. In fact, the Council proposed that three councillors should be appointed to the Authority. The Bill provides for such representation. Many councillors would regard it as an extra duty on them to be appointed to the Authority

I recognize that the local Council has something to contribute to the Authority, but I feel that the contribution can be made adequately by three councillors instead of all members of the Council. The Council has not asked that all councillors should be members of the Authority. In fact, the amendment runs contrary to what the Council originally sought, which I believe was reasonable.

The amendment was agreed to.

The Hon. I. R. CATHIE (South-Eastern Province).—The next amendment involves a somewhat different principle from the ones that have just been adopted by the Committee. I have explained that there already exists a proper relationship between the Mornington Peninsula and Western Port Regional Planning Authority and the local Council. The Authority is, in fact, represented on the local Council. Accordingly, I move—

That paragraph (*f*) of sub-clause (1) be omitted.

The amendment was agreed to.

The Hon. I. R. CATHIE (South-Eastern Province).—I move—

That, in sub-clause (9), the word "six" be omitted with the view of inserting the word "nine".

If the membership of the Authority is increased, the number required for a quorum should also be increased.

The amendment was agreed to, as were consequential amendments, and the clause, as amended, was adopted.

Clause 4 (Functions of the Authority).

The Hon. I. R. CATHIE (South-Eastern Province).—A number of consequential amendments are required to clauses 4 and 5, following upon the amendment to an earlier clause. I regret that they have not been prepared, and therefore I suggest that clauses 4 and 5 be postponed.

The Hon. A. J. HUNT (South-Eastern Province).—I know that it may be a little unusual, but perhaps it would save time if Mr. Cathie were to move that the consequential amendments be made to the clauses and then the Committee would agree with them. I think all members know what they are.

The CHAIRMAN (the Hon. G. J. Nicol).—The Committee might be taking a little upon itself if it agreed to the adoption of the course suggested. Further consequential amendments than might appear necessary at first glance may be required.

The clause was postponed, as was clause 5.

Clauses 6 and 7 were agreed to.

Clause 8 (Minister may make loans and grants).

The Hon. I. R. CATHIE (South-Eastern Province).—A consequential amendment is also required to this clause and I regret that it has not yet been prepared. Accordingly, I suggest that this clause also should be postponed.

The clause was postponed.

Clause 9, providing, *inter alia*—

(3) The purchase of any land under section 7 and the establishment construction development improvement or maintenance of any tourist facilities or projects in respect of which a loan or grant may be made under section 8 shall be deemed and taken to be permanent works and undertakings for the purposes of Part XV. of the Local Government Act 1958.

The Hon. I. R. CATHIE (South-Eastern Province).—I move—

That, in sub-clause (3), the words "improvement or maintenance" be omitted with the view of inserting the words "or improvement".

The present wording of the sub-clause appears to be contrary to the provisions of section 393 of the Local Government Act, which does not include the word "maintenance". I understood that in another place an assurance was given that this matter would be examined. I do not know the result of the examination because the Minister did not refer to it.

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

The Hon. A. J. HUNT (South-Eastern Province).—It should be recorded in *Hansard* that this is the only amendment moved by Mr. Cathie which I have been able to support.

The amendment was agreed to, and the clause, as amended, was adopted.

Clause 10 (Collection of tolls in respect of vehicles entering Phillip Island).

The Hon. I. R. CATHIE (South-Eastern Province).—I ask the Committee to vote against this clause which empowers the Authority to collect tolls. This matter was discussed at length during the second-reading debate and I can only reiterate that the Labor Party believes that motorists have already paid in rates and taxes for the various facilities on the Island and for the construction of the bridge. This is a selective tax which will be imposed upon other people as well as tourists. Although provision is made for exceptions and exemptions, honorable members have no idea what they will be because this matter is being left entirely for the Authority to define. The Labor Party is totally opposed to the whole principle of a toll.

The Hon. R. J. HAMER (Minister for Local Government).—For the reasons I have already given, the Government cannot agree to the deletion of this clause, which is the crux of the Bill. Without it, the Authority will become a rather powerless contraption which will not achieve the purposes for which it is being established. Far from being a selective tax, the toll is in fact a way of inducing or compelling people who want to use the facilities of Phillip Island to make a contribution towards their development.

The most recent figures available indicate that 370,000 vehicles cross the bridge to the Island every year.

Most vehicles would have more than 1 passenger, probably an average of 3. One can imagine the number of people who travel to and from the Island over the bridge.

The Hon. I. R. CATHIE.—How many would be local residents?

The Hon. R. J. HAMER.—It is estimated that about half would be local residents. The amount of 20 cents which I suggested as the toll was a figure that I plucked out of the air. It is quite a common amount for this sort of thing and would yield approximately $25,000 to $30,000 a year over expenses. If the charge were higher, the income would be greater. The number of vehicles crossing to the Island has been increasing over the past few years and will continue to increase. The number of interstate visitors has shown a marked increase.

The Hon. D. G. ELLIOT.—It is the people's playground.

The Hon. R. J. HAMER.—That is so. The present figures are minimum and can be used as a starting point. Any grants or subsidies made available by the Government will be additional to the toll moneys. Clause 10 provides the sinews from which the Authority will really begin to operate.

The Hon. D. G. ELLIOT (Melbourne Province).—I appreciate the Minister's remarks and particularly his final statement. However, in spite of his good intentions, I am doubtful whether the suggested supplementing by the Government of the toll income will in fact take place. The Committee should try to ensure that the Government gives something for nothing to the people of the State. Let us consider another case where appropriations of money may take place for a specific purpose. Why should not the Tourist Development Authority concentrate its money and effort, as I have advocated on so many occasions, on king-hits instead of piece-meal small four-colour hand-outs with regard to Wycheproof or some other Victorian town. A considerable amount of money is spent by the Authority on these small hand-outs.

The Hon. R. J. HAMER.—You do not suggest that the money is wasted?

The Hon. D. G. ELLIOT.—I have no hesitation in saying that, in most cases, it is a gross waste of money. The State has areas such as Phillip Island, Wilson's Promontory, the Otway Ranges, Mount Buffalo and the Mornington Peninsula where the Tourist Development Authority could concentrate its efforts instead of spreading itself all over the State. The idea that possibly more money will be added by the Government to the income from the toll is piffle-paffle. I would rather have 25,000 Jimmy O'Goblins in the colloquial dook. The Minister might appreciate the reality of that situation.

The CHAIRMAN (the Hon. G. J. Nicol).—I do not know whether the expression used by the honorable member is strictly Parliamentary.

The Hon. D. G. ELLIOT.—In deference to you, Sir, I will rephrase it and say that I would prefer to see a few thousand dollars in the safe hands of the Phillip Island Development Authority so that the money can be used here and now instead of perhaps having to look into the future for the money.

The Hon. A. R. MANSELL (North-Western Province).—I resent the inference that the Shire of Wycheproof has wasted a grant.

The Hon. D. G. ELLIOT.—It is not a tourist area.

The Hon. A. R. MANSELL.—It may not be a tourist area, but Mr. Elliot often calls at various little places along the way and at Wycheproof he will find a certain comfort station where he can attend to his needs. This building is well maintained and kept clean. I do not like Mr. Elliot's inference.

The Hon. D. G. ELLIOT (Melbourne Province).—I withdraw the inference. I have held many Sports Parade shows in the modern auditorium at Wycheproof.

The Hon. G. J. O'CONNELL (Melbourne Province).—I support Mr. Cathie's request that the Committee should vote against clause 10. Despite what the Minister says about whether it is a toll or a levy, it is still a charge. I am sure that Richard Grayden, one of the pioneers of the bridge project in 1937, never envisaged that 30 years later a Government would attempt to put a toll on people to cross it. Members of the Country Party ought to pay a tribute to one of their former Premiers, the late Sir Albert Dunstan, who was Premier in 1940 when the original bridge was opened.

The provisions of clause 8 appear to be more suited to deal with financial matters. It states that—

> The Minister may on the recommendation of the Authority make a loan or grant to a Minister of the Crown or to any public statutory authority to be used for the establishment construction development improvement or maintenance of tourist facilities or projects on the Island including the purchase of land by the Minister or authority for such a purpose.

The CHAIRMAN (the Hon. G. J. Nicol).—Order! I trust that Mr. O'Connell will not proceed to discuss clause 8, the consideration of which has been postponed.

The Hon. G. J. O'CONNELL.—As I stated previously, in attempting to place a toll on the bridge the Minister is putting the clock back more than 100 years. In 1870, toll gates were placed near places which are now suburbs of Melbourne. The Government is going backwards, as it always does.

The Hon. A. J. HUNT (South-Eastern Province).—Some years ago when the Port Phillip Authority Bill was before the House, the Opposition attacked the measure on the ground that it was a toothless wonder because the Government had provided no independent source of finance for the Authority. Now the Opposition is attacking the Government because it has in this Bill provided teeth and a means of finance. This amendment seeks to remove the source of finance provided for the new Authority.

The Committee divided on the clause (the Hon. G. J. Nicol in the chair)—

Ayes	13
Noes	16
Majority against the clause	3

AYES.

Mr. Byrne	Mr. Hamilton
Mr. Dickie	Mr. Houghton
Mr. Gleeson	Mr. Hunt
Mr. Granter	Mr. Thompson.
Mr. Grimwade	*Tellers:*
Mr. Gross	Mr. Campbell
Mr. Hamer	Mr. Fry.

NOES.

Mr. Bradbury	Mr. Mitchell
Mr. Cathie	Mr. Swinburne
Mr. Clarke	Mr. Todd
Mr. Elliot	Mr. Tripovich
Mr. Hewson	Mr. Walton.
Mr. McDonald	
Mr. Mansell	*Tellers:*
Mr. May	Mr. Knight
Mr. Merrifield	Mr. O'Connell.

PAIRS.

Mr. Chandler	Mr. Galbally
Mr. Thom	Mr. Dunn.

Clauses 11 and 12 were agreed to.

Postponed clause 4 (Functions of the Authority).

The CHAIRMAN (the Hon. G. J. Nicol).—A further check of the necessary consequential amendments in clauses 4, 5 and 8 indicates that they are all of a similar nature. The references in question are to "the Island" whereas they ought now to be to "Phillip Island". As the amendments are purely consequential, I suggest that the Committee might agree to a blanket amendment that wherever the words "the Island" occur they should be omitted and the words "Phillip Island" substituted.

The Hon. I. R. CATHIE (South-Eastern Province).—My party is agreeable to that course being adopted.

The postponed clause was adopted with consequential amendments, as were postponed clauses 5 and 8.

The Bill was reported to the House with amendments, and the amendments were adopted.

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

That this Bill be now read a third time.

The Hon. A. J. HUNT (South-Eastern Province).—During the second-reading debate, Mr. Knight threw out a challenge to me to debate this Bill with him. I gladly accept the challenge. Mr. Knight suggested Wonthaggi as the venue for the debate. As the Bill deals with Phillip Island, I suggest that the debate should take place on Phillip Island during the forthcoming election campaign. I am happy to accept his invitation, and I hope Mr. Knight will agree to the location I suggest.

The Hon. A. W. KNIGHT (Melbourne West Province).—I threw out a challenge to Mr. Hunt to debate the Bill in the place where I wanted it debated. Mr. Hunt has not accepted my suggestion, and I do not accept his.

The motion was agreed to, and the Bill was read a third time.

CONSUMER PROTECTION 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.

CABRINI PRIVATE HOSPITAL (GUARANTEES) BILL.

This Bill was received from the Assembly.

The PRESIDENT (the Hon. R. W. Garrett).—I have examined this Bill, and am of the opinion that it is a private Bill.

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

That this Bill be dealt with as a public Bill.

The motion was agreed to.

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

JUSTICES (ALTERNATIVE PROCEDURE) 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.

The House adjourned at 12.24 *a.m. (Thursday).*

Legislative Assembly.

Wednesday, March 18, 1970.

The SPEAKER **(the Hon. Vernon Christie)** took the chair at 11.8 a.m., and read the prayer.

QUESTIONS ON NOTICE.

COMPANIES.

CONSOLIDATED GOLD FIELDS LIMITED: COMPLAINT.

Mr. TURNBULL (Brunswick West) asked the Chief Secretary—

Whether he has received a letter dated the 11th March, 1970, relative to Consolidated Gold Fields Limited; if so, whether he is prepared to take remedial steps to meet the complaint made by Messrs. Slater and Gordon?

Sir ARTHUR RYLAH (Chief Secretary).—The answer is—

Yes. The matters raised in the letter are at present receiving consideration.

FISHERIES AND WILDLIFE BRANCH.

KERANG DISTRICT: GAME LICENCES.

Mr. GINIFER (Deer Park) asked the Chief Secretary—

1. Where game licences can be obtained in the Shire of Kerang and the Borough of Kerang, respectively?

2. How many licences were issued and what fees were collected in respect of each agency during each of the past five financial years and this financial year to date?

Sir ARTHUR RYLAH (Chief Secretary).—The answers are—

	1964–65.		1965–66.		1966–67.		1967–68.		1968–69.		1969–70.	
	Licences.	$	Licences.	$	Licences.	$	Licences.	$	Licences.	$	Licences.	$
Koondrook ..	107	211	74	148	94	188	44	88	109	218	119	238
Quambatook	86	172	66	132	63	126	4	8	68	136	75	150
Fisheries and Wildlife Office, Kerang ..	950	1,896	826	1,649	640	1,275	354	707	950	1,898	1,072	2,138

LAW DEPARTMENT.

METROPOLITAN COURTS: GARNISHEE ORDERS.

Mr. LOVEGROVE (Sunshine) asked the Attorney-General—

1. How many garnishee orders were issued in metropolitan courts in the past twelve months?

2. What costs were awarded in each case?

3. Which firms of solicitors or debt collecting agencies obtained these orders?

Mr. REID (Attorney-General).—The answer is—

The information required to answer this question is not readily available, and a considerable amount of work would be involved in obtaining and collating it. As it is not apparent that the expense involved would be justified, I suggest that the honorable member discuss the matter with me.

HOUSING COMMISSION.

HIGH-RISE FLATS: CHILD POPULATION.

Mr. MITCHELL (Benambra) asked the Minister of Housing—

1. How many children are at present living in high-rise Housing Commission flats in the metropolitan area?

2. What is the average age of these children?

Mr. MEAGHER (Minister of Housing).—The answers are—

1. The Commission has no specific information to enable an accurate answer to be given to this question. However, recent surveys carried out in most of the high-rise flat developments would indicate that the total child population would be in the vicinity of 6,900.

2. Indications are that the average ages are:—

Age Group.	*Percentage.*
1–5 years	46.4
6–11 years	22.5
12–16 years	17.9
Over 16 years	13.2

CORIO ESTATE: SHOPPING FACILITIES.

Mr. TREZISE (Geelong North) asked the Minister of Housing—

When is it planned to commence and complete the shopping facilities project entrusted to a private firm to service the Corio Housing Commission estate, adjacent to the site at the corner of Bacchus Marsh-road and Purnell-road, Corio?

Mr. MEAGHER (Minister of Housing).—The answer is—

This land was sold under a contract of sale requiring the developer to commence construction within seventeen months of the date of the contract, which was signed in November, 1969.

ABORIGINAL AFFAIRS.

ABORIGINES EMPLOYED BY MINISTRY: RESIGNATIONS.

Mr. WILKES (Northcote) asked the Minister for Aboriginal Affairs—

1. How many Aborigines have been employed by the Ministry of Aboriginal Affairs as permanent and temporary public servants, respectively, since 1st February, 1968?

2. How many such officers in each category have subsequently resigned?

3. How many are currently employed in each category, and in what positions they are employed?

Mr. MEAGHER (Minister for Aboriginal Affairs).—The answers are—

1.	Permanent public servants	1
	Temporary public servants	10
2.	Permanent public servants	1
	Temporary public servants	1
3.	Permanent	Nil
	Temporary	9

Positions held—Visiting nurse, 1; hostel supervisor, 1; housekeeping adviser, 2; typist, 1; farm labourer, 1; and rent collector, 3.

MELBOURNE AND METROPOLITAN BOARD OF WORKS.

MARIBYRNONG RIVER MAIN SEWER: SERVICE TO AVONDALE HEIGHTS.

Mr. GINIFER (Deer Park) asked the Minister for Fuel and Power, for the Minister for Local Government—

If he will ascertain and inform the House—

1. What plans the Melbourne and Metropolitan Board of Works has for extending the Maribyrnong river main sewer?

2. How many properties in Avondale Heights cannot be sewered without a further extension of this sewer?

3. Whether reticulation areas 1997, 1998 and 1999 are still included in the Board's proposed programme for the year 1970–71?

Mr. BALFOUR (Minister for Fuel and Power).—The answers provided by the Minister for Local Government are—

1. The Board has completed the preliminary planning of a major extension of the Maribyrnong river main sewer to provide service to unsewered properties in Avondale Heights. The sewer will be constructed as funds become available in subsequent years.

2. 1038 houses, 1 school and 680 vacant lots.

3. Programming of works for 1970–71 has not yet been determined by the Board.

PORT WELSHPOOL.

REPAIR OF FACILITIES.

Mr. WILTON (Broadmeadows) asked the Minister for Fuel and Power, for the Acting Minister of Public Works—

1. What steps are being taken to repair port facilities at Port Welshpool damaged by the explosion that occurred on the M.V. *Western Spruce*?

2. From which funds it is proposed to meet the cost of the repairs?

Mr. BALFOUR (Minister for Fuel and Power).—The answers provided by the Minister for Local Government are—

1. Repairs to the Port Welshpool pier are being undertaken by the Ports and Harbors Branch of the Public Works Department and are well advanced and are expected to be completed within three months.

2. The cost of repairs is being met from a special allocation of loan funds pending action to recover costs.

LABOUR AND INDUSTRY ACT.

COUNTRY SHOPS: NIGHT TRADING.

Mr. BROAD (Swan Hill) asked the Minister of Labour and Industry—

Whether, in view of the hardship being caused to some small country towns in close proximity to tourist cities and towns which have permission for night trading, he will consider permitting night trading in those towns, such as Quambatook, for two nights annually, before Christmas and Easter?

Mr. ROSSITER (Minister of Labour and Industry).—The answer is—

No application has been made by the Shire of Kerang for an order under section 80A of the Labour and Industry Act with respect to the township of Quambatook, presumably because the municipal council does not believe that Quambatook is a holiday resort within the meaning of the section.

The Government has given consideration to what the honorable member is now suggesting. In 1968, on the representations of the honorable member for Mildura and others, I introduced a measure in this House to permit a late trading night on the last shopping day before Christmas, but this was defeated in another place by the Country Party joining with the Opposition.

EDUCATION DEPARTMENT.

MILLEARA PRIMARY SCHOOL: PUPILS: TEACHERS: ACCOMMODATION.

Mr. GINIFER (Deer Park) asked the Minister of Labour and Industry, for the Minister of Education—

1. How many pupils and teachers, respectively, attended the Milleara Primary School in 1969 and how many now attend the School?

2. What measures are proposed to provide adequate and permanent class-room accommodation at the School, this year and next year, respectively?

3. What maximum number of pupils it is intended to teach at the School?

Mr. ROSSITER (Minister of Labour and Industry).—The answers provided by the Minister of Education are—

1.	*Enrolment.*	*Teachers.*
1969	394	13
1970	456	14

2. A portable class-room has been allocated and is expected to be on site early next month at the latest.

The erection of permanent class-rooms is included in the building programme but it is not possible at this stage to indicate when tenders will be invited for the work.

3. Approximately 675.

VINIFERA PRIMARY SCHOOL.

Mr. BROAD (Swan Hill) asked the Minister of Labour and Industry, for the Minister of Education—

When the Vinifera Primary School will be ready for use?

Mr. ROSSITER (Minister of Labour and Industry).—The answer provided by the Minister of Education is—

It is anticipated that the Vinifera Primary School will be ready for occupation in approximately one month.

TEACHER TRAINING: INSTITUTIONS: COURSES.

Mr. GINIFER (Deer Park) asked the Minister of Labour and Industry, for the Minister of Education—

1. Which institutions in Victoria other than Education Department teachers training colleges are training primary school teachers?

2. What courses are provided and whether they are all acceptable as entrance qualifications to the permanent primary teaching service?

Mr. ROSSITER (Minister of Labour and Industry).—The answers provided by the Minister of Education are—

1. Non-State:

Kindergarten Teachers College, Madden-grove, Kew, 3101.

Sacred Heart Teachers College, Ballarat East, 3550.

Mercy Teachers College, Mount Alexander-road, Ascot Vale, 3032.

Associated Teachers Training Institution, Mercer House, 11 Mercer-road, Malvern, 3144.

Auxilium Teachers College, Lysterfield, 3156.

St. Joseph's Christian Brothers Teachers College, 974 Canterbury-road, Box Hill, 3128.

Christ College, Chadstone, 3148.

The universities and institutes of technology are training primary teachers, but mostly such training is after initial training and teaching experience has been gained elsewhere. A university degree in arts, commerce, science and a diploma of education would be an acceptable qualification for employment as a primary teacher.

2. A variety of courses are provided in these institutions. In regard to employment for primary teaching with this Department, each application is considered on its merits. If the qualification is regarded as being equivalent to the minimum training course for primary teachers, i.e., Trained Primary Teachers Certificate, then the applicant is regarded as eligible for employment.

WARRACKNABEAL AND HORSHAM HIGH SCHOOLS: REBUILDING PROGRAMME.

Mr. BUCKLEY (Lowan) asked the Minister of Labour and Industry, for the Minister of Education—

1. Whether the Warracknabeal and Horsham high schools are on the rebuilding schedule?

2. When rebuilding will take place on these two high schools?

Mr. ROSSITER (Minister of Labour and Industry).—The answers provided by the Minister of Education are—

1. Yes.

2. It is not possible at this stage to indicate when tenders will be invited for the work at either school.

RAILWAY DEPARTMENT.

FARMERS' MARCH: SPECIAL TRAINS.

Mr. BUCKLEY (Lowan) asked the Minister of Transport—

1. How many special trains have been booked to bring Victorian farmers and supporters to Melbourne for the proposed farmers' march on Monday, 23rd March?

2. From which destinations these trains will depart for Melbourne?

3. What seating capacity will be available in respect of each train?

Mr. WILCOX (Minister of Transport).—The answer is—

I understand that some special trains are being arranged by the organizers of the farmers' march, but full details of these are

not available as arrangements have not been concluded; my inquiries reveal that the arrangements are being made on a sensible basis between the railways and the organizers in the usual way in which special trains are arranged from time to time for numerous occasions throughout the State.

MILDURA AND ROBINVALE LINES: TRACK RELAYING PROGRAMME.

Mr. BROAD (Swan Hill) asked the Minister of Transport—

1. What is the progress of the track relaying programme between Woomelang and Speed, and between Ultima and Manangatang?

2. What plans the Railway Department has for continuing the work on these two lines?

3. Whether the Melbourne–Mildura line is up to the standard necessary to successfully run the *Overland* type cars?

Mr. WILCOX (Minister of Transport).—The answers are—

1. Seventeen miles of track have been relaid between Woomelang and Speed, and work is in progress on the remaining 6 miles. Between Ultima and Manangatang, 24 miles of track have been relaid and work is also in progress on the remaining 14 miles.

2. I understand that it is proposed to continue track relaying on the Mildura line, subject to the availability of funds.

3. Yes.

GEELONG–MELBOURNE LINE: DUPLICATION.

Mr. TREZISE (Geelong North) asked the Minister of Transport—

1. When duplication work on the Geelong–Melbourne railway line was commenced?

2. What distance of duplication works has been completed in each of the past ten years?

3. When it is expected that complete duplication will be completed between the two cities?

Mr. WILCOX (Minister of Transport).—The answers are—

1. 1958.

2.

In 1959—3¾ miles between North Geelong and Corio.

In 1965—2½ miles between Rock Loop and Laverton.

In 1967—3¼ miles between Newport South and Rock Loop.

In 1968—6¾ miles between Laverton and Werribee.

No duplication work on the Geelong line was completed and brought into service during the other years mentioned.

3. Subject to funds being available, duplication of the Geelong line is expected to be completed by the end of 1972.

ALBION–BROADMEADOWS LOOP LINE: TRAFFIC.

Mr. GINIFER (Deer Park) asked the Minister of Transport—

What is the average number of trains per week using the Albion–Broadmeadows loop line, indicating the number of broad-gauge and standard-gauge trains, respectively?

Mr. WILCOX (Minister of Transport).—The answer is—

The average number of trains operating on this line per week is 150 broad-gauge and 174 standard-gauge.

MELBOURNE AND METROPOLITAN TRAMWAYS BOARD.

TRAM TRACKS: MAINTENANCE COSTS.

Mr. TREZISE (Geelong North) asked the Minister of Transport—

What was the cost of the road pavement maintenance responsibility of the Melbourne and Metropolitan Tramways Board in each of the past five years?

Mr. WILCOX (Minister of Transport).—The answer is—

The cost of maintaining tram tracks and the cost of the roadway in which they are laid are not readily separable. The actual cost of the two together over the past five years has been—

	$
1964–65	910,186
1965–66	924,075
1966–67	959,964
1967–68	902,974
1968–69	934,245

TRANSPORT REGULATION BOARD.

ST. ALBANS BUS SERVICE.

Mr. GINIFER (Deer Park) asked the Minister of Transport—

Whether the Transport Regulation Board has given consideration to the extension of the bus service which operates in the Sunshine Park estate at St. Albans; if so—(*a*) what was the result of this investigation, and (*b*) what plans the Board has for improving public transport in this rapidly developing estate?

Mr. WILCOX (Minister of Transport).—The answer is—

Yes. The Board has requested the bus operator to introduce a service commencing at the St. Albans railway station and travel

via Main-road East, Stradbroke-drive, Oleander-drive, Chedgey-drive, Mulhall-street and St. Albans-road to Furlong-road. The service will also extend into the Sheffield Park estate and provide service in this area.

It is expected that the bus operator will introduce this service when an additional bus now on order is delivered in approximately two months' time.

I understand that service commensurate with traffic demands will be provided.

CLEAN AIR ACT.

PROSECUTIONS FOR BREACHES.

Mr. GINIFER (Deer Park) asked the Minister of State Development, for the Minister of Health—

1. How many prosecutions have been launched as the result of infringements of the Clean Air Act since its inception?

2. How many such prosecutions have been successful?

Mr. MANSON (Minister of State Development).—The answer provided by the Minister of Health is—

The Minister of Health has nothing further to add to the answer to a similar question printed on page 2761 of *Hansard* for the 24th February, 1970.

CLEAN AIR.

AIR POLLUTION IN DEER PARK ELECTORATE: INVESTIGATIONS: INDUSTRIAL PLANTS.

Mr. GINIFER (Deer Park) asked the Minister of State Development, for the Minister of Health—

1. Whether the Clean Air Committee investigated air pollution from industries within and adjacent to the electoral district of Deer Park; if so, where deposit gauges were located and what the readings indicated in each of the past five years?

2. What action has been taken by the Committee and any other authority to combat air pollution in the electorate?

3. What industries in the electorate have been dealt with by the Commission of Public Health in connexion with air pollution and what specific action was taken with each industry?

4. Whether any industrial plant in the electorate has been exempted by the Commission from the provisions of any regulation which limits the concentration of air impurities emitted to the atmosphere?

Mr. MANSON (Minister of State Development).—The answers provided by the Minister of Health are—

1. The deposit gauge survey is conducted by the Commission of Public Health. Gauge 171 is located in Delmont-street, Albion. In answer to a similar question concerning the electorate of Sunshine it was stated incorrectly that gauge No. 171 was in that electorate.

A complete copy of the deposit gauge readings covering 1968, and the four previous years has been laid previously upon the table of the House. Computation of and presentation to the Commission of Public Health of 1969 results has not been finalized.

2. A very considerable number of inspections, discussions and examinations of plans and specifications have been carried out by departmental officers. In a number of instances municipal officers have jointly carried out inspections and discussions with departmental officers, together with management of the industries concerned.

3. Departmental records are not divided into electorates, but are filed under municipalities. Some hundreds of files would have to be perused to ensure an accurate answer. If the honorable member desires detailed information relating to any specific works or matter, subject to section 12 of the Clean Air Act, this will be made available at the office of the Minister of Health at 295 Queen-street, Melbourne.

4. No industrial plant in the Deer Park electorate has been exempted by the Commission of Public Health from any of the provisions of the Clean Air Regulations 1965.

MENTAL HEALTH AUTHORITY.

SUBSIDIES: SHELTERED WORKSHOPS: SCHOOLS FOR MENTALLY HANDICAPPED.

Mr. HOLDING (Leader of the Opposition) asked the Minister of State Development, for the Minister of Health—

What total amount of money was expended by the Mental Health Authority for the financial year 1968-69 in subsidies to—(*a*) sheltered workshops; and (*b*) schools for the mentally handicapped?

Mr. MANSON (Minister of State Development).—The answer provided by the Minister of Health is—

Separate subsidies are not paid in respect of sheltered workshops and of schools for the mentally handicapped.

Total of maintenance and transport subsidies paid to centres for retarded children during the financial year 1968-69 was $601,887.57.

WHEAT INDUSTRY.

STORAGES.

Mr. BUCKLEY (Lowan) asked the Minister of Lands, for the Minister of Agriculture—

1. What is the intention of the Government regarding the building of additional wheat storages in this State?

2. Whether the port of Portland will receive consideration for any additional storage; if so, when?

Sir WILLIAM McDONALD (Minister of Lands).—The answers provided by the Minister of Agriculture are—

1. The matter of the building of additional wheat storages in this State is currently under consideration by the Government.

2. The claims of the port of Portland for additional storage will be taken into account in the considerations.

WOOL INDUSTRY.

MERINO RAMS: EXPORT.

Mr. EDMUNDS (Moonee Ponds) asked the Minister of Lands, for the Minister of Agriculture—

Whether the Government supports the Commonwealth Government's action in lifting the ban on the export of Merino rams?

Sir WILLIAM McDONALD (Minister of Lands).—The answer provided by the Minister of Agriculture is—

The Victorian Government believes that there are strong reasons for opposing the sale of Merino rams to our overseas competitors and it is aware that it is not the only State Government with this attitude.

Whatever may have been said to the contrary, competition from overseas buyers for Merino rams will tend to raise the prices, reduce the numbers and lower the standard of rams available to Australian wool growers, in the short term at least.

Commercial wool growers will receive no advantage from raising the embargo unless wool prices actually improve as a result.

Without stringent controls, there is a risk that valuable sheep may be lost to this country. Effective controls will be difficult to implement and may eventually create more ill will in overseas countries than does the present blanket embargo.

While there may be some financial advantage to the exporters of rams, this will only be at the expense of the industry at large.

STATE RIVERS AND WATER SUPPLY COMMISSION.

BUNGAL RESERVOIR: SUPPLIES TO BALLARAT AND GEELONG.

Mr. TREZISE (Geelong North) asked the Minister of Water Supply—

What is the estimated over-all cost to Geelong and Ballarat, respectively, of obtaining water supplies from the Bungal reservoir with particular reference to the provision of subsidiary pipelines and pumping stations to link up with present facilities?

Mr. BORTHWICK (Minister of Water Supply).—The answer is—

The over-all cost of Bungal dam is at present estimated as $4.75 million. The annual costs to the West Moorabool Water Board in respect of this capital expenditure will be shared by the Ballarat Water Commissioners and the Geelong Waterworks and Sewerage Trust on the general basis of water usage with the proviso that Ballarat shall never pay less than one-third of these costs.

The works for conveying water from Bungal dam to Ballarat and Geelong are the responsibility of the respective local authorities concerned, each of which will bear the full capital cost of its own works. The latest estimate of cost known to the Water Commission for works proposed by each authority is $2.3 million in each case.

WIMMERA–MALLEE STORAGES.

Mr. BUCKLEY (Lowan) asked the Minister of Water Supply—

1. What is the storage position of all Wimmera and Glenelg water storages at present?

2. Whether there will be any restrictions imposed on the use of water from the storages?

3. Whether it is expected channels will be running to schedule in the Wimmera–Mallee system?

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

1. At the 13th March, 1970, the Wimmera–Mallee storages, which have a total capacity of 618,178 acre-feet, held 116,000 acre-feet.

2. It is too early to indicate whether or not any restrictions will be necessary as this is dependent upon the intensity of the winter and spring rains.

3. The channel serving Beulah and Ouyen is running ahead of schedule. It is expected that the remainder of the channels serving the Wimmera–Mallee system will be running on schedule.

QUESTIONS WITHOUT NOTICE.

MONASH UNIVERSITY COUNCIL.

Mr. WILKES (Northcote).—Does the Assistant Minister of Education intend to take any action to protect the rights of the Opposition by appointing a representative from the Opposition to the Monash University Council in the immediate future?

Mr. ROSSITER (Minister of Labour and Industry).—As the honorable member has said, I am the Assistant Minister of Education. This is a matter of Government policy, and the question should probably be directed to the Minister of Education.

PRINCES HILL HIGH SCHOOL.

Mr. FENNESSY (Brunswick East).—Has the Assistant Minister of Education any further information in regard to accommodation for students attending Princes Hill High School following the recent disastrous fire?

Mr. ROSSITER (Minister of Labour and Industry).—The Government approached the Melbourne City Council for permission to use Princes Park for temporary accommodation for the School. This request was refused by the Council. It is now proposed to use the new school site, where the building will eventually be erected, for temporary accommodation.

USE OF DRUGS BY SCHOOL CHILDREN.

Mr. EDMUNDS (Moonee Ponds).—I direct a question to the Assistant Minister of Education. Has the Government investigated the claim made by the Victorian Teachers Union about a fortnight ago that some children were arriving at schools under the influence of drugs?

Mr. ROSSITER (Minister of Labour and Industry).—I cannot answer that question. It could well be a matter for the Minister of Health, or the Director-General of Education, but I shall make inquiries.

COLLINGWOOD HIGH SCHOOL.

Mr. HOLDING (Leader of the Opposition).—Is the Assistant Minister of Education in a position to inform the House what arrangements are being made to rehouse children who have been adversely affected by the fire at Collingwood High School?

Mr. ROSSITER (Minister of Labour and Industry).—I am not in a position to inform the House on that matter. The question of temporary accommodation in all of these areas is an *ad hoc* one and must be examined from the point of view of the facilities available. I shall be only too happy to join with the honorable member in arranging for him to discuss with the Buildings Branch and the Director-General of Education the arrangements now in hand.

In extenuation, I point out that there are so many arrangements being made in so many areas—especially as there were two more fires last night—that it is a bit difficult to keep up with the situation.

PIPELINE UNDER PORT PHILLIP BAY.

Mr. TREZISE (Geelong North).—Can the Minister for Fuel and Power guarantee that a pipeline proposed to be built under Port Phillip Bay will not crack or leak? If he cannot give this guarantee, will he assure the public that the pipeline will not be constructed until such guarantee can be given?

Mr. BALFOUR (Minister for Fuel and Power).—A question similar to this was placed on the Notice Paper in another place. My answer to that question was that, at this stage, I am unable to answer the question as the matter is under considerable investigation.

FIRE-RESISTANT TIMBER.

Mr. FLOYD (Williamstown).—I direct a question to the Minister representing the Minister of Public Works, although it may be more appropriate to direct it to the

Assistant Minister of Education. Has the Minister investigated the latest discovery made by the Commonwealth Scientific and Industrial Research Organization of a chemical with which to treat timber to render it fire resistant? If the honorable gentleman is not aware of this discovery, will he make investigations, with a view to making some schools in the future more fire resistant than they are at present?

Mr. BALFOUR (Minister for Fuel and Power).—I have no personal knowledge of this, but I shall certainly make inquiries and advise the honorable member.

GUARDS FOR STATE SAVINGS BANKS.

Mr. WILKES (Northcote).—Has the Premier made any provision for the State Savings Bank to provide guards in banks to protect bank officers?

Sir HENRY BOLTE (Premier and Treasurer).—This matter has nothing to do with the Government. As the honorable member is aware, the State Savings Bank is an autonomous body, and takes action independently.

Mr. WILKES.—You advised the trading banks to do this.

Sir HENRY BOLTE.—One can give all sorts of advice, but the Government has no control in this matter. I do not think this is a proper question.

RESIGNATION OF OFFICER OF THE STATE ELECTRICITY COMMISSION.

Mr. HOLDING (Leader of the Opposition).—Has the Minister for Fuel and Power seen the statement made by a senior officer of the State Electricity Commission concerning the potential development of brown coal, and does he know that this officer has left the State Electricity Commission?

The SPEAKER (the Hon. Vernon Christie).—Order! The Leader of the Opposition should ask a question.

Mr. HOLDING.—Is the honorable gentleman aware that the officer has left the State Electricity Commission because that type of research has not taken place within the Commission? Will the Minister for Fuel and Power ensure that a full investigation will be made as to the possible economic use of brown coal?

Mr. BALFOUR (Minister for Fuel and Power).—I have not seen the statement referred to by the Leader of the Opposition; but Mr. Doug. Stewart, who was an engineer in the State Electricity Commission, recently left the Commission. I understand that he did so to take up a position as a mining engineer, which is his calling. He will be a consultant for a mining company. As a matter of fact, quite early, the Ministry established a small steering committee to investigate the uses of brown coal, and that committee is continuing its work. Representatives of the Ministry for Fuel and Power, the State Electricity Commission and the Gas and Fuel Corporation are on the committee. Assistance is being obtained from the University of Melbourne. Funds have been made available by the State and Commonwealth Governments.

PETROL INDUSTRY.

Mr. TREZISE (Geelong North).—I ask this question of the Premier in the knowledge that the honorable gentleman is aware of his power, if he so desires, to institute price control on essential commodities. Does he know—I have obtained this information from people in the petrol industry today—that in Victoria the oil companies are selling petrol at 17.6 cents below the retail price?

The SPEAKER (the Hon. Vernon Christie).—Order! The honorable member is out of order in making a statement. He should ask a question on Government administration.

Mr. TREZISE.—In view of the fact that the oil companies are selling petrol 17.6 cents below retail prices, will the Premier establish an inquiry

in the matter to overcome the fleecing of the public if the companies increase prices? If the honorable gentleman will not institute an inquiry, why will he not do so?

The SPEAKER (the Hon. Vernon Christie).—Order! I rule that question out of order because it has been asked before during this session.

LURGI GAS PLANT.

Mr. EDMUNDS (Moonee Ponds).—Can the Minister for Fuel and Power inform me whether he has considered instituting a feasibility study of the Lurgi gas plant to ascertain whether it can be retained to supplement Melbourne's gas supply if the sea gas supplies should be interrupted for any reason?

Mr. BALFOUR (Minister for Fuel and Power).—This question was fully investigated by the Gas and Fuel Corporation. The honorable member for Moonee Ponds will realize that the Lurgi plant was built to produce gas and products from brown coal, and that the gas was used in certain appliances in the Latrobe Valley and in the metropolitan area. These appliances were converted to the use of natural gas. If Lurgi gas were to be used, these appliances would have to be reconverted. The gas from the Lurgi plant would therefore be of no value as a stand-by in the case he mentioned.

SUBORDINATE LEGISLATION COMMITTEE.

GENERAL INQUIRY ON SUBORDINATE LEGISLATION.

Mr. BIRRELL (Geelong) presented the report of the Subordinate Legislation Committee upon the general inquiry into subordinate legislation, together with appendices and minutes of evidence.

It was ordered that they be laid on the table and that the report and appendices be printed.

DECENTRALIZATION.

Mr. HOLDING (Leader of the Opposition).—I wish to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely, "the failure of the Minister of State Development to effectively implement the recommendations of the Victorian State Advisory Committee on Decentralization".

The SPEAKER (the Hon. Vernon Christie)—The motion moved by the Leader of the Opposition was delivered to me about fourteen minutes before the bells were rung for the sitting. The custom should be, and has been, for adequate notice to be given to the Speaker to enable him to consider the matters which are the subject of an adjournment motion. In the time I have had to consider the matter, as well as other considerations which arose in the quarter of an hour prior to the House meeting, I have formed the opinion that this question needs a great deal more research before I rule upon it. There is some grave doubt as to the suitability or admissibility of this motion, which is based on the alleged lack of action by the Minister on an advisory matter. I propose to give my ruling tomorrow on the motion moved by the Leader of the Opposition.

Mr. HOLDING (Leader of the Opposition).—By way of explanation, Mr. Speaker, I point out that it was not my intention to be discourteous to you or, indeed, to the Government. What happened was that I had my secretary deliver the motion to the Clerk for advice early this morning, and I was then caught in conference. The Clerk tendered certain advice and, on the basis of that advice, the motion you now have before you came back to me and was delivered to you at the first opportunity. I apologize for the delay and for any inconvenience I have caused you.

The SPEAKER.—I thank the Leader of the Opposition for his explanation. Rather than rule the

motion out of order, I shall give it the consideration it deserves and rule on it tomorrow.

Mr. MOSS (Leader of the Country Party).—Mr. Speaker, I should like to know whether these circumstances may recur. I feel that, in the circumstances, if you, Sir, were to ask the Assembly if there was support for the motion, it may be a factor in deciding the issue.

The SPEAKER.—There is no point of order. The Standing Order, being interpreted by a committee in 1886, on the question of urgency, is on urgency alone. There are many other factors dealing with the admissibility of questions.

Mr. FLOYD (Williamstown).—Mr. Speaker, may I speak on a point of order?

The SPEAKER.—Does the honorable member for Williamstown wish to make a personal explanation?

Mr. FLOYD.—I wish to express my deep concern in relation to your ruling, Mr. Speaker. As the matter raised by the Leader of the Opposition is of such vital importance, would it not now be possible for you, Mr. Speaker—

The SPEAKER.—Order! In the best interests of the House I have made a ruling on the matter.

BALLARAT (SOVEREIGN HILL) LAND BILL.

Sir WILLIAM McDONALD (Minister of Lands) moved for leave to bring in a Bill to permanently reserve certain land in the Parish of Ballarat for recreation and public purposes and to authorize the granting of a lease of the whole or any part of such land to the Ballarat Historical Park Association and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

STAMPS (SALARY OR WAGES) BILL.

Sir HENRY BOLTE (Premier and Treasurer).—I move—

That this Bill be now read a second time.

In the Ministerial statement which I made to the House on Tuesday, the 10th March last, I foreshadowed this Bill. I then said—

> While the High Court judgment in no way affected the validity of the receipt duty on salaries and wages as it applies in Victoria —and also in Western Australia—the proceedings of the 26th February conference in relation to the taxing powers of the States, and whether the States would go back into income tax or continue to live on hand outs of so-called tax reimbursement grants from the Commonwealth, made it necessary for Victoria to consider the future of the receipt duty on salaries and wages. If we had our own income tax we would not need receipt duty on wages and salaries or on anything else. If we are not to have our own income tax we are under the threat of the Commonwealth that after June, 1970, it will deduct any amount collected from receipt duty on wages and salaries from whatever tax reimbursement grant it would otherwise give us.
>
> I have announced already, therefore, that in this session of Parliament legislation will be brought forward to effect the repeal of the receipt duty on wages and salaries. This will not operate before the 30th June next, and its coming into operation will have to be made dependent on our being satisfied that the Commonwealth has in fact made special allowance for our loss of revenue from receipt duty on wages and salaries. Unless this is done this State would have to make up the revenue from a tax abandoned at the direction of the Commonwealth—and under threat of blackmail—from some other State tax. This is a matter which we will have the opportunity of considering further when the House deals with the legislation which I have foreshadowed. At this stage I simply say to the Leader of the Opposition, the Leader of the Country Party and the other members of the House that, if they disagree with what I have put forward, then they have to show what State tax can be increased to offset the loss of $5 million of revenue now—and in 8 or 9 years this would be approximately $10 million—or what item of expenditure can be reduced to offset it.

The purpose of this Bill is to implement the action which I foreshadowed in those remarks. The provisions of the Bill taken together simply provide that as from a date to be proclaimed stamp duty will not be payable on receipts for salaries and wages, or those superannuation

pensions to which it presently applies —that is, periodical superannuation pensions exceeding $25 a week.

To make it quite clear, I add that until the Bill is passed, and until its provisions come into operation by proclamation of the Governor in Council, the receipt duty will continue to be payable on wages and salaries.

On the motion of Mr. HOLDING (Leader of the Opposition), the debate was adjourned.

It was ordered that the debate be adjourned until Monday, March 23.

WOMBAT BONUSES BILL.

Sir WILLIAM McDONALD (Minister of Lands).—I move—

That this Bill be now read a second time.

The general statutory provision which requires payment to be made of a bonus for the destruction of certain vermin animals is contained in section 24 of the Vermin and Noxious Weeds Act 1958, No. 6409. That section sets out that the council of every municipality shall out of the municipal fund from time to time pay by way of bonus or reward such sum as is prescribed for the destruction of every fox, wild dog or wombat destroyed within the municipal district of such municipality and that the Treasurer of Victoria shall in accordance with regulations and out of moneys legally available for the purpose pay to the municipality such proportion of any bonus or reward so paid as is prescribed.

When last operative, the wombat bonus was paid at the rate of $1 for each scalp, with the Government contribution therefor being 75 cents. The Wombat Bonuses Act 1966, No. 7385, which came into operation on the 3rd May, 1966, provided that section 24 of the 1958 Act would have no operation in relation to wombats destroyed during the period beginning at the coming into operation of the Act and ending on the 30th June, 1969.

The exemption from the payment of a bonus for the destruction of wombats was extended for another year by the Wombat Bonuses Act of 1969, No. 7824, which added a new section 24A to the Vermin and Noxious Weeds Act 1958, No. 6409, and provided that section 24 would have no operation in relation to wombats destroyed during the period beginning on the 1st July, 1969, and ending on the 30th June, 1970. Unless otherwise authorized by Parliament, the general provisions of section 24 will therefore be revived from 1st July, 1970.

Act No. 7824 of 1969 extended for a further twelve months the experimental period provided by Act No. 7385 of 1966, to ascertain whether wombats could be satisfactorily controlled in areas adjacent to developed lands, without municipalities and the State being obliged to make bonus payments on these native animals which, in many instances in the past, were found to have been destroyed in locations remote from settled areas and where they could do no harm to primary production.

Prior to the passing of the 1969 Act, the council of the Shire of Towong, which is situated in the north-east of the State, resolved that a further trial period was not warranted and that bonus payments as provided in section 24 of the Vermin and Noxious Weeds Act 1958 should not apply to wombats. On the other hand, however, several shires in South and East Gippsland favoured reinstatement of the scalp bonus system, but it is now felt departmentally that the service available, whereby land holders on request can obtain prompt attention and wombat control is undertaken on Crown and forest lands adjacent to productive areas, has tended to overcome that opposition.

During the past twelve months, 62 requests for wombat control have been dealt with, and Crown and forest areas have been treated adjacent to 486 properties throughout

that portion of Victoria which is the habitat of the wombat. The Government considers that a further extension of the trial period until the 30th June, 1971, is desirable to ascertain whether the present system can be maintained to the satisfaction of all concerned, and the present Bill, which provides for that extension, is therefore submitted for the consideration of honorable members.

Clause 1 cites the name of the proposed enactment, the name of the principal Act which it will amend, and provides for the Act to come into operation on a date to be fixed by the Governor in Council. Clause 2 provides that the existing suspension of the operation of section 24 in relation to wombats shall be extended to 30th June, 1971. I commend the Bill to the House.

On the motion of Mr. WILTON (Broadmeadows), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, March 25.

RIVER MURRAY WATERS BILL.

The debate (adjourned from the previous day) on the motion of Mr. Borthwick (Minister of Water Supply) for the second reading of this Bill was resumed.

Mr. WHITING (Mildura).—The debate on this Bill, to amend the agreement between New South Wales, Victoria and South Australia and the Commonwealth of Australia for the setting up of an organization to construct a water storage on the Mitta Mitta river is, as the Minister stated in his explanatory second-reading speech, a history-making event. I compliment the honorable member for Williamstown, who made an excellent contribution to the debate yesterday and displayed a considerable grasp of the subject and of the whole question of water supply throughout Australia.

Members of the Country Party are strongly in favour of this measure; we believe that every feasible water storage should be constructed within Victoria at the earliest opportunity and that the Commonwealth Government should again be asked to provide further finance for this purpose. A number of additional water storages could be constructed in Victoria, but the Commonwealth Government has been loath to make available to Victoria moneys from a special fund which it has set aside for the purpose of providing water storages throughout Australia.

I now wish to discuss the question of water rights, which was mentioned by the Minister in his speech. This matter will be dealt with by one of my colleagues who may have more of a vested interest in this matter than I have. The Minister stated that clarification of the question of water rights would be provided in 1971. In view of the fact that certain knowledge is already available and that computors can dissect information rapidly, surely later this year would not be too early to expect some indication as to the additional amount of water that will be available to irrigators.

In normal years, it is the practice for irrigators to receive up to 30 per cent. over their actual water rights, and at times the percentage is even greater. This fact indicates that the water rights should be increased as soon as additional water becomes available. The Dartmouth dam is expected to be completed in six years, but some water will be taken into the storage at a much earlier period. At present irrigators are uncertain how much water will be available to them in addition to their water rights, and it would be of assistance in the management of their properties if they could be advised of the position as early as possible.

Following the passage of this measure, considerable benefits will flow to both New South Wales and Victoria, but South Australia stands to gain most from the proposal. It has been announced that an additional

20 per cent. above its present allocation will be gained by South Australia as a result of the alteration in the agreement which will grant to South Australia an equal share in the water available from the River Murray Commission storages. Previously, South Australia was allocated only 3/13ths of the water available and New South Wales and Victoria were each entitled to 5/13ths. It is obvious that South Australia will gain considerably from the new proposal. Furthermore, this water will be available during the summer months when it is most necessary, and there will be the added benefit of dilution of the highly saline water that has been causing difficulties in the South Australian reaches of the River Murray, particularly during the low flow years of 1967 and 1968. Surely these are ample reasons for the South Australian Government to give its approval to the proposal.

Dependent upon South Australia's acceptance of the agreement, provision is made for the enlargement of Frenchman's creek—this is the intake to Lake Victoria, which is a considerable storage within New South Wales but adjacent to the South Australian border—and the enlargement of the Rufus river, which is the outflow from the storage. In times of excessive flow, considerable quantities of water can be impounded in Lake Victoria storage, and this water will be available to South Australia if it experiences a shortage at any time.

I do not know that I agree with the honorable member for Williamstown's pronunciation of Chowilla, in view of the generally accepted pronunciation of the word in the area. However, honorable members will recall that the previous amendment to the River Murray Waters Agreement in 1963 was to enable progress to continue on the Chowilla dam project. At that stage, the estimated cost of the storage was $28 million. It is interesting to read the debates which occurred at that time and to note the comments, particularly of the Premier, and members of other parties. I expressed some doubts about the proposal to construct the dam, principally because of the high limestone content in most of the soil in that area. This was one reason why a further survey was conducted into the Chowilla project; it was found that the rock aggregate for the construction of the dam wall would have to be transported 60 or 70 miles by road, which would have added greatly to the cost. The latest estimate of the cost of this project was between $70 million and $80 million.

The decision not to proceed with the Chowilla project was not favourably received in South Australia except by those who were concerned about the salinity of the water. Although South Australians wanted a large storage convenient to the State, I believe the general opinion in South Australia has now changed. Many people have realized that serious problems of water quality would have arisen if Chowilla had been developed as originally intended.

When the salinity level of the River Murray reaches 300 parts per million of total dissolved solids, there is great concern among irrigators, particularly those in my electorate. If salinity exceeds that level, citrus production, in particular, is detrimentally affected. On 14th March, the salinity reading supplied by the State Rivers and Water Supply Commission at the Merbein pumping station, which is the lowest station on the river in Victoria, was 280 parts per million. As honorable members will realize, this is dangerously close to a level of salinity detrimental to citrus fruits.

Mr. FLOYD.—Can citrus trees not put up with 350 parts per million?

Mr. WHITING.—Vines can use water with higher salinity readings if necessary, but irrigators in the area realize that these are the figures at which damage to their crops begins. Every effort possible should be made to keep the reading down to about 150 parts per million. If that were

done, the vineyards in the area and, indeed, producers all along the River Murray, would receive water of good quality and very little or no damage would be done to primary production. Unless more storages are built in the head waters of the rivers, water for flushing purposes will not be available to control the salinity level in the lower reaches of the Murray.

Most South Australian irrigators have realized that a large storage where there would be great evaporation, as was originally projected for Chowilla, would not be in their best interests. The final outcome will possibly be a storage at Chowilla to the extent of some 500,000 acre-feet which will provide a quick remedy to any water shortage problems that may develop in South Australia. I believe that would be the most worth while storage in that area.

With the honorable members for Williamstown, Moonee Ponds, and Oakleigh, I had the privilege of visiting the Dartmouth reservoir site last Friday. We thank the Minister of Water Supply, who made the visit possible. The site is admirable for a large water storage. The only problem will be some difficulty of access for the construction teams, but nowadays that is not of any great moment. The site has everything in its favour. Most of the land which will be inundated is owned by the Crown and there will be need for very little land resumption. The actual area which will be covered is comparatively small.

The Minister of Water Supply is to be congratulated on the work he has done on this project. The honorable gentleman received his portfolio in 1967, at possibly the worst time in our history for a Minister to take that particular job. He has learnt the hard way and has acquitted himself remarkably well. I believe it is due to the Minister's influence that the waters from Menindee Lakes will be perpetually available under the River Murray Waters Agreement. The Minister became aware that the present Agreement was to expire this year and if he had not taken action, resulting in the agreement which is included in the Bill, the waters from the Menindee Lakes might have been lost by Victoria to New South Wales for all time. Although those waters will not be of direct benefit to Victoria for production purposes, they will greatly assist in providing South Australia's entitlement to waters from the Murray. It will be possible for water from storages in the upper reaches of the Murray and its tributaries to be used by Victorian irrigators, rather than of necessity being released to South Australia. All in all, Victoria has a great deal for which to thank the Minister.

The arrangements for the River Murray Commission are very good and the officers of the authority have worked particularly well in regulating the flows of the river. At present, they have neither a great deal of equipment nor advice with which to work, but as time goes on I believe they will have more facilities to assist them to control the river and its flow. The Commission has been of great benefit to Australia as a whole.

During the visit to the Dartmouth site last week, members of the party were able to see the River Murray from the Hume weir to the Yarrawonga weir. At present, the river is running practically at bank level. With the additional flow of water which will come as a result of construction of the Dartmouth reservoir, this part of the river will have to be improved. There is provision in the Bill to de-snag much of that length of the river to improve the flow between the Hume and Yarrawonga weirs. If that is done, the major benefits from the Dartmouth reservoir will be more readily achieved to the great advantage of irrigators in both New South Wales and Victoria. The Mulwala storage, which is above the Yarrawonga Weir, and which supplies a large part of northern Victoria with irrigation water, will greatly benefit with the improvement in the river.

The Country Party is particularly pleased with the proposals in the Bill and with the development which is to take place. There is still scope for further storages in the upper tributaries of the Murray and the upper reaches of the Murray itself. Members of the Country Party trust that the River Murray Commission will continue to plan for further storages in those areas and will consider the construction of a storage, smaller than that originally envisaged, in the Chowilla area.

Mr. MITCHELL (Benambra).—As the honorable member for Mildura said, the Country Party gives full support to this measure. As we all know, Australia is virtually a waterless land. It is reasonably true that Australia has only as much water as the Mississippi river contains. If our rainfall were spread across the continent, there would be an average of only 4½ inches throughout the whole land. Therefore, conservation of water is absolutely vital. When planning for the Hume weir was in progress, 33 sites were selected in the north-eastern area of Victoria. Local residents are particularly happy about the selection of the Dartmouth site. Too often in the past valuable land has been flooded. It has been said of the Hume weir that Australia's best land was flooded to water some of Australia's worst.

This measure is welcome for a number of reasons. I particularly endorse the point ably made by my colleague, the honorable member for Mildura, when he spoke of the uncertainty felt by irrigators. All up and down the Murray, I have heard irrigators ask what water rights they will have, and whether they will receive more water or less. Unless it is known with certainty what are the water rights, the economy of irrigation farms cannot be planned.

Can the Minister inform me whether the irrigators in what may be called the cold areas working under this scheme can compete with the irrigators in the hot areas? I studied cold country irrigation in New Zealand for fifteen years. Since then, cold-country irrigation has become a cogent factor in the north-east of Victoria. Tobacco is grown along the Ovens Valley, and dairying now takes place along the Kiewa and the Mitta valleys and the golden mile of the Noorongong plain. During the drought years, the waters of the Kiewa were taken up by irrigation to such an extent that further irrigation was not permitted and the river virtually ceased flowing.

I hope that consideration will be given not only to the people at Swan Hill and Mildura, but to the irrigators on the Mitta Mitta river and the higher reaches known as the cold country. More and more irrigation sprays are employed on the river flats and the country around the Murray.

South Australia must be considered; it is regarded as an even more waterless State than Victoria. I am told by people at Mildura that "Chowla" is the correct pronunciation of Chowilla which is the Aboriginal name of a local creek. We should adhere to that first Australian pronunciation and refer to Chowilla as "Chowla." However, the present Chowilla concept will aggravate the salinity problem. Although it is realized that South Australia must have water, South Australians do not want this salinity problem. With such a vast area flooded to a depth of only a few feet, salinity must increase.

I am glad to be informed by the honorable member for Mildura that, although South Australia knows the great value of water, it does not want salinity. The salinity in the River Murray has crept up as far as Swan Hill, and it will creep farther if the Dartmouth dam is not established to flush it farther down the river. Not only is the chemical point of the dilution of salinity involved, but a mechanical problem also exists. Unless the River Murray is kept at a certain height, salinity creeps into the water, and this can be controlled only by back pressure to stop the saline infusion.

The honorable member for Mildura mentioned the access to the Dartmouth dam. That is not a great problem, as access can be obtained from the township of Mitta Mitta. The compensation problem is negligible because only one man owns land in the area, and he should be generously treated. I am worried about compensation to the farmers below the Dartmouth dam who may suffer damage. When the Snowy agreement was being negotiated, I directed to the attention of the Premier the need to compensate any farmers below the dams outside the actual Snowy area who might suffer damage. The Premier readily accepted the validity of my point and the Snowy Mountains Authority was forced to make a supplementary agreement. New South Wales was so impressed that it negotiated a similar agreement relating to the Tumut river.

I know that the Minister of Water Supply will seriously consider this point. What would happen if a coffer dam broke? Could the farmer obtain compensation over and above what is allowed at common law? Farmers in the Snowy area can obtain such compensation. Mostly, Victorian farmers outside the Snowy area are concerned, and they could not get this compensation. Every person has a common law right, but it is an expensive process and beyond the means of the average person. I seek an assurance from the honorable gentleman that special compensation will be given to any farmer on the Mitta Mitta river below the Dartmouth dam who might suffer mechanical damage because of the breaking of a coffer dam or the careless release of water. It is a reasonable request, because similar arrangements were made with respect to the Snowy scheme on behalf of farmers along the River Murray.

A more subtle problem exists that could be detrimental to farmers. I refer to the alteration of what might be called the ecology of the land because of the rise in the water table. Honorable members who want to see devastation to farm economies because of this factor should see the alteration of the vegetation in the Kiewa area where in the early days uncontrolled water caused the water table to rise, and instead of good grasses, which meant better beef and more milk, only rubbish grew and farmers' assets were diminished. Is provision being made for this factor; if not, will the honorable gentleman see that this matter is covered in the Bill? This is only fair to the farmers in the Mitta valley, on the Nooron-gong plains and in the 40-mile stretch down the river. I do not wish ill-luck to the farmers in the electorates of Mildura, Swan Hill or Rodney, but some consideration should be given to the farmers in the areas I have mentioned.

The honorable member for Williamstown gave one of the best lessons on geography I have ever heard, including those I listened to in my school and university days. As the professor of physical geography in the Labor Party, he has said—perhaps in not so many words—that the Dartmouth dam site is God's gift to the water engineers because there is in this area a band of hardened granitic rock through which, through the ages, by the erosion of water a narrow slit has been cut. The retaining wall of the dam will be extremely high but very narrow. Behind this narrow band of hardened granite is a vast area of softer rock, which has been eroded by time into a colossal basin. It is God's gift to the engineers and conservationists, and will flood scarcely any land. The Country Party supports the Bill.

Mr. EDMUNDS (Moonee Ponds).—The attitude of the Opposition on this measure has been succinctly explained to the House by the honorable member for Williamstown. The Bill is of national significance and seeks to make an amendment to the original River Murray Waters Agreement. It is rare that honorable members of this House have an opportunity to speak on matters of such national importance. The original legislation

was introduced in 1915, and over the years many amendments have been effected. Although the Bill refers to some aspects of Chowilla, the purpose of the measure is to ratify and approve an agreement between the Prime Minister and the Premiers of the States of New South Wales, Victoria and South Australia to construct the Dartmouth dam on the Mitta Mitta river.

In company with other honorable members, I availed myself of the generosity of the Commission and the Minister of Water Supply to inspect the site of the dam last Friday. There is nothing more spectacular than the inspection of a project of this type in the manner made available to members of the party, who were able to see the location of the dam, the depth of the valley, and even the exploratory trenches cut by the Snowy Mountains Authority in its feasibility study. This inspection stressed the importance of this project which will be carried out in the headwaters of the Mitta Mitta river for the great benefit of the three States concerned and the Commonwealth.

The construction of this dam will secure a water supply for South Australia in periods of extreme conditions. A few years ago, the prevailing conditions emphasized that dangerous sets of circumstances could arise because of the lack of permanent water storages in remote areas such as that proposed for this dam. The project will ensure safe levels of water storage for irrigators in Victoria, and for the first time since the introduction of the River Murray Waters Agreement there will be an undertaking to manage the salinity in the river. By the controlled use of the waters impounded in this proposed dam, it will be possible to overcome some of the salinity problems that occur in dry periods.

It is also proposed to allow the Commission to undertake certain improvements in the river between the Hume reservoir and the Yarrawonga weir. As honorable members noticed during the inspection, this part of the river is at present under a system of controlled flooding. The river is dispersed over the area and when there is a heavy rainfall substantial damage may occur to property in the area. I understand that the hydraulics of the river will be improved by the Commission's de-snagging and clearing of this section of the river.

Although the Dartmouth dam has been designed for purposes of irrigation, it may subsequently lead to the construction of a hydro-electric power station. Yesterday, the Commonwealth Government introduced a Bill in relation to this matter, so there is no secret about it. For the present the dam will provide water for irrigation purposes and the further development of the River Murray system, but in the future it could provide a source of energy to be fed into the State grid.

An important point is that very little privately-owned land will have to be resumed. Most of the area concerned is Crown land and, as honorable members know, the purchasing of private land can prove expensive. The storage of water will commence well before the wall of the dam is completed. The deputy chairman of the Commission has explained that in the second year of the dam's construction water will commence to be retained in the reservoir and may be used by Victoria.

The construction of the dam will involve the expenditure of approximately $57 million and the Bill will allow for some variation of that cost if there is any alteration. There will be constructed in the locality a township to house approximately 1,000 people who will be employed on the project over a period of 6 or 7 years. A new access road leading into the locality will be built and, as was seen with the development of the Rocky Valley dam in the same region, an additional access to the area will be opened up, particularly to ski resorts. It is

to be presumed that after the project is completed this access road will become available to the public so that everyone may see the extent of this huge and vital construction that is to be linked with the River Murray water storage system.

I draw the attention of the Minister to the situation in which permanent officers of the Commission will be placed in relation to this project. Because of the remoteness and inaccessibility of the area, these officers will be at some disadvantage. The engineers will have to construct all sorts of facilities for the people who will live in this temporary town. An important factor is that compensation or a hard-living allowance should be considered for the permanent officers. I do not suppose this is a novel suggestion, but I put it forward because many of the supervisory officers will have to move from their present localities and live away from their families. Because of this and the responsibilities associated with their work generally, special provision should be made for them. Members of the construction teams on the job will probably earn more than the engineers who are responsible for supervising the project.

This national job is supported by the Opposition. It is a further stage in the development of the River Murray, and it will not be the last step. I hope, following the thorough investigation of the project made by the Snowy Mountains Hydro-Electric Authority, the Chowilla scheme will be investigated in greater depth and detail by that organization.

Sir HENRY BOLTE (Premier and Treasurer).—As Leader of the Government, I have taken an active and lively interest in all developments associated with the River Murray and its tributaries. I vividly recall the early negotiations on the Chowilla dam. It was unfortunate that that project received the publicity it did because no thorough investigation had been made of it at the time. When the investigation was completed it was found that the Dartmouth dam was a better proposition. As the honorable member for Moonee Ponds said, the Dartmouth dam is a national project and an ideal one for all the Governments concerned to participate in.

There is a possibility of a hydro-electric station being established at Dartmouth and a tentative proposal would be for a station of 100 megawatt capacity, with the power to be used exclusively in Victoria. This could make a valuable contribution to the power resources of this State. At one time it was accepted that it was difficult to associate a hydro-electric station with an irrigation project because water was released for irrigation in the summer months when the demand for power was at its lowest level. Times have changed and in the United States of America, because of the demands for air conditioning, there is a higher power usage in the summer than in the winter.

In the past it was difficult to make a decision to combine a hydro-electric project with an irrigation scheme. This even applied to the Snowy Mountains scheme. Perhaps in the future it will be possible to release water in the summer for irrigation and still use it for the production of power. I hope in the interests of Victoria that the proposal is followed through because it has a real prospect of succeeding. I assure the irrigators that if a power station is established it will not be to their detriment because sufficient safeguards will be taken to protect their interests. The honorable member for Williamstown wanted to know why Victoria should be the first State to introduce this type of legislation.

Mr. FLOYD.—I asked why we rush in head down.

Sir. HENRY BOLTE.—There has been no rush. It is appropriate that Victoria should be the first State to introduce the legislation because Victoria has been first in irrigation projects in Australia for many years.

Mr. FLOYD.—We were second with the Chowilla legislation.

Sir HENRY BOLTE.—What is wrong with that? I understand that similar legislation was introduced into the Federal Parliament last night, and a Bill will be introduced into the Parliament of New South Wales in a week or so. It is vital that the other three Governments should show confidence in the project before the legislation is presented to the South Australian Parliament.

Mr. FLOYD.—The South Australian Parliament should have had first say.

Sir HENRY BOLTE.—I presume the honorable member for Williamstown would then logically concede that if the South Australian Parliament rejected the scheme the Victorian Parliament should also reject it. It is far better for the Victorian Parliament to adopt this measure long before the South Australian Parliament examines it.

Mr. WILKES.—The South Australian Parliament will not reject the legislation.

Sir HENRY BOLTE.—I fail to see how it could do so because Parliaments should not play politics on national projects. I suggest that Labor Party senators will support the Bill in the Federal Parliament, and I am delighted to know that members of the Opposition in this House are supporting this measure. I suggest that the same support will be forthcoming in New South Wales, and I find it difficult to believe that the Labor Party in South Australia will oppose a similar Bill.

Mr. FLOYD.—What about the Speaker of the South Australian House of Assembly?

Sir HENRY BOLTE.—The South Australian Speaker will gain nothing from opposing a similar Bill unless the Opposition in that Parliament opposes it. If the Opposition in South Australia supports the Bill, the Speaker in South Australia can go around the countryside to his heart's content but he will have no influence. The South Australian Parliament should not play politics on a national project.

Mr. R. S. L. McDONALD (Rodney).—As one who supports the measure, I commend the Premier on his contribution to the debate. If the South Australian Parliament fails to support the legislation to provide for the construction of the Dartmouth dam it will only be cutting its own throat because that State will definitely gain from this project. The honorable member for Mildura referred to the salinity problem of the Chowilla project. The Minister also spoke on this matter some months ago when he informed the House why it was proposed to scrap the Chowilla scheme in favour of the Dartmouth proposal. South Australian irrigators will obtain a pure water supply in increased quantity from the Dartmouth dam. That State will receive 20 per cent. per year of the water stored in the dam, and the additional flow down the Murray will alleviate any salinity farther downstream.

Sooner or later, a secondary reservoir will be required on the lower reaches of the River Murray. At present water runs into the Murray from Eppalock, Eildon and Hume reservoirs and, later, supplies will be available from the Dartmouth dam. With all this additional water flowing down the Murray for all time, South Australia will receive its entitlement of water under the agreement. Previously, the water was shared on the basis of five-thirteenths for both New South Wales and Victoria and three-thirteenths for South Australia whereas now that State will receive an equal share of the water which will be stored in the Dartmouth dam. The mere fact that South Australia will receive water of better quality when the project is completed should induce the South Australian Parliament to support the proposal. An excellent coverage of the ramifications of the scheme was contained in the Minister's second-reading notes.

All honorable members must have been impressed with the contribution yesterday by the honorable member for Williamstown, who has made a detailed study of the ramifications of irrigation since its inception in this State. This project will provide more water along the River Murray for South Australia. But what is being done about the pollution that is taking place in the Murray? The Minister of Water Supply knows that it has occurred, but he has no power in the matter because that power rests with the River Murray Commission. I hope the Commission is seised of the problem. I realize that the Minister will probably introduce a Bill designed to prevent this type of pollution. It is necessary to prevent pollution of streams which supply domestic water to the community.

The Dartmouth project will make available more water for the irrigators, and probably the Commonwealth Government, in its generosity to the State, will make additional finance available for water conservation projects. In fact, the Commonwealth Government has already indicated its intentions in this regard.

This year, Victoria must examine the water rights of the irrigators. The Minister knows that most irrigators have a pre-season watering and that half of that water is charged against the irrigator's water right. Moreover, the irrigators have received 180 per cent. of their water rights this year, and probably most of them obtained about 10 per cent. in the pre-season watering, which makes the total 190 per cent. This indicates the inadequacy of the present water rights of irrigators throughout the State.

I was pleased to note the Premier's comments that the State Electricity Commission proposed to construct a power station in conjunction with the Dartmouth project. This will benefit many people in Victoria. I believe that a prospective user of electricity should not have to guarantee to use more than 510 units before being connected to the Commission's system and should not be required to have a certain number of electrical appliances in the home. If electricity is available, prospective consumers should be able to use it, without the necessity of consuming a certain number of units.

The DEPUTY SPEAKER (Mr. J. D. MacDonald).—The honorable member is now straying from the terms of the Bill.

Mr. R. S. L. McDONALD.—Mr. Deputy Speaker, you allowed the Premier to discuss the power station project. However, I desire to make only a passing reference. I believe that all consumers should be able to use electricity without qualification.

On the matter of water rights, when explaining this measure at page 2987 of *Hansard*, the Minister of Water Supply said—

> Finally—and this perhaps is the core of the matter in Victoria—it gives me much pleasure to announce that the State Rivers and Water Supply Commission has resolved that it will make additional water rights available in the vast Goulburn-Murray irrigation district when this further amending River Murray agreement authorizing the construction of Dartmouth dam has been ratified by the four Governments concerned.

Instead of making more water available, the Commission should increase the water rights.

Mr. BORTHWICK.—That is the intention.

Mr. R. S. L. McDONALD.—I am happy to acknowledge that statement because even in the worst years the majority of irrigators use 130 per cent. of their water rights, which is an indication of the gross inadequacy of the allocations.

The aim must be to store the flood run-off from the River Murray. At present, thousands of acre-feet of water run into the sea, and, because of the length of the river, nothing can be done to prevent this. The construction of even a modified dam—it could be called Chowilla—at a suitable

location would alleviate the problem. At present only about 24 per cent. of the water which falls on Australia is conserved. Victoria is well ahead of the other States with regard to water conservation, but it can maintain its position only by providing additional facilities. Over the years a storage on the lower reaches of the Murray will be flushed out many times. It is only in a bad year that a salinity build-up occurs. The Minister spoke of the salinity build-up that would have occurred if the Chowilla project had been proceeded with and which was the main reason for abandoning the project in favour of Dartmouth. I support the Bill, and I wish it a speedy passage.

Mr. BROAD (Swan Hill).—Probably no electorate within the State will derive greater benefit from the proposed Dartmouth dam than Swan Hill, with its approximate 200 miles of river frontage practically all of which is irrigable. Much of the production of this area is dependent upon irrigation water. Therefore, I consider it to be not only a duty but also a privilege to voice my opinion on this Bill and to support it unequivocally. As a previous speaker said, the Minister promised that when this legislation had been passed by all the Parliaments concerned, additional water rights would be made available throughout the Murray–Goulburn system. This is a matter of great interest in my electorate.

In passing, I point out that, although the wheat areas in my electorate are watered in normal years from the Wimmera storages, in times of low rainfall—this has applied for a number of years now—irrigators are heavily dependent on the Goulburn system and much of the electorate is watered entirely from the River Murray. For some years past, I have been convinced that the Chowilla project as a large scale storage is impractical. It is far better to store water in the headwaters of the river system. I say that for several reasons. Firstly, the salting problem is reduced. There is no doubt that the diluting effect of large volumes of fresh water on the salty stretches of the river is of great benefit. Secondly, the resultant increased river levels are advantageous; and, thirdly, I am convinced that the loss by evaporation—which would be terrific at Chowilla—will be greatly lessened.

The Minister mentioned that the loss by evaporation at Chowilla could be 1 million acre-feet annually, and I do not doubt that assertion. A further unfortunate feature is that the loss by evaporation is greatest in years when water is needed most. Throughout all of the Mallee area and in all storages, the loss from evaporation is great during drought years

I have one minor misgiving in relation to the Dartmouth project—I hope it is not justified—and that is that the dam may be a bit too near the headwaters of the Mitta Mitta river to gain maximum efficiency and may take too long to fill. Although the Minister has said that there is an abundance of material available in the Library on this matter, I should like the honorable gentleman to give the House some assurance and information on this point. After all, the capacity of a dam, however great, is not necessarily an index to its over-all efficiency. Apart from that minor reservation, I am in accord with this project and the Bill. I hope the respective Governments of South Australia, New South Wales, Victoria and the Commonwealth will continue to work harmoniously towards its completion.

Mr. MOSS (Leader of the Country Party).—At the outset, I compliment the spokesman for the Opposition, the honorable member for Williamstown, on the thoughts that he expressed in regard to this proposal. The honorable member for Mildura, who spoke on behalf of the Country Party, also made an excellent survey of the situation. Both of these honorable members deserve the commendation of the House. I do

not wish to traverse all the ramifications of this measure, but I desire to mention certain points. There are still tremendous quantities of water running into the sea from the River Murray. Although it is economically practical and physically possible to construct a large storage at Dartmouth, it must be accepted that the tributaries contribute to the flow of the Murray and, unless storages are constructed lower down to provide the maximum quantity of water for irrigation and development of the three States concerned, we will fail in our duty.

Sir Percy Byrnes, the former Leader of the Country Party in another place, informed me that in one 8-year period a quantity of 24 million acre-feet of water ran into the sea from the River Murray. I cannot recall which period was mentioned, but this water came from the upper reaches of the Murray and its tributaries. Ultimately, storages must be provided in the lower reaches of the River Murray. The problems confronting the authorities at present may seem gigantic, but perhaps they are not so great in view of the development of techniques which are known to exist and which are now being applied. The action taken by the Victorian Government, through the Minister of Water Supply, with respect to salt-laden drainage creeks or canals was a forward step towards ensuring that saline water does not enter the Murray. As the Minister points out, Barr creek is a good example.

It is essential that all possible water should be stored. If smaller storages were constructed in the lower reaches of the Murray, when they became too saline for use the water could be allowed to flow into the sea. Such an event might occur only once in 8 or 10 years, and perhaps this matter is open to argument. The situation might not arise for 15 years, depending on the circumstances, the rainfall and the flow of the rivers. Nevertheless, I contend that this is a fair assessment of what may happen.

Victoria, New South Wales, South Australia and the Commonwealth have signed an agreement. One problem is that this proposal has been advanced in South Australia previously and that the House of Assembly in that State, on the casting vote of the Speaker, rejected the agreement.

Mr. BORTHWICK.—It has never been presented to that Parliament.

Mr. MOSS.—It was known that it would not be passed, so apparently the Government, in its wisdom, decided not to persist with it. As I said, there are problems in regard to the passage of the relevant measure through the South Australian Parliament. I am not suggesting that any action taken up to the present time has not been correct —I think it has been—but at the same time there are substantial reasons why storages should be constructed in the lower reaches of the River Murray—whether at Chowilla on a smaller scale, or at better sites —so that as much water for irrigation as possible may be conserved for the benefit of the three participating States. I should like an assurance from the Government and the Minister on this point. I consider that, if an undertaking were given in this Parliament that, before Dartmouth was completed, steps would be taken towards the construction of a substantial storage in the lower reaches of the Murray as the next major storage to be undertaken by the States, that would go a long way towards having this agreement accepted by the South Australian Parliament. This is an important project, and I should not like to see any hitch in that direction.

This work is vital to Victoria's continued welfare. As was pointed out by the honorable member for Mildura and the honorable member for Rodney, it is also vital to a proper allocation of water rights in the irrigation areas. This debate has firmly established that the system of allocating water rights is out of date. I hope

that, before long, a system will be introduced which will be not nearly so conservative as the present system and will be more equitable all round. I am keen to hear a statement from the Minister, at the appropriate stage, with respect to storages in the lower reaches of the Murray. For the ultimate development of irrigation, there are substantial reasons why there should be such storages and why the Minister should make a statement.

Mr. FENNESSY (Brunswick East).—I made a contribution to the debate when the Bill for the construction of the original Chowilla project was presented to the House, and my memory is quite clear on the issue. Even then, I pointed out that I had reservations on the advisability of the construction of that dam. My reason was that which has been adverted to by the honorable member for Mildura today—the undesirably high saline content of the River Murray. In the final analysis, Chowilla would have been a great evaporation basin. With a high rate of evaporation, the solids would have been left to increase the salinity of the water that remained. However, it is to be hoped that further consideration will be given to the question of building a reservoir at Chowilla in the future. I agree with the honorable member for Mildura that perhaps there should be a holding basin there of much smaller dimensions than was originally planned, so that there would be less evaporation.

I endorse what was said by the honorable member for Williamstown. I know that he and other honorable members visited the Dartmouth area recently. I also know that the honorable member is convinced that it is well worth while to establish the Dartmouth reservoir, and I agree with him. I gained considerable knowledge of water conservation while I was a member of the Public Works Committee, and I know that deep storages are always preferable to storages which cover a vast land mass. The latter type of storages lend themselves to rapid evaporation. What the honorable member for Mildura has said is correct. Without referring to *Hansard*, I can recall his concern about the proposed construction of Chowilla. At that time, he referred to the necessity to transport filling some considerable distance, and he pointed out that it would add greatly to the cost. The arguments the honorable member advanced against greatly to the cost. The arguments the honorable member advanced against the project at that time have been proved to be correct. I also recall that the dam wall at Chowilla was to be only 46 feet high and would extend for 5 miles; it was more a levee bank than a dam wall. The wall for the dam at Dartmouth will be 600 feet high, and it will be located in a very narrow gully. It is obvious that in the upper reaches of the Murray and its tributaries the Dartmouth type of storage should be developed.

I particularly ask the Minister of Water Supply to consider the construction of the high Buffalo dam. When Dartmouth is constructed, it will be necessary to use water from the dam to accommodate the needs of South Australia. If the high Buffalo dam is constructed, its waters will be available to irrigators in Victoria; it will not be necessary to allocate any of the water from this source to South Australia. The waters from that dam could be used exclusively in the Goulburn-Murray irrigation system. I understand that the construction of the Dartmouth reservoir will be carried out by the State Rivers and Water Supply Commission.

Mr. BORTHWICK.—It will probably be done by contract.

Mr. FENNESSY.—The construction will be under the supervision of the State Rivers and Water Supply Commission. I hope the Commission can then consider the construction of the high Buffalo dam. This may be the last occasion on which I have the honour of speaking on the subject of water conservation and, as a member

of the committee which recommended the high Buffalo dam, I commend it to the Minister of Water Supply. I should like to see that dam completed in the early future.

The motion was agreed to.

The Bill was read a second time and committed, *pro forma.*

Mr. BORTHWICK (Minister of Water Supply) presented a message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Revenue for the purposes of this Bill.

A resolution in accordance with the recommendation was passed in Committee and adopted by the House.

The sitting was suspended at 12.59 *p.m. until* 2.3 *p.m.*

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

Clause 1 was agreed to.

Clause 2 (Commencement).

Mr. BORTHWICK (Minister of Water Supply).—I thank all honorable members for their worth-while contributions to the debate and join with the Leader of the Country Party in commending members for their obvious knowledge of the system, particularly the honorable members for Williamstown and Mildura who led the debate for their parties.

The honorable member for Mildura suggested that, before the end of the year, it might be possible as the result of the ratification of the agreement by the contracting Governments to grant additional water rights for irrigators. I have indicated to honorable members that this could be done in early 1971. It does not seem to be possible that a conclusion could be arrived at before that date, and it would be unfair of me to suggest an earlier date to the irrigators before ratification takes place in the Parliaments concerned. Honorable members can rest assured that when I know of the availability of waters, even if it is not possible to amend the Act in time to grant increased water rights, additional quantities of water may be made available.

The honorable member for Benambra raised two points, one of which involved the possibility of diversions in the area between Dartmouth and the Hume reservoir, as the result of the construction of the dam. He was interested to know whether any of these waters could be allocated in the Mitta valley. I have already indicated that increased water rights will be granted within the Goulburn-Murray district as the result of the construction of the Dartmouth dam, and that additional allocations will be made available for private diversions upstream of Nyah and from the Goulburn river. The Government supports irrigation by private diversion. There is no reason why people downstream from Dartmouth should not apply for some portion of this additional water.

The honorable member for Benambra also raised the important question of compensation for any unforeseen circumstances which might arise during the construction period and result in damage to property or farming interests downstream from the dam site. This is covered under section 37 of the River Murray Waters Agreement which places responsibility for determination of compensation on either the contracting Government or the constructing authority that is responsible for any works authorized by the Commission. In the case of Dartmouth, Victoria becomes the constructing authority, and the question of compensation for damage arising from malfunction or errors will be determined according to the laws of this State. In Victoria, water compensation cases are determined by the appropriate provisions of the Water Act. In fact, the question of compensation as related to Dartmouth would be handled in exactly the same way as all claims made against the Water Commission arising from the construction of dams. History shows that in past years the Commission has acted fairly in its handling of these claims.

It might be of interest to honorable members to realize that, in the event of any unfortunate happening and compensation being determined, the contracting Governments will each carry appropriate shares of one-quarter each.

Mr. TREWIN.—Only during the course of construction.

Mr. BORTHWICK.—Yes, but that was the question asked by the honorable member for Benambra. The honorable member for Swan Hill wanted an assurance from the Government that the construction of the dam near the confluence of the Dart river would provide the benefits which were claimed in my second-reading speech. I direct the attention of the honorable member for Swan Hill to the fact that, as a result of the construction of the dam, the performance of the River Murray system as a whole will increase by 1.3 million acre-feet. The capacity of the dam is 3 million acre-feet, and its performance has been assessed by the Snowy Mountains Authority after one of the most intensive investigations of a dam site conducted in Australia. I can give the honorable member no better assurance than that.

The Committee will recall that the Leader of the Country Party asked me, as the responsible Minister, to give an undertaking that Victoria would be prepared to instigate, within the River Murray Commission, the construction of a storage on the lower reaches of the River Murray as an immediate next water conservation project on this great system. I cannot give such an undertaking. In the debacle that followed the Chowilla decision, history has already shown that to give such an indication without a most intensive investigation would be completely wrong in the national interest. I am prepared to say that I would request the Victorian Commissioner on the River Murray Commission to use his influence within the Commission, whilst the Dartmouth dam was being constructed, to have that Commission undertake and complete an intensive investigation of what should be the next conservation project on the River Murray, having in mind the best interests of Australia as a whole. However, I am not prepared to specify that the investigation should be limited to one section of the river.

The honorable member for Brunswick East rather nostalgically mentioned that his contribution to this debate could well be his last speech on water supply in this House. I regret that fact because over many years the honorable member has taken a keen interest in the important field of water conservation, and I especially thank him for his contribution to the debate. The honorable member referred to his desire to see the high Buffalo dam proceeded with, but he must bear in mind my reply to the honorable member for Swan Hill. One of the results of the construction of the Dartmouth dam will be that the output of the system will be increased by 1.3 million acre-feet, although this is not the output of the dam. To some degree the building of the dam will affect every tributary and, as a result, it could well affect the potential output of the proposed high Buffalo dam by as much as 50 per cent. This dam was envisaged to have a capacity of 800,000 acre-feet and an output of 300,000 acre-feet, at an estimated cost of $60 million. Therefore, it is a matter that requires much further and careful investigation before it can be proceeded with on an economic basis if the potential of the dam is reduced to 150,000 acre-feet.

I thank honorable members for their contributions to the debate. I have endeavoured to answer the various questions raised. The Bill is an important one, and I welcome the fact that honorable members have treated it as such.

Mr. FLOYD (Williamstown).—The Opposition does not intend to debate the clauses of this Bill, which has

already been freely debated. I am unaware whether the Country Party intends to discuss the clauses, but Opposition members wish to save time. Honorable members were permitted to discuss clauses during the second-reading debate.

The Opposition feels that the cost benefit formula at present being applied to the building of dams and reservoirs on streams must be modified. It has some relation to the economic benefit derived from a dam, weir, or any other project of a similar nature. All people on regulated streams should receive water rights, and it is intended that more streams should be regulated. As I understand the position, water rights operate only on regulated streams, and people on those streams are entitled to receive water rights. A water permit is given to a private diverter, and if the stream runs dry there is no recourse to the Commission. The Opposition feels that in a country such as Australia, in which additional good dam sites are in short supply, it may be necessary to use sites on some of the more obscure rivers, creeks, and water courses. In future we shall have to gear our economy to the saving of every possible drop of water on every little watercourse. Of course, that is related to the availability of finance. I emphasize that, having regard to the extent of finance available, as many streams as possible should be regulated and farmers and irrigators should be allocated as much water as is possible by way of water rights.

I invite the Minister of Water Supply to seek some better term for describing huge quantities of water. The Cardinia creek storage, which comes under the control of the Melbourne and Metropolitan Board of Works, will hold 60,000 million gallons. In other words, ten noughts must be used to describe in gallons the capacity of this reservoir. In speaking of the Dartmouth dam, the Minister referred to a capacity of 3 million acre-feet, which represents 800,000 million gallons. To describe this capacity numerically 11 noughts are necessary. Surely, the Minister who is keenly interested in these matters should be able to coin an expression such as "megagallons" which would be the counterpart in water of the word megatons. Some term that is easy to understand should be used for the description of huge quantities of water. After all, when the Liberals speak of their bank balances, they do not speak of hundreds of thousands of cents; they express the amounts in dollars. The Opposition does not propose to debate the clauses of the Bill at length. Members of the Opposition have thoroughly examined the measure, and I believe the subject-matter has been thoroughly canvassed during the second-reading debate.

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

Schedule.

Mr. WHITING (Mildura).—I believe the schedule is the most appropriate heading under which the various issues that have been raised should be debated. In reply to the Minister of Water Supply, I point out that the Leader of the Country Party was referring only to an investigation of the Chowilla project within the River Murray Commission set-up. This, of course, would have included an investigation by any engineers that the Commission wished to appoint. I am sure that my Leader did not envisage Victoria acting alone in this matter and saying, "We must have the Chowilla reservoir next". The question of future water storages should be investigated as early as possible to determine the most suitable site for the next storage. It is interesting to note that during the debate on the River Murray Waters Bill on 14th November, 193, the Premier said—I quote from page 2094 of volume 272 of *Hansard*—

> I am delighted that this agreement is being ratified by this and other Parliaments, because I visualize that when the Buffalo

river dam is built, as the Deputy Leader of the Country Party said, practically all the major works needed for irrigation in the Murray Valley irrigation area will have been completed.

Of course, the Dartmouth reservoir was not envisaged at that stage. It was felt that the Chowilla and Buffalo river storages would complete the whole picture, so to speak.

Mr. BORTHWICK.—The position would have been different if Chowilla had proceeded.

Mr. WHITING.—I agree that the position would have been different if the Chowilla project had proceeded as it was envisaged at that time. This emphasizes that the position, as we now see it, could change in 7 or 8 years' time. Possibly another site similar to Dartmouth will be found in the upper reaches of the River Murray, and it may be prudent to build a further storage there. The Country Party would like this matter investigated as early as possible.

The final report of the firm of Gutteridge, Haskins and Davey, which is investigating salinity problems and water storages in the River Murray system, has not yet been presented. This report may bring out some information that has been overlooked. The Country Party fully supports the Bill because it believes the proposal is much better than that originally envisaged for Chowilla. We trust that the new storage will prove fruitful and beneficial, not only to Victoria but to the whole of Australia.

The schedule was agreed to.

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

RIVER MURRAY WATERS (DARTMOUTH RESERVOIR) BILL.

The debate (adjourned from March 4) on the motion of Mr. Borthwick (Minister of Water Supply) for the second reading of this Bill was resumed.

Mr. FLOYD (Williamstown).—This Bill is complementary to the River Murray Waters Bill and is of the nature of an anti-climax to it because, the previous measure having been agreed to by the House almost unanimously, this Bill is required to make the necessary financial provision. The cost of the Chowilla dam was estimated at $28 million at the start, but rose to $70 million. It is fortunate that the project did not proceed, although $5 million was spent on preparations for it. This Bill provides that the four Governments concerned—those of the Commonwealth, New South Wales, South Australia and Victoria—will share the estimated cost of $57 million for the Dartmouth dam. When all is said and done, that is not bad value because the Lower Yarra Crossing will cost $42 million. The expenditure of $57 million will confer benefits on Victoria, New South Wales and South Australia in accordance with the agreement which honorable members discussed on the previous Bill. Victoria's share of the cost will be $14.25 million. Of course, the Commonwealth will have no difficulty in paying its share because it has only to increase the charges for stamps and telephone calls. Sooner or later people will receive deliveries of mail on about two days a week.

The DEPUTY SPEAKER (Mr. J. D. MacDonald).—Order! The honorable member is straying from the Bill, whose terms are confined strictly to the financing of the Dartmouth reservoir.

Mr. FLOYD.—I repeat that the Commonwealth will have no difficulty in providing $14.25 million for its share, but the States will have difficulty. In one of its weaker moments, the Commonwealth benevolently decided that it would allow each of the States to borrow from it half of its share, namely, $7.125 million. Of course, that money is not provided for nothing. The States will each be permitted to borrow from the Commonwealth $7.125 million out of taxes received by the Commonwealth from the people of Victoria and the other States. The States will be lent money at the

rate of interest applicable at the time. In its great beneficence, the Commonwealth has decided that the States need not repay any of the principal for 10 years, but that interest will be payable in that period. It is not a bad deal for the Commonwealth, which will lend each of the 3 States concerned $7.125 million for 10 years with interest only payable in that time, and after 10 years the capital and interest charges must be met and the loan paid off within 15 years. In other words, the loan is for 25 years with no repayments of principal during the first 10 years.

Recently I asked officers of the State Rivers and Water Supply Commission why Victoria did not reject borrowing the money from the Commonwealth until 10 years had passed, using State money in the first 10 years. The expenditure of $7.125 million will be extended over a period. I understand that the dam will be completed in 1976. I am not a financial genius, but the point I raise has occurred to members of the Opposition. Why should we borrow money from the Commonwealth when we are not going to use it? It would be impossible to spend the money during the first few years' work on the project.

Naturally the Opposition does not oppose the measure because, the earlier Bill having been passed, it is now necessary to provide for the finance. When all is said and done, we are building freeways and universities while people still cannot always obtain a drink of water and have to use buckets to water vegetable gardens. The Opposition offers no objection to this complementary legislation. Unlike the Chowilla project, wise safeguards are provided in this Bill and the Opposition applauds their inclusion. In a society where inflation is rife it is to be expected that the cost of Dartmouth will rise above $57 million. In the case of Chowilla the cost rose astronomically from the first estimate.

Wisely the River Murray Commission has said that if the construction costs of Dartmouth rise by more than 10 per cent. of the estimate—above $62 million—the States and the Commonwealth will discuss the position. Any State will be able to ask for a cessation of the works if the cost rises above the permissible limit. If any of the three States decides that the cost is getting out of hand it can opt out of the agreement. If that position arose, the States would be wise to do so and to tell the Commonwealth to finish the job itself. The Opposition has no objection to the Bill.

Mr. WHITING (Mildura).—As the honorable member for Williamstown stated, this Bill is complementary to the previous Bill dealt with by the House, and provides for the financing of the project with which it dealt. The old question of Commonwealth-State financial relationships comes strongly into the picture. It is unfortunate that this State has to accept conditions laid down by the Commonwealth, but in one sense the offer is too good to miss because the State has no money anyway. The State is forced to make use of money lent to it by the Commonwealth at the ruling rate of interest with all sorts of strings attached, providing that the money will not be spent on any other project, and so on. The conditions of repayment are laid down hard and fast. All in all, the State is at the mercy of the Commonwealth in this respect.

The honorable member for Williamstown suggested that Victoria should use its own $7.125 million first and then borrow money from the Commonwealth. Of course, in his more benevolent mood the honorable member has forgotten that the State already has a deficit of $24 million and it is doubtful whether that will be made up in the near future. Therefore, I do not know where the State would obtain money for this project in the next 2 or 3 years. This is

another item which can be used in the argument for the State to receive a better financial deal from the Commonwealth.

The provision relating to a 10 per cent. increase in the total cost is a good one. It could well be that the costs will rise above that figure. This has been a regular pattern in the case of other construction works from time to time. An increase of 10 per cent. over several years would not be unusual. When that stage is reached, provision is made for the States and the Commonwealth to renegotiate, but this should be only a minor matter because the rise above the limit allowed would perhaps be only $5 million or $10 millon. Surely having almost completed the project it would be unreasonable to expect any State to say, " We have gone far enough and will pull out." Unfortunately, that is what happened in the case of the Chowilla project. The original estimate of $28 million rose in stages and eventually the Premier of Victoria said that Victoria had agreed to remain in the agreement only whilst the financial commitment was reasonably light, but that, a significant rise having occurred, this State could no longer remain a party to the agreement. I suppose that was not unreasonable, but if the major portion of the works had been completed and additional finance was required the matter would be viewed in a different light.

The Country Party supports the Bill. My colleagues and I trust that the estimate of $57 million is reasonable and conservative and that every aspect of expenditure has been covered. Looking at some of the detail on costs provided by the engineers of the Snowy Mountains Authority, I feel that this would be so. We are not really happy about the loan of $7.125 million by the Commonwealth to the State, but in the circumstances, because of the poor condition of State finances, we must accept it. What will happen after 10 years when the principal and interest charges have to be paid within a further period of 15 years will depend on what develops in the meantime. The Government of the day will have to decide whether or not it can make the necessary payments. Today the Parliament and the Government are committed to the present figure, and the State will have to live with the financial burden even if it becomes almost unbearable.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Commencement).

Mr. BORTHWICK (Minister of Water Supply).—The honorable members for Williamstown and Mildura questioned the necessity for the State to accept the loan offer from the Commonwealth. The arrangement allows the State to proceed in the next 10 years with the maximum water conservation programme that it can undertake without having to meet this additional $7.125 million during the period. All States are short of loan funds and if Victoria had to find approximately $15 million in this 10-year period its over-all conservation programme, or even other loan works programmes, would have to be reduced by that amount. Assuming that 10 per cent. inflation takes place, the $7.125 million spent on the Dartmouth project will ultimately be repaid out of revenue, rather than loan funds, which will be cheaper money than that which exists today. If the present trend continues within the next 10 years, the value of money will depreciate. Although the position of State revenue is grave in an expanding community, the loan fund situation is the gravest of all. From the States' point of view this is the major advantage of the agreement entered into with the Commonwealth with regard to this special project.

Mr. FLOYD (Williamstown).—The Labor Party accepts the Minister's explanation.

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

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

MILDURA COLLEGE LANDS (AMENDMENT) BILL.

The debate (adjourned from February 17) on the motion of Mr. Rossiter (Minister of Labour and Industry) for the second reading of this Bill was resumed.

Mr. GINIFER (Deer Park).—This measure has a two-fold purpose. It is designed to broaden the distribution of the income from the Mildura college lands which originated from an agreement with the Chaffey brothers and to provide for the sale of some of the lands which have been reserved and for the money so raised to be invested in recognized securities, with the proceeds being utilized for educational purposes within the Mildura area.

The area covered by the agreement with the Chaffey brothers is that which basically became the First Mildura Irrigation Trust District, within which is located the Mildura High School. Under the agreement, provision was made for the endowment of an agricultural high school. This provision was amended in 1916 when the Mildura High School became a beneficiary under the Mildura College Lands Act of that year. It is now proposed that the Mildura Technical School and the Irymple Technical School, which are within the area, shall share in the income derived from leases of the land.

It is desirable to delve into the history of this legislation. At page 1737 of *Hansard* of the 3rd October, 1916, Mr. Lawson, the then Minister for Public Instruction, referred to paragraph (*f*) of the Mildura College Lands Bill. This paragraph provided that the rents and profits arising from the land should be paid into an account to be kept in the Treasury and that out of this fund provision might be made as follows:—

> For the maintenance of the buildings and equipment of the said Mildura Agricultural High School and any experimental farm in connexion therewith; and
>
> For the remuneration of any persons to be appointed for the purpose (in connexion with the said high school) of making investigations and experiments or giving information or instruction regarding vines, fruit trees, soils, and insect pests, and generally any matters affecting viticulture, horticulture, irrigation, or the cultivation of the land in Mildura and the neighbouring district.

This provision in the original Act places a strong obligation on the State to legislate also for the two technical schools to participate in the income which, to date, has been payable only to the Mildura High school. The Irymple Technical School has established a farming project so that educational instruction may be given in the particular types of primary production which are undertaken in the Mildura district.

The preamble to the legislation of 1916 is interesting. This again is important because it was one of the original provisions of the bequest to the Chaffey brothers when they made the arrangements to have these lands held in trust. I believe it is incumbent upon me to read to the House an extract from the original Bill, which appears in the remarks of Mr. Downward recorded at page 1739 of *Hansard* of the 3rd October, 1916. The statement in the preamble reads—

> And whereas it was declared by the said indenture that the land so set apart and conveyed should be held in trust for the maintenance of the said agricultural school or college, with full power to sell or lease the same, together or in parcels, for any time and at any reasonable rents, and the rents and profits of the said land and the proceeds of the sales of such portions of the same as might be sold should be held upon trust for the said school or college.

This recital was, in effect, an original provision made by the Chaffey brothers which, until now, has not been included in legislation. I am pleased to note that the last of the conditions under which this land was made available for agricultural education will

be incorporated in the statutes of the State. At this stage I do not intend to pursue the matter further except to say that the Opposition does not oppose the Bill.

Mr. WHITING (Mildura).—This Bill relates particularly to areas of land which were the subject of a covenant by the Chaffey brothers under the original Crown grant which they received in 1887, and under which one-fifteenth of the land granted to them had to be set aside for the purpose of agricultural education. The area granted to the Chaffey brothers comprised approximately 250,000 acres, but developments that took place shortly after the establishment of the settlement caused them to go bankrupt. Eventually, only a relatively small area—approximately 90,000 acres—was taken up by them.

The area in which these endowment blocks are situated comprise what is now known as the First Mildura Irrigation Trust District, which is easily definable and well known to local residents. Within the area is situated the Mildura High School, which has been the recipient of the endowment for many years. The Mildura Technical School was established in 1956 and the Irymple Technical School in 1968. The amount collected from rentals on these blocks of land is in the vicinity of $17,000 or $18,000 per annum. This income has been of tremendous advantage to the Mildura High School Advisory Council. The School has very large, well-developed grounds and is a credit to the Council and to the district of Mildura.

With the advent of the Mildura Technical School, a strong move was instigated in 1964 for this School to share in the funds. It was stressed that children from the one family might be attending both schools and that a great contrast existed between the amenities at the Mildura High School and those at the Mildura Technical School.

The honorable member for Malvern, then the Minister of Education, examined the application for a sharing of the Mildura District High School Fund. I believe that, if Parliament had not risen at the time, amending legislation might have been introduced in about 1966 or 1967. The Mildura High School Advisory Council was strongly opposed to a division of the Fund; it felt that any fragmentation of the Fund would eventually lead to its disappearance and a loss of a valuable endowment to the School. The Council still holds that view. To protect what the Council believed to be the right of the School, it employed a Queen's Counsel to give an opinion on its rights to the money from the Fund.

The council of the Mildura Technical School and subsequently that of the Irymple Technical School, in putting their case for a share of the Fund, have pointed out that they are providing secondary education within the irrigation district concerned. They feel that they are legally entitled to a share of the money. This view is accepted by a considerable number of people within the area. I believe there is a moral justification for these two schools to share in the Fund.

Since a decision was reached that a measure along these lines might be introduced into Parliament, two high schools within the Sunraysia irrigation district, as it is known—those at Redcliffs and Merbein—have also asked to share in the Fund. They claim that they are in the area in which the money is raised, although they are not within the same irrigation district as the other schools. Redcliffs and Merbein have separate irrigation districts administered by the State Rivers and Water Supply Commission. However, the councils of the two schools approached the Minister asking for a share of the Fund. I find it hard to justify their claim as the schools are outside the district in which the college lands are situated.

The provision in the Bill to allow the Minister to sell any block of land not currently subject to a lease has

caused some concern. The Mildura City Council and the Mildura High School Advisory Council both take the view that the land should not be sold. They feel that, even though money gained from the sale would be invested in a trust fund within the Treasury and that interest paid on that money would be used for the schools, the value of the money would eventually depreciate, and the value of the asset would recede. There is another point of view; the Mildura City Council receives no rate revenue from the unleased blocks. In some areas of the city, particularly in residential areas, these blocks are eyesores both to local residents and to visitors. Some people believe the blocks should be sold so that they will be developed. As I have pointed out, interest on the money received from the sale would be used for the benefit of the School, but it is felt that, while the value of the money will depreciate, if the blocks are not sold, their value will appreciate. Those of this opinion believe that even if they remain vacant for many years the blocks should not be sold.

The leasing of the blocks is affected by the terms of the leasing contract which the Education Department asks a lessee to agree to. The contract does not permit any assets to accrue to the lessee. If a lessee built a home on the block, it would immediately become the property of the Department. If a building were destroyed by fire, any insurance would have to be used for the replacement of the asset, which would remain the property of the Department. It is because of this condition that many of the allotments remain vacant. With Mr. Bruce Garde, the president of the North-West Law Association. I have investigated the leasing arrangements. The terms of the agreement, which was drawn up in 1950, could be amended by Ministerial direction. If they were amended to overcome the position of which I have spoken, it is possible that there would be a greater demand to lease the college blocks. This might obviate the need to sell the blocks.

The Mildura City Council and the Mildura High School Advisory Council have made strong representation to the Minister to have the leasing conditions amended on the lines I have suggested. This is well worth consideration and perhaps something may be done in the very near future. If no satisfactory amendment to the leasing agreement is made as a result of the passage of this measure, perhaps some provision can be made soon to allow the Minister to sell the land which it has become patently obvious will not be leased.

The SPEAKER (the Hon. Vernon Christie).—Does the honorable member not think that discussion on this subject might be better addressed to the clause?

Mr. WHITING.—Thank you, Mr. Speaker. Perhaps this subject could well be discussed while clause 3 is under consideration, but I felt that the House would be assisted by an outline of the many suggestions which have been made. The provision made in the early days of the settlement of Mildura has given added funds to the Mildura High School and, following the passage of this measure, will also provide funds for the Mildura Technical School and the Irymple Technical School. The Mildura High School. Advisory Council has suggested that, in the past, the Education Department has viewed the receipt of the money by the School as something which saves the Department from providing the normal amenities which are provided at other schools. This situation should not be allowed to continue. It could be said that, with an additional income of some $7,000 or $8,000 a year, the various schools could provide themselves with some of the amenities which are available in other schools. The Education Department should provide the normal amenities regardless of any endowment of a school. I point out that other technical

schools in Victoria receive endowments of various amounts from private industry. The endowments to the schools in Mildura should be treated in the same way as endowments to any other school.

I trust that the passing of this Bill with some amendments will settle the distribution of funds received from the Mildura college lands for many years to come. I trust that the schools concerned, particularly the Mildura and Irymple technical schools, which have not had access to money from the Fund in the past, will continue to progress. The two technical schools are well worthy of sharing in the revenue from the endowment.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2—

Section 2 of the Principal Act is hereby amended as follows :—

(*a*) At the end of paragraph (*e*) there shall be inserted the words "until the sale thereof under paragraph (*ea*)";

(*b*) After paragraph (*e*) there shall be inserted the following paragraph :—

"(*ea*) The Minister may upon such terms and subject to such covenants conditions or restrictions as he thinks fit sell any part or parts of the said lands as are not for the time being subject to a lease granted by him under paragraph (*e*);"

(*c*) In paragraph (*h*) after the word "demise" (where thrice occurring) there shall be inserted the words "or sale".

Mr. ROSSITER (Minister of Labour and Industry).—I invite honorable members to vote against this clause. This course has been decided on by the Government because the Minister of Education has agreed that the enactment of a provision enabling the land to be sold is not proper at this stage.

Mr. GINIFER (Deer Park).—During the second-reading debate I indicated that members of the Labor Party would not oppose the Bill as presented, but if it is the intention of the Government that clause 2 shall be omitted, thus prohibiting the sale of certain lands which have been set aside, we shall oppose the move. I shall quote to the Committee one of the original recitals which were part of the bequest of the Chaffey brothers. This is recorded at page 1739 of *Hansard* of the 3rd October, 1916, as follows:—

> And whereas it was declared by the said indenture that the land so set apart and conveyed should be held in trust for the maintenance of the said agricultural school or college, with full power to sell or lease the same, together or in parcels, for any time and at any reasonable rents, and the rents and profits of the said land and the proceeds of the sales of such portions of the same as might be sold should be held upon trust for the said school or college.

I direct attention to this statement because it is the opinion of the Opposition that it contains one of the original intentions of the bequest. It was entered as part of the memorandum of the legislation of 1916 and it foreshadowed that the sentiments so expressed would be included in legislation. Fifty-four years later, although the provision required by the Chaffey brothers was first included in the Bill, the Government proposes that it shall be omitted. We shall therefore oppose this omission.

The Committee divided on the clause (Sir Edgar Tanner in the chair)—

Ayes	14
Noes	44
Majority against the clause	30

AYES.

Mr. Fennessy	Mr. Trezise
Mr. Floyd	Mr. Turnbull
Mr. Ginifer	Mr. Wilkes
Mr. Lind	Mr. Wilton.
Mr. Mutton	
Mr. Simmonds	*Tellers:*
Mr. Stoneham	Mr. Divers
Mr. Sutton	Mr. Edmunds.

NOES.

Mr. Balfour	Mr. Manson
Mr. Billing	Mr. Moss
Mr. Birrell	Mr. Phelan
Sir John Bloomfield	Mr. Rafferty
Sir Henry Bolte	Mr. Reese
Mr. Borthwick	Mr. Reid
Mr. Broad	Mr. Rossiter
Mr. Buckley	Mr. Scanlan
Mr. Cochrane	Mr. Smith (*Bellarine*)
Mr. Darcy	
Mr. Dixon	Mr. Smith (*Warrnambool*)
Mr. Dunstan	
Mr. Evans (*Ballaarat North*)	Mr. Stephen
	Mr. Suggett
Mr. Evans (*Gippsland East*)	Mr. Taylor
	Mr. Templeton
Mrs. Goble	Mr. Trethewey
Mr. Hayes	Mr. Vale
Mr. Jona	Mr. Wheeler
Mr. Loxton	Mr. Whiting
Mr. MacDonald (*Glen Iris*)	Mr. Wilcox
	Mr. Wiltshire.
Mr. McDonald (*Rodney*)	*Tellers:*
Sir William McDonald	Mr. Doyle
Mr. McKellar	Mr. McLaren.

PAIRS.

Mr. Clarey	Mr. Meagher
Mr. Holding	Sir Arthur Rylah
Mr. Lovegrove	Mr. Trewin
Mr. Ring	Sir Herbert Hyland.

Mr. B. J. EVANS (Gippsland East).—On a point of order, Mr. Acting Chairman, I understand that when the Chairman of Committees is in the Chamber during a division he should occupy the chair. I point out that the Chairman did not occupy the chair but took part in the division.

The ACTING CHAIRMAN (Sir Edgar Tanner).—This is a point of order upon which I find myself unable to rule. I shall invite the Chairman of Committees to take the chair.

Mr. WILKES (Northcote).—In supporting the point of order, I ask the Acting Chairman what decision he has reached.

The ACTING CHAIRMAN.—At present I am unable to give a ruling and shall refer the matter to another authority. If the Committee wishes, I shall continue with its business and refer the matter to the Chairman of Committees as soon as he is available.

Clause 3—

(1) For paragraph (*f*) of section 2 of the Principal Act there shall be substituted the following paragraphs:—

'(*f*) There shall be established in the Treasury in the Public Account as part of the Trust Fund a Trust Account to be called the "Mildura Schools Fund" into which shall be paid—

(i) the amount standing to credit of the Mildura District High School Fund on the commencement of the Mildura College Lands (Amendment) Act 1970;

(ii) the rents and profits of the said lands or arising from any demise under paragraph (*e*) and the net proceeds of sale of any part or parts of the said lands; and

(iii) interest received from the investment of moneys standing to the credit of the Mildura Schools Fund;

(*fa*) Net proceeds of sale or any part or parts of the said lands standing to the credit of the Mildura Schools Fund shall be invested by the Treasurer in securities in which a Trustee may invest pursuant to section 4 of the Trustee Act 1958;

(*fb*) There shall be paid out of the Mildura Schools Fund—

(i) the cost of subdivision of the said lands or any of them for the purpose of demising or selling any parts thereof as aforesaid and for any laying out and construction of roads and streets in connexion with any such subdivision; and

(ii) such amounts as the Minister determines for the benefit of any students' hostel established primarily for the benefit of students at the Mildura District High School;

(*fc*) Out of the balance remaining in the Mildura Schools Fund from time to time after provision is made under paragraph (*fb*) there may be set aside at such times as the Minister determines such amount as he determines for the benefit of the Mildura District High School the Mildura Technical School and the Irymple Technical School in equal shares;

(*fd*) A share of the Mildura Schools Fund set aside for the benefit of a school under paragraph (*fc*) shall be used for or towards the provision erection re-erection extension repair maintenance and renewal of buildings the maintenance of grounds and the provision and maintenance of equipment (including sports equipment) for or in connexion with the school.'

(2) In paragraph (*h*) of section 2 of the Principal Act for the words "the said District High School" there shall be substituted the words "the Mildura District High School the Mildura Technical School and the Irymple Technical School".

Mr. ROSSITER (Minister of Labour and Industry).—I move—

That, in proposed new paragraph (*f*) of section 2 of the principal Act, sub-paragraphs (i), (ii) and (iii) be omitted with the view of inserting the following:—

"(i) the amount standing to the credit of the Mildura District High School Fund on the commencement of the Mildura College Lands (Amendment) Act 1970; and

(ii) the rents and profits of the said lands or arising from any demise under paragraph (*e*)".

The effect of the amendment is to delete from the Bill sub-paragraph (iii) of proposed new paragraph (*f*) which relates to the interest received from the investment of moneys standing to the credit of the Mildura Schools Fund. The Minister of Education indicated to the Mildura High School Advisory Council that he would move for the deletion of this sub-paragraph because of the Council's requirements.

Mr. GINIFER (Deer Park).—I should like the Minister to clarify a point which occurs to me. I may be misinterpreting what the honorable gentleman says. Is the amendment consequential because there are no funds to be invested or because the Mildura High School has funds to its credit which have been invested, or is it that any funds standing to the credit of the Mildura College Lands Account at this stage will be held for the Mildura High School, or is the idea to provide for a three-way division of the money when the Bill is passed?

Mr. ROSSITER (Minister of Labour and Industry).—The third of the honorable member's alternatives is what is proposed. It relates to money standing to the credit of the Mildura Schools Fund now. That money will remain for the high school and not be split three ways.

Mr. WHITING (Mildura).—I regret that it is necessary to correct the Minister. In effect, the amendment is consequential on the omission of clause 2. Sub-paragraph (iii) of paragraph (*f*) as set out in sub-clause (1) of clause 3, which is being deleted provides for payment into the Mildura Schools Fund—

Interest received from the investment of moneys standing to the credit of the Mildura Schools Fund;

With the deletion of clause 2 there will be no money in the Mildura Schools Fund. This is money which was to have accrued from the sale of the lands and be invested with the Treasury to earn interest which would be paid into the Mildura District Schools Fund. A later amendment which has been circulated will allow the amount of money at present in the Fund standing to the credit of the Mildura High School to be retained for its purposes. With the passage of the Bill, the money will be divided three ways, provided that sub-clause (2) of clause 3 is carried.

Mr. WILKES (Northcote).—This is a classic example of the incompetence of the Government and its failure to prepare legislation properly. The small Bill before the Committee deals with moneys from the Mildura District High School which are to be divided between that school and two other high schools. The Government has circulated a whole page of confusing amendments and the honorable member for Mildura has just advised the Government what the amendment at present under

discussion means. The Government is confused itself and does not understand its own amendments. I suggest that the Minister should agree to report progress so that, later, honorable members can be given a clear idea of what the amendments mean and how they affect the Bill and the principal Act. It is disgraceful for the Government to produce a whole page of amendments to a Bill which has been on the Notice Paper for a fortnight. Either someone has fallen down on the drafting of the measure or the Government has fallen down in understanding its meaning.

Mr. GINIFER (Deer Park).—I concur with the remarks of the Deputy Leader of the Opposition. I am not yet clear exactly what the funds to the credit of the respective schools are. On 17th February last I asked the following question relating to the Mildura College Lands Act:—

What was the balance in each account as at 30th June, 1969?

The Premier and Treasurer replied, "$15,631.27." I want to be sure that when the Bill is passed this money will be divided equally between the three schools with which the measure deals. At present I am not sure whether that will occur or whether the whole amount will go to the Mildura High School. I, too, suggest that progress be reported so that clarification of what is involved can be obtained.

The Committee divided on the question that the expression proposed by Mr. Rossiter to be omitted stand part of the proposed new paragraph (Mr. J. D. MacDonald in the chair)—

Ayes	.. ..	13
Noes	.. ..	45
Majority for the amendment	..	32

AYES.

Mr. Edmunds	Mr. Sutton
Mr. Fennessy	Mr. Turnbull
Mr. Ginifer	Mr. Wilkes
Mr. Lind	Mr. Wilton.
Mr. Mutton	*Tellers:*
Mr. Simmonds	Mr. Divers
Mr. Stoneham	Mr. Trezise.

NOES.

Mr. Balfour	Mr. Rafferty
Mr. Billing	Mr. Reese
Mr. Birrell	Mr. Reid
Sir John Bloomfield	Mr. Ross-Edwards
Mr. Borthwick	Mr. Rossiter
Mr. Broad	Mr. Scanlan
Mr. Buckley	Mr. Smith (*Bellarine*)
Mr. Cochrane	Mr. Smith (*Warrnambool*)
Mr. Darcy	Mr. Stephen
Mr. Dixon	Mr. Stokes
Mr. Dunstan	Mr. Suggett
Mr. Evans (*Ballaarat North*)	Sir Edgar Tanner
Mr. Evans (*Gippsland East*)	Mr. Taylor
Mrs. Goble	Mr. Templeton
Mr. Hayes	Mr. Trethewey
Mr. Jona	Mr. Vale
Mr. Loxton	Mr. Wheeler
Mr. McDonald (*Rodney*)	Mr. Whiting
Sir William McDonald	Mr. Wilcox
Mr. McKellar	Mr. Wiltshire.
Mr. Manson	*Tellers:*
Mr. Moss	Mr. Doyle
Mr. Phelan	Mr. McLaren.

PAIRS.

Mr. Clarey	Sir Herbert Hyland
Mr. Floyd	Mr. Meagher
Mr. Holding	Mr. Porter
Mr. Lovegrove	Sir Arthur Rylah
Mr. Ring	Mr. Trewin.

Mr. ROSSITER (Minister of Labour and Industry).—I move—

That proposed paragraph (*fa*) of section 2 of the principal Act be omitted.

This is a consequential amendment following the omission of clause 2 of the Bill.

Mr. GINIFER (Deer Park).—Having been given some explanation by the Minister of what the amendment means, the Opposition is in a better position to understand its ramifications than was the case with the previous amendment which the honorable gentleman moved. I want to be categorical so far as the Opposition is concerned because my colleagues and I have not had an explanation from the Minister of what the numerous amendments that have been circulated mean. Apart from this amendment, the Opposition is not clear what is involved in the amendments and therefore accepts no responsibility for them. That is why we have expressed our opposition to the amendment.

Mr. WILKES (Northcote).—The honorable member for Deer Park has quite properly asked the Minister to give an explanation of the various amendments. Clause 2 has been omitted from the Bill and is therefore null and void. The honorable gentleman said that the amendment now being considered was consequential on the omission of clause 2 and therefore it appears to me that it should also be null and void. If the Minister does not know what the amendment means, progress should be reported to allow him to obtain that information. Members of the Opposition do not propose to accept responsibility for legislation that the Minister cannot explain. It is outrageous that Parliament should be treated in this way. If members of the Country Party know what the amendment means, we will be pleased to hear from them. If no explanation is forthcoming, we will be forced to vote against the amendment.

Mr. ROSSITER (Minister of Labour and Industry).—Because clause 2 has been omitted from the Bill it consequentially follows that proposed paragraph (*fa*) of section 2 of the principal Act, as contained in subclause (1) of clause 3, has no standing and should be deleted.

Sir JOHN BLOOMFIELD (Malvern).—In case the Deputy Leader of the Opposition is still having difficulty despite the clear explanation given by the Minister, I point out that clause 2 of the Bill contained a power of sale, but that power is no longer to be vested in the Minister because clause 2 has now been omitted. Consequentially, reference to the proceeds of sale becomes irrelevant and should also be omitted.

Mr. WILKES (Northcote).—I am grateful to the honorable member for Malvern for his explanation but I suggest that clause 2 of the Bill probably was omitted out of sequence.

The amendment was agreed to.

Mr. ROSSITER (Minister of Labour and Industry).—I move—

That, in sub-paragraph (i) of proposed new paragraph (*fb*) of section 2 of the principal Act, the words "or selling any parts thereof as aforesaid and for any" be omitted with the view of inserting the words "any parts thereof as aforesaid and for the".

This amendment is consequential to the omission of clause 2.

The amendment was agreed to.

Mr. ROSSITER (Minister of Labour and Industry).—I move—

That, in sub-paragraph (ii) of proposed new paragraph (*fb*) of section 2 of the principal Act, the word "District" be omitted.

Mr. WHITING (Mildura).—The amendment is clear enough but its effect may not be. Under the Bill the Minister has the right to extract from the Mildura Schools Fund certain amounts for use at a girls' hostel that has been operated by the Mildura High School for a number of years. This hostel has paid its own way but some trust fund moneys have been used for providing blinds and small extensions to the building.

Mr. GINIFER (Deer Park).—On a point of order, I am under the impression that the amendment before the Chair relates to the omission of the word "District" and the honorable member for Mildura is relating his remarks to the effect of the Bill on the Mildura High School. The establishment of a hostel has nothing to do with the changing of the name of the School.

The CHAIRMAN (Mr. J. D. MacDonald).—Order! The point of order is well taken, I ask the honorable member for Mildura to confine his remarks to the amendment. The honorable member will have an opportunity later to speak on this matter to which he referred.

Mr. WHITING (Mildura).—I am guided by your knowledge on this subject, Mr. Chairman, but I should like to know when I will be permitted to raise this subject.

The CHAIRMAN.—The honorable member will have an opportunity to refer to it when I put the question that the clause, as amended, stand part of the Bill.

The amendment was agreed to.

Mr. ROSSITER (Minister of Labour and Industry).—I move—

That the following proviso be added to proposed new paragraph (*fc*) of section 2 of the principal Act :—

"Provided that the amount paid into the Mildura Schools Fund under sub-paragraph (i) of paragraph (*f*) shall be set aside for the benefit of the Mildura High School;"

The amendment is necessary to maintain the *status quo* in regard to the funds for the Mildura High School.

Mr. GINIFER (Deer Park).—On the 17th February of this year the Premier and Treasurer informed me that the credit balance in the Mildura District High School Fund was $15,631. If the Minister means that this amount is to be credited to the Mildura High School I point out that members of the Opposition believe that this money should be divided equally between the three schools referred to in the Bill. In other words, we are opposed to all the money being used exclusively for the Mildura High School.

Mr. WHITING (Mildura).—I have no doubt that the Government's thinking behind the proposal to transfer all the money to the Mildura High School is that at this stage the money legally belongs to the Mildura High School and has belonged to the School ever since the Fund was started. The amendment will provide the machinery by which the amount standing to the credit of the Fund can be used by the Mildura High School. I have had discussions with the presidents of the advisory councils of the other two schools and they agree with this procedure. They believe that until the present position is amended the Mildura High School is entitled to the money standing to the credit of the Fund.

Mr. GINIFER (Deer Park).—I direct the attention of the Committee to the fact that figures supplied to me by the Premier and Treasurer indicate that a sum of $250,000 has been made available to the Mildura High School from this bequest since its inception. As the Education Department is in the process of establishing an agricultural course at the Irymple Technical School some of the money from the bequest ought to be made available to that School because one of the purposes of the bequest relates to agricultural education.

Mr. BIRRELL (Geelong).—I suggest that the Committee should agree to the amendment for the reasons put forward by the honorable member for Mildura. The honorable member for Deer Park is advocating retrospective action. There is a law relating to the distribution of the accumulated funds of the bequest and that law remains in force until this Bill is passed. Unless the amendment is agreed to, there will be a retrospective division of the funds which have accumulated up to the present time. The explanation given by the honorable member for Mildura is legally correct and meets with the wishes of the people concerned. His explanation is also satisfactory to the Government and should be adopted.

The amendment was agreed to, as were consequential amendments.

Mr. WHITING (Mildura).—I refer again to the students hostel operated by the Mildura High School Advisory Council. The Council is of the opinion that it would be much better to continue to operate the hostel along the present lines, with any short fall in funds being met on a *per capita* basis by the schools that have students using the hostel. As I mentioned earlier, the hostel is fully occupied at present by some nineteen girl students from outlying areas in the north-west part of the State. Some of the girls attend Mildura Technical School and others Mildura High School.

The situation that is envisaged if this provision remains in the Bill is that, without giving a great deal of thought to the repercussions, the

Minister could decide that a new hostel or additions to the hostel should be built and the Mildura High School Advisory Council would not have any say in that decision. The Minister could direct that all the income into the Fund should be used towards the erection of a new hostel or for some other purpose, and the schools which are participating would have no income for a period of 2 or 3 years. The Mildura High School Advisory Council contends that the Government should provide hostels for students who live in remote areas of the State and attend high schools or technical schools. A hostel was established at Wangaratta, and one was established recently at Swan Hill. The Swan Hill hostel has received some financial assistance from the Government.

The whole question of finance for this type of accommodation should be thoroughly investigated by the Government. Therefore, I earnestly recommend to the Minister that, prior to the passage of this Bill through another place, this provision should be further examined and preferably deleted from the Bill. If this is done, advisory councils will have greater autonomy in the control of hostels and the funds that are required to keep them in operation.

Mr. BIRRELL (Geelong).—I point out to the Deputy Leader of the Opposition, who queried the sequence of the amendments, that the amendments to clause 3 are conseqential on the omission of clause 2. From a drafting point of view it would be foolish to reverse the process, move the amendments to clause 3 first and then follow with the omission of clause 2. Under the procedure that has been adopted, the amendments have been dealt with in their proper order. To do otherwise would be irrational. The Government has acted in the normal manner.

Mr. WILKES (Northcote).—I am grateful to the honorable member for Geelong for his explanation. Members of the Opposition have to rely on back-bench members on the Government side to explain the amendments to this measure. I accept the honorable member's explanation in good faith. However, one would have thought that it would be an easy matter to draft a simple Bill such as this. I am not blaming the Draftsman. How could he draft anything for this Government, which does not know what it wants? This is a classic example.

The clause, as amended, was adopted.

Mr. ROSSITER (Minister of Labour and Industry).—The title of the Bill is—

A BILL.

To make Provision out of certain Moneys for the Mildura District High School the Mildura Technical School and the Irymple Technical School, to authorize the Sale of certain Lands, to amend the Mildura College Lands Act 1916 and for other purposes.

I move—

That the word "District" be omitted.

The amendment was agreed to.

Mr. ROSSITER (Minister of Labour and Industry).—I move—

That the words "to authorize the sale of certain lands" be omitted.

Mr. WILKES (Northcote).—I direct attention to this classic example of what the Opposition has been attempting to tell the Government. It cannot even give a Bill its correct title.

Mr. BIRRELL.—It is a consequential amendment.

Mr. WILKES.—An amendment to the title of a Bill is not consequential to any other amendment. Surely, it is not too difficult, even for this Government, to give a measure its correct title. According to the honorable member for Geelong, the amendment to the title is dependent upon the omission of clause 2. If that is so, why was the amendment to clause 2 not attended to previously? I am surprised that the Government cannot even word the title of a Bill that will stand up in this Parliament. Members of the Opposition have now seen everything from

the Government; it has to amend the title to a small Bill which relates to certain moneys that are paid to a school in Mildura.

Mr. ROSSITER (Minister of Labour and Industry).—The due processes of this House have been followed. A second-reading explanatory speech was given.

Mr. HOLDING.—Why can't the Government do things properly?

Mr. ROSSITER.—It was relatively peaceful in here until that crab came in.

Mr. WILKES (Northcote).—I raise a point of order. The Minister's reference to the Leader of the Opposition is offensive to me and other members of the Opposition, and I ask for a withdrawal.

The CHAIRMAN (Mr. J. D. MacDonald).—Order! The question is whether the remark is offensive to the Leader of the Opposition.

Mr. HOLDING (Leader of the Opposition).—I assure you, Sir, that it is offensive to me.

The CHAIRMAN.—I ask the Minister to withdraw his remark.

Mr. ROSSITER (Minister of Labour and Industry).—I withdraw the word "crab". After all, the Leader of the Opposition has only two legs.

Mr. WILKES (Northcote).—I raise a further point of order. The Minister's further reference is a direct reflection on your ruling, Mr. Chairman, and I ask for it to be withdrawn.

The CHAIRMAN (Mr. J. D. MacDonald).—I ask the Minister to withdraw unequivocally.

Mr. ROSSITER (Minister of Labour and Industry).—I withdraw the remark unreservedly. The due processes of this House have been observed in the passage of this Bill up to date. Since the explanatory second-reading speech was made, information has been available to members of the public, and the community in Mildura took the opportunity, through their local member, of putting certain views to the Minister who has seen fit to provide for the amendments which the Committee has now agreed to. If that is not following the democratic process, I should like to hear the Opposition's views.

Mr. GINIFER (Deer Park).—I refute the proposition advanced by the Minister because when I sought to obtain a copy of representations or a memorandum which were associated with amendments to this Bill the Minister did not answer my question. I was preparing the case for the Opposition and was not given the opportunity to acquaint myself with representations that had been made regarding the measure nor with any memorandum that might have been available. I asked that those papers be laid on the table of the Library.

Mr. HOLDING (Leader of the Opposition).—I accept the challenge thrown out by the Minister. I should not have thought it was necessary for any member of this Committee to tell the Minister how any Government with reasonable prudence and efficiency should conduct its business. The fact of the matter, as the Minister is aware, is that the whole question involved in this Bill—which is ultimately a re-allocation of the funds originally created by the Chaffey brothers—has been the subject of considerable argument and disputation in the local area of Mildura. I am sure the honorable member for Mildura will concede that point. Is it unreasonable for the Deputy Leader of the Opposition to suggest that the Government, merely as a process of communication and consultation, should have discussed the proposal with all the people involved before the Bill was introduced?

This measure was not so urgent or pressing that it had to be dealt with in 5 or 10 minutes. It is typical of the Minister of Labour and Industry to advance a specious argument about having followed the forms of the House. That is not the

question. The question is that the Minister of Education should have been prepared to discuss the matter with the local community and obtain their views. I concede that there are differences. The honorable gentleman could then formulate a policy on that basis, prepare legislation and inform the House of the position. But this Government is so lazy and incompetent that it is incapable of that elementary task.

Mr. WHEELER.—I have heard you say that a dozen times.

Mr. HOLDING.—The problem with the honorable member for Essendon is that he realizes that after the 30th May his permanent position will be behind a horse dragging a milk cart, and I am bound to say that the honorable member looks best in that position.

The CHAIRMAN (Mr. J. D. MacDonald).—Order! The Committee is discussing the title of the Bill.

Mr. HOLDING.—Thank you, Sir. Although this measure is of considerable importance to the people of Mildura, and it is regarded properly by members of the Opposition in that light, it is not a matter of great moment. All that was involved was a simple exercise in communication. It should have been possible for the Minister to introduce an accurate Bill. Members of the Opposition are looking forward to the day when the Government introduces a simple Bill and gets it right the first time. Although the Minister of Labour and Industry has asserted that he has followed the forms of the House, by the look on his face the honorable gentleman is feeling guilty about the matter because he realizes that the Government could not even get this basically simple exercise right and he is now caught in the embarrassing position of having had to propose a whole page of amendments. If the Minister of Education cannot get this sort of exercise right, what can he do correctly? It is no wonder that he was almost arrested as the person who has been burning down schools in Victoria.

Mr. WHITING (Mildura).—I mentioned in the second-reading debate that this matter was first raised when the honorable member for Malvern was Minister of Education in 1964. If members of the Opposition had any queries, they could have at least consulted the schools involved. The Mildura High School Advisory Council was keen to give information to anyone interested. I am surprised that the honorable member for Deer Park did not visit the district to ascertain what was going on. Although there are two factions—the High School and the technical schools—which have differences of opinions, each side put its views to the Minister, and this measure is the result.

I do not believe that members of the Opposition have much to complain about, except perhaps that the Minister was not prepared to lay the file on the table of the Library. The Bill will improve conditions in the field of education in the north-west of Victoria. I hope other honorable members will realize the benefits accruing from this measure.

The CHAIRMAN (Mr. J. D. MacDonald).—A matter concerning voting on a division was directed to my attention by an honorable member who raised a point of order. I inform honorable members that it was not intentional. I am deeply aware of the traditions and procedures of the House, and I assure them that it will not happen again.

The amendment was agreed to.

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

COMPANIES BILL.

Mr. REID (Attorney-General).—I move—

That this Bill be now read a second time.

This is a large and extensive measure which is the result of a review of the working of the uniform Companies Act carried out over the past 4 or 5

years, firstly by the Standing Committee of Attorneys-General and their officers, and subsequently by the committee appointed by the Standing Committee, under the chairmanship of Mr. Justice Eggleston, to consider proposals for improving the company law in force in Australia, especially in relation to the question of protection of investors.

Mr. Justice Eggleston has been assisted in his task by Mr. John Rodd, a well-known Melbourne solicitor, and Mr. Phillip Cox, a chartered accountant from Sydney. The committee has so far given to the Standing Committee four interim reports. The first, relating to the accounts and audit provisions of the Act, was tabled by me yesterday. The second, on the disclosure of substantial shareholdings and takeovers, was tabled in the autumn session of last year, and the third, on special investigations, was tabled during the spring sessional period last year. The fourth report, which was received only two weeks ago, is being printed and I expect to table it later this week, but the recommendations made in the fourth report are not included in this Bill. Indeed, a further large measure to give effect to those and other recommendations that will undoubtedly be forthcoming from the Eggleston committee will be presented to this Parliament at a later date.

The Bill deals with four main topics in the area of company law. The first relates to the disclosure of substantial shareholdings and is a new provision so far as company law is concerned in Australia. The reasons for requiring disclosure of substantial shareholdings in the case of companies listed on any stock exchange are set out in paragraph 4 of the Eggleston committee's report on this topic and in the view of the Government these reasons are compelling. Paragraph 4 states, *inter alia*—

> Legislation such as that referred to above is, in our opinion, justified by the consideration that in the case of companies whose shares are traded on stock exchanges, shareholders are entitled to know whether there are in existence substantial holdings of shares which might enable a single individual or corporation, or a small group, to control the destinies of the company, and if such a situation does exist, to know who are the persons on whose exercise of voting power the future of the company may depend.

Disclosure of substantial shareholdings is now required in the United States of America and the United Kingdom and it is hoped that the new Division 3A proposed to be inserted in the Companies Act 1961 will ensure that the acquisition or existence of substantial holdings, which is fixed for the purposes of the legislation at 10 per cent. of the voting shares in a company, is disclosed to managements and other shareholders.

The provisions are expressed to apply to all persons whether resident in the State, in any other part of Australia, or elsewhere, and to apply to acts done or omitted to be done outside the State as well as within. To be effective it is necessary to require all holdings, whether direct or indirect, to be disclosed and the provisions are necessarily somewhat complex. It is believed that the provisions will be effective because of the extensive powers given to the court under the proposed section 69N where there has been a failure to make disclosure of the existence of the substantial shareholding.

The Bill is somewhat lengthy, and I refer honorable members to the provisions contained in the proposed new section 69N at page 9. It is unnecessary for me to read it in detail. Provision is made for the court in certain circumstances, on the application of the Minister, to make certain orders relating to shares. It is believed that these powers which will enable the court to restrain dealings in the shares or to require the shares to be disposed of will ensure that shareholders comply with the requirements of the Bill.

So that foreign investors will know of their obligations, nominee companies and trustees are required to inform persons for whom they hold shares of the requirements of the legislation. A detailed review of these

provisions is contained in the explanatory paper prepared under the direction of the Standing Committee, copies of which have been circulated with the Bill. I commend to honorable members the reading of the circulated explanatory papers so that they may more fully understand the Bill. I have referred to the first of the four aspects dealt with by this measure which relate to the disclosure of substantial shareholdings. These provisions are based on the report of the Eggleston committee to the Standing Committee of Attorneys-General on disclosures of substantial shareholdings and take-overs which I tabled in the House during the autumn sessional period last year.

The second major group of amendments is to be found in clauses 9 to 25, contained in pages 11 to 53 of the Bill, which consist of a complete revision and extension of the existing parts of the uniform companies legislation dealing with accounts and audit. The report of the Eggleston committee, tabled yesterday, explains in detail the reasons for some of the major changes. As the changes in relation to accounts and audit are to a very large extent matters of detail, I shall deal with each clause separately.

Clause 9 repeals two transitional provisions of section 4, which provisions are spent and no longer required. By amending section 5, clause 10 introduces several new interpretations. There is an interpretation of "books" to cover every form of record, whether in writing or maintained on microfilm or by electronic process. This recognizes the great developments that have taken place in recording of commercial and accounting information. For the first time, a definition is provided of a "current liability", which is defined as being a liability which would in the ordinary course of events be payable within twelve months. Other liabilities are defined as "non-current". A new interpretation of "emoluments" is provided. This is used in relation to the disclosure of directors' emoluments, and it is made clear that reimbursement of actual out-of-pocket expenses is not included. An interpretation of "the profit or loss" is included largely for convenience in the drafting of the new provisions, and the existing interpretation of "profit and loss account" is extended to cover operations accounts and development accounts which are commonly used in relation to mining operations. A definition of "related corporation" is also provided, again to simplify the drafting of these complex provisions.

Clause 11 repeals the provisions of section 9 in so far as they relate to the appointment and qualifications of auditors. These provisions are re-enacted with considerable amendments in the new Division 3 of Part VI., and I will explain the new provisions later. Clause 12 contains consequential amendments to section 74F, which requires borrowing corporations to file half-yearly accounts. Clause 13 amends the existing provisions in section 131 which enable 10 per cent. of the shareholders to demand the disclosure of the emoluments paid to the directors or to a director. The effect of the amendments is to extend the requirements to cover not only emoluments but other benefits paid to or received by the directors and each of them.

By an amendment to section 136, clause 14 extends the powers of the Registrar of Companies in relation to obligations for the extension of time for the holding of the annual general meeting. Clause 15, which inserts a new section 159A in the principal Act, introduces a new provision which will require an exempt proprietary company to include in its annual report a statement by the auditor of the company stating whether the company has kept proper books and accounts, whether these accounts have been duly audited, and whether he has referred to any defect or irregularity in his report. This is an important provision, as experience has shown that many small companies do not

keep proper books of account. The Act will now require all companies to appoint auditors and for the auditor to give a certificate of the type to which I referred. However, the exemption from filing the actual accounts is maintained in respect of exempt proprietary companies.

Clause 16 re-enacts Divisions 1 and 2 of Part VI. of the uniform Act. The provisions have been substantially redrafted and the obligations in relation to the type of accounting records that must be kept and the preparation of the group accounts have been greatly extended. The obligations of the directors in relation to the accounts are made more specific, particularly in regard to bad and doubtful debts, the realization of current assets, and the value of non-current assets. The actual directors' report must contain a great amount of information which is set out in the proposed new section 162A, and the directors must report on the group accounts, as well as upon the individual accounts, but the directors of a holding company are required to make only one report covering the whole of the group's operations. Extensive information relating to options granted by a company must be disclosed in the directors' report. Special contracts made by a company with a director must also be disclosed.

The proposed new section 162 gives an important power to the Registrar to relieve the directors of a particular company from any requirements of the Act relating to the form and content of accounts or to the form and content of directors' reports. This power is considerable, especially having regard to the great extension in the amount of information that must be disclosed. It would not be appropriate in every case for the information to be disclosed or to be disclosed in the way required by the Act. The Registrar will be able to substitute different requirements for the basic requirements of the Act where such a course appears appropriate. It is proposed that the Registrars of all States and territories will continue to meet frequently so that they will develop a consistent system of administering these discretions. It is most important that these discretions are exercised uniformly throughout Australia.

In general, these changes conform with the recommendations contained in paragraphs 8 and 9 of the Eggleston committee's report on accounts and audit in which the committee endorses the general proposal that directors' obligations should be extended and that the legislation should be redrawn so as to differentiate clearly between the functions of the annual accounts and the directors' reports to ensure that the figures for a financial year are complete in themselves, to define expressly what the obligations of directors should be, and to permit as much flexibility as possible in the presentation of annual accounts to enable companies to present them in the most convenient way without sacrificing any disclosure.

I think it would be appropriate for me to quote from the Eggleston committee's report to the Standing Committee of Attorneys-General on accounts and audits, which was tabled by me in this House yesterday. The relevant portions of paragraphs 8 and 9 are the foundation of the portion of the legislation to which I am now referring. Paragraph 8 reads—

> *Annual Accounts and the Directors' Report.*—The proposals embodied in the General Revision Bill would greatly expand the information which directors are required to give to shareholders in the accounts and in their annual report. In general, we agree with this extension of the directors' obligations, although in Appendix A we have recommended some deletions and some additions, for reasons there stated.

When I referred to the general revision Bill, I was referring not to the Bill which is now before the House, but to a draft measure which was prepared some considerable time ago

and which was the subject of discussion by the Eggleston committee. Paragraph 9 reads—

> Our study of the provisions relating to annual accounts and the directors' report persuaded us that something more was needed than mere verbal changes to individual clauses or paragraphs. In particular, we felt that the following considerations needed to be kept firmly in mind :—
>
> (*a*) the different functions performed by the annual accounts and the directors' reports;
>
> (*b*) the need to ensure that, so far as the figures for the financial year are concerned, the accounts (including the notes thereto) are complete in themselves;
>
> (*c*) the need to determine what the obligations of directors should be, and to define those obligations in express terms and not by implication;
>
> (*d*) the desirability of flexibility in the annual accounts, to enable companies to present them in the most convenient way, without sacrificing any requirement of disclosure.

The paragraph proceeds to elaborate on these various considerations in more detail, but it is not necessary for me to quote further from it.

There are two important matters referred to in the Eggleston committee's report on accounts and audit which have not been adopted by the Standing Committee of Attorneys-General. The first relates to the disclosure of turnover. The Committee did not find this matter to be one of great significance in relation to the protection of investors, but said that no great harm had come from requiring its disclosure in other jurisdictions. The Committee, however, adverted to problems of making the disclosure meaningful and not misleading, and suggested that the power to dispense with the requirement would be necessary. The Standing Committee believes that at the present time there is no justification for requiring disclosure of turnover, but the matter will be kept under review in the light of developments in accounting practices both here and overseas.

The second of the two matters which have not been adopted by the Standing Committee of Attorneys-General relates to the suggestion made for the establishment of a companies commission. This proposal has been carefully considered by the Standing Committee, which believes that at this stage there is no justification for establishing such a complex statutory body, which would require intricate provisions to enable it to be adequately staffed and financed. Whilst the Standing Committee is most sympathetic to the idea that uniformity in administration in the different States and territories should be maintained, it believes that this can be achieved by maintaining and, if necessary, expanding the present frequent conferences between Registrars of Companies. The Committee is also unanimously of the view that the office of Registrar must be upgraded to recognize the large expansion in the functions of the Registrar and the different nature of the work that he will be required to undertake under the amended law as well as under the securities industry legislation which was passed by this House yesterday.

The degree of flexibility in the accounts recommended by the Eggleston committee has been provided for by allowing Registrars to exercise discretions in relation to disclosure of information. Already, I have given one example of such discretion being conferred. I might add that only last week the Government authorized a large expansion in the qualified staff of the Registrar's office. It is proposed in the next session to present legislation in relation to the establishment of an office similar to the office of Commissioner of Corporate Affairs proposed to be established in New South Wales. It must always be remembered that the best legislation will be of little use unless it is adequately administered. The Government intends to do everything in its power to ensure that the companies administration is expanded to enable it to cope with the many new duties placed upon it by the legislation.

It would be appropriate at this stage to clear up some misunderstanding which has existed in relation

to recommendations of the Eggleston committee concerning the establishment of a companies commission. It is clear from the report and from many meetings of the Standing Committee of Attorneys-General—meetings have been held, usually at intervals of about every four months—that there has been no recommendation in favour of setting up a securities exchange commission on the model of the central body in the United States of America. It has been suggested that a recommendation for such a body emanated from the Eggleston committee. I say unhesitatingly that the committee made no such recommendation.

What the committee had in mind was a companies commission which would exercise certain discretionary powers and thus relieve companies from the rigidity of some of the provisions of the Companies Act. This object is being achieved under the arrangements by the consent of Attorneys-General to develop the existing machinery in the administration of Registrars of Companies of each State and by improving the status and increasing the powers of the Registrar of Companies in each State, at the same time providing that there should be frequent consultation between the Registrars to ensure that the exercise of their discretion would be kept upon a substantially uniform basis.

The details of the changes made in relation to accounts and audit provisions are explained in considerable detail in the first Eggleston report, and I believe that honorable members will find a perusal of that report the best means of understanding the proposals in the Bill. The first Eggleston report is the one that I tabled yesterday on the subject of accounts and audits.

The proposed new Division 3 of Part VI. deals with the powers, duties and responsibilities of auditors. Provisions have been substantially redrawn with a view to giving additional independence to auditors, giving them express protection in carrying out their duties as auditors from actions for libel, and requiring them to disclose to the Registrar any breaches of the Act as soon as they become aware of them.

The independence of auditors has been increased by making provision for an auditor to remain the auditor of a company without annual reappointment. However, a company can remove any auditor by appointing a new auditor, but such an appointment can be made only if the nomination of the auditor has been given to the company not less than 21 days before the meeting. Notice of the nomination of a new auditor must be given to all members at least 7 days before the meeting.

Furthermore, the position of an auditor in relation to retirement is now closely regulated. He may now resign only with the consent of the Companies Auditors Board after giving notice of his intention to the company. This provision is intended to ensure that an auditor does not resign to avoid becoming involved in the disclosure of breaches of the Act.

The Bill also proposes that reasonable fees and expenses of an auditor shall be payable by the company. This will enable the fees to be fixed by the company on a realistic basis from time to time, and avoid the general meeting from becoming involved in the question of auditors' remuneration.

In proposed new section 167, powers and duties of an auditor are set out in considerable detail and in particular his functions in relation to group accounts are dealt with for the first time. By sub-section (8) of that section, the auditor is to be under a statutory duty to inform the Registrar of any default by the company or the directors. The new section 167B sets out a statutory protection for auditors from libel actions. Auditors have always enjoyed a qualified privilege, but it is believed that the express statement of this privilege in the Companies Act will encourage auditors to speak freely.

Clauses 17 and 18 contain consequential amendments, and clause 19 contains a most important amendment in relation to the making of false and misleading statements in any document required for the purpose of this Act. This extends the existing provision which relates only to statements false in a material particular. Substantial penalties are provided.

Clause 20 contains an even more important provision in that it provides for the first time a specific offence for an officer of a corporation to make any false or misleading statement or report to a director, auditor, member, debenture holder or trustee for debenture holders, or to an auditor of the holding company, or to a prescribed stock exchange. In the past the obligations under the Companies Act have been largely confined to obligations in relation to documents filed with the Registrar or to be laid before the company in general meeting. This new provision takes account of the position of different office holders and stock exchanges who have a real interest in not being deceived as to the position of the company. I think that provision has particular relevance in view of happenings at the present time.

Clause 21 provides an appropriate fee for applications lodged with the Registrar to vary the requirements of the Act in relation to the form and content of accounts. Clause 22 makes consequential amendments to the form of the annual return. Clause 23 re-enacts the Ninth Schedule which contains the detailed requirements of the matters to be dealt with in the accounts of the company. The information required to be disclosed is set out in much greater detail. The nature of the changes made in the Ninth Schedule and the reasons for them are discussed in Appendix A of the Eggleston report, and I think honorable members will find a perusal of that appendix most helpful in understanding the nature of the changes made in that Schedule.

Clauses 24 and 25 contain provisions to deal with the change from the old system of accounting to the new requirements. To enable companies to vary their accounting practice to comply with the new requirements, the new legislation will apply only to a company in respect of the first financial year of the company after the commencement of this Act. Clause 25, with the obligation now imposed on all exempt proprietary companies to appoint auditors, will give existing exempt proprietary companies a period of three months' grace. I have concluded my remarks on the second topic dealt with in the various Eggleston reports.

I refer now to the third topic relating to company investigations which was the subject of a report which I tabled during the spring of last year. Clause 2 contains a re-enactment of the existing provisions relating to company investigations. The existing two Divisions dealing with inspections and special investigations have been integrated and all company investigations will now have to be authorized by the Governor in Council. The re-enactment proposed by the Bill follows the recommendations contained in the third interim report of the Eggleston committee except in relation to two recommendations. The Standing Committee of Attorneys-General unanimously agreed that the recommendations contained in paragraphs (*d*) and (*i*) of section 33 of the report should not be followed. For the purpose of the record, I shall quote these two recommendations which both appear at page 14 of the report. Recommendation (*d*) reads—

> There should be power to publish the whole or part of a report, but before doing so the responsible Minister should certify that he has considered the probable effect of publication on the interests of the company, its shareholders and creditors, and any other persons mentioned or referred to in he report, and is satisfied that the public interest requires that the report or that part of it should be published.

Recommendation (*i*) reads—

> The expenses of all investigations should be borne out of public funds, except in the case of investigations into the ownership of shares and related questions, in which cases a power to require security for expenses from those requesting the investigation should be available, but the liability of such persons should be limited to the amount of the security.

The first of these recommendations was to the effect that there should be power to publish the whole or part of a report but before doing so a responsible Minister should certify that he had considered the probable effect of publication on the interests of the company, its shareholders and creditors, and any other persons referred to and mentioned in the report, and was satisfied that the public interest required that the report or that part of it should be published. Whilst the Bill authorizes the report to be published, in whole or in part, it does not require the certificate of the Minister. The Government believes that under the ordinary doctrine of Ministerial responsibility the Minister would have to have regard to all these matters and to many others and that it is undesirable to attempt to prescribe the extent of his responsibility.

The second recommendation related to the expense of all investigations being borne out of public funds. The Government believes that in appropriate cases the costs of investigations, which could be very substantial, should be paid for out of the company's assets. In many cases the expense will ultimately be borne by the Crown, but it was not agreed that the general rule should be that the costs should be borne out of public funds. In all other respects, the Bill gives effect to the recommendations of the Committee and the best explanation of the changes is to be found in the report of the Committee. I have dealt now with the third topic which is covered by the legislation and which arises out of the recommendations of the Eggleston committee.

Mr. Reid.

I come now to the fourth topic, which relates to the disclosure of substantial shareholdings and takeovers and which is based on the report of the Eggleston committee to the Standing Committee of Attorneys-General on this subject—that is the report which I tabled during the autumn sessional period last year. Clauses 29 to 33 contain the new provisions to regulate takeovers. Section C of the second Eggleston report contains a most valuable survey of the basis upon which control of takeover offers should be undertaken, and the Bill follows the recommendation of the Committee in all respects. Changes made are very extensive but there are really no new principles involved. The changes are primarily directed to extending the coverage of the provisions to meet the developments of new techniques for achieving takeovers which avoided the existing legislation, but in one major respect the coverage of the law is extended in accordance with the Eggleston committee's recommendations. A takeover offer for the purposes of the legislation is, by the Bill, being constituted by the acquisition of 15 per cent. of the voting shares whereas at present the acquisition of one-third of the voting shares is required to constitute a takeover offer.

The legislation is not designed to discourage takeover offers but is designed to ensure that a shareholder will know the identity of the bidder, that the shareholders and directors will have a reasonable time to consider the proposal, that the bidder will supply the information necessary to enable a proper judgment of the merits of the bid to be made, and that all shareholders will be dealt with in a fair and equal way. The explanation of the detailed workings of the new provision is provided in the explanatory memorandum which I have already referred to and which I have circulated.

Clause 31, which is at page 89 of the Bill, provides for the transition from the existing law to the new law, and the scheme proposed is for the existing law

to continue in force in relation to takeovers in respect of which a notice has been given before the commencement of the new legislation. Clause 32 contains a redraft of section 185 of the uniform companies legislation. That section is the provision which enables a company which has acquired 90 per cent. of the shares in a class to compulsorily acquire the remainder. This is a provision which has been in the companies legislation of the United Kingdom and Australia for many years and the redraft does not alter the general principles of the existing legislation but does deal with various technical difficulties that have cropped up over the years. Clause 33 contains a re-enactment of the Tenth Schedule which sets out the detailed information that must be included in the statements given by the bidding company and by the company in respect of which the offer is made. Clause 34 contains a validity provision to put beyond doubt the right of directors of a company to be reimbursed for expenses reasonably incurred in respect of a takeover scheme.

Honorable members will readily appreciate that this Bill is a major measure and represents many years of detailed work. I have been a member of the Standing Comittee of Attorneys-General during the past three years, and realize that the content of this Bill has been the subject of a great deal of discussion at various conferences of the Ministers and of the officers of the various State Departments and the Commonwealth.

Mr. TURNBULL.—How often does the Committee meet?

Mr. REID.—Three times a year, and between those conferences the officers keep in constant contact on the various matters. I should like to pay a tribute to the officers of the various Governments, particularly the Victorian officers, who have assisted in this work. I refer especially to Mr. Welsh, the Registrar of Companies, and his staff, who have given devoted service. I also wish to commend the zeal and ability of Mr. John Finemore, the Parliamentary Draftsman, and of the capable group of men and women who assist him for the thought they have put into the preparation of this measure. Honorable members who desire to make further studies beyond the documents I have supplied in the reports have available to them the services of the Parliamentary Draftsman and the Registrar of Companies who will be pleased to discuss the details of the measure and to supply any further information they desire. I commend the Bill to the House.

On the motion of Mr. TURNBULL (Brunswick West), the debate was adjourned.

Mr. REID (Attorney-General).—I move—

That the debate be adjourned until Tuesday next.

I propose this short period for the adjournment of the debate subject to the fact that members of the Opposition and of the Country Party may desire considerable time in which to investigate this measure. I have introduced it at this stage because New South Wales is bringing in legislation along similar lines and the other States have it under consideration. It is desired to obtain honorable members' views on the Bill, which is extensive and complicated. In moving the adjournment of the debate until Tuesday next I do not wish to indicate that I am proposing to force the measure through the House.

Mr. HOLDING (Leader of the Opposition).—This is in fact a complicated measure. I point out that members of the Opposition will be fully occupied tomorrow in discharging their obligations to this House, and there is no practical way in which they can be ready to resume the debate on Tuesday next.

Sir HENRY BOLTE (Premier and Treasurer).—The Government's intention is to allow this Bill to lie on the Notice Paper during the remainder of this session. It will be re-introduced in the spring. I should

not like to restrict members of the Opposition and of the Country Party by granting too long an adjournment if they wish to comment on the measure. If the Government agreed to adjourn the debate for 2 or 3 weeks—which it could readily do—that would preclude honorable members from debating the Bill this session. They will have an opportunity to speak on the measure, if they wish to do so, by agreeing to a short adjournment of the debate.

The motion was agreed to, and it was ordered that the debate be adjourned until Tuesday, March 24.

DEATH OF THE HONORABLE SIR HERBERT HYLAND.

Mr. MOSS (Leader of the Country Party).—It is my sad duty to announce that the father of this House, the honorable member for Gippsland South, passed away today. Out of respect for the memory of the late Sir Herbert Hyland, I suggest that the House do now adjourn.

Sir HENRY BOLTE (Premier and Treasurer).—Like all honorable members, I sincerely regret the passing of Sir Herbert Hyland. The three party Leaders have agreed that this is not the appropriate time to refer to the honorable member's services to the State. I do not know whether any practice is followed in these circumstances.

The SPEAKER.—There is a precedent.

Sir HENRY BOLTE.—That may be so, but usually a motion of this kind is discussed subsequent to the furneral. In the meantime, I move—

That the House do now adjourn until half-past Seven o'clock this day.

Honorable members will have the opportunity to discuss a further suitable and proper motion on another sitting day.

Mr. HOLDING (Leader of the Opposition).—Members of the Opposition support the Premier's motion. The late Sir Herbert Hyland was the father of this House, and it is appropriate that, feeling the loss of the honorable member, the House should adjourn at this juncture and that at a later stage honorable members should be afforded the opportunity to pay appropriate tribute to the services which the honorable member rendered to this House and this State.

The motion was agreed to.

The House adjourned at 5.11 *p.m.*

The SPEAKER **(the Hon. Vernon Christie)** took the chair at 8.6 p.m.

CONSUMER PROTECTION BILL.

The debate (adjourned from March 10) on the motion of Mr. Rossiter (Minister of Labour and Industry) for the second reading of this Bill was resumed.

Mr. FENNESSY (Brunswick East).—This is probably the last major contribution I shall make to debates in this House as the shadow Minister of Labour and Industry. When I finish my speech the Minister may not be happy with it. Members of the Opposition have waited a considerable time to ascertain the contents of this Bill. The Minister has been most sincere in his attempts to produce what he considers to be a good measure. He believes that the principal Act should be repealed and replaced by another enactment.

The Consumers Protection Council has been under the administration of the Attorney-General. Since its inception it has been truly regarded as a toothless tiger. Its main function has been to listen to complaints and to make an annual report to the Minister. The Council could not protect the consumer because it had no powers. When the Bill to establish this Council was introduced in 1964, members of the Opposition agreed with it because it was then believed that it would help to protect the consuming public from people who used unethical trade practices to try to sell their products, or who were performing certain services to the detriment of consumers. When the principal Act was amended in 1968, I directed the attention of honorable

members to the need for a viable Act to enable the Council to act on complants received. I do not have to refer to *Hansard* to know that I directed the attention of the Government to the fact that the Consumers Protection Council needed more staff, particularly inspectors, so that complaints could be checked and penalties inflicted for dubious trading practices.

The Minister of Labour and Industry sincerely stated that the new Act was just put into his lap and that it would take a period of twelve months for things to settle down and before he might take action to improve it. The Bill before the House has been drafted to retain the Council under the name of the Consumer Affairs Council and in addition another body titled the Consumer Protection Bureau is to be established. The Council will deal with broad questions, and complaints can be referred to the Bureau for action and advice. The weakness of the Bill is that it does not go far enough. Clause 7 provides that the Bureau shall—

(*a*) advise persons with respect to the provisions of any Act or enactment referred to in the Schedule and take and initiate action for remedying infringements of those provisions whether on complaint or otherwise;

(*b*) advise persons in respect of other matters affecting their interests as consumers;

(*c*) receive complaints from persons as to fraudulent or other illegal or unfair trade or commercial practices in relation to goods or services and, where appropriate, to refer such complaint to that government department or statutory body which it considers best able to take action or furnish advice in the matter; and

(*d*) in respect of matters affecting the interests of consumers to conduct research and to collect and collate information.

The emphasis is on advice to persons. Members of the Opposition do not want advice—they want action. If any provisions of the Goods Act, the Footwear Regulation Act, the Bread Industry Act and the Labour and Industry Act are breached, the Bureau will be enabled only to advise persons to lodge a complaint with the Department concerned which will be expected to investigate the matter and endeavour to obtain justice for those concerned. That procedure is very involved. I should have thought the Consumer Protection Bureau would be empowered to act of its own accord through its inspectorial staff.

When complaints are received, whether they relate to servicing, packaging or something else, the inspectors should be empowered to visit the alleged offenders to investigate the complaint and, if worth-while evidence is available to substantiate the complaint, to take appropriate action. Admittedly, the Consumers Protection Council has furnished reports each year. The reports have been somewhat delayed—I do not hold the Minister responsible for this situation —because the Council is required to submit its reports to the Minister in charge. Of course, if the Minister does not want to present the reports to the House for six months, that is his prerogative, but when this occurs, it does not suit Parliament or the Opposition. The Opposition believes that reports should be submitted promptly to Parliament.

Unfortunately, the reports of the Consumers Protection Council are reports only—there is no question of action being taken. A statistical schedule at the back of each report states the number of complaints received during the past twelve months. It is interesting to note that in the report for the year ended 30th June, 1969, the appendix states—

> Statistics and classification of complaints in the year under review: Individual consumer complaints were received as follows: —45 per cent. by telephone; 30 per cent. by letter; and 90 per cent. by personal interview.

What sort of a report is that? It simply records statistics concerning the complaints that have been received. There is no suggestion that the complainants have sworn affidavits to the effect that the complaints were legitimate. Of what

value are telephone complaints? How can one know who is at the other end of the line? It is just a voice and therefore it could be anybody. Some telephone complaints could be phoney. Complaints submitted by means of letter are better than telephone complaints because they are in writing. Before I took action concerning a complaint, I would require it to be in black and white and signed by the complainant.

The majority of members of Parliament who receive complaints from constituents ask for them to be submitted in writing. Early in my Parliamentary career I learned that if I accepted a telephone complaint or a verbal complaint and sought to take action concerning it, my head was quickly sliced off. I agree with the Premier who, by interjection, states that when many complainants are asked to submit their complaints in writing, they fail to do so because they are not prepared to sign their names to the complaints. The report of the Consumers Protection Council is more or less a name-dropping report. Certain people who have erred in giving service to consumers are named. One firm concerning which many complaints have been received is Milleradio. All honorable members have received voluminous copies of literature during the past eighteen months concerning a case submitted personally by Mr. Miller. In his letter Mr. Miller, who is very outspoken, attacks the Minister of Labour and Industry; no doubt in the course of this debate, the honorable gentleman will reply.

The SPEAKER (the Hon. Vernon Christie).—I suggest that the honorable member for Brunswick East should deal with the Bill.

Mr. FENNESSY. — Complaints against Milleradio comprise a substantial portion of the report of the Consumers Protection Council. This Bill, if passed, will repeal the Consumers Protection (Amendment) Act 1968, and bring into being a new Act. Therefore, Mr. Speaker, I am in order in covering both the Bill and the report of the Consumers Protection Council.

The SPEAKER.—The honorable member should debate the Bill, not the report.

Mr. FENNESSY.—I am not debating the report, Mr. Speaker; I am referring to persons who are named in the report of the Consumers Protection Council. Although many names are mentioned in it, no action has been taken against the alleged offenders. A report of the Council could be likened to the abortion inquiry, in which many names have been dropped but no action has been taken. If this legislation is to prove effective, the Consumer Protection Bureau should be empowered to take appropriate action concerning complaints.

Mr. DIXON.—What sort of action?

Mr. FENNESSY.—I am referring to legal action. According to the report of the Consumers Protection Council, almost 300 complaints against Milleradio were received during the past twelve months, but no action has been taken against the firm. In many instances, there could be sufficient evidence upon which to take action, but even under this measure it is difficult to envisage the Consumer Protection Bureau taking appropriate action.

Perhaps the Minister of Labour and Industry will be able to convince honorable members that the Bureau will be empowered to act when legitimate complaints are received. Surely, persons who lodge complaints are entitled to justice. I am sure the Attorney-General would agree that if persons were named but no action could be taken against them something was wrong. Persons against whom complaints are made are entitled to say that they are innocent until proven guilty. I am not defending Milleradio, but this firm has certain rights. Of course, Milleradio has probably dropped a few names also.

The Bill provides that if complaints are lodged concerning offences under the Labour and Industry Act, the complainant will be advised to lodge a complaint with the Department of Labour and Industry. Honorable members know what will happen if this occurs. If persons go to an office to lodge a complaint, which they believe to be legitimate, and they are fobbed off to another Department, that will be the end of the matter. The Consumer Protection Bureau should be empowered to take appropriate action concerning complaints and, if it is necessary for the complaint to be referred to the Department of Labour and Industry, this should be done by the Bureau.

Paragraphs (*a*) and (*b*) of subclause (1) of clause 7 provide that the Consumer Protection Bureau shall advise persons with respect to the provisions of certain enactments, which are named in the schedule, and in respect of other matters affecting their interests as consumers. The public can already obtain advice from members of Parliament. They do not want to be fobbed off and referred to the Department of Labour and Industry or to the authority which is responsible for supervising the bread industry or footwear manufacturers. The Bill, as drafted, is not good enough. The Opposition will oppose the measure and in another place it will move appropriate amendments which, if adopted, will assist the Minister in his administration of the legislation. I invite the Minister to look carefully at the amendments which I have foreshadowed and which will be moved in another place.

Whilst Opposition members can appreciate the interest of the Minister in this Bill, which will establish a new consumers protection organization, it is clear that the legislation, like the existing Act, will be toothless. The proposed Consumer Protection Bureau should operate with its own powers, and its inspectors should be authorized to take appropriate action concerning complaints. If necessary, increased staff should be made available to the Bureau. I suppose one of the greatest means of misrepresentation to housewives is television. I refer particularly to the gimmicks on commercial television stations. I hope the Consumer Protection Bureau will carefully examine advertisements televised by commercial television stations so that housewives will be protected in the purchase and use of the various products that are advertised.

Mr. B. J. EVANS (Gippsland East).—During the six years of operation of the Consumers Protection Council, a certain amount of good has been accomplished in the community. The Council has gone a certain way along the long road ahead of it to provide some protection to consumers who today are very much at the mercy of all sorts of sharp practices, particularly in relation to retailing and servicing and many other operations in which the public comes into contact with business people. This situation also applies in country centres; it is not a problem related specifically to the metropolitan area. Many business people do not seem to appreciate that in their daily business lives certain ethics ought to be followed; that they should not attempt to take down the unwary or perhaps the gullible. There is a constant need for the population at large to be alerted to such practices.

In country areas, at every saleyard whenever stock is being offered for sale, people misrepresent their wares and get away with it. Nobody is lily-white in this regard.

Sir HENRY BOLTE.—Surely it is the exception rather than the rule.

Mr. B. J. EVANS.—I am not suggesting that it is the rule in every sphere, but unfortunately its prevalence in our community necessitates the establishment of some sort of body to which the people may have recourse for protection. I agree with the honorable member for Brunswick East—this was also said by the spokesman for the Country Party

when the initial Bill was being debated —that the original Act did not have the necessary teeth. It should not have been necessary for the Council to consider only references which originated from the Minister; the Council should have had powers to conduct inquiries of its own volition and to take some action.

This measure seems to be an improvement. The split-up of the field of consumer protection into a Consumer Affairs Council and a Consumer Protection Bureau will perhaps provide a better coverage. However, I agree with the honorable member for Brunswick East that the legislation still lacks the necessary teeth to do anything vital towards halting the particularly blatant examples of consumer exploitation. The only action that the existing Council can take is to engage in name-dropping and so draw attention to a particular individual, company or firm which in its view should receive attention.

I agree that in the case of these companies some form of protection should be afforded. I have received correspondence from Milleradio expressing that firm's views on the matter. There appears to be substance in the point that the company endeavoured to make, that there is no redress for a company whose name is mentioned in one of these reports. There is also substance in the complaint that many large firms advertise all sorts of goods with dubious virtues but still seem to be immune from investigation.

If the Consumer Affairs Council does its job properly, it should be able to take note of allegations of this nature. As a matter of fact, I raised with the Chief Secretary a particular advertisement for a plastic swimming bubble which was supposed to be strapped to a child's back to keep him afloat. To my mind, if the child were using this apparatus and panicked, its head would be held under water. This matter is still under investigation.

In the field of consumer protection, there is room for a positive form of investigation, and the Country Party will be interested to examine the amendments which have been foreshadowed by the Opposition. The Country Party does not oppose the measure but reserves the right to make a decision on the proposed amendments. The measure is an improvement on the existing legislation, but it will not achieve what members of the Country Party believe is really necessary in this field.

Sir HENRY BOLTE (Premier and Treasurer).—I raise a point of order, Mr. Speaker. I have listened carefully to the honorable members for Brunswick East and Gippsland East, each of whom has foreshadowed amendments to be moved in another place. I should have thought that they should not be canvassed in this House.

The SPEAKER (the Hon. Vernon Christie).—I cannot uphold the point of order.

Mr. DIXON (St. Kilda).—I desire to comment briefly upon the suggestion by the honorable member for Brunswick East that amendments to this measure will be proposed in another place, which means that they cannot be taken into account in a discussion of the Bill in this House. It is a slight upon this Chamber that these amendments should be so significant that they have to be moved in another place. This is an odd state of affairs. One would imagine that the only reason for the failure of the Opposition to propose amendments in this House would be that they were not ready or, alternatively, that they were so insignificant that the Opposition would know full well that they would be defeated in this House not only in numbers but in spirit.

It is interesting to note that the honorable member for Brunswick East contended that the Consumers Protection Council had been ineffective in its earlier years. The Rogerson report to the Standing Committee of State and Commonwealth

Attorneys-General on the law relating to consumer credit and to money lending, released last March, stated—

> One State, Victoria, took a step in what we believe to be the right direction by its establishment of a Consumers Protection Council in 1964. This Council despite criticism seems to have enjoyed considerable success in the informal resolution of genuine complaints.

In its annual report for the year ended 30th June, 1967, the Consumers Protection Council commented—

> Even in its second year of operation, the Council is still a unique body in Australia.

One wonders at the criticism by the Opposition when it is possible to point to the fact that this body has been unique in Australian consumer protection and consequently has made a valued contribution towards the beginnings of consumer protection in this country.

A comparison has been made with what has happened in other States, particularly in New South Wales, and the House has been told that the Victorian legislation does not go far enough. One must examine the legislation which a Liberal Party Government introduced into New South Wales in 1969 to find out the functions of the Consumer Affairs Bureau in that State. Section 16 of the New South Wales Act provides, *inter alia*—

> The functions of the Bureau shall be—
>
> (*a*) to advise persons in relation to the provisions of this Act and the regulations, and of any other legislation administered by the Department of Labour and Industry and relating to the protection of consumers, and to take and initiate action for remedying infringements of those provisions, whether on complaint or otherwise;

Paragraph (*b*) is couched in very much the same words as clause 7 of the Bill. The key words in the New South Wales Act and in clause 7 are, " take and initiate action ". These words were conveniently slurred over by the honorable member for Brunswick East. Another provision which has been conveniently forgotten by the honorable member is sub-clause (2) of clause 7 which reads—

> The Governor in Council may by proclamation published in the *Government Gazette* add to the Schedule at any time.

In his second-reading speech the Minister explained that this provision meant that if the Acts listed in the schedule—Part V. of the Goods Act 1958: the Footwear Regulation Act 1958; the Bread Industry Act 1959; and Division 7 of Part VII. of the Labour and Industry Act 1958—were not sufficiently comprehensive, or were inappropriate for action which might be required as complaints were received by the Bureau, the Governor in Council by proclamation published in the *Government Gazette* would be enabled to add to the schedule. When one relates this to the fact that the Bureau can initiate action, this is an adequate remedy which has not been possessed by the Consumers Protection Council. It is not correct to say that the Bill does not go far enough.

However, the Opposition and, to a lesser extent, the Country Party have been so befuddled in examining this Bill purely in terms of a Consumer Protection Bureau that they have neglected to take into account what the Consumers Protection Council believes it ought to do itself. The Opposition has chosen to use its own theory. Members of the Opposition should look at the annual report of the Consumers Protection Council to see what it advocates as its function.

Mr. WHITING.—You were not a member in 1964 when the original legislation was passed.

Mr. DIXON.—The honorable member should get his facts straight; I was here in 1964 and spoke to the Bill. The most succinct and effective section of the report is contained in the introduction which states, *inter alia*—

> Publicity is by far the most effective weapon in combating the problems confronting consumers. We are not a law

enforcement authority neither are we an adjunct of any law administrative or enforcement agency. Our work mainly lies in the field of correcting misleading marketing practices and in the role of negotiators acting on behalf of consumers.

After five years' operation and after having perused literature from all parts of the world on consumer protection, the Council is prepared to assert that publicity is the best protection against practices of this sort, to which all honorable members are opposed. The honorable member for Gippsland East referred very briefly to the establishment of the Consumer Affairs Council, which is an important part of the proposed legislation. I do not think the honorable member for Brunswick East adverted to it at all. The Council will give much greater publicity to misleading practices. In this way people will avoid falling into the traps which exist.

One of the interesting points which the honorable member for Brunswick East brought up was his statement, directly or by implication, that Milleradio had not been stopped. His attitude was, "We know that it has adopted wrong practices. Why does the Bill not make provision to stop Milleradio?" That is the sort of remark which one would expect to hear from the Opposition, whose members want to drive private enterprise out of the State. When, by interjection, the Opposition was asked how Milleradio could be stopped, the reply was, "By greater inspection, by legislation and by taking Milleradio to court". Milleradio has been taken to court by persons who were assisted by the Consumers Protection Council.

The SPEAKER (the Hon. Vernon Christie).—I invite the honorable member for St. Kilda not to go into detail on Milleradio.

Mr. DIXON.—The Opposition has submitted what it regards as a valid point, namely, that if the Bill cannot cope with Milleradio it is ineffective. I am suggesting that through the normal processes of law where action is initiated or advised by the Consumers Protection Council against a firm such as Milleradio it is very difficult to achieve anything. I quote the following passage from page 11 of the Council's 1968 report—

An elderly consumer gave to Milleradio, the chassis of her television set, after being told that the tuner needed repairs. The cost was to have been small. After a considerable delay, the consumer was advised that the cost of repairs would be $80 and that she would have to pay in cash outside her home before the appliance would be reassembled. The consumer, an elderly lady, was advised by us to take legal action, which she did, and the result was most favourable.

The SPEAKER.—Order! It is quite clear that the second-reading debate on this Bill is getting into the detail of cases. I invite the honorable member for St. Kilda to do what I have often invited in this House—to debate the principles of the Bill.

Mr. DIXON.—I am debating the principle, which is simply this: Milleradio won the case in the end because our law did not permit anyone to make the point of truth that was required. That is why the Consumers Protection Council asserts that publicity is by far the most effective weapon in this field. In its 1969 report, the Council made the point that Milleradio and similar firms use various names. This is very misleading and makes it difficult for consumers to know which firm they are dealing with. I hope that other measures dealing with misleading advertising which appear on the Notice Paper will cover many of the points made by the Consumers Protection Council.

The SPEAKER.—The honorable member may not anticipate another item on the Notice Paper.

Mr. DIXON.—Other points such as speedometer mileage readings, concealing known defects in second-hand cars, and so on, have been pointed out in the Council's reports, and the Government is taking action on them. I believe the Bill is adequate and timely because it is necessary to revise the functioning of the Consumers Protection Council. The Council is to have research officers and staff. The Consumer Protection Bureau will

be able to have matters investigated directly through the Department of Labour and Industry. Members in other parts of the House have overlooked the liaison that will occur between the Council and the chief executive officer of the Bureau, which will enable the Council to take into account all the research and other work performed by the Bureau. At the same time the Council's work will not be delayed by its having to investigate individual complaints, as has been the case in the past.

To summarize, I submit, firstly, that the Bill will enable the Consumer Protection Bureau to take effective action, which can be expanded in the future by proclamation through the schedule. Secondly, the most effective means of protecting consumers is publicity, which is adequately covered, provision being made for additional publicity and research to be carried out by the Consumer Affairs Council. Thirdly, consideration must be given to the many and various complex problems of consumption throughout the world. There is a whole orbit in relation to this matter. As technology changes and we become a more computerized society with people becoming more like numbers than persons, more action will be necessary to protect consumers. The Bill provides the necessary machinery by ensuring that the consumers of Victoria are protected as adequately as, and perhaps more adequately than, those in any other part of Australia or the world.

Mr. HOLDING (Leader of the Opposition).—The Premier and the honorable member for St. Kilda seem to have found something objectionable in the action of the Opposition in adopting a procedure which the Government itself has used in this Parliament on a variety of occasions. The Opposition asserts that the proposed legislation is inadequate, and it proposes to do something about this by submitting amendments in another place, just as on many occasions after finding a Bill introduced in this House to be inadequate the Government has given assurances that the defect would be remedied in another place. The Opposition is adopting the same standards as the Government. It is interesting to see the Premier and the honorable member for St. Kilda complaining——

The SPEAKER (the Hon. Vernon Christie).—The honorable member may not debate the point of order that was taken earlier.

Mr. HOLDING.—The basis of the Opposition's objections to the Bill is that it is another exercise by the Government in public relations.

Mr. BIRRELL.—I reject that statement.

Mr. HOLDING.—The honorable member for Geelong is rejecting the assertion without hearing the argument.

Mr. DIXON.—The honorable member for Brunswick East said nothing.

Mr. HOLDING.—The honorable member for St. Kilda said nothing, but took longer to say it. When a Bill such as this comes before the House the Opposition does not consider it in a vacuum. My colleagues and I have considered the Bill in the light of the history of the attitude and actions of the Government on the whole issue of consumer protection. It is about six months since the Minister of Labour and Industry promised the House substantive and radical legislation to protect consumers.

The Consumers Protection Council was set up by Parliament in 1964. On that occasion honorable members were informed that the Council would produce reports without fear or favour. If one examines the reports and the Government's actions, one finds that the Consumers Protection Council has done its very best, within the limitations of its legislation and the lack of responsibility of the Government, to protect the consumers of Victoria. I shall list a number of items which since 1964 have been brought to the attention of the Government and the honorable member for St. Kilda, but about which the

Government has done nothing. On many occasions the Government has refused to supply the Council with legal assistance. The Government also refused to allow the Council to publish a useful consumer magazine, yet the honorable member for St. Kilda talks about publicity.

Mr. BIRRELL.—The Council is publishing a magazine every month.

The SPEAKER (the Hon. Vernon Christie).—Interjections are disorderly. The House enjoys an occasional interjection, but this is not the case when they are made continuously.

Mr. HOLDING.—It is beyond argument that the Government refused the Council funds to produce a consumer protection magazine. If the Government was so concerned about consumer protection, why has it consistently refused since 1964, despite many requests of which the Minister of Labour and Industry is aware, to allow the Council to engage in any type of consumer research? The Council has been denied three simple requests which would have made its work more effective—funds to produce a proper magazine, legal assistance which could have advised it on a multiplicity of matters, and a capacity to carry out research on many questions referred to it in particular areas. The Government refused each of those requests.

Considering the restraints placed upon the Council by the Government, it is surprising that there has not been a word of protest from the members who adorn the Government back bench. I have never heard the honorable member for St. Kilda say on a Grievance Day—last week he voted against the holding of such a debate—that it was terrible that the Council's activities should be restricted. Except a few weeks before an election, I have never heard a Government back-bencher raise an objection to lack of assistance being given to the Council. The House has before it an exercise in public relations. The honorable member for St. Kilda spoke about publicity. The Opposition is expected to give credibility to this very inept political performance.

Mr. BIRRELL.—You are all public relations. You have no guts at all.

The SPEAKER (the Hon. Vernon Christie).—I shall not warn the honorable member for Geelong again. Interjections are disorderly, especially continual interjections.

Mr. HOLDING.—We are now asked by a Government which has a record of restricting the activities of its own Council to go along with this glib public relations exercise. In 1967, the Council described in detail various deceptive sales activities of a nature which are now specifically banned in the States of California, Illinois, Washington, and New York. They are all States which, like the honorable member for St. Kilda, believe in the private enterprise system. Similarly, laws have been enacted in the Province of Ontario in Canada against the very things which this Government was advised about by its Consumers Protection Council in 1967. Since that time, the Government has received report after report detailing anti-social practices bordering on criminal activity by unethical businessmen operating in this community.

Mr. BIRRELL.—The stench of corruption.

Mr. HOLDING.—The honorable member for Geelong would know about that.

The SPEAKER (the Hon. Vernon Christie).—The Leader of the Opposition should ignore interjections.

Mr. HOLDING.—One reason why the honorable member for Geelong would know about the stench of corruption is because of his unfortunate connexion with the honorable member for Syndal.

Mr. WILTSHIRE (Syndal).—Mr. Speaker, I find that remark offensive, and I ask the Leader of the Opposition to withdraw it.

The SPEAKER.—I ask the Leader of the Opposition to withdraw that remark.

Mr. HOLDING (Leader of the Opposition).—I am perfectly happy to withdraw the remark. I make it clear to the House that I certainly take the view that the honorable member for Geelong is not unfortunate simply because he happens to mix with the honorable member for Syndal. However, I advise the honorable member for Geelong to be a little more selective of his company.

Mr. WILTSHIRE (Syndal).—Mr. Speaker, I suggest that that was not an unqualified withdrawal of the remark of which I complained. If the Leader of the Opposition had any decency, he would withdraw the remark.

The SPEAKER.—As I heard it, the Leader of the Opposition withdrew the remark. I do not uphold the point of order now raised by the honorable member for Syndal. I ask the Leader of the Opposition to continue his remarks on the Bill and not to carry on arguments.

Mr. HOLDING (Leader of the Opposition).—I am happy to discuss the Bill, Mr. Speaker. Despite further comprehensive reports to the Government between 1967 and now, this is the first occasion on which the Government has seen fit to do anything at all about consumer protection legislation. I can do no better than refer to the words of the Minister of Labour and Industry when he described the Bill. I remind the House that this was after voluminous reports to the Government about activities which ought to be dealt with. The Minister said that the Bill was largely a machinery measure. The Opposition makes its position clear. On the reports which have been available to the House, this is a time for action and not for Bills which the Minister himself describes as mere matters of machinery.

What is needed in this State and what it will not get from the Government or its glib apologists like the honorable member for St. Kilda, who spent half his time defending the practices of Milleradio, is comprehensive consumer legislation designed to stop, not to publicize, the rotten sales practices which are at present taking place within this community, and are within the law. They can only be regarded by the victims of the practices as deliberate and wilful fraud. There is no mystery about the position. Many of these practices have been outlawed in other countries, and the Victorian Consumers Protection Council has drawn attention to them. There has been report after report outlining anti-social activities and anti-social practices.

Last week, the Government introduced a measure providing that motorists may be fined without their even being in court. If the honorable member for Essendon broke the rules of the road, there would be no question of publicizing his activities—he would have to pay up and be happy about it. If a motorist drives at a speed exceeding 35 miles an hour in a restricted area, or breaks some other regulation, under the Government's latest proposals he will be fined without going to court. But there can be the most usurious business sharks operating in the community, robbing innocent people of thousands of dollars, and what do the honorable member for St. Kilda and the honorable member for Essendon say? They merely say that the practices should be publicized.

Mr. DIXON.—Be specific.

Mr. HOLDING.—I shall be delighted to be specific. I have here a report crammed full of statistics and details and recommending a whole variety of courses of action. The report contains sixteen pages of information detailing various practices. Opposition members are not concerned about their being publicized; we want them stopped.

Mr. DIXON.—That is not what the report says.

The SPEAKER (the Hon. Vernon Christie).—Order! The honorable member for St. Kilda took part in this debate. He was heard with some interjections, but in comparative silence. I invite the honorable member to stop repeating the same interjection.

Mr. HOLDING.—This volume of evidence on what has been happening in this community has been available to the Minister. On pages 4 and 5 of the 1969 report, there are fifteen specific recommendations for legislation. The reports specifies, among other things, door-to-door sales, motor car sales and repairs, sales to private persons, sales of new cars, and dishonest and misleading advertising. There could be nothing clearer than the report. It does not mention the sort of publicity that the honorable member for Essendon gets on Show Day when he drives a funny looking horse around the show ring. What the report refers to is plainly dishonest and misleading advertising.

The real problem with members supporting the Government is that, now that they are getting their election material ready, they are a little concerned about a report which speaks of dishonest and misleading advertising. I invite honorable members to look at the range of matters mentioned in the report. They run for page after page, and that is only the report for 1969. In speaking of the Bill he introduced, the Minister of Labour and Industry said—

> It is in seeking out and pinpointing practices which have reached a magnitude in commerce which justifies their being characterized as illegal that the Consumers Affairs Council will find its proper field of work.

It would seem that the Council could pinpoint practices until it was blue in the face, but the Government would not act. The Consumers Protection Council has already done this work and it has analyzed more than 6,000 complaints. It has found practices which are reprehensible to consumers and to the vast majority of the decent businessmen in commerce in this State. In the opinion of the Opposition more is needed than a trifling machinery Bill to pinpoint certain practices; action must be taken. This measure will do nothing more than delude the people of Victoria into thinking the Government is concerned to take action.

A number of alternative procedures are available to the House if it is really concerned to protect consumers, but this Bill follows none of them. The Bill aims at setting up a new organization similar to that introduced in New South Wales. The New South Wales organization was established in particular circumstances following a world-wide investigation by the Under-Secretary of that State's Department of Labour and Industry. After four years of activity in Victoria, no responsible person attached to the Consumers Protection Council has been able to study overseas organizations concerned with consumer protection, despite requests to the Government from the Council.

If one examines the overseas analogies, one finds plenty of examples. England has adopted the system which seems to be advocated here now—that of removing complaints from the Council itself and referring them to a bureau. That is a view that is commended to this House. What the Minister did not say was that the English Consumer Protection Council operates on a budget of some £450,000 sterling.

Mr. BIRRELL.—Proportionately, we will do the same.

Mr. HOLDING.—The honorable member for Geelong is as innocent as he is naïve. He is speaking of a Government which was not prepared to provide funds so that the Consumers Protection Council could produce a decent magazine, so that it could obtain legal advice, or so that its chairman could go overseas to study comparable systems and advise the Government on what should be done here. This is the Government

which the honorable member for Geelong asks us to believe will find $900,000 for this purpose.

Mr. BIRRELL.—I said that the budget would be proportionate.

Mr. HOLDING.—You could not raise it even if you turned on another $100-a-plate dinner.

The SPEAKER (the Hon. Vernon Christie).—The Leader of the Opposition should address the Chair, ignore interjections, and proceed with his speech. Order! The honorable member for Geelong is again interjecting. This is a final warning. If the honorable member wishes to make a contribution to the debate he should do so, but I shall not warn him again.

Mr. HOLDING.—The English system is based on an independent consumer foundation which has been given the fiscal means to make itself an authoritative voice on all aspects of consumer affairs. Nothing similar is contemplated in this Bill. Complaints are not made to the English council directly, and its officers have long regarded that fact as a handicap and in their reports have made it the subject of complaint. Complaints recorded by all sorts of organizations are made to the council. These are put through a computer, and this is regarded as one of the council's most essential functions.

This Bill is a prototype measure which makes reference to the English system, but no mention has been made of the fact that in England the separation of functions has been the subject of complaint. If the Consumer Affairs Council, contemplated in the Bill, develops along English lines the Government, if it is prepared to authorize the sort of expenditure incurred in England, might make it a more effective organization than the Consumers Protection Council has been.

Another alternative is the system operating in the United States of America. In many States of America there are consumer protection Acts which contain specific prohibitions. I remind the honorable member for St. Kilda, who spoke of private enterprise, that one would be entitled to regard the United States of America as the home of private enterprise. However, in that country there is not the same reluctance as is shown by this Government in prohibiting business practices which are essentially anti-social and bordering on the fraudulent. In many States law enforcement bureaux have been established, usually operating under the State Attorneys-General. Our concept of consumer protection could involve both of these concepts. The Opposition considers that the Consumers Protection Council as now constituted should be given the staff it has repeatedly asked for.

The SPEAKER (the Hon. Vernon Christie).—Order! The honorable member should not read his speech.

Mr. HOLDING.—Mr. Speaker, I am not reading my speech.

The SPEAKER.—Order! I invited the honorable member not to read his speech and I invite him not to appear to be reading it.

Mr. HOLDING.—Mr. Speaker, I have referred to notes and I ask that you extend that leniency.

The SPEAKER.—Order! The honorable member will resume his speech.

Mr. HOLDING.—I ask that I be able to do so without interruption from the Chair.

The SPEAKER.—The honorable member should apologize to the Chair for that remark because it is not an interruption. What has been said is in the best interests of the House and in accordance with Standing Orders.

Mr. HOLDING.—I apologize, Sir. It is the view of the Opposition that the Consumers Protection Council should have been given the staff and the funds which it has repeatedly asked the Government to provide over a period of years. The Council has not

been given the opportunity to do its job effectively. It has been continually hamstrung by the Government.

This proposed legislation may be criticized in more detail in the Committee stage, but I direct attention to the fact that the function of the Council is quite separate from that of the proposed Consumer Protection Bureau, which will have the responsibility of processing many thousands of complaints from outraged consumers. Presumably what is contemplated is that a consumer will complain and the Government may then act under a number of specified Acts. The administration of these Acts is largely under the control of the Minister of Labour and Industry. If a consumer complains to the Bureau and is referred to the Minister, who exercises his powers under existing legislation——

Mr. WILKES.—Who is going to prosecute?

Mr. HOLDING.—Presumably it will be the Minister of Labour and Industry, but the honorable gentleman is notorious for lack of enforcement of legislation. If fraudulent practices are taking place under the Goods Act 1958, if consumers are being exploited under the Footwear Act 1958, and if people are being cheated under the Bread Industry Act 1959, why does the Minister need a bureau to inform him of these matters?

The Minister has presented to Parliament a Bill setting up a body which is to tell him how to enforce Acts of Parliament, the enforcement of which has been his responsibility for years. I ask the Minister to inform the House how many prosecutions he, or the Government, has authorized under Part V. of the Goods Act to protect consumers who have been swindled or robbed? How many prosecutions has the Minister authorized as a result of the activities now going on in his own Department? The Minister does not need Parliament to provide him with a bureau to protect the public of this State. Does he not know what is going on? Perhaps the Chief Secretary should tell him something about footwear. Does the Minister need an additional body before taking steps to protect consumers and citizens of this State from notorious activities in certain areas of the bread industry? I recall that on many occasions the honorable member for Sunshine named law breakers operating in the bread industry, but the Government did nothing about the matter.

Mr. ROSSITER.—Under which Act?

Mr. HOLDING.—The honorable gentleman may speak later.

The SPEAKER (the Hon. Vernon Christie).—Order! The Leader of the Opposition should address the Chair and ignore interjections.

Mr. HOLDING.—I am pointing out an extraordinary state of affairs. The people of this State cannot expect the Government to enforce its own laws, although with any other Government that would be a reasonable presumption. A Bill of this kind providing for the establishment of a bureau to tell the Minister of Labour and Industry that he is not doing his job should not be required.

I refer honorable members to the many recommendations contained in the report of the Consumers Protection Council. As a result of the changes contemplated in this Bill, I am bound to point out that this will be the last report of its kind to be seen in this House. One of the problems envisaged by the Opposition is that the separation of the functions of the Consumer Protection Bureau from those of the Consumer Affairs Council will mean that the body most directly concerned with harnessing the complaints of consumers will not be entitled to report to Parliament as of right.

The honorable member for St. Kilda has suggested that there ought to be publicity, but what sort of publicity would there be in a situation in which a body to whose attention the problems were directed saw most of those problems referred to another body which could not, as of right, report to

Parliament? There is nothing in the Bill to provide that the Bureau will have a duty to report to Parliament.

The separation of function will not guarantee greater efficiency but will considerably weaken the operation of consumer protection. It is a matter of record that on many occasions the Government has refused requests to establish a proper and effective organization for consumer protection. The Government now says that the body that has not worked effectively is to be strengthened. In fact, the Government never gave that body a fair go. It did not get the sort of assistance that was necessary, and the Government did not act in any significant way on the reports which came before this House dealing with usurious and fraudulent practise of the worst kind. What did the Government do about those reports?

The House has been given a glib explanation by the honorable member for St. Kilda, who stated that we must not ban or prosecute private enterprise. It is not a question of prosecuting private enterprise, but one of prosecuting people who are out to get rich by wilfully cheating the people of this State. It is ridiculous to talk about people being encouraged to go to court to get their money back from these companies, because the average citizen cannot afford to become involved in expensive litigation.

This Bill is inadequate and inept. It does not provide the fabric or the structure to give consumers proper representation, and it is a further example of the sorry history of the Government's endeavours to pull the wool over the eyes of the people by paying lip service to consumer protection whilst allowing the most rapacious, mendacious and dishonest practices to continue.

Mr. JONA.—The Leader of the Opposition is a company director, so what is he talking about?

Mr. HOLDING.—I am not the director of a co-operative housing society which is being investigated by the Attorney-General. Members of the Opposition are not satisfied with the Bill; we are concerned about effective consumer protection and in another place we propose to put some teeth into the Bill.

Mr. JONA (Hawthorn).—The speech delivered by the Leader of the Opposition was obviously written by the secretary of the Surrey Hills branch of the Australian Labor Party. The honorable member read that speech faithfully and interspersed some words off the cuff which traditionally followed the pattern of his speeches in this House in recent times. He not only insulted the Chair——

Mr. HOLDING (Leader of the Opposition).—On a point of order, I ask the honorable member for Hawthorn to withdraw that statement.

The SPEAKER (the Hon. Vernon Christie).—Order! The honorable member for Hawthorn should not refer to this matter and should withdraw the statement.

Mr. JONA (Hawthorn).—I withdraw it, but that was the impression I gained. In view of the fact that the Leader of the Opposition referred to members on the Government side of the Chamber, I believe I am at liberty to highlight the references he made tonight and the manner in which he conducted himself during the debate. When the honorable member for Geelong interjected, the Leader of the Opposition, in his customary form, abused or assassinated the character of the honorable member for Geelong.

Mr. HOLDING (Leader of the Opposition).—On a point of order, Standing Orders clearly indicate that no honorable member may reflect on another honorable member. The statement that one honorable member assassinated the character of another honorable member is a reflection on the honorable member and I ask the honorable member for Hawthorn to withdraw the statement.

The SPEAKER.—Order! The honorable member for Hawthorn should not use these terms, which are unparliamentary, and he should withdraw the expression. I invite the honorable member to be more careful in the terms he uses.

Mr. JONA (Hawthorn).—I withdraw the remark, but I think it is important——

The SPEAKER.—Order! There should be no "buts".

Mr. JONA.—On your advice, Mr. Speaker, I shall refrain from referring to the remarks which the Leader of the Opposition directed toward Government supporters, but I shall repeat the words he used and which you, Mr. Speaker, permitted him to use when he referred to members on the Government side of the Chamber having the stench of corruption.

The SPEAKER.—Order! I did not hear those words used in this debate. I invite the honorable member for Hawthorn to debate the Bill.

Mr. JONA.—When the Leader of the Opposition makes accusations in which I, as a member of the Government party, have to share, I am entitled to defend myself. I refer to these matters because over the past few weeks remarks of this type have characterized statements made by the Leader of the Opposition both inside and outside Parliament. I use that as an example of the weakness of the Opposition's argument in regard to legislation submitted by the Government and particularly in regard to this Bill. In the speeches made by the Leader of the Opposition and the honorable member for Brunswick East, there was no suggestion of how they would improve the Bill. Instead, they referred in a veiled way to some amendments which may or may not be submitted in another place.

What is the situation surrounding this Bill? It strengthens a measure introduced into this Parliament in 1964 which pioneered all forms of consumer protection in Australia. If honorable members cast their minds back to the second-reading speech made by the Minister in introducing the 1964 Bill, they will recall that the honorable gentleman said that it was never intended at that stage that that Bill should have teeth similar to that which a socialist party would insist on incorporating in any legislation which attempted to control the activities of individuals in a free society. The Consumers Protection Council was established in 1964 for a specific purpose and has performed that function over the years.

In his second-reading speech on this Bill, the Minister recognized the work performed by the Council over that period, and the Government has carefully watched the progress of the Council during that time. It has now come forward with the sort of legislation which was envisaged, and perhaps foreshadowed, 4 or 5 years ago but which could not be introduced at that time because the experience which had been gained by the Consumers Protection Council was then an unknown factor.

The suggestions which have been made by the Leader of the Opposition with regard to involvement in the Consumer Affairs Council and the Consumer Protection Bureau are in direct conflict with the recommendations made to the Minister by the Consumers Protection Council. In his second-reading speech, the Minister said—

> In reporting to the Minister, the Council has drawn attention to this situation; the members have made it clear that they do not wish the Council to be turned into an enforcement agency, with a large staff of public servants, but that they wish to be divorced from the consideration of detailed complaints and so be allowed to concentrate on the broad functions for which the Council was appointed.

The SPEAKER (the Hon. Vernon Christie).—I take it that the honorable member is reading from the Minister's second-reading speech.

Mr. JONA.—I refer to page 3138 of *Hansard* of 14th March of this year. In referring to the 16 or 17 cases which highlighted weaknesses

or allegedly corrupt business practices in the community, the Leader of the Opposition overlooked the fact that over the past few years, and even in the present session, the Government has consistently amended existing legislation to overcome practices of this sort. These practices would not be outlawed and could not be controlled by amendments to the present legislation. At present on the Notice Paper there are Bills which will correct the anomalies to which the Leader of the Opposition was referring when he said that the Government was doing nothing about them.

The basic difference between the approach of the Opposition and that of the Government is that the Government believes individuals in the community, including consumers, have certain rights and responsibilities and it is the duty of the Government to inform the consumers of their rights and responsibilities and not to accept those rights and responsibilities for them. The Government must strengthen the individual so that he can carry the burden which is thrust upon him. The Opposition would like to see consumers and members of society so weak that the State—in this case the Consumers Protection Council—would completely take over their rights and responsibilities and direct their courses of action. The attack made by the Leader of the Opposition on this Bill carries no weight because of the absence of a submission of any form of alternative practice which is not already being supplied by the Government. Furthermore, the public of Victoria will soon realize which political party operates in the interests of the community.

Mr. BIRRELL (Geelong).—After listening to the debate I am convinced that the Leader of the Opposition thinks he is a "smart cookie". Because he is regarded as a "smart cookie" in the legal profession he thinks he can bring that experience into Parliament to amaze the House. He did not amaze the author of the leading article in the *Herald* of today's date. Government supporters, the *Herald* and even members of his own party have taken him up on what he has said. One other remark I make is that the atmosphere of this House is lowered by the presence and the words of the Leader of the Opposition whenever he gets up to speak. A foulness comes over this Chamber; we all feel it.

Mr. WILKES (Northcote).—I raise a point of order. The remarks of the honorable member for Geelong are offensive to the Opposition, and I seek a withdrawal.

The DEPUTY SPEAKER (Mr. J. D. MacDonald.—Order! There is no point of order.

Mr. HOLDING (Leader of the Opposition).—I raise a point of order. The statement made by the honorable member was a gross reflection on me and a gross breach of the Standing Orders. The honorable member said that every time I spoke I brought foulness into this Chamber. The honorable member's statement was clearly in breach of the Standing Orders and I ask you, Sir, to ask him to withdraw.

The DEPUTY SPEAKER.—What was the statement?

Mr. HOLDING.—The statement was that every time I spoke I introduced a note of foulness into this Chamber. I invite you, Sir, to ask the honorable member what he said.

The DEPUTY SPEAKER.—I am asking the Leader of the Opposition what he said.

Mr. HOLDING.—The honorable member referred to a note of foulness, and I request you, Sir, to require him to withdraw it.

The DEPUTY SPEAKER.—Order! As honorable members will appreciate, I have just taken over from the Speaker and I am not sure what the honorable member said.

Mr. HOLDING.—You were in the chair and should have been listening.

The DEPUTY SPEAKER.—Order! I direct the Leader of the Opposition's

attention to the fact that I have just taken over from the Speaker, and at that point of time I did not hear what the honorable member said.

Mr. HOLDING.—Ask the honorable member what he said.

The DEPUTY SPEAKER.—Order! I do not want instructions from the Leader of the Opposition. I ask the honorable member for Geelong to repeat what he said so that I will be aware what the point is about.

Mr. BIRRELL (Geelong).—Just purely as a remark to counter statements about corruption directed to members on the Government side of the House, I said that every time the Leader of the Opposition gets up he makes it appear to this Chamber——

Honorable members interjecting.

The DEPUTY SPEAKER.—Order! I have asked the honorable member to repeat what he said. Interjections are not in order. I will name the honorable member for Moonee Ponds if he does not remain silent.

Mr. BIRRELL.—I made the remark that the Leader of the Opposition spreads an air of foulness in this Chamber every time he spoke.

The DEPUTY SPEAKER.—Order! I do not find any particular objection to that reference. I am aware of some of the comments made by the Leader of the Opposition in regard to corruption in this Chamber. I do not find these remarks offensive.

Mr. HOLDING (Leader of the Opposition).—I ask you, Mr. Deputy Speaker, to vacate the Chair and send for the Speaker. I want a ruling. I take this action with due deference to the situation that has arisen. I ask you, in order to preserve the decorum of this House, to send for the Speaker.

Mr. ROSSITER (Minister of Labour and Industry).—Mr. Deputy Speaker I accept your ruling. Surely the Leader of the Opposition is trying to take the business out of the hands of the Government. Therefore, under the Standing Orders, if the Opposition wishes to dissent from the Deputy Speaker's ruling it should move a motion. Then we would find out the position.

Mr. HOLDING (Leader of the Opposition).—The proceedings are clear under the Standing Orders. There are plenty of precedents, Mr. Deputy Speaker, and I am certain that the Clerk will make them available to you. I have asked for a ruling. In view of the way in which this matter has arisen, I do not reflect on the Chair, but I simply wish to preserve due decorum in this House. I am prepared to argue this matter in accordance with the procedures and the precedents. I ask you, Sir, to send for the Speaker so that the matter can be the subject of adjudication because it is important for the precedents of this House.

Mr. FLOYD (Williamstown).—I should prefer you to remain in the Chair, Mr. Deputy Speaker, and try to preserve the decorum of the House by asking the honorable member for Geelong to correct his stupid statement, which would be easy to do, so that we can get back to the business. The honorable member for Geelong only made a statement similar to that which many of us make on occasions. He could easily withdraw it, and the House could continue with its business.

The DEPUTY SPEAKER (Mr. J. D. MacDonald).—Order! In the circumstances, I ask the honorable member for Geelong if he is prepared to rephrase his statement.

Mr. HOLDING.—You have not heard the point of order.

The DEPUTY SPEAKER.—Order! I have made a ruling. I have asked the honorable member for Geelong to rephrase his statement.

Mr. BIRRELL (Geelong).—To preserve the decorum of the House, I apologize. I prefer to get back to the Bill. Of all the Bills which have come before this House in recent times this is the simplest to understand and it contains simple principles with which honorable members can come to grips and

accept. It contains only two basic new principles, and I do not consider that there can be much argument about either of them. At present the Consumers Protection Council deals, in the main, with broad objectives of consumer affairs. Under the Bill, this Council is preserved generally, but added to its operation there will be a more specific activity of protection in the initiation of a Consumer Protection Bureau which will deal with day-to-day complaints that arise in the general field of consumer protection.

Although members of the Opposition have complained about consumer protection generally, there is inherent in the Bill all the facilities to meet the objections which have been made by the Opposition. I point out that no other State initiated any form of consumer protection before Victoria. In 1964, Victoria pioneered the way in Australia, and similar legislation throughout Australia has followed the Victorian pattern. It is a fact that Victoria has been the intiator in this field. Nevertheless, the legislation of 1964 was not sufficiently positive. There is a great deal of merit in crawling before one walks. This is a wise procedure in connexion with legislation which is feeling the way in a new field. One can go in like a bull at a gate and fail, but the approach adopted by the Government in relation to consumer protection is preferable.

The key to this measure is how it is intended to establish in practice the Consumer Protection Bureau. There will be a sub-department of the Department of Labour and Industry, well staffed, to answer all the day-to-day queries. It may be asked why the Department of Labour and Industry has been chosen for this purpose? The answer is that within that Department there are already a number of sub-departments which deal with complaints on various matters. One that is well known to members of the Opposition is the section which deals with complaints relating to conditions and wages and salaries. Two permanent officers of the Department of Labour and Industry are available full time, 40 hours a week, to deal with any query regarding consumers protection, salaries and working conditions. Both the Opposition and I agree with the need of this establishment. Another sub-department which comes readily to mind is the lifts and cranes section. Any query made to that section is quickly followed up. Furthermore, all the facilities necessary to launch prosecutions are available in the Department. If results are not obtained from recommendations given by officers of the Department, facilities are available to launch prosecutions for any breach of the regulations. One of the features of the Consumer Protection Bureau is that it can take action.

Mr. WILKES.—That is not so.

Mr. BIRRELL.—I refer the Deputy Leader of the Opposition to paragraph (c) of sub-clause (1) of clause 7, under which the Bureau will be able to take action or to furnish advice. I assure the honorable member that it is intended that action will be taken under this measure. I never refuse to face facts in this House, and I agree that up to the present time the work of consumer protection has been basically advisory and has not been strong enough. I also agree that some of Mr. Bottomley's protests have been well founded. If I were Mr. Bottomley, I would say what he has been saying in regard to the present Act. I believe many members on the Government side of the House will agree with that proposition. However, inherent in the Bill is a completely new set of principles which I consider will provide an Act with teeth to provide protection to consumers for the first time.

The whole gist of the Bill is contained, surprisingly enough, in the title, which states that it is a Bill to constitute a Consumer Affairs Council. By its nature, this Council will consider the broader issues which

continually come to attention in relation to consumer affairs generally. The title further states that the purpose of the Bill is to establish a Consumer Protection Bureau, the name of which indicates the future organization. Both of these bodies will be well staffed. Research will be undertaken at greater depth than at present, and publications of the Consumer Affairs Council will blossom forth to a greater extent than at present. Anyone who has read the bulletin of the Consumers Protection Council must feel proud that the gentlemen concerned turn out such material with the resources available to them.

I consider that this Bill is not an airy-fairy public relations operation to get the Government through the election but that it is a strong attempt to come to grips with what is a most difficult subject. The Opposition has deemed it right to give an indication that this Bill will be dealt with in another place, knowing full well that it must come back to this House for majority support. This is a tactic used to frustrate, for political purposes, the reform of consumer protection. Frustration will occur in another place.

The SPEAKER (the Hon. Vernon Christie).—Order! the honorable member should not discuss operations in another place.

Mr. BIRRELL.—We have been given a preview of what the Opposition deems to be its programme for this Bill. Members of the Opposition know that this measure must be passed by this House before it can eventually become law. It is their intention to delay it in other place while pretending that Government members are indulging in a public relations operation. The label could rightly be placed on the operations of members of the Opposition. There is no such thing as "running a Parliament"; Parliament agrees by a majority in both Houses, but, as every honorable member knows, this is the executive House.

The SPEAKER.—Order! The honorable member should discuss the Bill.

Mr. BIRRELL.—This is purely a delaying tactic, because members of the Opposition do not want to be queried on this subject. They would not worry about it going to another place in another Parliament after May; they would submit the amendments here.

The SPEAKER.—I have invited the honorable member to speak to the Bill and not deal with a different subject.

Mr. BIRRELL.—This matter has been well canvassed. I concede frustration on this measure—not from the Government but because of certain tactics adopted by members of the Opposition. For the first time in my nine years' experience in this House, honorable members are now getting an intimation not of what members of the Opposition desire this Assembly to hear, but of some sort of surprise packet—a remote packet—and an intimation of what might happen in another place.

The SPEAKER.—The honorable member is getting close to tedious repetition.

Mr. BIRRELL.—I am giving an honest opinion. A report was presented to the House today dealing with regulation-making powers. I direct the attention of the House to the form in which clause 9 is drafted. It is too early for the report to have any effect, but clause 9 provides—

> The Governor in Council may make regulations for or with respect to—
>
> (*a*) the convening of meetings of the Council and the conduct of such meetings;
>
> (*b*) fees and allowances to be paid to members of the Council; and
>
> (*c*) generally, carrying out the provisions of this Act.

This House would be advised to place a limitation on the fees and allowances.

The SPEAKER.—Order! I recommend the honorable member to discuss such detail in Committee.

Mr. BIRRELL.—Very well, Mr. Speaker. If enacted, this Bill will be acclaimed throughout Australia and will be effective in consumer protection.

Mr. WILKES (Northcote).—Without any heat or rancour I shall endeavour to analyse the remarks of the honorable member for Geelong. I shall not bother to advert to what was said by the honorable member for St. Kilda or the honorable member for Hawthorn, because their remarks were of no consequence. The honorable member for Geelong agreed with members of the Opposition in their comment that, since 1964, nothing was wrong with the former Chairman of the Consumers Protection Council. In fact, he sympathized with Mr. Bottomley. We have been telling the Government of this fact. However, the Minister of Labour and Industry could not agree with Mr. Bottomley, who was too close to the truth on the subject of consumer protection. When he was appointed Chairman of the Consumers Protection Council, Mr. Bottomley endeavoured to inform the Minister, through reports and directly, what was going on in relation to the usurious activities of some business houses, and the commercial immorality which existed and which affected the ordinary person in a multiplicity of ways. Mr. Bottomley wanted sufficient powers for the Council to prosecute, but this did not suit the Minister or the Government. It is of no use the Government saying tonight that it is interested in consumer protection, and that this Bill is not political window dressing. That is what it is, and if the Government had any decency, it would have done something about consumer protection in Victoria long before 1970.

The report of the Consumers Protection Council listed 6,000 complaints but not one prosecution was initiated. The Government suggested that the aggrieved person, whether he could afford it or not—woe betide him if he went to the Public Solicitor —must initiate his own proceedings. He would have to "take on" the monopoly companies. The Government considered itself safe because the majority of people could not afford to take action against the usurious activities rampant in some commercial activities, activities that are still going on. The answer of the Government is contained in this Bill. The honorable member for Geelong said that he had no doubt the Government fully intended to take action under this Bill. Under what provision does he suggest that action can be taken? Sub-clause (1) of clause 7 states that the Consumer Protection Bureau shall—

(*a*) advise persons with respect to the provisions of any Act or enactment referred to in the Schedule and take and initiate action for remedying infringements of those provisions whether on complaint or otherwise;

Who is going to take action—the Bureau, the Minister or the person concerned?

Mr. JONA.—Read the clause.

Mr. WILKES.—The honorable member for Hawthorn has election blues, and I do not blame him. What effective power is the Bureau to be given? The Bill does not say what they are. The Bureau can also—

(*b*) advise persons in respect of other matters affecting their interests as consumers;

Advise, advise, advise and not take action! This is typical of the Government. The Bureau can also—

(*c*) receive complaints from persons as to fraudulent or other illegal or unfair trade or commercial practices in relation to goods or services and, where appropriate to refer any such complaint to that government department or statutory body which it considers best able to take action or furnish advice in the matter; and

(*d*) in respect of matters affecting the interests of consumers to conduct research and to collect and collate information.

Surely that should not satisfy the Minister and the back-bench members of the Government. Certainly it does not satisfy members of the Opposition or the people of Victoria. The Government has done nothing since 1964. The people who have been aggrieved during that time can

get no solace from this Bill. The Bureau can report only to the Minister and tell him what happened. Mr. Bottomley told the honorable gentleman what would happen in 1960, 1966 and 1967—he told him what would happen until he was sick of doing so. The repayment he received was the sack. The present Chairman of the Consumers Protection Council is a former army officer and he would also make suggestions to the Minister.

The Minister can only suggest the establishment of the Consumer Protection Bureau. The Government will accept advice until 30th May, and then it will do nothing else. It is not prepared to spend $1 in the interests of the consumers. If the Bill were genuine, it would spell out what action should be taken and not expect people to spend good money chasing bad money against monopolies.

The honorable member for Geelong expressed dissatisfaction at the tactics of the Opposition in regard to this measure and asked, "Is it desirable that in some other place certain action will be taken?" How often have members of the Opposition heard from this incompetent Government that it would do something when the Bill was transmitted to another place, and nothing has happened? When members of the Opposition intend to act in a similar way, it is a different matter. The Government accepts the view that this procedure is all right for one of its Bills; but it is not right when the Opposition employs similar tactics. Members of the Opposition will preserve their rights and those of the Country Party; we will act in the interests of the people of Victoria in respect of all Bills introduced in this Chamber.

If the Bill can be improved elsewhere, that should be done so that protection and not sham protection may be given. At present, consumer protection is one of the most important issues in Victoria. This measure falls far short of the requirements of the people of Victoria.

Mr. Wilkes.

Mrs. GOBLE (Mitcham).—Although I have no intention of wearying the House with repetitive oratory, I should like to direct to the attention of Opposition members 2 or 3 factors which, either deliberately or accidently, they appear to have forgotten. The Opposition attacked the Government on the ground that the Bill does not allow action to be taken against alleged offenders. However, clause 7 provides that there shall be established a Consumer Protection Bureau which shall—

> (*a*) advise persons with respect to the provisions of any Act or enactment referred to in the schedule and take and initiate action for remedying infringements of those provisions whether on complaint or otherwise;

I also remind Opposition members of the remark of the Minister in his second-reading speech that this measure is simply the first stage in a programme that has been mapped out by the Government to provide better consumer protection in this State. The honorable gentleman claimed that the Government intends to take further action in this matter when the time is appropriate.

It is difficult to reconcile the conflicting views of the Leader of the Opposition and the Deputy Leader of the Opposition. The Leader of the Opposition stated that it was not necessary to strengthen the Consumers Protection Council because there already existed the means through various Government Departments to institute proceedings against anyone who should be at fault as envisaged in this legislation. The Deputy Leader of the Opposition complained that the Government had not gone far enough in this Bill. On more than one occasion I have directed the Government's attention to practices which I consider to be unethical. For that reason, I am particularly pleased that the Minister has seen fit to take what he described as the first step in a programme to strengthen any action which can be taken against persons

in the community who indulge in, if I might put it mildly, doubtful practices. I am delighted to give my approval to the provisions of the Bill.

Mr. FLOYD (Williamstown).—I suppose I am the first Opposition member who has had the cheek to contradict the honorable member for Mitcham, whose loyalty to a poor argument I admire. I am delighted that my colleagues have displayed so much chivalry in remaining silent following the honorable member's contribution to the debate. Opposition members would not have remained silent if the same comments had emanated from the Minister of Labour and Industry. Of course, the honorable gentleman knows nothing about consumer protection, and the honorable member for Mitcham knows less.

I am amazed that the Government had the cheek to bring in a Bill of this type and to masquerade as a supporter of the poor consumer. The Government has no interest in consumers. This Bill is an example of window dressing; it is a joke, and no-one accepts it at its face value. No capitalist Government could possibly bring in a Bill which is designed to protect the interests of consumers. This is clearly illustrated by the situation that can confront persons who purchase from second-hand dealers motor cars for which they pay cash. In some instances, a purchaser has taken home his car and parked it outside, only to find that it has been repossessed and taken away. Many of the pseudo characters who claim to be second-hand car dealers sell cars to innocent victims who later discover that the so-called dealers had no right to sell the vehicles in question. Notwithstanding this situation which exists in the community, we have witnessed many tears being shed by Government members for the consumers. I have heard of at least twenty cases in which vehicles have been repossessed because they did not belong to the selling firm. In one case, a constituent of mine paid $2,000 for a car which he purchased at Bentleigh. After taking the vehicle home, it was repossessed because the company that sold it to him had no right to sell it.

Mr. SCANLAN.—What is the name of the company in question?

Mr. FLOYD.—I am referring to Hillcrests of Bentleigh. How can the Government express such pious sentiments concerning consumers when such a situation exists in the community? The Government should take away the Bill and have another look at it. It is typical of the Government to rush in, head down and tail up, so to speak, with measures of this type; this has been going on for the past fifteen years. I appeal to the Government not to saddle the community with legislation of this type.

Mr. DUNSTAN (Dromana).—Earlier, honorable members admired a speech of the honorable member for Williamstown in relation to another Bill. It was most unusual for the honorable member, for the first time during the fifteen years that he has been a member of this House, to use his seniority in the Opposition to single out, without a sign of gallantry or courtesy, an honorable member whom we are fortunate to have in this House when dealing with a measure relating to consumer protection. I refer to the honorable member for Mitcham, who is the first member of the fairer sex in two decades to be elected to this House to voice personally from experience the feelings, fears, hopes and views of the majority of consumers in the community. I am surprised that the honorable member for Williamstown should be unaware that the honorable member for Mitcham was speaking as a spokesman for consumers in the community. The honorable member for Williamstown did no justice to the consumers in his electorate when he claimed that this Government has no interest in consumers. After all, consumers are the voters of this State.

The honorable member for Williamstown stated that, in introducing this measure, the Government had no

interest in the consumers. He also referred to the poor consumers. This Bill deals not only with poor consumers, but middle class, upper class and, in fact, every consumer in the community, whether they are able to spend $10 or $50 a week. A close examination of the Bill reveals that it deals with all consumers, including poor consumers and capitalist consumers.

Mr. TREZISE.—What about the workers?

Mr. DUNSTAN.—Because the Government has recognized the workers and the Labor Party has failed to recognize them, members of that party have been in Opposition for 15 years, and will remain in Opposition for another 15 years.

The SPEAKER (the Hon. Vernon Christie).—The honorable member for Dromana should refer to the Bill.

Mr. DUNSTAN.—May I draw a parallel between a worker and the consumer?

The SPEAKER.—The honorable member will speak on the Bill.

Mr. DUNSTAN.—I have made my point and I bow to your ruling, sir.

The motion was agreed to.

The Bill was read a second time, and committed, *pro forma.*

Mr. ROSSITER (Minister of Labour and Industry) presented a message from his Excellency the Governor recommending that an appropriation be made from the Consolidated Revenue for the purposes of this Bill.

A resolution in accordance with the recommendation was passed in Committee and adopted by the House.

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

Clause 1 was agreed to.

Clause 2 (Repeals).

Mr. ROSSITER (Minister of Labour and Industry).—I desire to repeat certain of the principles which led to the Government introducing this measure and also to reply to points made by members of the Opposition. When the Deputy Leader of the Opposition uses the phrase, "back-benchers who have the temerity to speak in support of this Bill" it seems to me that the Opposition has been reduced to a sorry state. When the Government has the support of its back-benchers to legislation which has been introduced by the Government, the back-benchers have not the temerity to speak, they have a right to speak. As a matter of fact, those honorable members spoke very well in support of the Bill and left for dead speakers from the Opposition. If this was regarded by the Opposition as a temerity, I for one hope to see more of it.

The honorable member for Brunswick East, who led for the Opposition, indicated in his opening remarks that this will probably be the last time that he will be my shadow. I hope my shadow never grows less either here or in the hereafter. I wish the honorable member well in whatever consumer protection activities he undertakes from now on.

There is a great difference between the approaches of the Opposition and the Government to the measure. This was clearly defined and distinguished by the Leader of the Opposition, who quoted recommendations from the Consumers Protection Council's report for the year ended the 30th June, 1969. The honorable member indicated that section II of the report contained fourteen recommendations and charged the Government with having done nothing about them. The Leader of the Opposition quoted recommendations relating to door-to-door sales, winding back motor car speedometers, and dishonest and misleading advertising as aspects which had not been tackled. In fact, they are all being dealt with during this session of Parliament.

The reason for the introduction of this Bill is that the Government has considered that the1964 Act is insufficient for clear and constructive consumer protection to be established. The Government therefore has proposed this measure and in due course

will introduce further legislation. The Government must accept the principle—I hope the Leader of the Opposition will also accept it—that persons cannot be punished unless an offence has been proved. This is a fundamental basis of British civil and criminal law. Therefore, Milleradio, used car dealers or those who do not fill the packages of detergents cannot be punished unless an offence is proved.

Mr. FLOYD.—The Government can amend the law.

Mr. ROSSITER.—The crucial difference between the Government and the Opposition is that the Government will not alter the Victorian statutes to change a civil law into a criminal law and so place the onus of proof upon the entrepreneur.

Mr. WILTON.—The Government has already done that.

Mr. ROSSITER.— Not in this instance. The other principle, which is one that the Consumers Protection Council has seen over the past six years is that an action is either contrary to the law or it is not, and it is necessary to prove that it is contrary to the law. This is a basic principle, and consumer protection must be examined within the context of complaints being made to the proposed Consumer Protection Bureau, the Bureau investigating and advising the Council that an area exists where, for instance, electrical goods are being serviced in a wrongful manner or a consumer is not being given due regard in some of his purchases, and the Council recommending either to the Minister of Labour and Industry or to the Minister concerned that appropriate action should be taken. In essence this is what the Bill seeks to do.

The Deputy Leader of the Opposition suggested that the Bill does nothing, but clause 7 provides that there shall be a Consumer Protection Bureau.

The CHAIRMAN (Mr. J. D. MacDonald).—The Minister should confine his remarks to clause 2.

Mr. ROSSITER.—I am replying generally to the remarks made by members of the Opposition against this particular proposal. The Bill contains the following provision—

> (1) There shall be established a Consumer Protection Bureau which shall—
>
> (*a*) advise persons with respect to the provisions of any Act or enactment referred to in the Schedule and take and initiate action for remedying infringements of those provisions whether on complaint or otherwise;

Therefore, the Bureau will have that charter. It shall also receive complaints from persons as to fraudulent or other illegal or unfair trade or commercial practices. It will refer such complaints to the Government Department or statutory body which it considers best able to take action. Therefore, the Bill places a mandatory obligation on the Bureau to take action in these matters.

Again, the Bureau must examine these questions having regard to principles of law, either civil or criminal, but it is not possible to punish unless an offence is proved. The proof or otherwise of an offence is a matter for the court, which will be approached either by officers of the Labour and Industry Department or by officers of the Department to which the matters have been referred.

I have attempted to keep my remarks completely non-political. The Deputy Leader of the Opposition said that the Minister could not agree with Mr. Bottomley, and I want to place on record the true situation for the first time since the whole imbroglio started. When Mr. Bottomley's service as Chairman of the Consumers Protection Council expired, he was asked by me in writing whether he would accept the position for a further term of five years, and he replied that he would not. Having regard to my plans for the Consumers Protection Council and the long range proposals, I did not accept the proposition that I could appoint Mr. Bottomley for only three years or some such term.

I want to get this consumer protection legislation off the drawing board and on to the statute-book. I want consumer protection in this State to be as effective as it is in England and, as the Leader of the Opposition stated, in some American States. In the long term, with the codification of the law and the embodiment in the statutes of the new provisions relating to consumer protection, I have no doubt that this will be achieved. I believe this Parliament will see principles established and activities inaugurated in the community which will enable consumer protection in Victoria to maintain the leading position that it has occupied since 1964.

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.

LITTLE DESERT SETTLEMENT COMMITTEE.

REPORT.

A message was received from the Legislative Council transmitting the report of the Select Committee of the Legislative Council upon the proposal to open the Little Desert to settlement, and acquainting the Legislative Assembly that the Legislative Council have taken note of the report and approved the findings of the Committee, and respectfully requesting the Legislative Assembly to also take note of the report and to concur with the Legislative Council in approving the findings of the Committee.

Mr. WILTON (Broadmeadows).—I move—

That the message and the report be taken into consideration forthwith.

The House divided on the motion (the Hon. Vernon Christie in the chair)—

Ayes	.. ..	25
Noes	.. ..	38
Majority against the motion	.. ..	13

AYES.

Mr. Broad	Mr. Ring
Mr. Buckley	Mr. Ross-Edwards
Mr. Cochrane	Mr. Simmonds
Mr. Divers	Mr. Sutton
Mr. Edmunds	Mr. Trewin
Mr. Evans (*Gippsland East*)	Mr. Trezise
Mr. Fennessy	Mr. Turnbull
Mr. Floyd	Mr. Whiting
Mr. Holding	Mr. Wilkes
Mr. Lind	Mr. Wilton.
Mr. Lovegrove	*Tellers:*
Mr. Mitchell	Mr. Ginifer
Mr. Mutton	Mr. McDonald.

NOES.

Mr. Balfour	Mr. Rossiter
Mr. Billing	Sir Arthur Rylah
Mr. Birrell	Mr. Scanlan
Sir John Bloomfield	Mr. Smith (*Bellarine*)
Sir Henry Bolte	Mr. Smith (*Warrnambool*)
Mr. Borthwick	Mr. Stephen
Mr. Darcy	Mr. Suggett
Mr. Dixon	Mr. Tanner
Mr. Doyle	Sir Edgar Tanner
Mr. Dunstan	Mr. Taylor
Mr. Evans (*Ballaarat North*)	Mr. Templeton
Mrs. Goble	Mr. Trethewey
Mr. Loxton	Mr. Vale
Mr. Macdonald (*Glen Iris*)	Mr. Wheeler
Sir William McDonald	Mr. Wilcox
Mr. McKellar	Mr. Wiltshire.
Mr. McLaren	*Tellers:*
Mr. Manson	Mr. Hayes
Mr. Reese	Mr. Jona.
Mr. Reid	

PAIRS.

Mr. Clarey	Mr. Porter
Mr. Moss	Mr. Rafferty
Mr. Stoneham	Mr. Stokes.

CABRINI PRIVATE HOSPITAL (GUARANTEES) BILL.

The debate (adjourned from March 11) on the motion of Sir Henry Bolte (Premier and Treasurer) for the second reading of this Bill was resumed.

Mr. TREZISE (Geelong North).—The Opposition does not oppose this small but merciful measure to assist the borrowing of the Cabrini Property Association to provide additional facilities at the St. Francis Xavier Cabrini Hospital, Coonil-crescent, Malvern. I am sure that all honorable members, irrespective of party affiliation, agree that any assistance which honorable members can give

towards the development of hospitals throughout the State will be of great benefit to the community. Illness or accident knows no political or religious boundaries, and assistance of this type may well mean the security in the future of the lives not only of members and their families but also of their constituents throughout Victoria. Whilst the St. Francis Xavier Cabrini Hospital in Melbourne is a Catholic organization, it must not be forgotten that it carries on in the Florence Nightingale tradition by assisting people from all walks of life irrespective of the religion to which they belong. Personally, I am grateful for the wonderful assistance and co-operation given by the Sisters at this hospital.

It was my misfortune in one way and my good fortune in another to have been a patient of the Hospital for about ten days after an operation about two years ago. I am grateful for the opportunity afforded me tonight to repay, in some slight way, the Cabrini Hospital. The Bill merely provides that borrowing by the Cabrini Property Association, to a limit of $750,000, will be guaranteed. This will allow as much finance of the Association as possible to be channelled into the work of the Hospital rather than be expended in excessive interest rates.

Sir HENRY BOLTE.—It is a business undertaking.

Mr. TREZISE.—That is so. The Labor Party needs no reminding of the urgent need of assistance for the health and hospital facilities within this State. The Opposition believes this measure is worthy of the support of all members of this House and of the whole community.

Mr. R. S. L. McDONALD (Rodney).—The Country Party supports this measure. It does not introduce a new principle, but extends the principle of guaranteeing loans by hospital organizations. This is sound economically so long as the bodies concerned can pay the interest on the money which they borrow. This is the important part of the Bill. So long as organizations of this kind can meet their liabilities, the fact that their loans are guaranteed by the Government will benefit the community by resulting in the provision of more hospital facilities.

When he explained the Bill, the Premier stated—

> This policy will have two effects. Firstly, the organization will not have the embarrassment of finding the capital required. Secondly, the organization will be able to borrow at the lowest ruling rate of interest, which is very important. Recently I have received approaches from church organizations in the field of hostels, and I hope the Government can extend its policy into that field.

That is a correct attitude to take. The Country Party is concerned that there should be sufficient facilities to cope with the number of hospital cases in Victoria. My Leader has repeatedly spoken on this matter in this House. There is great carnage on the roads today and the number of deaths is appalling. The number of hospital cases resulting from motor accidents is also appalling. There is a delay in the payment of hospital accounts when patients have to rely on insurance money. This aspect needs examination. It has been suggested that there should be a fund to which all insurance companies subscribe and out of which hospital costs would be paid immediately. If such a fund were established, hospitals would be much better off financially.

Sir JOHN BLOOMFIELD (Malvern).—The Cabrini Hospital, which is in my electorate, is one of the institutions in that small area of which the residents are very proud. Like the honorable member for Geelong North, I have personal reasons for being grateful to the Hospital. After a motor accident, my daughter-in-law was a patient there for some considerable time. The kindness, gentleness, and the skill displayed by the devoted Sisters of the institution made her stay there as near to pleasant as it could be in the circumstances. I also have friends

who have been patients in the Hospital, and, uniformly, one hears nothing but the best of this wonderful institution. I express my gratitude to the Premier for introducing this system of guaranteeing loans to hospital organizations, and applying it in this particular case.

The motion was agreed to.

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

JUSTICES (ALTERNATIVE PROCEDURE) BILL.

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

Clause 2 was agreed to.

Clause 3, providing, *inter alia*—

After section 94 of the principal Act there shall be inserted the following heading and sections :—

. . . . . .

94A. (2) Where the alternative procedure is to be used an information for any offence referred to in Schedule Six shall be in the form prescribed by the rules for the purpose and may be served personally or by post not less than fourteen days before the date specified in the notice referred to in paragraph (*a*) and be accompanied by or have written thereon—

. . . . . .

(9) A stipendiary magistrate proceeding in chambers under the foregoing provisions of this section shall have and may exercise the powers of a magistrates' court under any Act to cancel or suspend a licence to drive a motor car or to disqualify any person from obtaining such a licence in all respects as if the magistrate were constituting a duly appointed magistrates' court but no such cancellation suspension or disqualification shall take effect before the expiration of twenty-one days after the day upon which the cancellation suspension or disqualification is imposed.

(10) Where a stipendiary magistrate proceeding in chambers under the foregoing provisions of this section finds it appropriate to consider the imposition of a term of imprisonment upon any person the magistrate shall adjourn the information to be heard in open court at some duly appointed sitting of the magistrates' court concerned fixed by the magistrate in chambers and the clerk of the magistrates' court shall give due notice in writing thereof to the informant and the defendant by post or otherwise.

94B. (1) Forthwith after the imposition of any penalty pursuant to the provisions of section 94A the clerk of the magistrates' court shall send by post addressed to the defendant at his address shown in the information a notice in writing signed by the said clerk setting forth—

(i) the amount of any fine or the nature of any other penalty imposed on the defendant and of any costs awarded against the defendant in respect of the proceedings against him;

(ii) the place or places at which and the manner in which any fine or costs may be paid by the defendant; and

(iii) in the case of a cancellation or suspension of a licence to drive a motor car or disqualification from obtaining such a licence—a statement of the effect of the provisions of sub-section (3).

. . . . . .

94C. For the purposes of any appeal or re-hearing a penalty imposed upon proceedings under this subdivision shall be deemed to have been imposed by a magistrates' court sitting at a duly appointed time and place.

Mr. ROSS-EDWARDS (Shepparton).—The amendments which I propose to move have been circulated and the first two are allied to each other.

The ACTING CHAIRMAN (Mr. Wheeler).—I suggest that the honorable member for Shepparton should explain the two amendments together and then move them separately.

Mr. ROSS-EDWARDS.—The effect of the first two amendments will be to allow 28 days' notice instead of the 14 days' notice provided in the Bill of a summons against any person. The reason for the suggested amendments is that, the postal services being what they are today, someone who was away from home for a few days could suffer a grave injustice through not receiving the notice. I understand that the Government will accept these two amendments.

Mr. REID (Attorney-General).—The Government will accept the two amendments to which the honorable member for Shepparton has spoken.

Mr. ROSS-EDWARDS (Shepparton).—I move—

That, in sub-section (2) of the proposed section 94A, the words "or by post" be omitted.

The amendment was agreed to.

Mr. ROSS-EDWARDS (Shepparton).—I move—

That, after the expression "paragraph (a)" in sub-section (2) of the proposed section 94A, the words "or by post not less than twenty-eight days before the said date" be inserted.

The amendment was agreed to.

Mr. ROSS-EDWARDS (Shepparton).—The purpose of the third and fourth amendments is to do away with the provision that a magistrate may suspend or cancel a licence in chambers and, in future, if a magistrate considers that suspension or cancellation of a licence is necessary, it will be referred to an open court. Although thousands of cases which could involve the suspension of a driver's licence come before Magistrates' Courts, only a small proportion of drivers ask a solicitor whether they should defend this case. In such circumstances, the solicitor must decide whether there is any chance of the person losing his licence. If a motorist feels that he is technically guilty, but is not likely to lose his licence in the circumstances, he will not defend the case. For many people the loss of a driver's licence is serious.

My party endorses the principle of cases proceeding in chambers because it will assist to relieve courts of routine cases. Generally speaking, cases in which a licence is in danger of suspension are defended. Although my party supports the Bill in principle, I propose to move the next two amendments which have been circulated in my name. I therefore move—

That sub-section (9) of proposed new section 94A be omitted.

Mr. TURNBULL (Brunswick West).—My party opposes the principle that cases which could involve the suspension of a driver's licence should proceed in chambers rather than in court. For the reasons outlined by the honorable member for Shepparton, we support the amendment.

Mr. REID (Attorney-General).—I have given careful consideration to the observations of the honorable member for Shepparton and the honorable member for Brunswick West, but the Government is not prepared to accept the amendment. It is considered that to accept either of the proposed amendments would greatly reduce the range of cases that could be heard by a Stipendiary Magistrate in chambers. The proposal is designed to expedite cases of this type.

The Committee divided on the question that the sub-section proposed by Mr. Ross-Edwards to be omitted stand part of the Bill (Mr. J. D. MacDonald in the chair)—

Ayes	..	37
Noes	..	25
Majority against the amendment	..	12

AYES.

Mr. Balfour	Sir Arthur Rylah
Mr. Billing	Mr. Scanlan
Mr. Birrell	Mr. Smith (*Bellarine*)
Sir John Bloomfield	Mr. Smith (*Warrnambool*)
Sir Henry Bolte	Mr. Stephen
Mr. Borthwick	Mr. Suggett
Mr. Darcy	Mr. Tanner
Mr. Dixon	Sir Edgar Tanner
Mr. Dunstan	Mr. Taylor
Mr. Evans (*Ballarat North*)	Mr. Templeton
Mrs. Goble	Mr. Trethewey
Mr. Hayes	Mr. Vale
Mr. Jona	Mr. Wheeler
Mr. Loxton	Mr. Wilcox
Sir William McDonald	Mr. Wiltshire
Mr. McKellar	
Mr. Manson	*Tellers:*
Mr. Reese	Mr. Doyle
Mr. Reid	Mr. McLaren.
Mr. Rossiter	

NOES.

Mr. Broad	Mr. Mitchell
Mr. Buckley	Mr. Mutton
Mr. Cochrane	Mr. Ring
Mr. Divers	Mr. Ross-Edwards
Mr. Edmunds	Mr. Simmonds
Mr. Evans (*Gippsland East*)	Mr. Sutton
Mr. Fennessy	Mr. Trewin
Mr. Floyd	Mr. Turnbull
Mr. Ginifer	Mr. Wilkes
Mr. Holding	Mr. Wilton
Mr. Lind	
Mr. Lovegrove	*Tellers:*
Mr. McDonald (*Rodney*)	Mr. Whiting
	Mr. Trezise.

PAIRS.

Mr. Meagher	Mr. Moss
Mr. Porter	Mr. Phelan
Mr. Rafferty	Mr. Clarey
Mr. Stokes	Mr. Stoneham.

Mr. ROSS-EDWARDS (Shepparton).—I move—

That, in sub-section (10) of proposed new section 94A, after the word "person" the word "or to cancel or suspend a licence to drive a motor car or to disqualify any person from obtaining such a licence" be inserted.

The CHAIRMAN (Mr. J. D. MacDonald).—The Committee has already negatived the previous amendment, and therefore it is not appropriate to put this consequential amendment.

Mr. ROSS-EDWARDS (Shepparton).—I move—

That, in sub-section (1) of the proposed new section 94B, after the word "information" the words "or any more recent address of which the clerk has particulars" be inserted.

When a person has been convicted and fined, the clerk must overcome the real problem of serving a summons by post. Because of the moving population today, the defendant may not receive the notice informing him of the amount of the fine imposed. The amendment, which goes hand in hand with the previous amendment, will help to ensure that the convicted person actually receives the notice.

Mr. REID (Attorney-General).—I agree with the purpose of the amendment moved by the honorable member for Shepparton although, as a matter of drafting, it may be necessary to make it more specific. I shall discuss the matter with the honorable member with a view to still further improving the provision in another place. In the meantime, I accept the amendment.

The amendment was agreed to.

Mr. ROSS-EDWARDS (Shepparton).—I do not propose to proceed with the next two amendments circulated in my name because they are consequential upon the amendment which was previously negatived. I shall deal now with the last amendment circulated in my name. Accordingly, I move—

That, in proposed new section 94C, the expression "a magistrates' court sitting at a duly appointed time and place" be omitted with the view of inserting the expression "a duly appointed magistrates' court on the day the defendant is deemed to have been served with the notice referred to in sub-section (1) of section 94B."

If the amendment is accepted, the convicted person will be given extra time. The 21 days will run from the day on which the notice is deemed to have been served on him. In arriving at that date consideration will be given to when it was posted, and it will be assumed that he received the notice a day or two later. Under the present provision the time will run from the day on which the court actually sat. If my amendment were accepted and there was a delay in posting the notice, the defendant would not be inconvenienced.

Mr. REID (Attorney-General).—The Government is prepared to accept the amendment.

The amendment was agreed to and the clause, as amended, was adopted, as were the remaining clauses.

The Bill was reported to the House with amendments, and the report was adopted.

Mr. REID (Attorney-General).—I move—

That this Bill be now read a third time.

Mr. ROSS-EDWARDS (Shepparton).—Doubts have been expressed by legal authorities as to whether there is a right of appeal or rehearing against cases heard in chambers. It would be a serious state of affairs if there was no right of appeal or rehearing in such cases because, apart from all the normal mistakes that could be made, such as a person not getting his notice or the wrong evidence being given, an injustice could occur. I ask the Attorney-General to ascertain from his legal advisers, prior to the Bill going to another place, whether the

right of appeal or rehearing does exist in cases heard in chambers in exactly the same way as it does for cases heard in open court.

I am disappointed that the Government did not accept my amendment relating to the suspension and cancellation of licences in chambers. I do not think honorable members have given this matter sufficient consideration. At least 19 out of 20 cases could have been dealt with in chambers if my amendment had been accepted, and the fact that it has been negatived defeats the purpose of the Bill. If a person knew that his licence could be cancelled or suspended he would certainly elect to have his case heard in open court. Members of the Country Party have strong feelings about this. We have made it clear to the Government that we want to co-operate to ensure that effective legislation is passed.

I thank the Attorney-General for accepting one amendment but I believe he rejected the most important proposal. I ask that further consideration be given to it before the Bill goes to another place.

Mr. REID (Attorney-General).—I have listened with interest to the points raised by the honorable member for Shepparton. It is my belief, and it is also in accordance with the general advice given to me, that the danger which the honorable member mentioned is not apparent. Although the procedures are conducted by affidavit an order made in chambers is exactly the same as one made in open court and would be subject to the normal rights of application for rehearing or appeal. I appreciate the honorable member's remarks and I shall give them careful consideration. If it appears that an injustice can be inflicted by the new procedure, I shall have an amendment made in another place to clarify the position.

Mr. TURNBULL (Brunswick West).—I think the provisions of sub-section (3) of proposed new section 94B, as contained in clause 3, mean that if a person is convicted of an offence and his licence is not cancelled or suspended he will be debarred from making an application for a rehearing or for an appeal. The suggestion made by the honorable member for Shepparton should be considered. If a man is convicted of an offence he should have the right of a rehearing under the normal procedures and at all times he should have a right of appeal to a Judge of the County Court.

The motion was agreed to, and the Bill was read a third time.

ADJOURNMENT.

DEBATE ON ADJOURNMENT MOTION—EDUCATION DEPARTMENT: LALOR TECHNICAL SCHOOL: PROTECTION OF SCHOOL GROUNDS BY DOGS—HILLCREST AUTO PTY. LTD.: ACTIVITIES.

Mr. REID (Attorney-General).—I move—

That the House, at its rising, adjourn until tomorrow, at half-past Ten o'clock.

The motion was agreed to.

Mr. REID (Attorney-General).—I move—

That the House do now adjourn.

The SPEAKER (the Hon. Vernon Christie).—I think it would be appropriate at this stage for me to carry out my promise to give honorable members guidance and rulings on the debate at the end of the day on the motion "That the House do now adjourn." Yesterday I was asked what rules applied to the speeches which may be made on this motion.

About 40 years ago Mr. Speaker Mackie laid down the types of speeches that could be made on the motion. He said that it was the custom to allow questions to be asked, complaints to be shortly made and brief observations to be made on the subject-matter. In 1953 Mr. Speaker Sutton said that no honorable member should extend his remarks into a set speech, and this

has been well established. He also said that matters taken up by honorable members should relate to Government administration, that they should not relate to future legislation, that only one subject per member per day should be permitted and that speeches should not last longer than five minutes. That has been the custom in this place.

Rulings given throughout the history of this place also suggest that the matter raised should be one of urgency. This ruling applied before the advent of questions without notice, a procedure which we have adopted only in the past few months. Based on the custom and usage under which we have been operating, and taking into consideration that members have the opportunity of asking questions upon notice and questions without notice, I rule that in the debate on the motion "That the House do now adjourn" questions which are similar to questions without notice will be inadmissible. That means that matters of urgent public concern and of importance to members, matters of Government administration not related to proposed or future legislation, one subject per member—usage also is that it should not be repeated—and that the time allowed per member shall be no longer than five minutes will be permitted.

I have examined the speech which provoked this request for a definition and I contend that I was trying to help the honorable member for Moonee Ponds because I was urging him to adopt a technique of presentation, firstly, briefly to set out the nature of the matter or complaint. It was not until the end of his speech that it became apparent that he was asking for a decision. Secondly, the honorable member should have given the name of the Minister or the Department involved and then proceeded to give a brief "back-up" of the facts and finally finished up with a confirmation of the nature of the decision sought.

The Speaker.

Mr. WILTON (Broadmeadows).—I direct to the attention of the Assistant Minister of Education to the situation which exists at the Lalor Technical School where equipment is urgently needed in the sheet metal turning and fitting section. The School is still waiting for the replacement of the short-legged chairs which received some publicity some time ago. Various pieces of furniture are urgently needed. The School has been forced to borrow old furniture from two other technical schools, and in some instances students have had to bring chairs to the School. This has been the position since the beginning of the school year, and the equipment is urgently required. Staff have been appointed to carry out instruction in turning and fitting and sheet metal work, but because of the absence of equipment they cannot discharge their duties as teachers in a proper manner. I ask the Minister to take up this matter with his colleague, the Minister of Education, as one requiring urgent attention.

Mr. DIXON (St. Kilda).—I desire to raise with the Assistant Minister of Education a matter concerning fires in State schools. All honorable members will have been greatly concerned at the fires which have occurred in State schools. Last Monday evening, I visited the Elwood Central School. The caretaker, Mr. Frank Sheridan, has a small black dog which, when he releases it, goes round the School grounds. It is well trained, and if it meets anyone en route it barks and bails up the person. This procedure is followed in used car yards. I suggest, for the consideration of the Assistant Minister and the Minister of Education, that schools should be provided with trained dogs—one dog per school—to patrol the school grounds. If each school in the metropolitan area and throughout Victoria had a dog, which could be owned by the caretaker, and properly trained, it could patrol the grounds when nobody

else was present. This practice could significantly reduce the incidence of fires in State schools.

Mr. FLOYD (Williamstown).—I ask the attention of the Attorney-General to inquire into the activities of a firm known as Hillcrest Auto Proprietary Limited of 359 Warrigal-road, Bentleigh. This firm has led a cloistered existence for a few years and has been able to sell to people cars which it did not possess in the first place. A number of people in Williamstown have bought cars from the firm.

Mr. STEPHEN.—What is the address?

Mr. FLOYD.—I gave the address; it is in Bentleigh.

Sir ARTHUR RYLAH.—Be careful! Criminal proceedings are being taken against these people. Make sure you name the right firm. This could be defamation by privilege.

Mr. FLOYD.—I am not doing anything wrong; I am saying that the firm of Hillcrest Auto Proprietary Limited, of 359 Warrigal-road, Bentleigh, has entered into negotiations with a certain number of people who have bought cars from this firm. The people who purchased the cars paid for them, but they were repossessed because they did not belong to that firm. There is no defamation in that.

The SPEAKER (the Hon. Vernon Christie).—Order! The honorable member should ask for action to be taken by the Minister.

Mr. FLOYD.—I know that the Chief Secretary is touchy.

Sir ARTHUR RYLAH (Chief Secretary).—I raise a point of order. Firstly, this matter has been raised previously by the honorable member for Oakleigh. Secondly, it is the subject of criminal proceedings. Thirdly, the honorable member for Williamstown has in his hands a writ over this matter. The Government has nothing to hide in connexion with this firm and has taken appropriate action. The only reason why I suggested that the honorable member should be careful about the address was that there is a reputable firm not far away with a very similar name. That was my only reason for intervening. Anyway, I suggest that this matter is *sub judice*.

The SPEAKER (the Hon. Vernon Christie).—Order! I uphold the point of order and thank the Chief Secretary. I call for the next matter of business.

Mr. FLOYD (Williamstown).—I accept your ruling, Sir.

Mr. ROSSITER (Minister of Labour and Industry).—The honorable member for Broadmeadows raised the question of equipment, chairs and other furniture at Lalor Technical School and asked me to take up the question of these shortages with the Minister of Education. I shall do so, gladly.

The honorable member for St. Kilda brought forward what is probably the most novel suggestion that this House has heard for some time. The honorable member put his proposal in a sincere and proper manner, and it concerns methods of somehow drawing attention to marauders, despots, thieves, criminals, arsonists, profligates or anyone else infesting our schools at night.

I am reminded of a famous occasion when a grand final football match was being played on the Melbourne Cricket Ground and Mel. Morris, in broadcasting a description of the match, said, "And a little dog ran on to the ground". The thought of these 36 magnificent specimens of Australian manhood being upset by a little dog was a tremendous anti-climax. I hope that at some stage consideration will be given to the training of teams of savage fox-hounds to run around school grounds, barking furiously and frightening arsonists into the outer.

The motion was agreed to.

The House adjourned at 11.52 *p.m.*

Legislative Council.

Thursday, March 19, 1970.

The PRESIDENT **(the Hon. R. W. Garrett)** took the chair at 11.25 a.m., and read the prayer.

EDUCATION DEPARTMENT.

MATHEMATICS AND SCIENCE TEACHERS: DIRECTOR'S PROPOSALS.

For **the Hon. I. R. CATHIE** (South-Eastern Province), the Hon. G. J. O'Connell asked the Minister of Education—

(*a*) Was he made aware of a memorandum sent to principals of high schools by the Director of Secondary Education concerning the failure of the Education Department to meet the needs for mathematics and science teachers; if so, does he agree with the terms of the circular in relation to—(i) the extent of the crisis; and (ii) the proposed remedies?

(*b*) Is it proposed to survey all high schools in order to check which of the Director's proposals are being implemented and, in that event, will the result of this survey be made available to honorable members?

(*c*) How is it possible to eliminate or to reduce mathematics and/or science classes from the junior school without diminishing opportunities for success in future levels and careers?

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

(*a*) Yes, subsequent to the issue of the memorandum.

(i) There is a shortage of mathematics and science teachers in secondary schools.

(ii) The proposed remedies seemed to be the most logical steps to take in the circumstances in the interests of all students undertaking mathematics and science courses.

(*b*) Yes, but the survey will not be carried out for some time yet. The results of the completed survey can be made available.

(*c*) Reduced content of courses in the hands of experienced teachers has always been possible in the junior school without jeopardizing future success. However, as indicated in the circular the elimination of classes in either subject at any level is not favoured.

SECONDARY SCHOOL FOR MELTON.

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

(*a*) Have any representations been made for a secondary school at Melton; if so, by whom?

(*b*) Is it proposed to build a high or technical school at Melton?

(*c*) Has land been set aside or purchased as a site for a secondary school at Melton; if so, where is it situated?

(*d*) How many children from Melton attend secondary schools?

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

(*a*) The honorary secretary, Western Suburbs Municipal Association, Mr. J. J. Doyle, M.L.A., Shire of Melton, and the Hon. G. L. Chandler, M.L.C.

(*b*) No indication can at present be given as to when we will be in a position to provide secondary school buildings for Melton. Our building programme is reviewed every year and the needs of this area will be taken into consideration in conjunction with other projects throughout the State.

(*c*) Site owned in Richards-road. Site being acquired in Coburns-road.

(*d*) Up-to-date figures are not available; survey is being undertaken at present.

SCHOOLS IN MELBOURNE WEST PROVINCE: EMERGENCY FIRE ESCAPES.

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

Further to the answer given to question No. 8, asked in this House on 3rd March, 1970, has the Public Works Department completed its survey of the schools; if so, what is the result of the survey?

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

Yes. In view of the Public Works Department reports no additional fire escapes will be provided at any of the schools named as they have adequate safeguards against fire dangers.

COLLINGWOOD HIGH SCHOOL: FIRE DAMAGE: SECURITY MEASURES.

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

(*a*) In regard to the fire that occurred at Collingwood High School at the week-end and the immediate demolition of portion of the building, what provision has been made for the pupils affected?

(*b*) Have any security measures been taken to protect the new class-rooms at the rear of the old building from arsonists?

(*c*) Will the Minister obtain a report from the Metropolitan Fire Brigade on fire hazards which may exist in all schools in the Melbourne Province?

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

(*a*) Some minor adjustments to curriculum, of a temporary nature, have enabled the school to function during the first few days following the fire.

It is anticipated that the leasing of premises close to the school will enable the normal programme to be resumed within the next few weeks.

(*b*) Yes.

(*c*) Discussions have taken place between the Police Department, Metropolitan Fire Brigade, Country Fire Authority, Public Works Department and the Education Department. The Department has recently appointed a full-time security and safety officer who is co-ordinating an examination of buildings to establish if any fire hazards exist.

The examination will be carried out in conjunction with the Fire Brigade and Public Works Department and will be on a priority basis whereby schools, which because of their age or condition may be suspect, will be examined first.

PRINCES HILL HIGH SCHOOL: TEMPORARY ACCOMMODATION.

For **the Hon. J. M. TRIPOVICH** (Doutta Galla Province), the Hon. Archibald Todd asked the Minister of Education—

(*a*) Has the Melbourne City Council rejected the request of the Education Department to site portable class-rooms on Princes Park to cope with the destruction of part of the Princes Hill High School by fire; if so, is the decision of the Council final and binding, or has the Government authority to over-rule the Council?

(*b*) How many children are attending the Princes Hill School at present and under what conditions are they receiving tuition?

(*c*) Can the present arrangements continue through the winter months; if not, what alternative proposals are in hand?

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

(*a*) Yes. The Government has no statutory power to over-rule the Melbourne City Council which is the controlling body of this land, which is permanently reserved for a public park. However, my colleague, the Honorable Sir William McDonald, M.L.A., Minister of Lands, will be making a personal appeal to the Council.

(*b*) 925. They are receiving tuition on a shift basis at the school.

(*c*) No. It is proposed to accommodate the pupils displaced by the fire in portable class-rooms on a site yet to be determined.

SCHOOLS IN MELBOURNE PROVINCE: SECURITY ARRANGEMENTS.

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

In respect of the Errol-street Primary School No. 1402, Alfred-crescent Primary School No. 1490, Collingwood Girls High School, Vere-street, Collingwood, Cromwell-street Primary School No. 2462, Cambridge-street Primary School No. 1895, Lithgow-street Primary School No. 1886, Boundary-road Primary School No. 2566, Prahran Primary School, High-street, No. 2855, McCracken-street Primary School, Kensington No. 2374 and Princes Hill High School and Primary School No. 2955, Pigdon-street, Princes Hill, how many night and week-end check visits have been made over the past five months—by (i) the police; (ii) the fire brigade; or (iii) watching organizations?

The Hon. L. H. S. THOMPSON (Minister of Education).—With the approval of the honorable member, I would prefer to give him a confidential report on the activities of watching services in the area.

FILE RELATING TO MRS. J. INGLEBY.

For **the Hon. I. R. CATHIE** (South-Eastern Province), the Hon. G. J. O'Connell asked the Minister of Education—

Will he lay on the table of the Library the file relating to Mrs. J. Ingleby, of Altona North Technical School?

The Hon. L. H. S. THOMPSON (Minister of Education).—The answer is, "Yes".

MERRILANDS HIGH SCHOOL: STAFF.

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

Is there a shortage of staff at Merrilands High School; if so, in what subjects and what steps have been taken to rectify the shortage?

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

Schedule equals 35.

Schedule plus 15 per cent. equals 40.3. Has 39.

Vacancies listed:

1 teacher of English required after Easter.

1 teacher of maths and science required when one is available.

1 teacher of mechanical drawing required.

1 teacher of music required.

Appointments will be made as soon as suitable applicants are available.

TEACHERS' TRAINING COLLEGE FOR WESTERN SUBURBS.

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

(*a*) Has any land in the western suburbs of Melbourne been purchased for a teachers' training college; if so, where; if not, has consideration been given, or will it be given, to such a purchase?

(*b*) Is it proposed to build a teachers college in the western suburbs in the near future?

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

(*a*) No. Consideration is being given as a part of the total development of teacher education for the State.

(*b*) No.

SECONDARY SCHOOL TEACHERS: HOLDING POSITIONS.

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

Is any teacher at any State secondary school being retained in a holding position; if so, at what school and in what subjects?

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

Yes. At present there are two commerce teachers held in holding positions, one at Oak Park High School and one at Box Hill High School. They will be absorbed by transfer to vacancies this week. There are also two commerce teachers being used for temporary vacancies at Bendigo High School and Casterton High School. These will be transferred to meet other needs in commerce as soon as they are freed by return of teachers on sick leave.

WATER POLLUTION.

POLLUTION COMMITTEE: MEMBERS: MEETINGS.

For **the Hon. I. R. CATHIE** (South-Eastern Province), the Hon. G. J. O'Connell asked the Minister of Agriculture—

(*a*) Who are the members of the Steering Committee of Permanent Heads on Water Pollution, stating the relevant Departments and the date of appointment of each member?

(*b*) In the past two years, how often has this Committee met, stating, in respect of each occasion, the dates, attendances and duration?

(*c*) Who are the members of the Western-port Bay Pollution Committee, stating the qualifications and date of appointment of each member?

(*d*) In the past two years, when has this latter Committee met, stating the dates and attendances for each meeting?

For **the Hon. G. L. CHANDLER** (Minister of Agriculture), the Hon. L. H. S. Thompson (Minister of Education).—The answers are detailed, and I seek leave of the House for their incorporation in *Hansard* without my reading them.

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

(*a*) Mr. J. V. Dillon, Under-Secretary, Chief Secretary's Department (Chairman).

Mr. A. F. Tisdall, Chairman, State Rivers and Water Supply Commission.

Mr. G. W. Rogan, Secretary, Department Health.

Mr. G. Serpell, Director-General of Public Works.

Mr. E. R. Inglis, Secretary, Local Government Department.

Dr. D. S. Wishart, Director of Agriculture.

Mr. A. G. Robertson, Engineer in Chief, Melbourne and Metropolitan Board of Works.

All members were appointed in November, 1968, except Mr. Robertson, who was appointed on 21st August, 1969.

(*b*) The Committee has met on seven occasions—

Date of meeting	Attendance
13th March, 1969	6
1st May, 1969	6
21st August, 1969	6
2nd October, 1969	7
7th November, 1969	7
15th December, 1969	7
9th February, 1970	7

The duration of the meetings has not been recorded, but it is estimated at from 2 to 3 hours.

(*c*) Mr. A. D. Butcher, M.Sc., Director of Fisheries and Wildlife (Chairman).

Dr. B. P. McCloskey, M.D., B.S.-(Melb.), D.P.H. (Sydney), F.A.C.M.A., M.I.H.E.(U.K.), Assistant Chief Health Officer (Public Health), Department of Health (Deputy Chairman).

Mr. R. Arnot, B.A., B.Sc.,Agr., Dip.T. & C.P.(Sydney), Senior Research Officer, Town and Country Planning Board.

Mr. G. Hirth, B.C.E., E.W.S., M.I.E. (Aust.), Senior Executive Engineer Town Water Supplies, Water Supply Department.

Mr. E. J. O'Brien, B.Sc., Dip.Chem., Chief Chemist, Department of Agriculture.

Mr. R. M. Perry, B.E., M.I.E.(Aust)., Senior Executive Engineer, Ports and Harbors Branch, Public Works Department.

All members were appointed as from the 17th March, 1969, except Mr. Arnot whose appointment dates from the 7th November, 1969.

(*d*)

Dates of Meetings	Attendances
17th March, 1969	6
1st April, 1969	6
24th June, 1969	6
7-8 July, 1969	6
22nd July, 1969	6
18th September, 1969	6
13th November, 1969	4
16th December, 1969	5
3rd February, 1970	6
26th February, 1970	6

WATER SUPPLY.

SUPPLY FOR DIGGERS' REST.

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

(*a*) Why are residents of Diggers' Rest unable to tap into the water main which runs through Diggers' Rest?

(*b*) Have any representations been made for tappings to the main to be carried out; if not, why?

(*c*) What is the size of the main?

(*d*) To whom does the main belong?

For **the Hon. G. L. CHANDLER** (Minister of Agriculture), the Hon. L. H. S. Thompson (Minister of Education).—The answers are—

(*a*) The pipeline which passes through Diggers' Rest was installed by the Commonwealth some 25 years ago to serve the beam wireless station at Rockbank. It now also serves defence establishments at Diggers' Rest and Rockbank and does not have sufficient capacity to supply additional consumers.

(*b*) Yes.

(*c*) Part 6 in. and part 4 in. diameter.

(*d*) The Commonwealth of Australia.

RAILWAY DEPARTMENT.

PROPOSED STATION AT HOPPER'S CROSSING, WERRIBEE.

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

(*a*) What is the estimated cost of installing the proposed railway station at Hopper's crossing, Werribee?

(*b*) What proportion of this cost is being borne by the Railway Department?

(*c*) Who is expected to bear the remaining cost?

(*d*) On what basis was this financial arrangement arrived at?

(*e*) Why is the Railway Department not bearing the full cost of the construction of the station?

For **the Hon. G. L. CHANDLER** (Minister of Agriculture), the Hon. L. H. S. Thompson (Minister of of Education).—The answer is—

There is no firm proposal to provide a station at Hopper's crossing. However, I understand that the Shire of Werribee and a land developer are endeavouring to have a station built by contributing to the cost. The Railways Commissioners have indicated that on this basis they are prepared to provide a station with minimum facilities to suit the rail motor operating on the Geelong line.

BANKING.

CONCESSIONS TO ORGANIZATIONS.

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

(*a*) Prior to the recent change of policy concerning bank charges and interest on trading accounts by the Australian Bankers Association, what organizations within Victoria enjoyed exemption from bank charges and have received interest on trading accounts with the State Savings Bank of Victoria?

(*b*) What organizations have been excluded from these benefits under the new policy?

(*c*) Why has it been necessary for such changes to be made by the State Savings Bank?

For **the Hon. G. L. CHANDLER** (Minister of Agriculture), the Hon. L. H. S. Thompson (Minister of Education).—The answers are—

(*a*) Organizations considered by the Bank to fall under a general heading of "non-profit making".

(*b*) Societies, associations, clubs, etc., formed primarily to promote the interests and welfare of their own members.

(c) I am advised that all banks found themselves forced to rationalize the matter of exemptions which had got out of hand, and which in effect involved a subsidy to some customers at the expense of all other customers.

SECURITY AND WATCHING SERVICES.

REGISTRATION OF PERSONNEL.

For **the Hon. J. M. TRIPOVICH** (Doutta Galla Province), the Hon. Archibald Todd asked the Minister of Agriculture—

(*a*) How many men are now registered as night watchmen, guards or agents, &c., and employed by private individuals or firms offering security services to the public within the confines of the Greater Melbourne area, Bendigo, Ballarat and Geelong, respectively?

(*b*) Are such applications for registration vetted and/or approved by the Police Department; if so, by whom, or what section?

For **the Hon. G. L. CHANDLER** (Minister of Agriculture), the Hon. L. H. S. Thompson (Minister of Education).—The answers are detailed, and I seek leave of the House for their incorporation in *Hansard* without being read.

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

(*a*) The number of private individuals, firms, or corporations at present licensed as guard agents, pursuant to the Private Agents Act, in the areas mentioned, are—

Melbourne area	78
Bendigo	1
Ballarat	—
Geelong	5

The number of persons licensed as watchmen, pursuant to the Private Agents Act, in the areas mentioned and employed by licensed guard agents are—

Melbourne area	1,763
Bendigo	10
Ballarat	15
Geelong	42

Some of the watchmen in country areas are employed by firms licensed as guard agents whose licence has been issued by a Court of Petty Sessions in the Melbourne area.

(*b*) The clerk of the Court of Petty Sessions where the application for a licence is listed for hearing is required to send a copy of the application and the originals of the testimonials to the officer in charge of the police district in which the Court is situated for investigation and report.

An objection to the issuing of the licence can be lodged with the clerk of Petty Sessions and the Court of Petty Sessions considers any such objection when considering the application for a licence.

PRISONS DIVISION.

LOCATION OF PENTRIDGE GAOL: DEVELOPMENT OF CAMPBELLFIELD SITE.

For **the Hon. J. M. TRIPOVICH** (Doutta Galla Province), the Hon. Archibald Todd asked the Minister of Agriculture—

(*a*) Has the Government received a serious proposition to exchange property at Campbellfield to be developed as a prison in exchange for the land now occupied by H.M. Gaol, Pentridge at Coburg; if so, from whom was the offer received and when?

(*b*) Is the Government aware of the opposition of the residents of Campbellfield and of the Broadmeadows City Council to such a proposition?

(*c*) What would be the anticipated cost of demolishing buildings and clearing the Pentridge site, and by whom would these costs be met under the exchange offer?

For **the Hon. G. L. CHANDLER** (Minister of Agriculture), the Hon. L. H. S. Thompson (Minister of Education).—The answers are—

(*a*) Representatives of Hooker Projects Limited had a preliminary discussion with the Chief Secretary on Wednesday, 18th March.

(*b*) Yes.

(*c*) The matter is still in the exploratory stage, and no cost has been examined.

POLICE DEPARTMENT.

RESIGNATIONS.

For **the Hon. J. M. TRIPOVICH** (Doutta Galla Province), the Hon. Samuel Merrifield asked the Minister of Agriculture—

How many members of the Police Force, recruited for or engaged in crime detection and prevention, resigned during each of the months January to December, 1969, inclusive, and what reason was offered in each case?

For **the Hon. G. L. CHANDLER** (Minister of Agriculture), the Hon. L. H. S. Thompson (Minister of Education).—The answer is detailed, and I seek leave for its incorporation in *Hansard*, without my reading it.

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

All members of the Force are recruited for or engaged in crime prevention or detection. The following resignations took effect during 1969:—

Month	Number
January	17
February	7
March	17
April	13
May	4
June	22
July	23
August	19
September	24
October	13
November	14
December	13
TOTAL	186

The following reasons were tendered:—

Reason	Number
Marriage	4
Go into business	24
Travel and to go interstate	12
Financial problems	6
Full-time study	4
Other employment	40
Unable to cope	18
Assist parents	1
No interest	1
Domestic reasons	3
Private reasons	2
Personal reasons	13
Disgruntled	1
Wife's health	2
Father's health	1
No reason stated	30
Join another Force	17
Unsuited	5
Ill health	2
TOTAL	186

MELBOURNE AND METROPOLITAN TRAMWAYS BOARD.

PURCHASE OF NEW TRAMS.

For **the Hon. J. M. TRIPOVICH** (Doutta Galla Province), the Hon. Samuel Merrifield asked the Minister of Agriculture—

Since September, 1965, has the Government had any request from the Melbourne and Metropolitan Tramways Board for the approval of loan moneys to permit the purchase of modern trams; if so, with what result?

For **the Hon. G. L. CHANDLER** (Minister of Agriculture), the Hon. L. H. S. Thompson (Minister of Education).—The answer is —

Since 1965, the Board has included this proposal for consideration in connexion with the annual loan works programmes. However, it has not been possible to make available a loan allocation for this purpose.

STATE ELECTRICITY COMMISSION.

TARIFF REDUCTIONS.

For **the Hon. J. M. TRIPOVICH** (Doutta Galla Province), the Hon. Samuel Merrifield asked the Minister of Agriculture—

(*a*) Does the State Electricity Commission offer an arrangement allowing a percentage reduction on accounts for the supply of electricity to householders solely using electric power and lighting; if so, what are the details?

(*b*) What percentage of electricity users have made application and come within the scope of the reduced charges?

(*c*) What would be the expected amount of reduction on quarterly accounts of 20, 25, 30, 35, and 40 dollars, respectively?

For **the Hon. G. L. CHANDLER** (Minister of Agriculture), the Hon. L. H. S. Thompson (Minister of Education).—The answers are lengthy, and I seek leave of the House for their incorporation in *Hansard*, without my reading them.

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

(*a*) The State Electricity Commission offers a "better electric living" domestic tariff which requires the use of particular electrical appliances, but does not require a totally electric installation.

The tariff is available where the consumer's installation includes—

(i) a permanently wired electric range consisting of both an electric oven and electric hotplate(s), including those installed as separate oven and hotplate units; and

(ii) a permanently wired electric water heater; and

(iii) an electric refrigerator.

Note: "Permanently wired" means connected to fixed wiring as required by the Wiring Regulations, 1961, and excludes plug-in appliances connected to a power

point. "Water heater" includes off-peak, continuous or instantaneous (where permissible) water heaters used for domestic hot water service requirements, and excludes wash boilers, coppers or the like.

The appropriate rates for the standard domestic tariff and the "better electric living" tariff are:

	Rates a kilowatt hour based on quarterly consumption	
	Standard Domestic Tariff	"Better Electric Living Tariff"
First 75 kWh	6 cents	6 cents
Next 435 kWh	2.3 cents	2.3 cents
Balance	2.1 cents	1.7 cents

(*b*) It is estimated that 20 per cent. of all householders qualify for the "better electric living" tariff and to date half of those qualified have applied.

(*c*) The expected reductions are—

	Total Quarterly Bill.				
	$20.	$25.	$30.	$35.	$40.
	$	$	$	$	$
Home or flat with electric off-peak hot water service	..	0.60	1.32	2.11	2.90
Home or flat with continuously energised hot water service	0.91	2.00	2.92	3.84	4.76

CLEAN AIR SECTION.

STAFF: EXPENDITURE.

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

How many staff are employed in the Clean Air Section of the Department of Health, and what is the annual expenditure of the Section?

The Hon. V. O. DICKIE (Minister of Health).—The answer is—

The establishment of the Clean Air Section of the Department of Health has recently been increased from 6 to 7. These officers are employed directly and full time in the prevention of air pollution.

As health services are organized in Victoria the Clean Air Section benefits indirectly from assistance from the district health staff of the Department of Health comprising 20 persons—medical officers and health inspectors—and in addition council health officers are also engaged part time in the work of policing the Clean Air Act.

The direct financial allocation to the Clean Air Section for 1969-70 was—

$7,387 for operating expenses and equipment.

$34,507 for salaries of officers.

Not included in these figures are the indirect costs, allowance for the capital costs of office and laboratory buildings, maintenance of such buildings, allowances for the time of district health staff and council officers engaged in clean air activities.

DEATH OF THE HONORABLE SIR HERBERT HYLAND.

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

That this House places on record its deep regret at the death of the Honorable Sir Herbert John Thornhill Hyland, member for the electoral district of Gippsland South in the Legislative Assembly, Honorary Minister from 1936 to 1938, Minister of Transport and a Vice-President of the Board of Land and Works from 1938 to 1943 and 1950 to 1952, Chief Secretary from 1943 to 1945, Minister of Labour and Minister in Charge of State Development from 1947 to 1948, Minister of Decentralization in 1948, Minister in Charge of Prices and Minister of State Development from 1950 to 1952; and its keen appreciation of the long and valuable services rendered by him to the Parliament and people of Victoria.

Sir Herbert Hyland was first elected to the Legislative Assembly on the 30th November, 1929, and had the remarkable record, which all honorable members would like to emulate, of being re-elected unopposed on no fewer than five occasions. Sir Herbert was knighted in 1952. He represented the Victorian Branch as its delegate to the Commonwealth Parliamentary Association Conference at Nairobi in 1954. He was the Leader of the Parliamentary Country Party from the 21st April, 1955, to the 7th July, 1964. He was also Chairman of the Latrobe Valley Development Advisory Committee from the 21st December, 1949, to the 25th August, 1953.

Sir Herbert was a member of various committees of this Parliament—of the House Committee in 1936, 1940-1947, 1952-1955, 1960-1963; Subordinate Legislation Committee, 1964-1970; Vacuum Oil Company Bill Committee, 1931; Potato Marketing Committee, 1953; and Public Works Committee 1964-1967.

There have been few Parliamentarians with a more distinguished record of service. Sir Herbert became well known in recent years as the father of the Legislative Assembly and, indeed, the father of this Parliament. He was a courageous fighter, a vigorous speaker and an extraordinarily conscientious local member. He kept his age somewhat of a secret until perhaps recent years, but he was a remarkably active man for one who was rumoured to be in his middle 80s. His powerful voice continued to boom through the precincts of the Legislative Assembly until recent weeks.

Late last year, Sir Herbert brought a deputation to me about a school problem in Sale. Possibly due to my loose chairmanship, the discussion of the deputation had rambled somewhat. Finally, Sir Herbert jumped to his feet and said, "Mr. Minister, I believe the issues to be these," and in two concise sentences summed them up and said, "Is your answer 'Yes' or 'No'?". It was a remarkable feat for a man of his years, and I had to concede that he summed up the position perfectly.

Mr. President, we pay tribute to Sir Herbert Hyland's many years of outstanding service to the State of Victoria as a Minister and as a Parliamentarian, and we extend our deepest sympathy to his widow.

The Hon. J. W. GALBALLY (Melbourne North Province).—Members of the Labor Party also extend their deep sympathy. Sir Herbert was a unique figure in the Parliament of Victoria. His career here was largely the history of the Country Party in this State. Of the party's 50 years of existence Sir Herbert covered some 40 of them in Parliament.

Sir Herbert was unique in that he utterly rejected the concept of the elder statesmen as a placid, mellow figure who simply gazed on the storms that raged around him. If anything, as he grew older, his verbal attacks grew in ferocity and he seemed to look forward more than ever to them. That was his life. All honorable members at some time or another felt the lash of his tongue. He was a powerful speaker and everyone enjoyed listening to him. The stronger the attack, the more he seemed to enjoy it. He never seemed to resent any counter attack.

Sir Herbert was an extraordinary man who did not fear anything. During the past few months, he walked with death; it was a constant companion whom he recognized as an acquaintance and whom he did not fear. In the end, death came suddenly to him. I mourn his passing.

The Hon. I. A. SWINBURNE (North-Eastern Province).—On behalf of the Country Party, I join with Mr. Thompson and Mr. Galbally in supporting the motion before the House. It is a sad day for members of the Country Party, who have always looked upon Sir Herbert Hyland as one of the outstanding members of this Parliament. He loved the House and the life of a Parliamentarian. Irrespective of whether he was simply a private member, a Minister of the Crown or the occupant of one of the many positions to which the Minister of Education referred, Sir Herbert thoroughly enjoyed himself.

I agree with Mr. Galbally that at times our departed colleague was very fiery. Honorable members who were closely associated with Sir Herbert for some years know that he was fiery not only in the House, but also in the party room. At conferences where members of the Country Party were gathered together, Sir Herbert adopted the same attitude. One of my first experiences of Sir Herbert was when I was a member of the State Development Committee, which visited Traralgon to hear evidence. The method by which he carried out his normal duties in such a detailed manner was amply demonstrated on that occasion. As the people entered the hall, he told everyone where they were to sit and passed around a sheet of paper telling them what to say.

Sir Herbert's organizing ability in every sphere of Parliament was undoubted. Both as a private member and in attending to the needs of his constituents, Sir Herbert was noted for having every detail tied up. Only last week in the precincts of this House, Sir Herbert asked, "What are we doing about the election? Have we got it all tied up, so that all our candidates will know everything?" Even at that late stage, Sir Herbert Hyland was living life as he had lived it over the years. Although Sir Herbert's death was not unexpected, it was a big blow to all honorable members when it was announced. We shall greatly miss his experience and knowledge. The Country Party has been in existence, in Victoria, for 54 years. Sir Herbert enjoyed the distinction of representing the party in Parliament for no fewer than 40 years. During his period of leadership of the Country Party, he led us with great dignity and ability. Over his long period of party membership, Sir Herbert rendered valuable service not only to his colleagues, but also to Parliament and the people of Victoria.

The late Sir Herbert Hyland did much for country people in all walks of life. Irrespective of a person's occupation or what work he was doing, Sir Herbert was a friend who always tried to protect the interests of those he represented. Looking back on Sir Herbert's life, I am sure that the dairying industry owes a great deal to the tenacity of this man. Although he was not a dairy farmer, Sir Herbert, who in his early life was engaged as an officer in a butter factory, knew much about the dairying industry. Later he became a storekeeper. No one appreciates the problems of country people better than storekeepers, who are in constant touch with them. It was this background that gave Sir Herbert so much of the depth of knowledge that he possessed concerning the requirements, difficulties and problems of country people.

Early in his life, Sir Herbert lived in the north-west of Victoria during a difficult period of the State's history. He later moved to Gippsland where he became engaged in the dairying industry as an executive officer of a dairying company. After spending some time as a storekeeper, he became a member of Parliament. The valuable assistance rendered by Sir Herbert to the dairying industry has stood the industry in good stead over the years. Sir Herbert never ceased to fight for the rights and privileges of those engaged in farming pursuits. Sir Herbert brought into fruition the Hyland plan, which was designed to assist municipalities with their financial problems. The plan, which was accepted by the Government of the day, envisaged the provision of financial assistance to the municipalities through the Country Roads Board. In the early days, many municipalities were assisted in overcoming certain financial problems because they accepted grants on a 3, 2 or 1 for 1 basis.

Only last week in another place, Sir Herbert asked a question concerning the indebtedness of municipalities, both country and metropolitan, under the Hyland plan. Right to the end, Sir Herbert had the interests of the municipalities at heart. Many persons who were engaged in the municipal field at that stage felt that, because of the future financial position of the municipalities, they should be somewhat canny concerning the amounts of money that they accepted from the Country Roads Board. The roads in Gippsland today were brought to their present standard because of the foresight of this man, who produced a plan to enable municipalities to expend money and repay it over a period of time. This was typical of the man whom the House is honouring today.

On behalf of the Country Party, I join with Mr. Thompson and Mr. Galbally in expressing sincere condolences to Sir Herbert's widow and the remaining members of his family—his grandchildren and daughter-in-law. In many respects, Sir Herbert had a sad life. He lost his son, daughter and first wife during his lifetime. Although he always appeared to be

bright, he experienced much sadness in his life. Only Sir Herbert's great fortitude, courage and heart kept him going during the past ten years, when he faced many difficulties which would have forced many people to succumb much earlier than Sir Herbert. The Country Party supports the motion.

The Hon. K. S. GROSS (Western Province).—As Chairman of the Subordinate Legislation Committee, I join with Mr. Thompson, Mr. Galbally and Mr. Swinburne in paying a tribute to one of our former colleagues. Since 1964, Sir Herbert Hyland was a member of the Subordinate Legislation Committee and, during that time, he displayed a keen, analytical mind. I am sure that many witnesses who appeared before the Committee were lulled into a false sense of security when they saw Sir Herbert seated at the end of the table, perhaps giving the impression that he was taking little interest in the proceedings, only to find him ask a very probing question which invariably was followed up. That typified Sir Herbert's work on the Committee. At all times, Sir Herbert was cheerful. As Mr. Swinburne said, he had a sad life, but he always adopted a cheerful outlook on life. Above all, Sir Herbert was wonderful company on a trip. During the course of the Committee's recent inquiry, the report of which was tabled yesterday, members had the pleasure of Sir Herbert's company. He helped us to enjoy ourselves immensely, particularly when he related anecdotes of old times. Members of the Committee pay their tributes to him. He was a wonderful colleague and a wonderful worker in this Parliament.

The Hon. R. W. MAY (Gippsland Province).—I join with previous speakers in paying tribute to a man who, in his own lifetime, was a legend. I was associated with Sir Herbert in 1929 when he contested the campaign that proved successful and enabled him to become a member of the Victorian Parliament. From that time, right throughout his lifetime, Sir Herbert was meticulous in all details; he never undertook anything without great preparation. His index and filing system would do credit to the most highly-trained person in Australia. A splendid system of cross references enabled Sir Herbert to pinpoint documents relating to incidents that had occurred over many years. It was amazing that, at the psychological time, Sir Herbert could produce a letter which had been written perhaps some years earlier, and which had some bearing on the subject-matter under discussion.

Sir Herbert was always jealous of the rights of members of Parliament and he fought strongly to preserve their privileges. Last night, I was asked to clean out Sir Herbert's room and go through his personal papers. Whilst performing this task, I noticed a letter written by Sir Herbert only 2 or 3 weeks ago to the Premier urging that in recognition of the services of members of Parliament, certain rights should be preserved for them. Right up to the end, our departed colleague was conscious of the service that we should give, and he did anything that he could do to preserve our privileges.

Sir Herbert Hyland had a remarkable career. He occupied numerous portfolios which, I believe, he filled with credit and distinction. All section's of the community have, at some time or another, written to Sir Herbert and invariably they received a reply. I recall the sergeant of police at Traralgon saying to me on one occasion, "I do not know how many letters this man writes. Even if I arrest someone on the street, he will have in his pocket a letter from Sir Herbert Hyland". This indicates that all sections of the community received equal service from a man who had served the community faithfully and well over a long period.

My colleague, Mr. Swinburne, referred to the assistance that Sir Herbert rendered to the dairying industry. He was well known for his fight against butter substitutes and

was eventually the recipient of a writ for $25,000 from the margarine interests. Throughout the area he represented he was respected by everyone. He started his life as a grocer's boy at Welshpool at the turn of the century and in those days his remuneration was so small that he shared a stable with another person at the grocery store where he worked. This person, who passed away only a short time ago, became a successful businessman and racehorse owner and his horses won a number of important races in Victoria. Throughout that long period of time there was a close friendship between these two gentlemen which had been forged early in their lives.

Mr. Swinburne has covered other phases of Sir Herbert's activities. He left Gippsland and went to the north-west of the State, but later returned to Gippsland. He was a most successful businessman and, although he was rejected for military service during the first world war, he gave any of his customers who joined the services a clean receipt. He was respected by all the people in his electorate, served as a local councillor and made his mark in municipal life. He retired from business and entered politics.

During his political career, the methodical manner which characterized Sir Herbert in his early life stood him in great stead. Mr. Swinburne said he was outspoken, but I contend that he was both fearless and outspoken, and whatever he had to say had a practical application and bearing and reflected the man. Despite the sadness in his life, his actions brought sunshine into the lives of others. I am sure that in doing this he himself shared in some of the sunshine. I greatly regret his passing which ends an era of the type of politician who is becoming unknown today.

The Hon. H. A. HEWSON (Gippsland Province).—I support the motion of tribute to my former Leader and colleague, Sir Herbert Hyland, and I shall speak on a personal basis. Today we are paying tribute to one of Victoria's greatest statesmen, and the constituents of Gippsland South electorate will mourn his passing. His fearless and forthright attitude in debate never wavered when he was challenged. In fact, a challenge spurred him on to more vigorous retaliation. He was capable of expressing himself eloquently and of displaying a vast knowledge of the various subjects he was discussing.

It has been my privilege to have known Sir Herbert since I was a boy. I attended his first campaign meeting when he set out on his political career and my father, who was the president of the local branch of the Country Party, was the chairman at that meeting. Prior to that, Sir Herbert had been an employee at the Kongwak co-operative butter factory, of which my grandfather was one of the directors. So, I have had a close personal association with Sir Herbert over the years and I have learned to respect his high qualities.

Despite the fact that political life is hectic, Sir Herbert Hyland commanded great respect from people around him and inspired those who were in need of support. They responded to the encouragement he gave them. Although he has passed on, his name will be revered for many years and he will be affectionately remembered as "Bertie" Hyland by many people throughout Gippsland. Many generations will pass by before the traditions he set die out.

He served this Parliament in many capacities. One of his greatest attributes was his capacity for work. As a comparative newcomer to this Parliament, I have been inspired by his leadership and for a short period I served with him on the Subordinate Legislation Committee. As Mr. Gross, the Chairman of that Committee, has already said, Sir Herbert showed that he had an analytical mind and was conscious of the rights of witnesses who appeared before the Committee. At the right time he had an appropriate question to put to a witness if he thought the witness was getting away with something. His greatest

attribute was his ability to express himself and to analyze a problem. It is for this we will remember him for a long time. I express my pleasure at having been associated with him over the years and I express to his wife my deepest sympathy.

The PRESIDENT (the Hon. R. W. Garrett).—It was not my privilege to know the late Sir Herbert Hyland for a long time. In fact I have known him only for the twelve years that I have been a member of this Parliament, but I knew of his reputation for many years before that. I had read in the newspapers what he said and what he did for the people he represented, and he did everything so effectively. During the time that I have been a member of this Parliament, I have frequently sat in the gallery in another place and it was always a pleasure to hear Sir Herbert speak. I had great admiration for the vigorous and clear manner in which he expressed himself. When he made a speech there was no doubt about what he meant.

Perhaps we should admire him more than anything else for the way in which he maintained his enthusiasm over such a long period of time. Many people take up a task with initial enthusiasm but it soon dies, but the late Sir Herbert maintained his vim, vigour and interest until the last few days of his life. Only last week I was sitting in the Assembly gallery and I heard him speak. It was obvious that the flesh was becoming weak, but there was no deterioration in his mind and he still had full ability to express himself with the force and vigour which was his habit over many years.

Sir Herbert was a great Parliamentarian and we extend our sincere sympathy to his widow and the members of his family.

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

ROAD SAFETY COMMITTEE.

BLOOD ALCOHOL TESTS.

The Hon. J. M. WALTON (Melbourne North Province) presented the progress report from the Road Safety Committee upon an inquiry into the desirability of introducing blood alcohol tests at hospitals for certain driver victims of motor vehicle accidents, together with minutes of evidence and appendices.

It was ordered that they be laid on the table and that the report and appendices A to P inclusive be printed.

BOARD OF INQUIRY (CORRUPT PRACTICES) BILL.

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

That this Bill be now read a second time.

Honorable members will be aware from the daily press that a writ has been issued against Mr. William Kaye, Q.C., who constitutes the board of inquiry into allegations into corrupt practices in the Police Force, and also against Mr. John Winneke, who is counsel assisting the board. I shall make no comment on the writ apart from saying that this Bill will not affect the outcome of that writ in any way. The writ has been issued and it will take its course, but the issue of the writ has brought to notice the possibility that some people would like to hinder, delay or frustrate this inquiry by taking various legal steps.

I am sure honorable members will agree that it is of the utmost importance, in the interests of the public of Victoria, that the present inquiry should be as complete as possible and that the inquiry should be enabled to arrive at the truth of the allegations without fear of writs or of being hindered by an injunction or a legal process of that kind. It is important to put beyond any doubt that the board, counsel appearing before the board, and the witnesses called should have the rights,

immunities and privileges which they would have if they were appearing in a court of law.

It could almost be said that it is more important for a board of inquiry of this kind that those privileges and immunities should exist. One of the most important of these is the immunity from suits for defamation. In relation to judicial proceedings, it is clear that all parties have absolute privilege, which means that they have immunity from suits for defamation, as also do members of the press, provided that what they publish is accurate. It is important that the same immunity should be granted to those who appear before the board of inquiry.

Because of the issue of a writ, investigations have been made as to whether absolute immunity does or does not exist in relation to the present proceedings before the board of inquiry. No direct authority exists on this matter, and it seems to be doubtful. I shall not put the matter higher than that. Whether the privilege is absolute or qualified, it means that in certain circumstances legal proceedings could be instituted against counsel and witnesses appearing before the board. It must be remembered that the absolute privilege given to judicial officers and those assisting in judicial proceedings is not given for the benefit of those persons but because it is essential to the proper functioning of the legal system. This has been extremely well put by Lord Justice Lopes in *Royal Aquarium and Summer and Winter Garden Society Limited v. Parkinson*, reported in 1892 I Q.B. at page 451, and I quote his remarks :—

> The authorities establish beyond all question this : that neither party, witness, counsel, jury, nor judge can be put to answer civilly or criminally for words spoken in office ; that no action of libel or slander lies, whether against judges, counsel, witnesses, or parties, for words written or spoken in the course of any proceeding before any court recognized by law, and this though the words written or spoken were written or spoken maliciously without any justification or excuse, and from personal ill-will and anger against the person defamed. This absolute privilege has been conceded on the grounds of public policy to ensure freedom of speech where it is essential that freedom of speech should exist, and with the knowledge that courts of justice are presided over by those who from their high character are not likely to abuse the privilege, and who have the power and ought to have the will to check any abuse of it by those who appear before them.

That is a fine statement on the justification for this important privilege. I shall not labour the point. Honorable members will agree that an inquiry of this kind is equally important. When a risk of a suit for defamation is hanging over the head of counsel or witnesses, the proceedings of the board might be frustrated by some legal action. I commend the Bill to the House, and hope that it sees fit to give it a speedy passage.

The Hon. J. W. GALBALLY (Melbourne North Province).—The Minister for Local Government has asked for speedy passage of this Bill and I have agreed to debate the measure now. I shall not impede the passage of the Bill. What I am going to say might seem strange, but there are two thoughts about this measure, the first of which is that justice cannot be done in an atmosphere where witnesses or counsel may be inhibited by fear of a libel suit. Some years ago a learned Judge said that witnesses should not have any fear of such consequences. I agree that the present inquiry should be undertaken along the same lines, and that is why I do not object to the Bill. However, honorable members will recall that since this inquiry has commenced to sit—it has been hearing evidence for several months —this is the second occasion on which Parliament has been approached and asked to pass urgent legislation ; this is the second time that it will have done so. This is most dangerous in any community if in conduct of their business the courts are to have the Government looking over their shoulder from day to day to correct situations like this. I cannot stress too highly the dangers into which we are running.

I am not blaming anybody, and I do not want Government members to take offence, but before this inquiry was embarked upon, they ought to have known of the situation in which counsel and witnesses would be placed. They should have asked the question, "Are the members of the board and the witnesses subject to libel? If so, before we set the matter in motion let us cure the deficiencies." I shall not embark upon that aspect, but if I were asked not to sit on the fence and to give a snap decision, I should say that they were protected. However, the Government has said that the position is not so clear, and that is fair enough.

As I understand the position, this Bill does not correct the position so far as other boards of inquiry are concerned. It relates only to this board of inquiry. That is a weakness. In other words, the law is to be amended only in particular cases. The law should be general in its operation and should apply to every citizen. I hope the House will forgive me for my reference, but some unfortunate instances of this type of situation have occurred over the years, such as the Denning case when the Government stepped in after a litigant had gone through the gamut of the courts. In that case, the Government, through a State instrumentality, took the unfortunate lady to the Privy Council, and when it failed there, the Government said, "We will set it right here". The necessary legislation was enacted. That was dangerous.

I cannot stress too strongly the dangers of a measure of this kind. The situation could be imagined of a Government official sitting in the courts taking notes day by day so that Parliament could correct certain situations. I believe that the greatest protection a subject has, even the poorest and meanest creature in the land, is the system of law under which Judges and juries can do their duty free from any thought of Government interference. That is not being done in Victoria today.

As I have indicated, members of the Opposition will not oppose this Bill, but I should like the Minister to inform me why it is not general in its terms and relates only to this inquiry. That is obnoxious; the law must apply to every citizen, otherwise an invidious distinction will be drawn as between one subject and another. In this case we must take the lesser of the two evils. If the position of a witness or counsel is jeopardized by lack of protection, to that extent ascertainment of the truth could be impeded. I have always believed that courts of justice are primarily concerned with the ascertainment of the truth.

The Hon. I. A. SWINBURNE (North-Eastern Province).—Some doubts seem to have arisen whether the normal protection accorded to witnesses and counsel in courts of law applies to those people appearing before the present board of inquiry. Members of my party have discussed this matter quite frankly in relation to the responsibility of the Government. Various types of courts of justice—if one may call them that—now exist, but in all cases protection is given to witnesses and counsel. Before a Royal Commission is established certain procedures are adopted. When I was a member of the Government, these factors were considered at an early stage. It is regrettable that honorable members have to agree to the passage of this measure. It is possible that a further measure in connexion with this inquiry will be introduced. The matters covered by the amendments should have been foreseen. The whole proceedings of the board of inquiry could have broken down as a result of the lack of foresight on the part of the Government.

I support Mr. Galbally's remarks concerning the limitation of the application of this measure to the current inquiry. The first step that should be taken after this inquiry is concluded—or before another inquiry is instituted—is to pass legislation to ensure that all such inquiries are fully

protected. The persons responsible for instituting the present inquiry failed to protect the citizens of this State. Members of the Country Party support the measure, although we are critical of the fact that we have had to deal with this matter while the inquiry is still in progress.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2, relating to interpretation.

The Hon. R. J. HAMER (Minister for Local Government).—Like any other member of this Parliament. I am regretful that it has been necessary to come before Parliament twice during the course of this board of inquiry to seek the passage of amendments to deal with matters which have arisen during the course of it. The first amendment was necessary to ensure that vital witnesses who were concerned did in fact appear, and certain action was taken to ensure that. This second amendment is necessary to protect the board of inquiry itself, and the persons appearing and giving evidence before it, from suits for defamation. This is unfortunate, and I agree to that extent with what was said by honorable members in the second-reading debate. But I do not agree that these matters should have been foreseen. Many Royal Commissions and boards of inquiry have been held in this State and, so far as I am aware, these two questions have never arisen previously. They have now arisen, in part, out of the particular or peculiar circumstances of this board—firstly, the very large sums of money that seem to be involved somewhere ; and, secondly, the effect on persons' reputations which could possibly result from the proceedings.

I should have thought that if, before this board of inquiry commenced, one had asked a member of Parliament or most lawyers whether witnesses, counsel and the board itself had absolute privilege from defamation suits, the reply would have been "Yes", as Mr. Galbally said. That would have been the general opinion. It was not until someone issued a writ—thus demonstrating that they at least had contrary advice on the subject—that the matter required to be examined. I am not aware that this matter has ever arisen previously. However, when the first of what could be a series of writs is issued, the matter must be examined. I do not put it any higher than this, that the legal officers of the Crown think there is a doubt about it, and the purpose of this measure is to remove that doubt.

I entirely agree with both Mr. Galbally and Mr. Swinburne that this kind of precaution should not, in the future, be restricted ; if this board must be protected, any future board should be afforded similar protection. I am sure that is the intention. But the idea of this measure is to deal with this board in what could be called something of an emergency. It is time action was taken to examine the whole range of boards and Royal Commissions to ensure that they have adequate powers both to compel witnesses whom they need to attend and to be protected so that they can ascertain the truth without any fear. That is the next stage. Meanwhile, the Committee must deal with this Bill.

The Hon. J. W. GALBALLY (Melbourne North Province).—I gather that the Minister agrees that this Bill is limited to this particular inquiry. He has given a promise or an assurance that the whole question of boards of inquiry will be examined, but not in this measure.

The Hon. R. J. HAMER.—That is so.

The Hon. J. W. GALBALLY.—That does not meet our complaint that this measure is dangerous in itself in that it deals only with one board and therefore is obnoxious in the sense that it makes one law for one board and leaves other boards as they are.

The Hon. R. J. HAMER.—No other boards are sitting at present.

The Hon. J. W. GALBALLY.—I do not wish to make any observations on current matters, but there could well be many other boards sitting.

The clause was agreed to, as were clause 3 and 4.

Clause 5—

Nothing in this Act shall affect any action commenced before the 16th day of March, 1970.

The Hon. A. J. HUNT (South-Eastern Province).—I am not entirely happy with this clause. I realize that it is included with a view to protecting the legal rights, if any, that existed at the time of the issue of a certain writ. It, therefore, brings into account the subject-matter of that writ, and to refer to it is not contrary to the rule that matters *sub judice* should not be discussed. The fear I have is that in being too tender about the rights, if any, of Dr. Bretherton, the rights of Mr. Kaye may not be protected. This clause is really saying that, in connexion with the board of inquiry, the law should be as we have always believed it to be and that absolute privilege should apply except in the case of the writ of Dr. Bretherton against Mr. Kaye. That may well mean that in relation to that writ Mr. Kaye could be worse off than if this measure were not passed.

The Hon. R. J. HAMER (Minister for Local Government).—I do not agree with that comment. It would be bad for Parliament to intervene with the course of a writ—I am not speaking about the board of inquiry now—in order to change the law once the writ was issued. The whole purpose of this clause is to ensure that whatever the rights may be they shall continue. In my view, to do otherwise would be a misuse of the powers of Parliament.

The Hon. SAMUEL MERRIFIELD.—The Government did not take that view in the Oakleigh council case.

The Hon. R. J. HAMER.—I am not sure what Mr. Merrifield is referring to. The fact that it has been done, even in one case over protest, indicates that it is not the general view that it is the privilege and function of Parliament to step in in the middle of proceedings and change the law. The Government considers that, according to the law, absolute privilege exists, but obviously someone must think that it does not; otherwise, they would not have issued the writ. If they are right, it is only proper that they should obtain the fruits of whatever judgment they can. I do not believe this clause could be omitted. This writ, which initiated the introduction of this Bill, must take its course, and I think the Committee will probably accept that.

The Hon. J. W. GALBALLY (Melbourne North Province).—The Committee is indebted to Mr. Hunt for having raised this matter. I should be loath to interfere with the plaintiff's rights, if he has any. Once a writ is issued it should be determined in the law courts—not in the Parliament. Mr. Hunt's point highlights the difficulty that Parliament gets into once it starts to interfere. I suppose there is something to the point that, if Parliament is going to interfere, it should do the job properly. My opinion is that Parliament should stay out of the matter altogether. The Government is not being consistent; if consistency is being relied on, it is a poor weapon in the hands of the Minister.

Mr. Rowan, a practising solicitor of Melbourne, issued a writ against the Wodonga Sewerage Authority. Along came a Bill introduced by the Government which provided that he could not go on with the action, and his writ was at an end—bang! So Mr. Rowan, being a resourceful fellow, thought for a while, and then issued another writ against the Authority on a different cause of action. That case went on, and it looked as though he was going to win it—until the Government passed further legislation to stop that second

action. I do not know of any other Parliament in the world which has acted in this way.

The Hon. R. J. HAMER.—I do not recall it.

The Hon. J. W. GALBALLY.—That occurred twice. As Mr. Merrifield points out, our party opposed it, for which we received the everlasting gratitude of Mr. Rowan. All we could give him was our sympathy. The Committee should be indebted to Mr. Hunt for pointing out the real dangers that are now apparent in passing this measure.

The clause was agreed to.

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

CABRINI PRIVATE HOSPITAL (GUARANTEES) 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 clear from the title and the preamble. It is to authorize the Treasurer to guarantee borrowings by the Cabrini Property Association for the purpose of extensions to St. Francis Xavier Cabrini Hospital. The Hospital is run by the Missionary Sisters of the Sacred Heart, who are better known as the Cabrini Sisters.

The Bill is entirely similar to the St. Vincent's Private Hospital (Guarantees) Bill which was enacted by the Parliament and is now an Act on the statute-book. When the St. Vincent's Bill was before the House, a statement of policy was given in the following terms—

> The Government has decided as a matter of policy to guarantee borrowings by church authorities generally where the borrowings are to finance private hospital buildings, and specifically have indicated our intentions in this matter to St. Andrew's Presbyterian Hospital who have approached the Government in relation to their building problem.

This Bill fits that policy. Since the St. Vincent's Bill, interest rates have firmed, and whereas St. Vincent's borrowed at 6½ per cent., Cabrini has arranged its loans at 7 and 7¼ per cent. In current circumstances these interest rates are regarded as reasonable. While the project will be self financing, the Government guarantee overcomes a problem in relation to security to be provided to lenders.

As I said when the St. Vincent's Bill was before the House, the community could not do without the private hospital and, in helping to make it possible for the Cabrini Sisters to extend their hospital, the legislation will be making a contribution to community medical services. I commend the Bill to the House.

The Hon. ARCHIBALD TODD (Melbourne West Province).—The House will recall the previous measure with which it dealt, whereby the Government proposed to guarantee a loan to be raised by the Sisters who operate the St. Vincent's Private Hospital. On that occasion honorable members were given some assurances that the Government would follow this policy and that when private hospitals operated by religious bodies, which were endeavouring to modernize their properties, were forced to borrow large sums of money and found it difficult to satisfy lenders in regard to security, the Government would guarantee the loan.

When the previous Bill was before the House the Government was at great pains to inform honorable members that it was proposed to extend similar treatment to the St. Andrew's Presbyterian Hospital. Of course, that removed any suggestion that any particular religious body was being favoured by the Government in relation to guarantees.

Under the present Bill, it is proposed to guarantee loans to be raised by the Missionary Sisters of the Sacred Heart, who operate the St. Francis Xavier Cabrini Private Hospital. Those of us who have any knowledge of private hospitals are

aware that this is a very good hospital which caters for all members of the community who need attention from time to time, particularly in its maternity section. One of my own grandchildren was born at the St. Francis Xavier Cabrini Hospital.

The Labor Party has no objection to this policy of the Government because it believes there is very little likelihood of private hospitals defaulting in repaying loans which they undertake. Members of my party will be interested to see to what extent this policy develops because it may proceed in directions other than private hospitals. On this occasion we offer no objection to the passage of the Bill, and hope the Missionary Sisters of the Sacred Heart will never be placed in the position of having to say to the Government, "We are sorry. We cannot meet our commitments".

The Hon. I. A. SWINBURNE (North-Eastern Province).—The Country Party supports the Bill. As the Minister of Health and Mr. Todd clearly indicated, this Bill continues a policy which the Government announced. My party believes it is a means whereby more hospital beds will be provided for the community. While it may not cost the Government anything in the long run, the guarantees are of great value to the organizations concerned—in this case the St. Francis Xavier Cabrini Hospital. Such a guarantee will give any organization which is dealt with on the same basis an opportunity to obtain a loan without facing a complicated legal problem concerning securities which sometimes arises. I believe the measure is a step in the right direction and, as service is rendered by these hospitals to the community, the Country Party supports it.

The motion was agreed to.

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

VICTORIA INSTITUTE OF COLLEGES (AFFILIATED COLLEGES) BILL.

The debate (adjourned from March 3) on the motion of the Hon. L. H. S. Thompson (Minister of Education) for the second reading of this Bill was resumed.

The Hon. I. R. CATHIE (South-Eastern Province).—This is a Bill to amend the Victoria Institute of Colleges Act to provide for the incorporation under it of certain governing bodies of colleges which are affiliated with the Institute. The Labor Party agrees with the principle of the Bill and the principle that the governing council of a college of advanced education should include its principal, the deputy principal and at least one member of the academic staff. Indeed we hope that a college council would have more than one member of the academic staff on it.

The difficulty with which the Bill deals appears to have arisen because some councils are incorporated under the Companies Act, which would prevent members of the staff of the colleges concerned serving on the college council. The Bill attempts to overcome this anomaly and at the same time increases the legal status of these bodies. Apparently it affects three of the colleges affiliated with the Victoria Institute of Colleges, namely, the Bendigo Institute of Technology, the Gordon Institute of Technology and the Prahran Institute of Technology. As I have said, the Opposition has no quarrel with what the Bill is designed to do, but is very disappointed that at this stage in the life of this Parliament such a small Bill should be introduced affecting the development of the Victoria Institute of Colleges, particularly as at present it is faced with some very large and complex problems.

One may ask the purpose of having a corporate council such as the Bill provides. I think it is clear that each college affiliated with the Victoria Institute

of Colleges should have adequate powers to manage its own affairs. They should be autonomous bodies and, as such, one might ask what they should be attempting to do and what is the aim of having an autonomous council for each of the colleges of advanced education which operate under the broad umbrella of the Victoria Institute of Colleges.

Under the principal Act, the purpose of these colleges, through the Victoria Institute of Colleges, is to offer degrees which, in the terms of the principal Act, are " comparable in standard though not necessarily similar in kind to those being offered by the university ". The Labor Party believes that the proper aim and role of the colleges of advanced education, within the whole framework of tertiary education in the Commonwealth of Australia, should be to establish people's universities, to establish an institute which will take people through to the highest possible degree standard and to achieve parity with the existing universities which have been established for such a long time. Unfortunately, under the Liberal Party Government in this State, the concept of a people's university is being destroyed. In fact, the Government is severely crippling the ability of these colleges to pursue the aims that are set out in the principal Act.

On a previous occasion, I asked questions relating to the financial allocations to each of these separate and corporate autonomous colleges, the answers to which were provided by the Minister in a letter dated 14th January, 1970. The allocation by the Government indicates that the requests of the colleges were severely slashed by nearly $50 million for the next triennium. It is impossible to develop these autonomous colleges of advanced education to the standards of existing universities when the Government is not prepared to make the requisite money available. The $50 million was slashed off both the estimated capital expenditure and the recurrent or running costs of these institutions. Over long periods the colleges have experienced far greater financial difficulties than have the universities. I regret that today the universities see themselves as competitors to the colleges of advanced education because there is only a sparse allocation of funds over the whole range of tertiary education.

The effects of the Government's financial policy towards universities are already apparent in the form of quota restrictions, reductions in courses and staff, and increased fees. Fees at the University of Melbourne have been increased three times in the past decade. This policy is now being imposed upon the colleges of advanced education, which may well find it necessary to introduce quota restrictions. They are going through the procedure of reducing staff and courses, and indeed deleting certain courses. They will soon find it necessary to increase fees also.

The Hon. W. G. FRY.—Do these remarks refer to things that will happen under this Bill?

The Hon. I. R. CATHIE.—The Bill relates to certain corporate councils and I am debating what these councils should be attempting to do. The reduction in financial allocations to both universities and colleges of advanced education has thrown into complete confusion the present policy for the development of tertiary education in Victoria.

In speaking of what is being attempted for tertiary education today, the Minister of Education refers to a binary system of tertiary education. According to Liberal Party policy, there are two main groups of young people in the community who are seeking tertiary education—those who are practically minded and those who are analytically minded. It has been suggested that those who are practically minded should be directed to the colleges of advanced education, whilst those with analytical minds should be

able to enter universities. Unfortunately, that concept will not stand because students do not fall into the two sharply designated categories. It is over-simplification to suggest that 17 and 18-year-old children have either analytical minds or practical minds.

The Hon. R. J. HAMER.—That is your simplification.

The Hon. I. R. CATHIE.—For the benefit of the Minister for Local Government, I shall quote a sentence from *The New Polytechnics* by Eric Robinson. The book is about colleges of advanced education in Great Britain, although what the author says is applicable to many things that are occurring in this State. The Minister for Local Government suggests that it is my assertion that people of 17 and 18 years of age do not fall into these categories, but I shall quote what an expert says on this matter. The author states—

> It is flying in the face of facts to assume that there is a clear distinction of kind between liberal, academic education in the universities on the one hand and vocational in the colleges on the other.

The Hon. L. H. S. THOMPSON.—That will not be changed under the Bill.

The Hon. I. R. CATHIE.—I shall return to that aspect.

The sitting was suspended at 12.53 *p.m. until* 2.21 *p.m.*

The Hon. I. R. CATHIE.—Prior to the suspension of the sitting, I was referring to the part that should be played by incorporated college councils within the wider framework of tertiary education, and I was criticizing the accepted Government policy that there should be a minor system of tertiary education in Victoria. The policy of this Government is that universities are to train the *élite* and that these institutions shall remain the preserve of the upper middle classes. The sons of farmers, semi-skilled and unskilled workers, who comprise the majority of our people, are excluded from these institutions by the rigid operation of a quota system.

The Hon. H. M. HAMILTON.—That is not so.

The Hon. I. R. CATHIE.—Mr. Hamilton does not appear to have read the Martin report and I suggest that he look at the research carried out by the Australian Council of Educational Research.

The PRESIDENT (the Hon. R. W. Garrett).—This debate is not a general dissertation on the education system. I have allowed Mr. Cathie reasonable latitude and I ask him to adhere to the Bill as closely as possible.

The Hon. I. R. CATHIE.—I am critical of the framework of the Bill, one of the purposes of which is to allow members of the staffs of the colleges of advanced education to become members of their college council. In doing so, they will have the opportunity of making representations on those large and broad issues with which they are at present confronted. Today the key issue is the Sweeney report. On the 3rd March, 1970, I asked a number of questions of the Minister of Education concerning the report of Mr. Justice Sweeney in regard to the salaries which should apply to staffs appointed to colleges of advanced education, not only in Victoria but within the Commonwealth. In reply, the Minister informed me that he had had the report for nearly twelve months—in fact, since the 14th May, 1969. It is generally realized that to achieve parity and status with staffs of universities, lecturers and teachers in the colleges of advanced education should be paid the same rates as apply in the universities. That was the substance of the Sweeney report. But what is the position? The Minister had had this report in his possession since the 14th May, 1969, but has taken no action.

In answer to a further question, the Minister stated that Victoria, like the Commonwealth and all other States, except Queensland, had made no decision to adopt the recommendations of the Sweeney report. This means that the Government does not

believe in having equality of status between colleges of advanced education and the universities. It does not believe in providing opportunities for the great mass of persons who will attend these colleges, nor does it believe that there should be tertiary education for all. Such a concept is abhorrent to the Liberal Party. Is it any wonder that the Staff Association Council of the Victoria Institute of Colleges has made urgent representations to the Minister in regard to his failure to act on the recommendations of the Sweeney report?

The Hon. H. M. HAMILTON.—It was a Liberal Government which provided these people with some hope of obtaining a tertiary education.

The Hon. I. R. CATHIE.—Mr. Hamilton is totally ignorant of the existing pattern of tertiary education in Australia.

The Hon. L. H. S. THOMPSON.—Mr. Hamilton is right on the ball.

The Hon. I. R. CATHIE.—The Minister is not on the ball! He has had the Sweeney report since the 14th May, 1969, but has taken no action on it. One of the purposes of the Bill is to ensure that members of the teaching staff in the colleges of advanced education shall have membership on the councils which are responsible for operating the colleges. This will allow them to make representations to the councils. This is a good feature of the Bill, but I am endeavouring to point out the total failure of the Government to put any practical reality into the bones and framework that have been laid down. Is it any wonder that the Staff Association Council of the Victoria Institute of Colleges is so concerned at the Sweeney report? It does not even know whether the report will be accepted, adopted in a modified form, or rejected by the Government. Consequently there has been complete frustration and confusion among the staffs of these institutions.

I believe Mr. Justice Sweeney was correct, that there are great advantages in having a uniform Australia-wide salaries scale, and that it is seriously detrimental to the development of the colleges of advanced education to delay, as this Government is doing, the implementation of the Sweeney report. The findings of that inquiry are well known and have been published throughout Australia, but neither the Commonwealth Government nor the Government of this State has acted on the report.

I now advert to the Prahran Institute of Technology, which is one of the institutions affected by this Bill. I do not intend to expand the sorry story of maladministration of this college, which is well known to the Government. Because of this maladministration, a major clash occurred between the administration of the college and the Government, on the one hand, and the staff and the students, on the other. I recall attending a protest demonstration and teach-in of art classes held at the Prahran Town Hall. The confrontation that occurred in the council of the Prahran Institute of Technology raised important questions and issues of academic freedom in the community. It resulted in the forced resignation of Mr. Parr and an extraordinarily high rate of resignations among the teaching staff. Consequently a general announcement was issued by Dr. Law, representing the Victoria Institute of Colleges, and Mr. Loxton, M.L.A., president of the council of the college, on the 5th August, 1969, which stated, *inter alia*—

> It was expected that legislation would soon be introduced in Parliament to permit the establishment of a reconstituted and enlarged council as a corporate body with autonomous powers. The constitution of the council would follow the pattern recently developed in the other Victoria Institute of Colleges institutes of technology and would include elected representation of the staff of the college.

That was an important statement. I believe the opportunity is now open for the reformation of this school council, so that it can proceed along the lines of other councils affiliated with the Victoria Institute of Colleges as a consequence of the changed legal status and position.

In view of the history of these colleges, I hope that, in future, no practising politician, and above all no practising politician of the governing party, will ever be appointed president of the council of a college of advanced education in Victoria. That is one of the lessons to be learned from the unhappy relationships which exist at the Prahran Institute of Technology. Members of the Labor Party intend to support the Bill as we believe it is a step in the right direction, even though it is a poor one.

On the motion of the Hon. I. A. Swinburne, for the Hon. B. P. DUNN (North-Western Province), the debate was adjourned.

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

RIVER MURRAY WATERS BILL.

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

That this Bill be now read a second time.

I shall be explaining this measure to honorable members on behalf of the Minister of Agriculture. It is the first of two measures listed on the Notice Paper relating to the River Murray. The main purpose of the Bill is to seek approval and ratification by this House of an agreement made between the Prime Minister of Australia and the Premiers of New South Wales, Victoria and South Australia with relation, firstly, to construction of Dartmouth dam to conserve waters of the Mitta Mitta river in a 3 million acre-ft. storage; secondly, to new arrangements for sharing of the waters of the River Murray and its tributaries; and thirdly, to a number of machinery and administrative changes designed to clarify the River Murray Waters Agreement, to make it more workable and to permit a greater degree of direct participation and control by the four contracting Governments.

I am proud and privileged to explain this historic measure, which has involved at least two years of investigation and negotiation. Agreement in principle was reached between Ministers almost exactly twelve months ago, but much discussion proved necessary on what might be described as the fine print. Further delay arose from the Commonwealth election, but happily we are nearing the end of the road.

The agreement in principle, reached in Sydney on 7th March, 1969, was that the Dartmouth project should be the next project to be constructed for development of the River Murray resources, conditional upon Commonwealth finance being available to assist the States in meeting their shares of the cost and the following further conditions, which I propose to discuss one by one. For the information of the House. I shall enumerate the important principles which form the basis of the agreement.

1. South Australia's entitlement of water is increased from 1,254 acre-feet to 1,500 acre-feet annually. Provision is made accordingly in the amending agreement, dating from the time Dartmouth reservoir becomes effective. This is vital for South Australia, hard-pressed by salinity problems along the lower river. It is the first and only increase in the flow to be passed to the lower State since September, 1914, when the original Agreement was signed by Joseph Cook, W. A. Holman, Sir Alexander Peacock and A. H. Peake. It is worth noting at this point that the amendment dealing with the Chowilla proposition did not provide for this 20 per cent. increase to South Australia.

2. In times of restriction, the available water would be shared equally between the three States. This provision, again vital for South Australia, is also incorporated from the time Dartmouth becomes effective as it was in the case of the deferred Chowilla reservoir. It vastly improves the security of the supply to South Australia as compared with the present arrangement which provides for sharing in times of shortage in the ratios 5:5:3, the smaller share going to South Australia.

3. All parties accept the responsibility of meeting their share of the cost of any future works which may be constructed by the River Murray Commission. Works other than Dartmouth which are covered in the amending agreement are—

(*a*) possible enlargement of the channel from the River Murray below Mildura to Lake Victoria storage and also the channel by which water is returned as required from this storage to the river.

(*b*) River channel improvement works between Hume reservoir and the Yarrawonga weir pool.

Provision is made in both these cases for appropriate action without further amendment of the agreement. However, in the case of the Lake Victoria works, which might involve each Government in an expenditure of perhaps $2 million, the extent of the enlargement will be subject to individual approval by each of the four Governments. In other words, all those concerned with financing the work must be satisfied that it is fully justified.

In the case of proposed river works between Hume dam and Yarrawonga, the financial commitment is expected to be in the order of only about $200,000 to each Government, and it has been agreed in this case that the necessary arrangements be made to meet with the approval of the River Murray Commission.

4. Investigations to proceed with a view to determination of the extent of works necessary to ensure the effectiveness of the Lake Victoria works when operated in conjunction with Dartmouth. These investigations have been put in hand.

5. The Menindee Lakes Storage Agreement should be extended in perpetuity, but at the same time the reservation of water for New South Wales be increased by from 90,000 to 100,000 acre-feet per annum. This Agreement provided for temporary use by the River Murray Commission of extensive works constructed by the New South Wales Government about ten years ago to impound Darling river waters in a series of lakes adjoining the river near the township of Menindee, well remembered as the base camp for the Burke and Wills expedition long ago. Appropriate payments totalling $373,000 for 1968-69 are made by the River Murray Commission to the New South Wales Government in respect of interest on capital, maintenance and operation. This provision is incorporated at the end of the further amending agreement and is worth to Victoria about 100,000 acre-feet annually. This water cannot of course be used to any significant extent within Victoria, but its value to us is substantial because it helps appreciably in meeting our half-share of South Australia's entitlement.

6. New South Wales would be entitled to use 45,000 acre-feet per annum of Victorian tributary flow, reducing to 30,000 acre-feet in a year of restriction. This is incorporated in the further amending agreement, having been conceded by Victoria as a contra to receiving 100,000 acre-feet per annum of Darling water in perpetuity.

This arrangement is valuable to New South Wales because much of the 45,000 acre-feet will come each year from the uncontrolled flow of the Ovens river and as such will be available for diversion by New South Wales to its large Berriquin system via the Mulwala canal, the largest irrigation channel in Australia.

7. The maintenance of certain specified flows downstream of Torrumbarry and Euston weirs for salinity control purposes on lines decided by the River Murray Commission. This is so provided in this further amending agreement, the

agreed basis incorporated being as follows :—

Flow below Torrumbarry weir.—Sufficient to prevent the salinity of river water rising above 300 parts per million of total dissolved solids, but not exceeding 1,600 cusecs.

Flow below Euston weir, near Robinvale.—As for Torrumbarry, except that the flow limit is 1,000 cusecs plus the diversion requirements of the pumping districts of Redcliffs, First Mildura Irrigation Trust, Merbein, all in Victoria, and Coomealla and Curlwaa in New South Wales. These diversion requirements may be as high as 750 cusecs on occasions, but of course vary from time to time. This is a most important matter for Victoria because of our very considerable use of water from the river between Swan Hill and Merbein. It is equally important for South Australia, but less so for New South Wales because most of that State's water is diverted above Echuca.

The benefits to the three States arising from Dartmouth and all the other arrangements mentioned are—

(*a*) The safe level of annual diversions to Victoria will rise from 1.1 million acre-feet to 1.67 million acre-feet, an increase of 570,000 acre-feet. However, as we are already above the safe level at present, the increase over present diversions of some 1.37 million acre-feet will be about 300,000 acre-feet annually.

(*b*) The safe diversion by New South Wales will rise by about the same amount to 1.38 million acre-feet annually, which, in fact, is about the present level.

(*c*) As already mentioned, the increase to South Australia will be about 20 per cent., from 1.254 million to 1.5 million acre-feet annually.

(*d*) The total increase in available supply to the three States above present safe levels is 1.35 million acre-feet, at a cost, shared four ways, of $57 million. The base date of this estimate is March, 1969, and it was prepared after thorough investigation by the Snowy Mountains Authority.

The Chowilla reservoir proposition would produce a good deal less than one-half of this total benefit—570,000 acre-feet—at a higher cost of $68 million. There is absolutely no doubt as to which is the better proposition. Victoria would not gain nearly as much from the Chowilla proposition ; only in fact about 200,000 acre-feet annually, at a cost to us of some $17 million. In 1962, we were led to believe that the benefit would be about 50 per cent. greater at a cost of only $7 million.

As there is a vast difference between the results of the earlier investigations of Chowilla and those now before us, the House is entitled to an explanation, which is as follows :—Firstly, the benefits to the upper States have been appreciably eroded by—

(*a*) The recognition that today we have to maintain a flow of about 900 cusecs below the Merbein pumps in order to control salinity in the Sunraysia area. The Government's advisers consider this to be a most significant factor. This operational procedure arises from the hard lessons of experience gained during the dry period from 1965 to 1968, when for the first time the really critical nature of river salinity between Wentworth and Swan Hill came to notice.

(*b*) The average annual evaporation loss from Chowilla reassessed, this loss rising by 75 per cent. from 600,000 acre-feet to 1.05 million acre-feet. This arose in turn from a serious underestimation in 1961 of the area of the Chowilla reservoir. After an accurate survey was done by the South Australian Department, it was found to be about 25 per cent. greater than previously thought. A contributing factor was an increase in the rate of evaporation from the water surface arising from detailed studies by the Bureau of Meteorology. The loss for ever of about 1 million acre-feet annually by evaporation is something that is very difficult to justify.

Secondly, the original cost estimated by the South Australian Department rose from $28 million in 1961 to $43 million early in 1966, and again to $68 million when tenders were received and assessed about twelve months later. Faced with this situation, the River Murray Commission acted responsibly when it called a halt in May, 1967, and deferred the project to permit closer examination.

Returning now to the satisfactory outcome of the comparative study with the Dartmouth proposal, I emphasize that the Commonwealth last year agreed to representations by the three States for special loan advances to enable them to meet their shares of the cost. The Commonwealth will also meet its normal 25 per cent. share, as it does for all River Murray Commission works. The approval and ratification of this arrangement is the subject of a separate companion Bill, which I shall shortly explain.

The dam itself will be of earth and rock-fill construction. Rising about 600 feet above the Mitta Mitta river, it will be the highest in Australia and will rank with the world's great dams. This site is in a steep-side gorge a few miles above the small township of Mitta Mitta. There are few, if any, land resumption problems as the basin is mostly virgin forest. A thorough investigation, together with a preliminary design and cost estimate, has been carried out by the Snowy Mountains Authority, retained in a consultative capacity for this purpose by the River Murray Commission. The excellent, well documented report of the Snowy Authority is available in the Library.

The storage of 3 million acre-feet will support the existing 2.5 million acre-feet capacity in Lake Hume, which I might mention, was 99 per cent. depleted at the end of the recent drought in April, 1968. Because of support from Snowy diversions, the Government's advisers were prepared to empty this mighty reservoir completely, but were saved from this by rain "on the bell". These were anxious days, and we would be foolish indeed if we did not heed the warning. The issue is crystal-clear to the Minister. And so it is that I give honorable members an historic document which I trust this House will approve and ratify before it rises.

We are taking steps towards the beginning of a great enterprise, vital for the development of the whole valley of the River Murray from Albury to the sea. What we have at stake is the continued prosperity of much of northern Victoria, a large area of southern New South Wales and the populous part of South Australia, including the city of Adelaide. We have come together for the common good of our peoples. Of course, there have been differences, conferences, and compromise solutions, but the only important thing is that we are now agreed.

Finally, and this perhaps is the core of the matter in Victoria, it gives the Government a good deal of pleasure to announce that the State Rivers and Water Supply Commission has resolved that it will make additional water rights available in the vast Goulburn-Murray Irrigation District when this further amending River Murray Waters Agreement authorizing the construction of Dartmouth dam has been ratified by the four Governments concerned. The Commission is engaged at present with a comprehensive study of what might be possible and hopes to be in a position to advise the precise extent of the increase early in 1971.

The Commission also proposes to increase the gross volumes available for diversion from the Goulburn river and the River Murray above Nyah. These moves will involve taking a slight calculated risk until Dartmouth dam is finished in 1976, but the issues are substantial in terms of returns to the hard-pressed irrigators of northern Victoria. We are sustained too by the knowledge that the great Eildon storage still contained about 800,000 acre-feet of water when the drought

broke in April, 1968. The Government commends the Water Commission on its wise and timely decision.

In addition to the broad outline of the measure which I have just given, I have circulated details of the clauses of the Bill. I commend it to the House.

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

It was ordered that the debate be adjourned until Tuesday, March 24.

RIVER MURRAY WATERS (DARTMOUTH RESERVOIR) BILL.

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

That this Bill be now read a second time.

It is consequential, in part, to the River Murray Waters Bill 1970, which I have already introduced. It provides for the ratification of a further agreement made in Canberra on 26th February, 1970, between the Commonwealth and the States of New South Wales, Victoria and South Australia relating to the financial arrangements for the construction of Dartmouth dam.

The total cost of the Dartmouth project was estimated last year to be, in round terms, $57 million, and in accordance with the provisions of the River Murray Waters Agreement this expenditure would be shared equally by the four Governments concerned.

On 27th June, 1969, the Prime Minister conferred, in Canberra, with the Acting Premiers of New South Wales and Victoria and the Premier of South Australia, on various matters related to this project. At that meeting, the Prime Minister offered to assist the States in meeting their share of the cost of the Dartmouth dam by making available special loans equal to one-half of each State's share of the cost. This offer was accepted by the States and the arrangement is now given legal form in the agreement which forms the schedule to this Bill.

The special Commonwealth loans will carry interest on amounts of principal outstanding at the long-term Commonwealth bond rate which is current at the time each loan advance is made to the State. Repayments of principal will commence 10 years after the date of each advance and will then be made over a subsequent period of 15 years.

The agreement provides that these financing arrangements will apply in respect of a total cost of up to $62.7 million—that is allowing for up to a 10 per cent. increase in the total estimated cost of the project over the construction period. If the cost should exceed this sum, the question of dealing with any such excess cost will be the matter of further consideration and review.

I proceed now to the clauses in the agreement which form the schedule to the Bill. Clause 1 requires the Governments which are parties to the agreement to submit the necessary ratifying legislation to their respective Parliaments as soon as practicable. In the case of the Commonwealth legislation, provision will also be made for the payment of the repayable loans to the States on the terms and conditions covered in the agreement.

The effect of clauses 2 and 3 is that this agreement will have no effect until the amending agreement being ratified by the River Murray Waters Bill 1970 has come into force, and in that event this agreement will come into force upon its approval by the Commonwealth and State Parliaments. Clause 4 covers the obligation of the Commonwealth under the agreement to make available special loans up to an amount of $7,837,500 to each of the States of New South Wales, Victoria and South Australia. These sums represent one-half of the States' shares of the cost of the Dartmouth project on the basis of a maximum total cost of $62.7 million.

Clause 5 provides the machinery for the making of payments to the State in accordance with the provisions of clause 4 and also provides for a review of the arrangements if the revised cost of the project rises above $62.7 million. Such a review, however, would be undertaken only in respect of any costs in excess of $62.7 million and would not affect the agreed arrangements in respect of expenditure up to that figure.

Clause 6 restricts the State to use the funds made available by the Commonwealth under the agreement only towards meeting its obligations in connexion with the construction of the Dartmouth project. Clause 7 provides for the payment of interest by the State on the amounts of the special loans outstanding at the long-term Commonwealth bond rate applying at the time of each loan advance from the Commonwealth.

The repayment of the special loans by the State to the Commonwealth is covered by clause 8. The agreement provides for the amount of such loans to be repaid by thirty equal half-yearly repayments, with the first such repayment falling due ten years after the date the Commonwealth payment was made to the State. Provision is also made in this clause for the State to make special repayments from time to time of not less than $100,000 upon giving the Commonwealth Treasurer one month's notice of its intention to do so.

Clause 9 is the usual type of provision in arrangements of this nature requiring the Auditor-General of the State to carry out the necessary audits of the expenditure of funds being made available by the Commonwealth under the agreement. Clauses 10 and 11 are of a machinery nature relating to the supply of relevant information to the Commonwealth Treasurer and to the making and giving of notices and other necessary communications. I commend the Bill to the House.

The Hon. V. O. Dickie.

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

It was ordered that the debate be adjourned until Tuesday, March 24.

MELBOURNE HARBOR TRUST (AMENDMENT) BILL.

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

JUDGES' SALARIES AND ALLOWANCES BILL.

The debate (adjourned from March 18) on the motion of the Hon. L. H. S. Thompson (Minister of Education) for the second reading of this Bill was resumed.

The Hon. J. W. GALBALLY (Melbourne North Province).—The purpose of this Bill is to increase the salaries and allowances payable to Judges of the Supreme Court and of the County Court. The reasons for its introduction have been explained by the Minister of Education, and I am sure that the House will accept that explanation. Judges' salaries, like those of everybody else, have to be increased from time to time because of the ravages of inflation. Inflation is a hidden tax that everyone pays and nobody has found a method of doing anything about it. This illustrates that human institutions and Governments find some problems beyond them.

Several undesirable consequences flow from the fact that Judges' salaries have to be increased from time to time. There was a time not so long ago when Judges' salaries were fixed and left at that figure. In Great Britain, the Churchill Government introduced a Bill in the early 1950s to increase Judges' salaries, which had not been altered for 50 years. Now that what might be called galloping inflation is rampant in the community, the salaries of Judges have to be increased every couple of years. This

is undesirable. If a Government allows the salaries of Judges to fall behind the level of other salaries in the community, injustices could occur. It is unfortunate that Judges should in any way be dependent upon the largesse of the Executive.

Until some genius finds an answer to inflation, salaries will have to be increased periodically, but at the rate at which they are being increased fantastic figures will soon be paid to everyone. It will not be long before the basic wage is $100 per week; not that anybody will be better off. In commending the Bill to the House, I leave honorable members with the sorrowful thought that we may expect to have Bills of this kind before us from time to time as inflation continues to cripple our economy.

The Hon. I. A. SWINBURNE (North-Eastern Province).—This measure could be said to be a direct result of adjustments made to the salaries of public servants and public officers. This Bill increases the salaries and allowances payable to Judges, and similar Bills are introduced from time to time. As Mr. Galbally rightly said, no one has yet found an answer to inflation and in the end the stage will be reached when everyone will be receiving more money but will be unable to buy more goods with it. Members of the Country Party support this measure because it complies with a principle which they have supported over the years, namely, that of Parliament accepting the responsibility for fixing Judges' salaries.

The Hon. ARCHIBALD TODD (Melbourne West Province).—A measure of this type is introduced from time to time with the object of increasing the salaries of members of the judiciary. I wish the process of obtaining an increase in the salaries of members of the trade union movement were as easy. I do not claim that the path of the judiciary is easy in this respect, but the process is less trammelled with red tape than is the case with members of trade unions.

This must be the time of the year to examine Judges' salaries, because similar action is being taken in Queensland and New South Wales. Members of the public will no doubt say, "The Judges' salaries have been lifted by $4,000. Isn't it wonderful?" However, no account is taken of the fact that a large part of these increases finds its way into the pockets of the Federal Treasurer, and Victoria, which has granted them, will have to seek from the Commonwealth a larger share of the financial cake.

I do not disagree with the principle that the labourer is worthy of his hire. I agree that if members of the judiciary were employed in private practice, they would receive considerably more than their present salaries. It is unfortunate that Victoria must give substantial increases to enable Judges to obtain an adequate net salary to compensate for high taxation payments. The same principle applies to the ordinary worker; a few dollars' increase in salary means greater taxation.

The PRESIDENT (the Hon. R. W. Garrett).—Order! It is necessary that I ascertain if this Bill, on its second reading, has the concurrence of the majority of the whole number of the members of this House. I ask those who give their voices to the second reading to rise in their places.

I declare that the second reading has been passed with the concurrence of an absolute majority of the whole number of the members of this House.

The Bill was passed through Committee and reported to the House without amendment, and the report was adopted.

The motion for the third reading of the Bill having been passed by an absolute majority of the whole number of the members of the House, the Bill was read a third time.

ABORIGINAL AFFAIRS (AMENDMENT) BILL (No. 2).

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

SUMMARY OFFENCES BILL (No. 2).

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.

CONSUMER PROTECTION BILL.

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

That this Bill be now read a second time.

This is a Bill to repeal the Consumers Protection Act 1964, as amended in 1968, and to replace it with a new Act entitled the Consumer Protection Act 1970. I am aware that this is a matter in which every member of this House is closely interested. I am sure every member of Parliament receives many and various complaints from his constituents in relation to commercial transactions in which the complainant believes that he has been treated unfairly, if not illegally. That situation is not unique to the State of Victoria, nor indeed to the Commonwealth of Australia, and growing popular demand over recent years has resulted in the establishment in various countries of governmental or quasi-governmental agencies of one kind and another, as well as voluntary agencies of consumers.

Of particular interest is the Consumer Council established in the United Kingdom—to deal with broad questions only, not with individual complaints—and the various bureaux or other agencies established within the framework of State and Federal government in the United States of America and Canada. When the Consumers Protection Council was transferred to the Department of Labour and Industry, my colleague, the Minister of Labour and Industry, found in the Council's policies the stamp of vigour and enthusiasm. What my colleague had not appreciated but very quickly learned was the wide range of subjects which the Council was expected to cover so that it could work faithfully in the interests of all consumers.

The Rogerson report to the Standing Committee of State and Commonwealth Attorneys-General on the law relating to consumer credit and to money lending, released last March, made a number of references to the pioneering work being done by Victoria's Consumers Protection Council, one of which stated—

> One State, Victoria, took a step in what we believe to be the right direction by its establishment of a Consumers Protection Council in 1964. This Council despite criticism seems to have enjoyed considerable success in the informal resolution of genuine complaints.

Successive annual reports of the Council have shown the range of the Council's interests, but the community demand for consumer affairs to take their rightful place in the community of the 1970s requires revision of the original charter granted by Parliament to the Consumers Protection Council in 1964.

When the Consumers Protection Council was constituted by the Victorian Act of 1964, that Council, like the British Consumer Council, was intended to consider only broad questions and to make recommendations to the Minister—who at that time was the Attorney-General. There is nothing in the present legislation which empowers the Council to receive, let alone investigate and report on, complaints lodged by individuals in particular cases. Inevitably, though, the establishment of the Council and the publicity given to it, and to its subsequent proceedings and reports, have resulted in a flood of complaints being received at the office of the Council—by letter, by telephone and in person.

I wish to pay tribute to the good work done by the Consumers Protection Council since its inception.

Its members have approached a most difficult task with enthusiasm and competence, and have been the pioneers in this field in Australia. The Government thanks them for their contribution to the welfare of this State, and looks forward to a continued association with them in the future.

It has been said that the Council does not have a big enough staff to attend to all these complaints as well as to do the other work for which it was constituted—the consideration of broad questions and the direction of educational and publicity work through the production of bulletins, reports and similar measures. In reporting to the Minister, the Council itself has drawn attention to this situation; the members have made it clear that they do not wish the Council to be turned into an enforcement agency, with a large staff of public servants, but that they wish to be divorced from the consideration of detailed complaints and so be allowed to concentrate on the broad functions for which the Council was appointed.

I agree entirely with this view. Some time ago the Minister of Labour and Industry announced that the Government was conducting a thorough investigation into the present and future situation with respect to consumer protection in this State and this was one of the principal matters which came under scrutiny. It is the main substance of the Bill now before the House. It will be seen that in the Bill the Consumers Protection Council has been retained, with its present functions, but has been renamed the Consumer Affairs Council—a name which has found more favour overseas than the more limited term "consumer protection" and one which, I hope, indicates that the Council is to be concerned with broad issues.

In addition to the Council, another agency is to be established. Entitled the "Consumer Protection Bureau", it is to be a branch of the Department of Labour and Industry and is to have the functions of dealing with complaints in particular cases, conducting research and assembling information. Where a complaint appears to involve a breach of any Act administered in the Department of Labour and Industry, the Bureau may proceed to the institution of legal proceedings against the offender; where the complaint relates to a matter that is the subject of the administration of another Department, the Bureau will refer the complaint to the Department concerned. Where the complaint does not appear to involve any breach of the law, or is not a matter within the administration of another Department, the complainant will be given such advice as may be available.

It will be seen, therefore, that the Bill does not split the existing Council into two bodies. Rather, it establishes an additional, new, agency to deal with matters with which the present Council has never had powers to deal. The Bureau will be essentially a complaints office; it will endeavour to satisfy complainants—although I am sure there will be many cases in which it will not be possible to give satisfaction—and through its day-to-day work of this nature will be able to identify areas of difficulty, make appropriate investigations and provide information for consideration of the Council. It will then be a matter for the Council to consider the general issues involved and to make such recommendations to the Minister as it thinks proper.

In considering the causes of complaint with which consumer protection bodies are asked to concern themselves, the conclusion is that most of these matters arise from contractual relationships between individuals. There may be allegations of fraud or misunderstanding or other "unethical" dealings. In these areas there is already in operation in our community a vast body of civil law, but, in many cases, whilst differences between the parties are substantial enough to justify a feeling of unfairness in the transactions, they

are not of sufficient magnitude to lead any individual upon proper advice to take civil legal proceedings to remedy a complaint. Unless the Government were to provide a free legal service to follow up all these matters, and this would be extremely costly, it must seek out another remedy by providing that certain of these matters such as fraud and misrepresentation in one place or another shall be subject to penal action. Here we enter upon the creation of criminal or quasi-criminal offences for which offenders may be punished.

Honorable members will be familiar with the type of journalistic expression by which these fringe areas of complaint are characterized by such names as "unethical", "dishonest", "false" and "shoddy". All of these expressions, whilst understood in a vague way, very frequently fall short upon examination of the circumstances to which they are applied in any breach of a law for which the perpetrator may be penalized. As the Government has always adhered to the principle of the rule of law in the community, it is essential that the liability of people for penalties, because conduct in which they may have engaged is unacceptable, should be clearly defined. It is in seeking out and pinpointing practices which have reached a magnitude in commerce which justifies their being characterized as illegal that the Consumer Affairs Council will find its proper field of work. In other words, the Council will chiefly concern itself with "area" problems which are deemed of sufficient importance to affect seriously a considerable number of people in the community, so as to lead Parliament to the view that the practices concerned should be placed under the penalty of criminal law.

It will be seen that there is provision in the Bill for the chief executive officer of the Bureau to attend meetings of the Council at the request of the Council, and therefore there should be effective communication between the two bodies. The Council will not require a large staff; the bulk of the staff will be located in the Bureau and this includes officers to receive complaints and advise complainants, inspectors to undertake field investigations work and appropriate staff for the research and information functions. I can assure the House that an adequate staff will be provided and sufficient funds made available to the Council for any necessary educational and publicity work.

Honorable members will see that this Bill is largely a machinery measure. But it is an essential machinery measure. It is simply the first stage in a programme that has been mapped out by the Government to provide better consumer protection in this State. It appeared that the first thing to be done was to ensure a proper and adequate organizational structure. This is what this Bill is principally about. It does contain a schedule in which are listed those Acts and enactments presently administered in the Department of Labour and Industry that have to do with consumer protection. Part V. of the Goods Act deals with false trade descriptions of goods generally with particular requirements for labelling of textile products and leather goods and similar matters. The Footwear Regulation Act deals with requirements for stamping of footwear, while Division 7 of Part VII. of the Labour and Industry Act deals with requirements for stamping of furniture. The Bread Industry Act contains minimum standards prescribed for the making and baking of the different kinds of bread and other matters affecting the bread industry, such as the supply of bread-making ingredients, all of which have a strong consumer protection flavour.

It will be seen that it is provided that the Governor in Council can add other Acts or enactments to the schedule by proclamation. In consultation with the Chief Secretary

and the Attorney-General, the Minister has already commenced a study of the various Acts which deal with consumer protection—there is a surprisingly large number of them, and a large number of Departments is involved—to ascertain which statutes ought to be brought under the umbrella of the Consumer Protection Act and complaints thus brought within the function of the Consumer Protection Bureau.

Clause 1 provides for the Act to be brought into operation on a day to be fixed by proclamation of the Governor in Council. Clause 2 repeals the existing legislation and clause 3 contains definitions. Clause 4 contains the constitution of the Consumer Affairs Council, which is identical with the constitution of the Consumers Protection Council under the present Act and provides for the continuity in office of the present members of the Council. Clause 5 sets out the functions of the Council, as they are in the existing legislation, while clause 6 provides for the submission of annual reports to Parliament. Clause 7 provides for the establishment of the Consumer Protection Bureau and sets out its functions. Clause 8 provides for the appointment of staff to the Bureau and for liaison between the Bureau and the Council. Clause 9 contains the usual regulation-making powers, and this is followed by the schedule in which the Acts or enactments that I have already mentioned are listed. 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 Tuesday, March 24.

SECURITIES INDUSTRY BILL.

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

That this Bill be now read a second time.

As its title indicates, this Bill deals with the securities industry. It results directly from the recent meeting of Attorneys-General of all States and New Zealand, held in New Zealand, which endorsed the principles set out in the Bill, and each Attorney-General undertook to submit it for consideration to his Government in the near future. The Bill, therefore, has been drawn so as to provide for a reciprocal basis between the States which introduce legislation along these lines. There is no attempt in the Bill to prevent speculation. That is a matter basically for the individual investor. The Bill attempts to ensure that the stock market operates in a fair and open way and that people do not manipulate the market by illegal means for their own profit.

This is not the only Bill which relates to the protection of investors. The existing company law has most extensive provisions designed to protect investors, and those provisions are at present being reviewed by the Eggleston committee, with a view to seeing if they can be strengthened. The Government, therefore, hopes in the near future to introduce a major companies Bill which will substantially revise the existing law relating to take-overs, investigations of companies, and accounts and audit, and which will also require substantial shareholders to disclose their holdings and dealings. It can therefore be seen that this Bill must not be considered in isolation but as part of an over-all legislative scheme designed as part of a Commonwealth-wide approach to the protection of the investors.

The Bill is a most important measure as it for the first time in the history of Victoria proposes a broadly-based scheme to cover the whole of the securities industry. It bears distinct resemblances to the legislative schemes to control the securities industry in the United States of America, in the Provinces of Canada and in the United Kingdom. In one major aspect it more closely resembles the English system than those from the American continent,

in that it proposes to continue the system of self-regulation of stock exchanges which has worked so admirably in the past.

However, stock exchanges and their members will be subject to three distinct forms of statutory control. Firstly, any future alteration of the rules of a stock exchange may be disallowed by the Minister. Secondly, the present system of requiring stock brokers to maintain proper trust accounts and allowing for the investigation of brokers' affairs will be continued and indeed extended to other securities dealers who are not members of a stock exchange. The provisions relating to accounts and audit have been extended to cover the operations of a stock exchange whether within or without Victoria and it is hoped that other States will adopt similar legislation covering the activities in Victoria of members of stock exchanges in the other States. Thirdly, at the request of the Stock Exchange of Melbourne, it is proposed to provide for the establishment of fidelity funds along the same lines as has been operating in respect of the legal profession for several years. This proposal was put to the Government by the Stock Exchange of Melbourne and the Government wholeheartedly supports the proposal.

The stock exchanges have had an enviable record over the past 30 years or more. I believe that there has been only one minor defalcation and even then the investing public was saved from loss by the action of the stock exchange concerned. However, in these days of large trading, violently fluctuating markets and increased values it is highly desirable in the interest not only of the investing public in Victoria but also of persons all over the world who are more and more resorting to Victoria to invest their money that proper fidelity funds should be established.

The next main feature of the Bill is that for the first time it proposes to license dealers, their employers who are engaged in negotiating deals in securities investment, advisers and their employees who are engaged in the giving of investment advice. There has been a marked growth in the securities industry in Victoria in the last decade and these new areas have not been subject to the same traditional controls as have governed the Stock Exchange. The Government believes that it is necessary at this stage to bring under some degree of control these activities, in many ways akin to those of the stock market, which are not at present subject to control. Licensed dealers will be required to keep trust accounts and have them audited in the same way as stock brokers and they will be required to provide a fidelity bond, as the fidelity fund established by the stock exchanges will not extend to dealers who are not stock brokers.

The final feature of the Bill is to be found in Part VII. where new offences are created in relation to market dealings. The first offence relates to creating a false or misleading appearance of active trading in securities, the second to market rigging activities, the third to the use of fictitious transactions to affect the stock market and the fourth to knowingly circulating false rumours with respect to securities. A maximum penalty of $10,000 or imprisonment for five years is provided for these serious offences which will be indictable offences.

I should now like to draw attention to some of the more significant provisions of the Bill in some detail. In the interpretation "dealer" is defined as a person who carries on a business of dealing in securities but excludes an "exempt dealer" i.e., authorized dealers in the short term money market, public statutory corporations, and persons who deal only through a stock broker or licensed dealer. "Stock Exchange" is defined as the Stock Exchange of Melbourne Limited, the Stock Exchange of Ballarat Limited and the Stock Exchange of Bendigo Limited—as all the present Stock Exchanges will be

incorporated before this Part of the Act comes into operation—and any other body corporate approved by the Minister under clause 7. In subclause (2) of clause 5 power is given to exempt by regulation from all or any of the provisions of the Bill any dealer who deals only on his own behalf. This is intended to authorize investment companies of one kind or another which trade in securities to be exempted from inappropriate provisions.

Clause 6 is the key provision with respect to stock exchanges. It provides a penalty of up to $1,000 or, in the case of a second or subsequent offence, $5,000 for any person who establishes or maintains a stock market that is not the stock market of a stock exchange. Clause 7 sets out the matters in respect of which the Minister must be satisfied before approving a body as a stock exchange. Clause 8 requires the committee of a stock exchange to notify the Minister forthwith after any amendment of its rules and gives the Minister power to disallow the amendment in whole or in part.

Part III. requires dealers, other than stock brokers and exempt dealers, and investment advisers, other than stock brokers and licensed dealers, and the representatives of dealers and investment advisers, to be licensed. The Registrar of Companies is the licensing authority and clause 19 gives a magistrates' court power to cancel a licence in certain circumstances. An appeal against any decision of the Registrar or a court may be made to the County Court. Clause 17 requires the deposit of a security of $10,000 in respect of a dealer before a licence is granted to him or renewed. This requirement is necessary because the fidelity fund provisions of Part VI. apply to stock brokers only.

Part IV. requires dealers to keep trust accounts and to have them audited. This Part applies to dealers who are stock brokers in Victoria in so far as they carry on business in or outside Victoria, and to dealers who are not stock brokers in so far as they carry on business in Victoria only. It does not apply to persons who are stock brokers in other States. It is expected that brokers in other States will be covered by legislation in those States.

Clause 22 specifies the accounts and records required to be kept by dealers. Clause 23 requires each dealer to establish and pay certain moneys into a trust account. Provision is made for the regular auditing of trust accounts, and power is given to the Minister to appoint a special auditor in certain circumstances. The provisions of this Part are substantially the same as the provisions in the existing Stock and Sharebrokers Act 1958.

Part V. applies to stock brokers only. Clause 40 requires one-third of each stock broker's trust fund to be deposited and maintained with the stock exchange of which he is a member. Clause 41 provides that the moneys so deposited shall be repayable on demand. Clause 42 requires each stock exchange to invest these deposits and to pay the interest theron into its fidelity fund. It is this interest that forms the basis of the fidelity fund of each stock exchange.

Part VI., which deals with the operation of the fidelity fund of a stock exchange, is largely based on the guarantee fund provisions of the Legal Profession Practice Act. It requires each stock exchange to establish and administer a fidelity fund. Clause 48 specifies the moneys that are to constitute the fund, being largely the interest on the moneys invested by the stock exchange under the preceeding part and the contributions of stock brokers in accordance with the provisions of this part. Provision is made for the expenditure of the fund to compensate persons who suffer loss as the result of defalcations by stock brokers, and clause 65 provides that the fidelity fund shall be subrogated to the rights of any person so compensated.

Part VII. contains the offence provisions. For any offence under this Part a maximum penalty of $10,000 or imprisonment for 5 years is prescribed.

Part VIII. contains provisions giving a limited regulation-making power to the Governor in Council and a provision making it an offence for a person who is not a stock broker to adopt the title of stock broker. Clause 78 requires the consent of the Attorney-General before a prosecution is lodged under Part VII. and before a prosecution by any person other than the Registrar is lodged under any other Part. This provision is similar to the provision with respect to prosecutions in the uniform companies legislation. I commend the Bill to the House.

On the motion of the Hon. J. M. Tripovich, for the Hon. J. W. GALBALLY (Melbourne North Province), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, March 24.

JUSTICES (ALTERNATIVE PROCEDURE) BILL.

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

That this Bill be now read a second time.

The House will be aware that the Road Traffic Act 1958 provides a procedure for prosecution of certain traffic offenders, designed to handle cases expeditiously where the defendant does not wish to defend the matter in court. This is commonly called "the alternative procedure", and is something between the system of on-the-spot fines and the conventional system of bringing a defendant to open court and proving the offence by oral evidence.

The gist of the alternative procedure is that with the summons to attend court there are served also sworn statements of the informant and other witnesses shortly describing the facts of the alleged infringement, together with a notice advising the defendant that he may elect to appear and also a form of election which he may complete if he does so choose to appear. If the defendant does not elect to appear and it is proved that he has been served with these documents, a stipendiary magistrate sitting in chambers may convict him and impose a penalty upon him. The legislation goes on to prescribe the procedure to be followed if the defendant elects to appear.

Some time ago there was a series of conferences between representatives of the Chief Secretary's Department, the Country Roads Board, the Law Department and the Transport Regulation Board, for the purpose of developing proposals to reduce the amount of time spent in court by members of the Police Force and other persons concerned with the prosecution of offences relating to motor vehicles, motor boats, commercial goods vehicles and transport regulation, in many cases in which the defendant did not appear.

These conferences resulted in a recommendation to the Government that the provisions in section 12 of the Road Traffic Act 1958 be transferred to the Justices Act 1958 in a revised form. The present Bill is intended to achieve that purpose.

Before dealing with the provisions of the Bill in detail, I draw attention to the important features of the proposals therein. The first is related to the fact that the procedure under the Road Traffic Act applies only to a limited class of offences. These are indicated in the definitions of "parking infringement" and "traffic infringement" contained in section 10 of the Road Traffic Act. The Bill increases the range of offences which may be dealt with by a magistrate in chambers, and these are set out in clause 4.

The next important feature of the Bill is that it permits a magistrate in chambers to cancel or suspend a licence to drive a motor car or to disqualify any person from obtaining

a licence upon conviction for an offence in respect of which such penalty is provided by statute. A magistrate is unable to exercise this power under the provisions contained in subsection (4) of section 12 of the Road Traffic Act 1958.

Another important feature of the Bill is that arrangements are made to set aside certain courts as the appropriate courts for the hearing of matters dealt with by the alternative procedure. This will enable prosecutions to be channelled through specified courts, each covering a defined area, and will avoid prosecutions being spread over a multiplicity of courts. Very frequently a member of the Mobile Traffic Branch brings a large number of prosecutions returnable at courts spread over the whole area of his patrol. If one or more cases at each of the courts is defended, he may spend a great deal of time at the courts or, alternatively, it may be necessary to have one or more of the cases adjourned. In either event there may be great inconvenience to witnesses and defendants as well as to the informant.

I shall now deal with some of the clauses of the Bill. Clause 3 proposes the insertion in the Justices Act of six new sections 94A to 94F, the effect of which is to transfer, with amendments, the alternative procedure now contained in the Road Traffic Act.

The first of the proposed new sections is section 94A. Sub-section (2) of this section provides that an information only, with a sworn statement or statements describing the alleged offence, shall be served personally or by post on the defendant. A notice in a form to be prescribed shall accompany the information, and will advise the defendant of the procedure to be followed if he desires to defend the matter by electing to appear. Copies of the form of election are to be attached to the notice.

Sub-section (3) of proposed new section 94A provides for more than one offence to be included in the one information, provided that the offences arise out of the same circumstances. This will obviate the necessity to provide sworn statements for each offence, when the same facts are alleged in respect of all offences arising out of the same circumstances.

Sub-section (4) provides that, if an election to appear is received by the clerk of courts, he will cause a summons to be issued for the hearing of the matter. In practice, the date of hearing of a defended matter will be decided by consultation between the clerk and the informant to suit the convenience of the court and the informant.

Sub-section (5) is designed to protect the defendant's right to a hearing where an election is not made by the date specified in the notice given to the defendant. It provides for the stipendiary magistrate, upon the application of the defendant before a penalty is imposed, to grant the defendant leave to defend, and in that case the matter will be dealt with as though an election to appear had been made.

Sub-section (6) is similar in its provisions to sub-section (4) of section 12 of the Road Traffic Act 1958, except that it empowers the magistrate to convict and impose a penalty within one month after the date specified in the notice to the defendant. Under the present alternative procedure, the magistrate imposes the penalty on the day the summons is returnable. The existing restriction on the power of a magistrate in chambers to deal with the defendant's licence is removed, but sub-section (9) provides that any cancellation or suspension of licence or disqualification from holding a licence shall not take effect until 21 days after the imposition of the penalty. The existing restriction of the power of a magistrate in chambers to impose a term of imprisonment is, however, retained, and sub-section (10) provides a procedure for adjournment when the magistrate considers it appropriate to consider the imposition of a term of imprisonment.

Sub-section (7) of proposed new section 94A contains similar provisions to sub-section (4A) of section 12 of the Road Traffic Act 1958, and empowers the magistrate, before convicting a defendant in chambers, to take into consideration any written explanation or submission made by the defendant. Under the present summons procedure, a defendant attends court in many cases not to defend the matter, but merely to make a statement in explanation of the offence. If he is given the opportunity of making an explanation in writing, it is expected that the defendant would in many cases make a written explanation in preference to lodging a notice to appear. This should tend to further reduce the amount of time spent in court by those concerned.

The proposed new section 94B deals with the recovery of penalties. The proposed section 94C is a machinery provision relating to an appeal or rehearing. Proposed new section 94D transfers the provisions of section 13A of the Road Traffic Act 1958, dealing with proof of prior convictions, to the Justices Act 1958.

The proposed section 94E is designed to facilitate the hearing or determination of matters brought by the alternative procedure by members of the Mobile Traffic Branch. The new section empowers the Governor in Council, by proclamation published in the *Government Gazette*, to set aside as many magistrates' courts in the metropolitan area as he thinks necessary for the hearing or determination of such matters. The section enables a magistrate's court to be set aside for that purpose either absolutely, or on specified days, or between specified hours on specified days.

Clause 4 of the Bill specifies the offences to which the new procedure may be applied. It extends the range of offences under the Road Traffic Act and Motor Car Act for which the existing alternative procedure may be used, by adding offences under Part II, Part IIA, and Parts IV, V and VI of the Motor Car Act, other than a few offences already included in the definition of "traffic infringement" in the Road Traffic Act and the offences expressly excepted by the Bill. In addition, for the first time, offences created by or under the Commercial Goods Vehicle Act, the Country Roads Act, the Motor Boating Act and the Transport Regulation Act may be prosecuted by use of the alternative procedure. It will be noted that the Motor Car Act offences expressly excepted are either of such a serious nature that imprisonment may be imposed upon conviction or, as in the case of offences such as unlawful alteration or defacing of number plates, do not lend themselves to satisfactory proof of all the facts by affidavit.

In consequence of the the new sections to be inserted in the Justices Act 1958 by clause 3, clause 5 repeals section 12 of the Road Traffic Act and amends section 11A of that Act. I commend the Bill to the House.

The Hon. ARCHIBALD TODD (Melbourne West Province).—I move—

That the debate be now adjourned.

I ask the Minister whether he would be agreeable to grant an adjournment of the debate until Tuesday week.

The Hon. R. J. HAMER (Minister for Local Government).—The answer is, "No", but I am prepared to agree to the debate being adjourned until next Tuesday, on the usual understanding that if the honorable member is not then ready to proceed some further indulgence may be granted.

The motion for the adjournment of the debate was agreed to, and it was ordered that the debate be adjourned until Tuesday, March 24.

CEMETERIES (COBURG PUBLIC CEMETERY) BILL.

The debate (adjourned from March 11) on the motion of the Hon. V. O. Dickie (Minister of Health) for the second reading of this Bill was resumed.

The Hon. J. M. WALTON (Melbourne North Province).—This is the second cemetery take-over in recent

years. In 1967, the House considered a Bill relating to the take-over of the St. Kilda Public Cemetery by the Necropolis at Springvale. On this occasion, the House is being asked to approve legislation to allow the trustees of the New Melbourne General Cemetery to take over the Coburg Public Cemetery. During the past 10 to 15 years the Cemetery has needed attention, which has become quite a financial burden on the trustees because the area is full and consequently the income is negligible. Accordingly the trustees, who did not see fit over the years to set aside money for some sort of permanent income in order to maintain the Cemetery, find that they cannot adequately maintain the area. This is expensive because even weed control costs a great deal of money.

Now, by agreement or because the Minister has held a gun at their heads—I suspect the latter may be the true situation—the New Melbourne General Cemetery trustees will take over the Cemetery. Of course, a take-over was necessary and I suppose it is a case of the strong looking after the weak. Undoubtedly the New Melbourne Cemetery has the advantage of having under its jurisdiction a crematorium which can operate indefinitely. It also has a possible 15 years of operation left for its cemetery activities on the present area as well as the reservation of a further 200 acres north of the present site. Therefore, the New Melbourne General Cemetery trustees can look forward to many years of income-earning operations. However, the crematorium provides the bulk of the income for the trustees and some of this income will now be used to maintain the Coburg Cemetery in a decent condition.

Many years ago, when there were many deaths in the community due to some particularly bad virus, the Coburg Cemetery trustees considered that sufficient compartments of land might not be available and therefore the size of the allotments was reduced. Whilst most cemeteries operate on 8 feet by 4 feet allotments, the Coburg Cemetery allotments vary in width from 4 feet to 2 ft. 6 in.

Unfortunately, plans for such areas are never properly prepared and quite often a grave digger finds difficulty in reopening a grave which has not been used for 20 or 30 years. Employees of the Cemetery then have to sort the matter out. I have been assured by the secretary of the New Melbourne General Cemetery that it has been possible to solve 9 out of 10 complaints within a few days with the probability of solving the tenth complaint after further investigation.

Problems also arise in the duplication of numbers because usually a cemetery is divided into sections and the same number occurs in each section. This creates problems where a new administration takes over and does not know the set-up.

This is a worth-while measure because it will help the Coburg Public Cemetery trustees by relieving them of their responsibilities—in fact they will go out of existence. Little further income can be expected at the Cemetery because only 1 or 2 reopenings are made each week at $38 each. The take-over by the New Melbourne General Cemetery trustees represents a sacrifice because it will still be necessary to maintain two full-time employees, a spray machine which is expensive to run, plus a girl in the office for at least two hours per day. However, it is their contribution towards looking after the graves of our friends and perhaps our own when the time comes. The Labor Party does not oppose the measure.

The Hon. A. K. BRADBURY (North-Eastern Province).—The Country Party supports this small and not unexpected measure, which will not be the last of its kind. As the Minister and Mr. Walton have both said, the Coburg Public Cemetery has almost outlived its usefulness in catering for the needs of the public. Therefore, the trustees find themselves in the embarrassing position of having little income with

which to maintain the Cemetery in a decent condition. The proposed takeover by the New Melbourne General Cemetery is a good move. This is the type of measure which, with the passage of time, honorable members must expect will be introduced. Accordingly, it is incumbent upon Parliament to see that the decent thing is done by these places which will otherwise fall into disrepair.

The motion was agreed to.

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

PUBLIC OFFICERS SALARIES AND ALLOWANCES BILL.

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

That this Bill be now read a second time.

Its purpose is to provide salary increases for senior Crown appointees and members of public authorities. The maximum remuneration for some officers is fixed by Act of Parliament whilst the salaries of others are subject to the prior approval of the Governor in Council. This situation comes about because the Acts under which they were first appointed specified the maximum salary of the office and then provided that the actual salary must be determined by the Governor in Council. The appointees to which this situation applies are the Director of Tuberculosis, the Chairman of the Melbourne and Metropolitan Board of Works, Commissioners of the State Electricity Commission and the Victorian Railways Commissioners.

Clauses 3 to 12 set out increased salaries for the heads of various authorities: For example, clause 6 relates to the Chairman of the Melbourne and Metropolitan Board of Works, clause 7 to the Commissioners of the Melbourne Harbor Trust, and so on.

In assessing these increases, consideration has been given to the salary structure of the Commonwealth Public Service, to the salaries being paid to special class members of the Victorian Public Service, and to salaries payable to persons holding comparable positions in outside commerce and industry. The Bill is designed to make the appropriate adjustments, to restore relativity in respect of Crown appointees other than permanent heads. It is intended that the proposed increases shall apply from 1st January, 1970.

Financial provision for the salaries of permanent heads of Departments will be made in the Supplementary Estimates. It is interesting that the Clerk of the Legislative Council but not the Clerk of the Legislative Assembly is mentioned in clause 17. This is not an oversight. The salary of the latter officer is fixed by the Appropriation Bill, and is provided for in the Supplementary Estimates, along with the salaries of permanent heads of Departments. This also applies to the salaries of the Parliamentary Librarian and the Chief Reporter of *Hansard*. A detailed schedule will be handed to the party Leaders to show the exact nature of the increase granted in each case. 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.

CARRIERS AND INNKEEPERS (AMENDMENT) BILL.

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

Discussion was resumed of clause 3—

After the Third Schedule to the Principal Act there shall be inserted the following Schedule:—

"FOURTH SCHEDULE.

NOTICE.

Loss or Damage to Guests' Property.

Under the Carriers and Innkeepers Act 1958, an innkeeper may in certain circumstances be liable to make good any loss of

or damage to a guest's property even though it was not due to any fault of the innkeeper or any servant in his employ.

This liability however—

(*a*) extends only to the property of guests who have engaged a room for sleeping;

(*b*) is limited to $100 to any one guest except in the case of property which has been deposited, or offered for deposit, for safe custody;

(*c*) does not cover motor vehicles or other vehicles of any kind or any property left in them, or horses or other live animals.

This notice does not constitute an admission that the Act applies to these premises."

The Hon. R. J. HAMER (Minister for Local Government).—Although progress was previously reported on clause 3 after clause 2 had been accepted by the Committee, I agreed to look at certain submissions made by Mr. Elliot and Mr. Swinburne. As a result, a further version of some of the changes to be made in the law by this Bill has been circulated. Owing to the stage at which the Committee had reached on the Bill, in due course I shall have to ask the House to recommit the Bill for further consideration of clause 2. At least one of the amendments which I propose to move to clause 3 is consequential to one which I propose to move to clause 2, and I should explain the position.

The Committee was particularly concerned with two points. One was that the liability of an innkeeper for goods deposited with him for safe custody is unlimited under the present law and that the Bill perpetuate that position. Concern was expressed that an innkeeper, particularly one of the new class such as motelkeepers and so on, who was in business in a small way, might find this a tremendous burden. He could find it extremely expensive to insure himself against his liabilities. The amendment to be proposed later will limit the liability of any innkeeper, in respect of damage or loss of property of his guests lodged with him for safe custody, to $2,000.

That will produce these benefits. The sum of the liability will be certain, and an innkeeper will be able to arrange insurance to cover it. Secondly, the provisions will limit the expenses he might have to meet which otherwise, could be crippling. I stress that this represents a change in the law because, at present, the liability is unlimited. To that extent, the proposed amendments will improve the position of the innkeeper. If a guest, or a traveller lodging in an inn, has in his possession goods of greater value than $2,000, it will be his own obligation to provide against their possible loss to the extent that their value exceeds $2,000. A guest who has valuable jewellery or equipment of some kind might want to cover his possible loss by insuring against it. He will not be able to thrust the whole obligation and duty on the innkeeper simply by lodging the property with him.

Looking at the position overall, I believe this to be fair. An innkeeper will be liable only to the extent of $100 for the loss or damage of any goods belonging to a guest, provided that he displays a notice. If a guest lodges his property with mine-host for safe custody, the liability will be limited to $2,000.

The Hon. D. G. ELLIOT.—If the innkeeper cannot accept the property is he still liable?

The Hon. R. J. HAMER.—Yes. I have checked on this. The liability of an innkeeper is to accept anything which is offered to him for safe custody. Under the common law, he cannot refuse to accept such property. So, here again, there is a limitation on liability which is to the advantage of the innkeeper. I move—

That, in paragraph (*b*) of the proposed Fourth Schedule, after the words "safe custody" the expression "in which case it is limited to $2,000" be inserted.

The Hon. D. G. ELLIOT (Melbourne Province).—I thank the Minister for what he has said. Subsequent to progress being reported on

this Bill, I had some contact with the Australian Hotels Association. I found that the members of the Association were quite ignorant of the real importance of the Bill and they enthusiastically sought some limitation on the liability of an innkeeper. They were thinking in terms of $500 or $1,000. The limit of $2,000 proposed by the Minister is a happy compromise and members of the Association should be grateful that the Minister so quickly acceded to the request from this side of the House. I will see that this information is passed to those interested. I am sure that the Australian Hotels Association will be very appreciative of this amendment and the others which the Minister intends to move.

The amendment was agreed to.

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

That, in the proposed Fourth Schedule, the words "This notice does not constitute an admission that the Act applies to these premises" be omitted.

I need hardly reiterate anything which has been said on these offending words. Mr. Swinburne took exception to them mainly on the ground that they would tend to confuse a guest. On reflection, it appears that, if the Act as it will be is clear enough as to who is an innkeeper and who is not, the innkeeper should be in a better position than any guest to make up his mind whether he is covered by the Act or not. Therefore, he should not seek to disclaim responsibility with a notice of the kind presently appearing in the proposed Fourth Schedule which, after all, is intended to allow him to limit his own liability. Indeed, now more than ever, the words seem to be superfluous.

The Hon. I. A. SWINBURNE (North-Eastern Province).—I am pleased that the Minister has conceded the point I raised. The more I examine the position, the more I feel I was justified in asking for the removal of these words. The provisions appearing in clause 2 from the proposed section 30 on seem to open a door in relation to the liability to the traveller. Mr. Elliot has won a point for the innkeeper and it appears that I have won a point for the traveller. We should thank the Minister for the courtesy he has extended to us. Indeed, I should say that I now believe the Bill will probably be worth while. When it was under discussion before, I said I did not think much of it.

The amendment was agreed to, and the clause, as amended, was adopted, as was the remaining clause.

The Bill was reported to the House with amendments.

On the motion of the Hon. R. J. HAMER (Minister for Local Government), the Bill was recommitted for the further consideration of clause 2.

Clause 2, providing, *inter alia*—

For section 26 of the Carriers and Innkeepers Act 1958 there shall be substituted the following heading and sections:—

. . . .

30. (1) Subject to this section and section 29, the amount payable in respect of the liability of the keeper of an inn to any one traveller who is a guest at the inn with respect to property that, while at the inn, is lost, whether by theft or otherwise, or damaged shall not exceed $100.

. . . .

(4) Sub-section (1) shall not have effect where, after the traveller became a guest at the inn—

(*a*) the property that was lost or damaged was deposited by him or on his behalf expressly for safe custody with the innkeeper or his servant authorized or appearing to be authorized for the purpose and, if so required by the innkeeper or that servant, in a container fastened or sealed by the depositor; or

(*b*) he or some person on his behalf was unable to deposit the property as provided by paragraph (*a*) by reason of the refusal of the innkeeper or such a servant to receive it or by reason of some other default of the innkeeper or servant—

or where the cause of the loss or damage was some default neglect or wilful act of the innkeeper or his servant.

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

That sub-section (1) of proposed new section 30 be omitted with the view of inserting the following :—

(1) Subject to this section and section 29, the amount payable in respect of the liability of the keeper of an inn to any one traveller who is a guest at the inn with respect to property that, while at the inn, is lost, whether by theft or otherwise, or damaged shall not exceed—

(a) in the case of property that is so lost or damaged—

(i) while it is being held for safe custody after being deposited by or on behalf of the traveller with the innkeeper or a servant authorized or appearing to be authorized for the purpose; or

(ii) after the traveller or some person on his behalf was unable to deposit it as provided by paragraph (i) because the innkeeper or such a servant failed or refused without reasonable excuse to receive it—

$2,000; and

(*b*) in the case of any other property that is so lost or damaged—

$100.

(2) An innkeeper or his servant may require any person wishing to deposit property with him for safe custody to place it in a container and fasten or seal the container.

The amendment was agreed to.

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

That sub-section (4) of the proposed new section 30 be omitted with the view of inserting the following:—

(5) Sub-section (1) shall not have effect where the cause of the loss or damage was some default, neglect or wilful act of the innkeeper or his servant.

The amendment was agreed to, as were consequential amendments, and the clause, as amended, was adopted.

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

MOTOR CAR (FALSIFICATION OF MILEAGE) 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.

MILDURA COLLEGE LANDS (AMENDMENT) BILL.

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

That this Bill be now read a second time.

The purpose of this short measure is to share the income from the Mildura College Lands bequest of the Chaffey brothers equally between Mildura High School, Mildura Technical School and the Irymple Technical School.

These lands owe their origin to an agreement made in 1887, the architect behind the scheme being the late Alfred Deakin, who was then Minister of Water Supply. The agreement between the Victorian Government and the Chaffey brothers provided that one-fifteenth part of all the land granted to the Chaffey brothers was to be set aside for the support of "an agricultural school or college for instructing persons as to the best mode of constructing irrigation works and of profitably applying the same and for instructing persons in the best mode of growing and cultivating fruit trees and preserving and drying the fruit and for instructing persons in agriculture and horticulture".

However, the Chaffey brothers were badly hit by the land boom burst in the 1890s, and the promised school did not eventuate at that time. In 1913, the State Education Department erected an agricultural high school on the old Chaffey foundations, and in 1916 the Mildura College Lands Act provided for the subject lands to be registered in the name of the Minister of Education and empowered him to lease them; however, it did not authorize him to sell any of the lands.

The revenue from this bequest, amounting to approximately $18,000 per year, has been paid exclusively to the Mildura High School. With the development of technical education in latter years, two new technical schools have been established, namely, the Mildura Technical School and the Irymple Technical School.

Citizens of these districts, local members of Parliament and I believe it would be fair and reasonable for the three schools in the area to share equally the benefits of this trust money. The Bill proposes to provide for an equal share of the money to be distributed between the Mildura High School, the Mildura Technical School and the Irymple Technical School. The Bill also provides that money at present in the trust fund shall be used for the benefit of the Mildura High School; in other words the proposed legislation will not be retrospective. I understand that there is a sum of $20,000 in the fund, which will be available for the use of the Mildura High School. However, from the date of the operation of this legislation, the revenue will be shared equally between the three schools.

I 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 Tuesday, March 24.

BUSINESS NAMES (AMENDMENT) BILL.

The debate (adjourned from March 11) on the motion of the Hon. L. H. S. Thompson (Minister of Education) for the second reading of this Bill was resumed.

The Hon. J. M. TRIPOVICH (Doutta Galla Province).—This Bill to amend the Business Names Act 1962 is the result of conferences of the Attorneys-General of the Commonwealth and the States which have taken place over a considerable period. The measure proposes to deal with businessmen who are not honest in their dealings and use business names for dishonest purposes. When in trouble these people merely change the names of their businesses and proceed to operate under other names.

Clause 2 amends the principal Act by inserting in it a new proposed section 5A which provides that leave of the County Court is required in certain cases before using a business name. This will apply to a person convicted either before or after the commencement of the proposed legislation. The Bill proposes to deal with criminal businessmen who inflict their nefarious ways of trading on the public, and sets out the method by which these people must trade. Clauses 3 and 4 provide for consequential amendments to the principal Act, and clause 5 inserts a new sub-section in section 28 of the principal Act. The Opposition supports the measure, which will strengthen the legislation.

The Hon. I. A. SWINBURNE (North-Eastern Province).—This measure to amend the Business Names Act 1962 will provide a further protection to the vast army of people who trade with firms all over the State. It will ensure that before business men can change the name of a firm they will have to obtain leave of the County Court to do so. The Country Party supports the measure, which will provide a further safeguard to the general public, especially if such legislation becomes uniform throughout the Commonwealth. This aspect is most important because it will ensure some measure of control over "fly-by-night" firms who operate dishonestly.

The motion was agreed to.

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

EXTRACTIVE INDUSTRIES (LICENCES) 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.

ACTS INTERPRETATION (NATIONALITY) BILL.

The debate (adjourned from March 11) on the motion of the Hon. G. L. Chandler (Minister of Agriculture) for the second reading of this Bill was resumed.

The Hon. SAMUEL MERRIFIELD (Doutta Galla Province).—This Bill will amend the Acts Interpretation Act 1958. Usually, measures which amend this legislation are deemed to

be non-contentious in character ; they relate to ordinary factual matters which, by nature and circumstances, are fairly clearly defined, with the result that there is little scope for political assumptions or political interpretations. Wisely, the Acts Interpretation Act has been kept as far as possible in that arena of our politics.

This Bill, however, goes far beyond what has been the normal interpretive provisions of the Acts Interpretation Act; it deals with matters which, at times, are highly contentious and political. The Bill will weave into our legislation a definition which has been incorporated in the Commonwealth legislation. Of course, the Commonwealth legislation could be amended by the Federal Parliament from time to time. Sub-section (3) of proposed new section 39, as contained in clause 2, refers to the Commonwealth Act, namely, the Citizenship Act 1948-1969. If the Federal Act is amended, it will be necessary subsequently to amend the Acts Interpretation Act to bring it into conformity with the Commonwealth legislation. I do not cavil at this proposal. Probably, it is wise that the States should adopt common definitions in relation to British subjects, citizenship and the like, and it seems logical to follow the lead of the Federal Parliament in this regard because the Federal Government is the master of our migration and citizenship affairs in their widest sense.

The Bill refers to British subjects, persons who have the status of a British subject or the status of a British subject without citizenship, and to aliens. An examination of the Commonwealth Citizenship Act reveals that, of some 20 countries to which the Act applies the status of British subjects, 11 countries are republics, one is a kingdom and the remainder are dependencies or what might be termed legislative completions of their own under the British Crown. The use of the word "subjects" is interesting. I am not sure whether in these days of changing citizenship of the aptness of the term "subject", which was mostly applied when the Crown in person was deemed to be the significant factor in our Constitutional forms. Under the forms of democracy to-day, particularly with a constitutional monarchy, we are now something higher than purely subjects in the real sense of the word. The future will emphasize the need for finding a more suitable expression that would be more appropriate to changing times, particularly when it is remembered that so many countries are republics which have declared their non-allegiance to the Crown. I have in mind countries like Rhodesia and South Africa, which have broken away abruptly from the Crown. We may reach the stage where we will have to eliminate the word "subject", which seems to be undesirable. I certainly would prefer a more appropriate term. My party has no objection to the Bill.

The Hon. I. A. SWINBURNE (North-Eastern Province).—Members of the Country Party support this Bill relating to the principles which apply in conferring Australian or British citizenship. When one travels overseas one finds many peculiar problems in what is known as the passport field. Many people travel around the world on what are known as British passports because they are known as British subjects. The Commonwealth Parliament has amended the Citizenship Act, and it is necessary that the Victorian legislation should be brought into line with that Act.

As one reads this small measure and tries to interpret it and the principles contained in it, one finds that it can be divided into three categories. The first relates to the Australian citizen and his status, the second to the status of the alien, and the third to the status of the naturalized citizen. Honorable members who have attended naturalization ceremonies have heard the mayor or shire president declare migrants to be British subjects and some of the

migrants are surprised because they expect to become Australian subjects. Some of them even resent it. This Bill is an attempt to overcome that problem.

The word "subject" is a relic of the past and perhaps in future the Government might consider changing the term to a "British person" or some other expression. We support the Bill.

The motion was agreed to.

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

MELBOURNE HARBOR TRUST (AMENDMENT) BILL.

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

That this Bill be now read a second time.

It makes four small amendments to the Melbourne Harbor Trust Act, but they are nonetheless important to the Melbourne Harbor Trust. The first relates to sub-section (2) of section 8 of the Act which provides that one Commissioner other than the Chairman shall be a person appointed from a panel of names submitted to the Minister by the Trades Hall Council of Melbourne. In August, 1968, the name of this organization was changed to Victorian Trades Hall Council and this amendment gives effect to that change.

The second relates to sub-section (2) of section 20 of the Act which provides that, in the absence of the Chairman, the senior Commissioner present shall preside at meetings. Because of the managerial duties which must be carried out in the day-to-day running of the Trust and which fall on the shoulders of the presiding Commissioner when the Chairman is absent, it is not always convenient that the senior Commissioner carry out the functions of the Chairman. For this reason, it is considered desirable, in the absence of the Chairman, to give the Commissioners the freedom to elect one of their number to take the chair.

The third amendment relates to cadetships and bonding agreements. In common with Government Departments and authorities, the Commissioners are, from time to time, desirous of entering into cadetship agreements and also agreements bonding officers to serve for specified periods in consideration of the Melbourne Harbor Trust Commissioners meeting the cost of university fees, overseas study tours and the fees involved with attendances at advanced management courses.

The Commissioners have been in some doubt as to their authority under the present provisions of the Melbourne Harbor Trust Act in regard to these matters and the proposed amendment as set out in clause 4 of the Bill will place this beyond doubt.

The purpose of the fourth and last amendment is to grant to the Melbourne Harbor Trust Commissioners the guarantee of the Government of Victoria on its future loan raisings and the interest payable thereon. This will enable the Commissioners to borrow from those sources which require such a guarantee and will place the Melbourne Harbor Trust on the same footing in its borrowing operations as other statutory bodies in Victoria, such as the State Electricity Commission and the Melbourne and Metropolitan Board of Works. I commend the Bill 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 the next day of meeting.

ADJOURNMENT.

The Hon. L. H. S. THOMPSON (Minister of Education).—By leave, I move—

That the Council, at its rising, adjourn until Tuesday next.

The motion was agreed to.

The House adjourned at 5.5 *p.m., until Tuesday, March* 24.

Legislative Assembly.

Thursday, March 19, 1970.

The SPEAKER **(the Hon. Vernon Christie)** took the chair at 11.6 a.m., and read the prayer.

QUESTIONS ON NOTICE.

BANKS.

SMALL ARMS: TRAINING OF STAFF: AMMUNITION USED.

Mr. BUCKLEY (Lowan) asked the Treasurer—

If he will ascertain and inform the House—

1. Whether tellers and officers of the State Savings Bank of Victoria and other banks, respectively, undergo small arms instruction and training on a compulsory basis; if so, how many times a year they are required to attend target practice; if not, whether a voluntary training scheme exists?

2. How many rounds of ammunition are issued to each person annually for target practice?

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

1. and 2. So far as the State Savings Bank is concerned, tellers are instructed in the use of small arms and are required to undergo target practice as part of their initial training course.

Staff instructions of that Bank state that officers should have pistol practice at least twice yearly and that sufficient ammunition is to be issued for this purpose. The present allowance is 25 rounds per officer annually.

So far as the other banks are concerned, I can only suggest to the honorable member that if he requires any further information he should direct his inquiry to the appropriate bank or banks concerned.

TAXATION.

COMMONWEALTH PAY-ROLL TAX: PAYMENTS BY VICTORIA: PROPOSED EXEMPTION.

Mr. JONA (Hawthorn) asked the Treasurer—

1. What is the estimated amount of pay-roll tax to be paid this financial year by—(*a*) State Government Departments; (*b*) semi-Government and statutory authorities; and (*c*) municipalities?

2. Whether he will raise at the next Premiers' conference the question of pay-roll tax payable by these bodies to the Commonwealth with a view to obtaining their exemption from this liability?

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

1. (*a*) $8,360,515.

(*b*) $4,678,450.

(*c*) $1,300,000.

2. The question of pay-roll tax will, of course, be taken into account in the discussions which will be held over the next few months on the detailed outworking of the Commonwealth proposals for the financial arrangements between the Commonwealth and the States and which are to operate from 1st July next.

POLICE DEPARTMENT.

BOATS STOLEN AND RECOVERED: CHARGES LAID.

Mr. BUCKLEY (Lowan) asked the Chief Secretary—

1. How many thefts of boats have been reported to the police in the past twelve months?

2. How many boats have been recovered?

3. How many charges have been laid in connexion with these offences?

Sir ARTHUR RYLAH (Chief Secretary).—The answers are—

1. 142 offences of larceny and/or illegal use of boats have been reported to police.

2. Figures are not available.

3. 23.

AVONDALE HEIGHTS POLICE STATION: CONDITION OF BUILDINGS.

Mr. GINIFER (Deer Park) asked the Chief Secretary—

1. When the buildings of the Avondale Heights police station were last inspected?

2. What was the report on the condition of the station?

3. Whether any maintenance, renovations or building, respectively, has taken place since the inspection; if so, what are the details?

Sir ARTHUR RYLAH (Chief Secretary).—The answers are—

1. 24th February, 1970, by the inspector of police in charge of the division in which Avondale Heights police station is situated.

2. Apart from the exterior paintwork, which was described as being poor, all other aspects of the buildings were described as good or satisfactory.

3. No.

POLICE STATIONS: CLOSURE.

Mr. TREZISE (Geelong North) asked the Chief Secretary—

1. How many police stations have ceased to operate in each of the past ten years?

2. Where such stations were located?

3. Which police stations it is proposed to close down within the next twelve months and for what reasons?

Sir ARTHUR RYLAH (Chief Secretary).—The answers are—

1. and 2.

Year.	Number.	Location.
1960	1	St. Kilda East
1961	2	Bogong and Bonnie Doon
1962	3	Ballarat South, Buangor and Studley Park
1963	1	Wendouree
1964	2	Ballarat West and Glen Iris
1965	Nil	
1966	2	West Melbourne and Windsor
1967	7	Avenel, Brunswick East, Brunswick West, which now functions as a licence testing station only, Cowwarr, Middle Park, Talbot and Ultima
1968	15	Auburn, Ballarat East, Ballarat North, Bealiba, Brown Hill, Chewton, East Kew, Fitzroy North, Geelong South, Glenorchy, Kingston, Ormond and Thornbury. Also Gardenvale and Ivanhoe, which now function as licence testing stations only
1969	2	Exhibition and Kensington

Apart from the Exhibition police station, which is now the Central Licence and Registration Office, the police stations listed above were all small stations or sub-stations. More effective policing of areas has resulted from the closing of these stations and sub-stations. Manpower and equipment from these stations are now capable of being used to greater advantage.

A police station where there is no member of the Force continuously on duty serves little useful purpose. To be effective a station must have personnel available for 24 hours a day, seven days a week, and with efficient, reliable mobility and effective means of communication, and this is the purpose behind the closure of many stations and sub-stations.

3. Nil.

STATE INSURANCE OFFICES.

FINANCIAL RESULT OF OPERATIONS.

Mr. TREZISE (Geelong North) asked the Chief Secretary—

What was the profit or loss in relation to the operations of the State Accident Insurance Office and the State Motor Car Insurance Office, respectively, in each of the past ten years?

Sir ARTHUR RYLAH (Chief Secretary).—The answer is—

Year.	State Accident Insurance Office.	State Motor Car Insurance Office.
	$	$
1959–60 ..	+ 997,175	— 99,524
1960–61 ..	+ 1,187,602	+ 20,067
1961–62 ..	+ 1,053,551	— 71,287
1962–63 ..	+ 2,578,631	+ 40,940
1963–64 ..	+ 1,125,139	+ 330,342
1964–65 ..	+ 1,311,144	— 828,988
1965–66 ..	+ 1,530,965	— 785,410
1966–67 ..	+ 3,273,522	— 189,880
1967–68 ..	+ 2,689,960	— 2,041,598
1968–69 ..	+ 1,918,403	+ 640,505

MELBOURNE AND METROPOLITAN BOARD OF WORKS.

TULLAMARINE FREEWAY: SLOW MOVING VEHICLES.

Mr. BUCKLEY (Lowan) asked the Chief Secretary—

Whether he is aware that slow moving learn-to-drive cars are operating on the Tullamarine Freeway; if so, what action he intends taking to ban this practice?

Sir ARTHUR RYLAH (Chief Secretary).—The answer is—

Yes. This matter is at present under consideration.

ROAD TRAFFIC.

ACCIDENTS: FATALITIES: LOCATION.

Mr. R. S. L. McDONALD (Rodney) asked the Chief Secretary—

How many deaths occurred as a result of motor car accidents in 1969 in each of the following age groups—(*a*) 18-25 years; (*b*) 26-35 years; (*c*) 36-45 years; and (*d*) 46 years and over; indicating, respectively, the principal locations of the accidents?

Sir ARTHUR RYLAH (Chief Secretary.—The answer is—

The information is not readily available in the categories requested. Detailed statistics in respect of road accidents and casualties are processed by the Commonwealth Bureau of Census and Statistics but, at this stage, statistics are only available for the first six months of 1969. The 476 road deaths recorded by the Bureau for that period involved persons in the following age groups:—

Age Group	Number of Fatalities.
Under 7 years	25
7 years to 16 years inclusive ..	48
17 years to 20 years inclusive ..	77
21 years to 29 years inclusive ..	104
30 years to 39 years inclusive ..	41
40 years to 49 years inclusive ..	43
50 years to 59 years inclusive ..	55
60 years and over	81
Not stated	2
Total ..	476

Of these 476 fatalities, 247 were reported from the Melbourne Statistical Division and the remaining 229 from the rest of the State.

During the year 1969, 1,026 road fatalities were recorded by police and these involved persons in the following age groups:—

Age Group	Number of Fatalities.
16 years and under	135
17 years to 29 years inclusive ..	395
30 years to 59 years inclusive ..	296
60 years and over	200
Total ..	1,026

The principal locations where these fatalities occurred were as follows:—

Locality	Number of Fatalities.
City of Melbourne	7
Melbourne metropolitan area ..	406
Country cities and towns ..	161
Country roads	452
Total ..	1,026

POPULATION.

METROPOLITAN STATISTICAL DIVISION, COUNTRY CITIES, TOWNS AND SHIRES.

Mr. TREZISE (Geelong North) asked the Chief Secretary—

1. What was the population of the metropolitan statistical area in 1959 and 1969?

2. What was the population of the non-metropolitan area for each of those years?

3. What are the latest population figures for the cities of Ararat, Ballaarat, Benalla, Bendigo, Castlemaine, Colac, Echuca, Geelong, Geelong West, Hamilton, Horsham, Maryborough, Mildura, Moe, Newtown and Chilwell, Sale, Shepparton, Swan Hill, Wangaratta and Warrnambool; the towns of Camperdown, Portland, Stawell and St. Arnaud; the Boroughs of Eaglehawk, Koroit, Kyabram, Port Fairy, Queenscliffe, Sebastopol and Wonthaggi; the shires of Daylesford, Morwell and Narracan; the Yallourn works area and Inglewood?

Sir ARTHUR RYLAH (Chief Secretary).—The answers are—

Population figures for the Melbourne Statistical Division are available only in respect of "census" years. The figures for the last three "census" years are as follows:—

1.

1954: 1,589,185.
1961: 1,984,815.
1966: 2,230,580.

2. The population figures for the areas outside the Melbourne Statistical Division are—

1954: 863,156.
1961: 945,298.
1966: 988,946.

3.

Ararat	8,430
Ballaarat	41,890
Benalla	8,330
Bendigo	31,520
Castlemaine	7,070
Colac	9,650
Echuca	7,400
Geelong	18,220
Geelong West	17,500
Hamilton	10,180
Horsham	11,020
Maryborough	7,850
Mildura	13,200
Moe	16,760
Newtown and Chilwell (now named Newtown)	11,670
Sale	9,250
Shepparton	18,480
Swan Hill	7,820
Wangaratta	15,790
Warrnambool	18,170
Camperdown	3,590
Portland	7,300
Stawell	6,020
St. Arnaud	2,990
Eaglehawk	5,370
Koroit	1,400
Kyabram	4,950
Port Fairy	2,590
Queenscliffe	2,930
Sebastopol	5,070
Wonthaggi	4,010
Daylesford and Glenlyon ..	4,390
Morwell	21,800
Narracan	9,030
Yallourn Works area ..	4,160
Inglewood	834

PRISONS DIVISION.

PRISONS: ACCOMMODATION AND FACILITIES: INMATES.

Mr. TREZISE (Geelong North) asked the Chief Secretary—

1. Which Victorian prisons are without sewerage and running water facilities for cells used by inmates?

2. How many inmates are detained in each such prison?

3. What is the maximum number of inmates locked overnight in a single cell at each prison?

4. During what overnight hours are prisoners confined to cells?

5. What toilet, drinking and washing facilities are provided in such cells?

6. When is it planned that each such prison will be serviced with proper sewerage and water facilities?

Sir ARTHUR RYLAH (Chief Secretary).—The answers are—

1. Bendigo; Beechworth; Geelong; Castlemaine; Cooriemungle; Dhurringile.

Pentridge:—140 cells (C. Division only) have no sewerage or running water.

Sale:—24 cells have no sewerage or running water.

2.

	Capacity.
Bendigo	120
Beechworth	115
Geelong	130
Castlemaine	112
Cooriemungle	60
Dhurringile	75
Pentridge	1,345
Sale	75

3. Only one prisoner is locked in a single cell in the above-mentioned prisons. Small and large dormitories in various prisons house greater numbers.

4.

Bendigo ..	7.30 p.m. or 9 p.m. to 7 a.m.
Beechworth .	7.30 p.m. to 7 a.m.
Geelong ..	5.00 p.m. to 7 a.m.
Castlemaine .	5.00 p.m. to 7 a.m.
Cooriemungle	8.00 p.m. to 7 a.m.
Dhurringile .	8.30 p.m. to 7 a.m.
Pentridge (C. Division only) ..	5.00 p.m. to 7 a.m.
Sale ..	9.30 p.m. to 7 a.m.

5. Every unsewered cell is provided with a covered night tub.

Drinking facilities consist of a plastic container, water bag or billy-can with a mug or cup.

All prisoners are required to shower and shave daily. They are encouraged to shower either before lock-up and/or on rising. Ample facilities for hot showers are provided in all prisons during the day.

6. Not known. The Prisons Division's limited funds are required for more urgent projects.

STATE ELECTRICITY COMMISSION.

KIEWA HYDRO-ELECTRIC SCHEME: POWER OUTPUT.

Mr. SIMMONDS (Reservoir) asked the Minister for Fuel and Power—

1. What was the power output of the Kiewa hydro-electric scheme during each month since June, 1969?

2. What are the comparative figures for those months in each of the years 1961 to 1968 inclusive?

Mr. BALFOUR (Minister for Fuel and Power).—The answers are—

1 and 2.

OUTPUT OF KIEWA HYDRO-ELECTRIC SCHEME.
GWh (millions of kilowatt hours) generated.

——	1961–62.	1962–63.	1963–64.	1964–65.	1965–66.	1966–67.	1967–68.	1968–69.	1969–70.
July ..	29.841	34.583	36.103	56.170	10.628	46.109	21.722	35.503	35.088
August ..	27.461	34.427	33.226	48.132	49.158	38.465	17.593	34.596	56.584
September ..	34.133	37.125	38.777	73.311	51.920	48.226	13.431	45.347	39.802
October ..	38.180	52.100	72.165	86.090	35.734	56.211	36.786	73.834	27.705
November ..	18.724	39.573	42.637	78.295	19.175	51.511	8.854	73.846	23.137
December ..	14.335	19.708	10.307	20.391	16.682	45.951	3.417	29.041	17.718
January ..	9.797	27.395	2.145	6.225	2.970	9.876	2.581	9.908	14.399
February ..	2.646	6.461	3.165	2.562	7.550	5.227	4.050	7.658	6.753

MUNICIPALITIES.

SOCIAL WORKERS: SALARIES.

Mr. WILKES (Northcote) asked the Minister for Fuel and Power, for the Minister for Local Government—

1. Which municipalities in Victoria employ a social worker?

2. What salary is paid in each case?

Mr. BALFOUR (Minister for Fuel and Power).—The answer provided by the Minister for Local Government is—

The answer to this question only can be obtained by circularizing Victorian municipalities. The honorable member will be notified when the results are known.

BASS STRAIT.

OCEAN CURRENTS: OFF-SHORE OIL WELLS.

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

Whether experiments have been carried out to determine ocean currents in Bass Strait particularly in relation to the possibility of oil escape from off-shore wells; if so, by whom and what were the results?

Mr. BALFOUR (Minister of Mines). The answer is—

Yes, by the Horace Lamb Centre for Oceanographical Study at Flinders University, South Australia, under the guidance of Professor Radok. Results up to March, 1970, indicate that floating material released from the platforms in Bass Strait is unlikely to land on any beach between Wilson's Promontory and Gabo Island.

PUBLIC TRANSPORT.

CONCESSION FARES: COSTS.

Mr. TREZISE (Geelong North) asked the Minister of Transport—

What was the cost to the Victorian Railways suburban passenger service and the Melbourne and Metropolitan Tramways Board, respectively, of school children's concessions and pensioner concessions in lieu of normal fares in each of the past five financial years?

Mr. WILCOX (Minister of Transport).—The answer is—

Victorian Railways:

The Commissioners have advised me that apart from the 1968-69 financial year, the details requested have not been calculated for the previous years in question.

The estimated costs of student and pensioner concessions in the suburban area for 1968-69 are—

Student concessions	..	$892,500
Pensioner concessions	..	$344,900

Melbourne and Metropolitan Tramways Board:

Year Ended.	Students Concessions.	Pensioner Concessions.
	$	$
30th June, 1965 ..	732,000	434,000
30th June, 1966 ..	745,000	419,000
30th June, 1967 ..	765,000	435,000
30th June, 1968 ..	786,000	442,000
30th June, 1969 ..	875,000	465,000

TRANSPORT REGULATION BOARD.

SUNSHINE NORTH BUS SERVICE: EXTENSION.

Mr. GINIFER (Deer Park) asked the Minister of Transport—

Whether the Transport Regulation Board has given consideration to the extension of the Sunshine–Sunshine North bus service beyond the Albion North Primary School via Furlong-road through the Sheffield estate to St. Albans; if so, whether any recommendations have been made by the Board for extending this service, and in that event, what recommendations?

Mr. WILCOX (Minister of Transport).—The answer is—

The Transport Regulation Board has discussed the extension of the Sunshine–Sunshine North bus service beyond the Albion North Primary School to St. Albans with the bus operator and the local municipality, and it is planned to introduce a service when Furlong-road, between the School and St. Albans-road, and a bridge over Stony creek, are constructed.

RURAL FINANCE AND SETTLEMENT COMMISSION.

ROBINVALE SETTLEMENT: EXPANSION.

Mr. BROAD (Swan Hill) asked the Minister of State Development—

1. When the Government expects to receive the report of the committee investigating the possible expansion of the Robinvale settlement?

2. Whether the Government will endeavour to avoid any commitment that would prevent future extensions being based on the family unit principle?

Mr. MANSON (Minister of State Development).—The answers are—

1. It is expected that the report will be available to the Minister of Water Supply early in May, 1970.

2. The matter will be examined by the Government when the committee's report is received.

TOURIST DEVELOPMENT AUTHORITY.

TOURIST BUREAU FOR GEELONG.

Mr. BIRRELL (Geelong) asked the Minister of State Development—

1. What progress has been made in negotiations with the Treasury to obtain funds to purchase a property in Geelong for use as a ground level tourist bureau?

2. When finality in negotiations can be expected?

Mr. MANSON (Minister of State Development).—The answer is—

This proposal is currently under consideration by the Government in conjunction with the preparation of the loan works programme for the next financial year.

LANDS DEPARTMENT.

MONT PARK: DEVELOPMENT OF VACANT LAND.

Mr. RING (Preston) asked the Minister of Lands—

What is the Government's intention regarding the development of approximately 1,000 acres of vacant land at the Mont Park Mental Hospital grounds and at the Janefield Colony?

Sir WILLIAM McDONALD (Minister of Lands.)—The answer is—

It is presumed the honorable member refers to the following areas of Crown land:—

(*a*) About 670 acres on the east side of Plenty-road occupied by Larundel, Gresswell, Plenty and Mont Park mental institutions.

This area is temporarily reserved under the Land Act for mental hygiene purposes and is the remainder of about 1,289 acres repurchased by the Crown many years ago for those purposes.

Excisions for various other purposes, including provision for La Trobe University, have caused the reduction.

(*b*) About 824 acres farther north, known as the Janefield Colony Reserve. This is also repurchased land and is permanently reserved.

My Department has no proposals before it for putting these areas to some other use. Development of them for the purposes of the reservations is a matter for the Mental Health Authority.

WHEAT INDUSTRY.

WHEAT SALES.

Mr. BROAD (Swan Hill) asked the Minister of Lands, for the Minister of Agriculture—

Whether the Grain Elevators Board or the Department of Agriculture have any estimate of the quantity of wheat grown in Victoria during the last season and sold over the State border and outside the control of the Australian Wheat Board; if so, what is the estimated quantity?

Sir WILLIAM McDONALD (Minister of Lands).—The answer provided by the Minister of Agriculture is—

Neither the Grain Elevators Board nor the Department of Agriculture has any information on which an estimate of the quantity of such wheat could be based.

STATE RIVERS AND WATER SUPPLY COMMISSION.

JUNG WATER SUPPLY: REPLACEMENT OF MAINS: MAINTENANCE COSTS.

Mr. BUCKLEY (Lowan) asked the Minister of Water Supply—

Whether he has investigated the question of replacing mains and maintenance costs of the Jung water supply; if so, what were the findings and when these findings will be available to honorable members?

Mr. BORTHWICK (Minister of Water Supply).—The answer is—

At my request the matter raised is being studied by the State Rivers and Water Commission and although I am informed that the investigation is not yet completed, the Commission will, if practicable, review the rates and charges for the forthcoming financial year when the results of the current year's operations are available.

In regard to the water supply works, I might add that the original pipes used in the reticulation of Jung were second-hand pipes, but these have since been replaced. There are now 156 chains of asbestos cement pipe serving consumers together with only 7 chains of galvanized iron pipe.

The frequency of breaks has been investigated but these are not high in relation to other townships situated in the Wimmera where there are expansive clays. The possibility of using plastic pipes in place of asbestos cement pipes is being investigated.

Comparison of costs based on population alone can be misleading. Height of pumping lift and length of pipe per head of population are significant factors.

The following comparisons in respect to other towns in the area are provided for the information of members:—

Urban District.	Length of pipe per head of population.	Pump Lift.	Operation and Maintenance Cost per head of population.	Operation and Maintenance Cost per chain of reticulation main.
	chains	feet	$	$
Brim	0.68	20	3.02	5.29
Jung	1.25	130	5.81	5.86
Marnoo	0.74	gravity	3.58	6.16
Minyip	0.46	65	4.25	6.77
Rupanyup	0.43	65	4.13	6.80

LAKE EILDON: HOUSEBOATS.

Mr. BUCKLEY (Lowan) asked the Minister of Water Supply—

Whether a record is kept of houseboats moored at Lake Eildon; if so, how many were moored during the past six months and what are the names of the registered owners?

Mr. BORTHWICK (Minister of Water Supply).—The answer is—

No register of houseboats is kept at present but the number of houseboats on Lake Eildon is approximately 100.

QUESTIONS WITHOUT NOTICE.

PENTRIDGE GAOL.

Mr. WILTON (Broadmeadows).—As a result of the discussions that the Chief Secretary had with the Hooker Rex organization yesterday, is he in a position to inform the House whether the Government has made a decision on the proposal which the Hooker Rex organization was prepared to put before him to remove Pentridge Gaol and to establish a new gaol in the Campbellfield area?

Sir ARTHUR RYLAH (Chief Secretary).—The answer is, "No". Yesterday's conference was nothing more than an exploratory one, and it did not get very far. Representatives of the Hooker Rex organization will be talking to the Director-General of Social Welfare and the Director of Prisons next week, but I doubt whether that discussion will get very far. I have already indicated that the Government has made no commitment, and I certainly do not intend to make a commitment on behalf of the Government. If the project develops into something which looks interesting, and that could be a long way off, I have already given an undertaking to the honorable members for Broadmeadows and Coburg that I shall take them into my confidence at the earliest possible date. At this stage it would be merely a waste of time to do so because discussions have been nothing more than exploratory.

DRIVING LICENCE TESTING.

Mr. WILKES (Northcote).—Will the Chief Secretary ascertain why there appears to be a breakdown in administration resulting in queues of people waiting to make bookings for driving licence tests at the Brunswick testing station, with the result that it is impossible to get a booking for a licence test beyond the day on which the person appears at the station? This does not happen at other testing stations.

Sir ARTHUR RYLAH (Chief Secretary).—I have heard no specific complaint about Brunswick, but every year before Easter and before Christmas there is a big rush by people seeking driving licences.

Mr. TURNBULL.—There is a shortage of police.

Sir ARTHUR RYLAH.—I point out to the honorable member for Brunswick West that a considerable amount of driving licence testing is done by civilians to relieve the police of these onerous duties. I have asked Assistant Commissioner Braybrook to examine the whole situation and to provide relief whenever he can. I shall also refer this specific matter of bookings for driving licence tests to him.

PRINCES HILL HIGH SCHOOL.

Mr. HOLDING (Leader of the Opposition).—Yesterday, in answer to a question, the Assistant Minister of Education indicated that the Education Department would be placing fourteen temporary class-rooms on a new site to accommodate pupils who are experiencing difficulties as a result of the fire at the Princes Hill High School. This morning's press contains a statement by the Minister of Education that he is still exploring the possibility of obtaining a site in nearby parklands. Can the Assistant Minister of Education elucidate this matter and point out why there would seem to be a contradiction between the information that he provided to the House yesterday and the statement made by the Minister of Education?

Mr. ROSSITER (Minister of Labour and Industry).—The Education Department moves in very fast and devious ways from time to time to obtain the maximum benefit from the areas available and to accommodate pupils as quickly as possible. Every avenue must be explored and, since I supplied the information to the House, the Minister of Education, in conjunction with the Minister of Lands, has seen fit to re-explore the proposition with the Melbourne City Council. I wish both Ministers every success.

GUARD DUTY AT SCHOOLS.

Mr. WILTON (Broadmeadows).—Can the Assistant Minister of Education inform me whether the Government, in arranging for school councils and committees to be asked by the Education Department to carry out guard duty at the schools with which they are associated, proposes to give any financial assistance to the councils or committees if they accede to the request and hire watching services or make some other arrangements which will involve them in financial commitments?

Mr. ROSSITER (Minister of Labour and Industry).—This matter is still under consideration, and I cannot give the honorable member the assurance that he seeks. The whole question is very involved in relation to insurance and the guarding of schools and other public properties. If the honorable member will place his question on the Notice Paper, an answer will be supplied and I hope the whole matter will be resolved.

SCHOOL CARETAKERS.

Mr. TURNBULL (Brunswick West).—Where the Education Department has caretakers living contiguous to school properties, can the Assistant Minister of Education inform me what general instructions or directions are given with respect to the guarding of school property?

Mr. ROSSITER (Minister of Labour and Industry).—Caretakers of school buildings or areas of departmental property are caretakers and they have to take care in many ways. The word is an interesting and attractive Anglo-Saxon word like "housekeeper". The caretaker must have certain responsibilities and one of them is what is now termed "fire watching".

PUBLIC TRANSPORT.

Mr. TREZISE (Geelong North).—Is the Minister of Transport prepared to give an assurance to the Victorian public that tram and rail fares will not be increased during the present calender year?

Mr. WILCOX (Minister of Transport).—I understand that the Premier has already given that assurance, and I think the position has been made perfectly clear.

WEEK-END GAOL DETENTION.

Mr. EDMUNDS (Moonee Ponds).—I ask the Chief Secretary whether the Government intends to examine the matter of week-end gaol sentences following upon the introduction of legislation of this type in the Queensland Parliament.

Sir ARTHUR RYLAH (Chief Secretary).—The Government has no plans along the lines of the legislation introduced into the Queensland Parliament regarding adult prisoners. The Government is experimenting with something very similar in the youth field and I hope to make an announcement on this subject early in April.

Perhaps the honorable member would like to examine a submission I have received from a certain gentleman who is interested in husbands who must pay alimony or maintenance to wives. He has given me a three-page dossier quoting extracts from the United Nations charter, pointing out that what the Queensland Government has done is slavery.

CLOSING OF GORDON HOUSE.

Mr. HOLDING (Leader of the Opposition).—Is the Minister of Housing prepared to investigate the very serious housing problem which confronts a number of old men, many of whom are pensioners, who at present reside in Gordon House and who, with the projected closing of that institution, will have no place to go? Will the Housing Commission consider this as a matter of urgency?

Mr. MEAGHER (Minister of Housing.—I was not aware that the closing of Gordon House was imminent. If the Leader of the Opposition will give me any further information he has, I will see that the position is investigated thoroughly.

WAITING LIST FOR HOUSING COMMISSION HOMES.

Mr. WILTON (Broadmeadows).—I ask the Minister of Housing whether the Government proposes to take any steps to bring about a reduction in the five-year waiting time now current for people wanting Housing Commission homes.

Mr. MEAGHER (Minister of Housing).—I think the honorable member for Broadmeadows is a little confused. There is no five-year waiting list for people who want to become tenants in Housing Commission homes. The five-year waiting list relates to persons wishing to purchase homes from the Commission.

Mr. WILTON.—How do you get a home to rent?

Mr. MEAGHER.—If the honorable member examined the last annual report of the Commission, he would see that several thousand people obtained homes from the Commission last year. The normal waiting time for people wishing to rent homes from the Commission is from about 3 months in some country areas to between 18 months and 2 years in the metropolitan area. The purchase of a home takes a little longer because there are not sufficient funds available to build houses at a rate which would enable the lag in providing homes for purchase to be reduced. So far as tenancies are concerned, the average waiting time is nothing like five years.

LONE PERSON UNITS IN BRUNSWICK.

Mr. TURNBULL (Brunswick West).—Has the Minister of Housing yet reached finality with the Brunswick City Council on arrangements for a financial contribution for the construction of lone person units in Wilson-street?

Mr. MEAGHER (Minister of Housing).—Unless there were further discussions during the last 24 hours, while I was in Sydney, finality has not yet been reached.

PAYMENT OF PAY-ROLL TAX BY RAILWAY DEPARTMENT.

Mr. SUGGETT (Bentleigh).—I ask the Minister of Transport how much has been paid by the State Government to the Commonwealth Govern-

ment in pay-roll tax with respect to railway employees since the inception of the tax, and whether the amount paid would be sufficient to construct an underground railway in Melbourne.

Mr. WILCOX (Minister of Transport).—I am afraid that I could not answer the question. If the honorable member for Bentleigh wants a full answer, he should place the question on the Notice Paper. I do know that the amount of pay-roll tax paid by the Victorian Railways to the Commonwealth was, according to the last annual accounts, in the vicinity of $2 million for the year. With what happens to wage costs these days, it is not likely to become any less. It would be at least $2 million per annum at present.

Mr. FENNESSY.—It would not go far towards an underground railway.

Mr. WILCOX.—The amount would add up over a number of years and, taking into consideration the flexibility of public financing of various projects, such a sum could be of tremendous assistance.

SCHOOL CLEANERS.

Mr. LIND (Dandenong).—I ask the Assistant Minister of Education whether it is a fact that it is departmental policy to employ cleaners rather than caretakers for schools, and that these workers do not generally live near or on school premises.

Mr. ROSSITER (Minister of Labour and Industry).—The answer is, "Yes".

HOUSING COMMISSION RENTS.

Mr. TREZISE (Geelong North).—Can the Minister of Housing inform me what is the situation if municipalities change their rating systems from unimproved capital value to nett annual value or vice versa? Does that mean that rents of Housing Commission homes in a particular area are increased or decreased or are the rents based on an average throughout the State?

Mr. MEAGHER (Minister of Housing).—The Housing Commission pays rates in the same way as other property owners within the municipalities. Housing Commission rates are based on the rates struck by the municipalities. The assessment of rents in Victoria is based on the average principle throughout the State.

LAND FOR LONE-PERSON UNITS.

Mr. EDMUNDS (Moonee Ponds).—Can the Minister of Housing inform me what has been the response by the various municipalities to his request to donate land to the Housing Commission for the construction of lone-person flats?

Mr. MEAGHER (Minister of Housing).—I am delighted to report that a large number of councils have responded favourably to that appeal. At this stage, I am unable to give the honorable member the exact figures. Generally, the response has been overwhelming in favour of co-operating with the Commission in the provision of this type of accommodation.

OIL SLICK IN YARRA RIVER.

Mr. HOLDING (Leader of the Opposition).—Can the Acting Minister of Public Works inform me whether inquiries have established the source of the recent oil slick in the Yarra river and what it cost the State to control the slick and prevent it from doing further damage?

Mr. BALFOUR (Minister for Fuel and Power).—I am unable to answer the question. I suggest that the honorable member should place it on the Notice Paper.

DAMAGE CAUSED BY M.V. "WESTERN SPRUCE"

Mr. WILTON (Broadmeadows).—Can the Attorney-General inform me what action the Government is initiating and against whom, to recover the cost of repairing the port facilities at Port Welshpool?

Mr. REID (Attorney-General).—I ask the honorable member to put the question on the Notice Paper.

SENIOR HIGH SCHOOL FOR GLENROY.

Mr. WILTON (Broadmeadows).—Can the Assistant Minister of Education inform me whether the senior high school project at Glenroy has been "killed" and, if so, what steps the Government proposes to take to provide further secondary school facilities in that area?

Mr. ROSSITER (Minister of Labour and Industry).—The Building Programme Committee of the Education Department is now working out priorities. Some of the recent fires in schools have necessitated a shuffling around of those priorities. If the honorable member wishes to put the question on the Notice Paper, by the time the answer is provided priorities should be fixed.

ESTABLISHMENT OF FOURTH UNIVERSITY.

Mr. TREZISE (Geelong North).—Can the Assistant Minister of Education inform me whether it is expected that the next university will be constructed in the metropolitan area or a country centre?

Mr. ROSSITER (Minister of Labour and Industry).—A committee formed by the Minister of Education is currently examining the question of the establishment of a fourth university and the claims of country versus city will be considered.

CONTRIBUTIONS TO MUNICIPALITIES.

Mr. EDMUNDS (Moonee Ponds).—I ask the Premier and Treasurer: Did the Government receive a deputation from the Municipal Association of Victoria late in February requesting greater contributions and more State assistance for municipalities; if so, what was the Government's reaction to this deputation?

Sir HENRY BOLTE (Premier and Treasurer).—It is true that I received a deputation from the Municipal Association, which I have done each year—in fact, there are 2 or 3 deputations each year. Members of the deputation are aware that any submissions put before the Government and the Treasurer are on the basis of the Budget, and that is why this time is the proper season to put forward their requests so that they can be adequately considered. If some relief was to be given in any field, naturally this would be done at the time the Budget was prepared.

MOTION FOR ADJOURNMENT OF THE HOUSE.

The SPEAKER (the Hon. Vernon Christie).—Yesterday I undertook to give a ruling on a motion for the adjournment of the House. It was as well that consideration of this matter was deferred because it has important considerations for the House in the future and as much time as possible has been given to research on the matter. The motion called for the adjournment of the House for the purpose of discussing a matter of urgent public importance, namely, the failure of the Minister of State Development to effectively implement the recommendations of the Victorian State Advisory Committee on Decentralization.

In the absence of a clear definition of where the recommendations are, it was taken, in line with the general thought on this matter, that the recommendations are in fact contained in a report of 1967 to the Governor in Council by the State Advisory Committee on Decentralization on the selection of places outside the metropolis of Melbourne for accelerated development.

The point about the motion is that it refers to "the recommendations", not part, portion, or a section of them, but "the recommendations"; so this motion must be taken as relating to the recommendations as a whole and must be looked at as a

whole. Within those recommendations action is called for from the Commonwealth Government, the Treasurer, the Ministers of Transport, Education and Housing, and even from municipalities. In my view, from a deep study of this point, it covers a very wide subject indeed, and it could not be contended that the Minister of State Development, who has no power to carry out those wide recommendations, could be clearly and definitely charged, in a motion, for failing to carry them out, because in fact he did not have power to carry out "the" recommendations.

The other point on this motion is that the recommendations, in part, call for the need of legislation to carry them out, and on that score the motion for the adjournment would be unacceptable. On these two main scores, the motion submitted yesterday by the Leader of the Opposition cannot be placed before the House.

ROAD SAFETY COMMITTEE.

Blood Alcohol Tests.

Mr. DIXON (St. Kilda), chairman, presented the fourth progress report of the Road Safety Committee upon an aspect of the alcohol and drug factor—an inquiry into the desirability of introducing blood alcohol tests at hospitals for certain driver victims of motor vehicle accidents, together with minutes of evidence and appendices.

It was ordered that they be laid on the table, and that the report be printed.

BALLARAT (SOVEREIGN HILL) LAND BILL.

Sir WILLIAM McDONALD (Minister of Lands).—I move—

That this Bill be now read a second time.

The Crown land, which is the subject of this proposed enactment, is located at Ballarat East, in the City and Parish of Ballarat. It is known as Sovereign Hill reserve and contains an area of just over 36 acres temporarily reserved under the provisions of the Land Act as a site for public recreation. By the provisions of the Bill now submitted for the consideration of honorable members, it is proposed that the existing temporary reservation will be replaced by a permanent reservation for recreation and public purposes, and authority provided whereby the reserve, or a substantial part thereof, may be leased to the Ballarat Historical Park Association.

The reserve had its origin in an area of 15 acres 3 roods 38 perches temporarily reserved as a site for public recreation by Order in Council of the 4th June, 1918. That reservation was extended by the addition of 6 acres in 1928, a small area of under 1 acre in 1936 and 10 acres in 1941. When a further extension was proposed in 1943, action was taken to revoke the four previous reservations and to consolidate them, with the proposed addition, into one reserve of 36 acres and 10 perches. That area, which is indicated by black hatching on the plan included as a schedule to the Bill, was temporarily reserved as a site for public recreation by Order in Council of the 24th January, 1944, as published in the *Government Gazette* of the 26th January, 1944, page 226.

The council of the City of Ballarat was appointed as committee of management of the reserve, by the Board of Land and Works, on the 3rd February, 1944, with notice of the appointment being published on page 707 of the *Government Gazette* of the 9th February, 1944.

Just on three years ago, a number of public-spirited citizens of Ballarat established themselves as a committee to formulate plans for the establishment of an historical park or folk museum, which would serve as a visual reminder of the pioneers of the Ballarat district. The committee felt that the project could best be achieved by erecting on a suitable site, authentic reproductions of the dwellings, business premises, workshops and other structures to illustrate the living and working conditions of the gold mining era.

The committee, under the name of the Ballarat Historical Park Association, was registered as a corporate body under the Companies Act 1961, on the 29th March, 1967. Under its memorandum of association the objects of the Association include the establishment of a park at Ballarat which shall display significant aspects of Ballarat's history, the raising of funds and promoting the establishment of such a park, and the establishment of an historical museum within the park. It is also provided that the income and property of the Association shall be applied solely towards the promotion of the objects of the Association as set out in its memorandum of association, and no portion shall be paid or transferred by way of dividend, bonus or profit to members of the Association. Because of its local historical background and its topographical advantages, the Crown reserve at Sovereign Hill was considered to be the logical site for the proposed historical park.

The immediate development envisaged by the Ballarat Historical Park Association is estimated to cost $500,000 and will include the establishment of an historical museum, the construction of a gold mine and village, a prepared area for outdoor exhibits, an historical restaurant and a car park for 2,000 cars. The village component will involve the construction of cottages of the mining era, shops such as a saddler's shop and barber's shop, and other business premises such as banks, a post office and an hotel.

In view of the considerable expenditure involved, and because portion of the development will be assisted by Government subsidy, on a $2 for $1 basis, of $80,000 in respect of the first stage of the development, it is considered that the site should be protected by being permanently reserved for recreational and public purposes to include the erection of buildings and other structures, and the exhibition of objects illustrating various aspects of the gold mining era.

It is also proposed that the Corporation of the City of Ballarat will be the committee of management of the reserve, and will be authorized to arrange a long term lease of the whole or a substantial part of the reserve, with the Ballarat Historical Park Association, as lessee, being enabled to sublet certain parts of the leased area, for operation as going concerns depicting business operations on the gold fields.

Clause 1 of the Bill provides for the proposed Act to be known as the Ballarat (Sovereign Hill) Land Act 1970. Clause 2 enables the Corporation of the City of Ballarat to be referred to in shorter form in the subsequent clauses of the Bill. Clause 3 revokes the existing Order in Council of 24th January, 1944, by which the Crown land indicated by black hatching on the plan in the schedule was temporarily reserved as a site for public recreation.

By the provisions of clause 4, the land referred to is deemed to be permanently reserved under the Land Act 1958, and the purposes of the reservation are extended so that the site may be developed and used as envisaged by the municipal council and the Ballarat Historical Park Association. Clause 5 provides for the Corporation of the City of Ballarat to be the committee of management to control and manage the land so reserved.

Clause 6 makes provision, in subclause (1), whereby the council as committee of management may grant to the Ballarat Historical Park Association a lease of the whole or any part of the reserved land to enable the development of the leased area for purposes consistent with those for which the land is deemed to be reserved. Sub-clause (2) of the clause itemizes, in paragraphs (*a*) to (*f*) thereof, the various provisions applicable to the granting of the lease. Paragraph (*a*) authorizes the committee of management to arrange the general conditions of the lease.

Paragraph (*b*) limits the term of the lease to a period of not more than 75 years.

By the provisions of paragraph (*c*) of sub-clause (2) of clause 6, any lease of the area which may be arranged by the committee of management will be required to be submitted for the approval of the Governor in Council. Paragraph (*d*) requires the lease to include provision whereby all improvements on the leased area will revert to the committee of management. Paragraph (*e*) makes it obligatory for fire insurance cover on all structural improvements on the leased area to be maintained by the lessee, in the name of the committee of management. Under the provisions of paragraph (*f*), the lessee may be authorized to arrange sub-leases of various buildings and installations on the leased area, such as the hotel, restaurant, theatre and barber's shop, to enable them to be conducted as businesses illustrating various phases of the community life of the gold mining era deemed consistent with the purposes of the reservation. Any such subletting arrangements will be required to be recommended by the council as committee of management and approved by the Minister of Lands.

Sub-clause (3) of clause 6 sets out that any lease rental, which may be received by the committee of management, shall be expended on the maintenance and improvement of the reserve or for such other purpose as the Minister in any particular case may approve. Sub-clause (4) is the usual provision that no liability shall attach to the Crown.

Under the provisions of clause 7, the Corporation of the municipality in which the reserve is located is empowered to make grants or loans, out of the municipal fund, to the Ballarat Historical Park Association for the purpose of erecting buildings on or otherwise improving the area leased to that Association. I commend the Bill to the House.

Sir William McDonald.

On the motion of Mr. TREZISE (Geelong North), the debate was adjourned.

It was ordered that the debate be adjourned until Thursday, March 26.

WATER POLLUTION CONTROL BILL.

The Order of the Day for the second reading of this Bill was read.

Mr. WILTON (Broadmeadows).—I seek to raise with the Minister the question of the Government's intentions in regard to this measure. A press report, which has been brought to my attention, indicates that the Government does not intend to proceed with it.

The SPEAKER (the Hon. Vernon Christie).—I suggest to the honorable member that as the Order of the Day has been called on, which is in accordance with Standing Orders because it is the next item on the Notice Paper, the matter raised by the honorable member might more properly be referred to after the Minister has made his second-reading speech.

Mr. HOLDING (Leader of the Opposition).—On a point of order, I understand that the position which the honorable member for Broadmeadows wants to put to you, Mr. Speaker, relates to a statement made by the Minister of Health. To call on the measure when the intention is not to continue with it is simply wasting the time of the House. The Opposition is prepared to present evidence to you on the matter. Having regard to the Standing Orders and the procedures of the House, if the Government does not intend to proceed with the Bill, the present exercise cannot be treated seriously. The Opposition directs attention to the propriety of this Order of the Day being called on.

The SPEAKER.—Does the Minister wish to speak to the point of order?

Mr. MANSON (Minister of State Development).—I do not really think there is a point of order because, until the Government moves a motion relating to the period of adjournment

of the debate on this Bill, no one knows what the Government's intentions are, despite what may appear in the press.

The SPEAKER.—Inasmuch as the remarks of the Leader of the Opposition may be a point of order on procedure, I cannot uphold it because the only notice to this House of any Government intention is the notice that is given in the House. This measure is the next item on the Notice Paper and it has been called on. Presumably, the Minister will make a second-reading speech and I should think that it would be proper, on the motion that normally follows relating to the period of the adjournment of the debate, for a question of this sort to be asked. There is no point of order on the matter of the House or the Chair stopping the Government from proceeding with the Bill on the score that something has been said elsewhere.

Mr. HOLDING (Leader of the Opposition).—On a further point of order—

Mr. SPEAKER.—This is not the same point of order?

Mr. HOLDING.—No, Sir. Do I take it that I would be in order in moving that the House proceed to item No. 3 of Orders of the Day, Government Business, and that item No. 2 be deleted from the Notice Paper?

The SPEAKER.—There is no point of order. Order of the Day No. 2 has been called on and a precedent for this procedure can be established provided that the Orders of the Day are called on in the order in which they are on the Notice Paper.

Mr. FLOYD.—Can we vote against the motion that the Bill be now read a second time?

The SPEAKER.—Order! I have given my ruling.

Mr. WILKES (Northcote).—Mr. Speaker, I should like to know what the motion is before the Chair.

The SPEAKER.—There is no motion before the Chair. The next item of business has been called on in accordance with Standing Orders and it is in sequence.

Mr. FLOYD (Williamstown).—On a point of explanation—

The SPEAKER.—Order! I will not hear the honorable member. The next item has been called on, and it is up to the House to deal with the order of business after the Minister has made his second-reading speech.

Mr. MANSON (Minister of State Development).—I move—

That this Bill be now read a second time.

This measure will provide for the extension of controls on pollution of the waters of the State of Victoria, and for associated purposes. Generally, the waters in this State may be described as relatively unpolluted by comparison with those in other countries in the world. With very minor exceptions, all inland waters can be made safe for drinking merely by chlorination, and as yet Victorian waters do not have anything like the chemical pollution of those in European or American countries. Drinking water in this State fortunately is still amongst the finest in the world, and is largely collected from unpolluted closed catchments.

The fact that the water resources of the State are in this healthy condition must not give cause for complacency, as, unless the strongest possible measures are taken at this juncture to prevent pollution from occuring, there could be a tragic loss of the State's waters for drinking and other purposes, or, alternatively, the cost of treating the water for use for these purposes could become a considerable economic burden.

Hitherto, there has been very little control of pollution of tidal and coastal waters. This Bill will set up a Water Pollution Control Authority to exercise jurisdiction over all waters of the State, including coastal waters. The Authority will be assisted by a Water Pollution Advisory Committee

consisting of representatives of a number of Government Departments and statutory organizations whose functions are associated either with the possible causes of pollution of waters or the duty of preventing it. The composition and function of these two bodies will be explained in greater detail at a later stage.

Under sub-clause (1) of clause 3, the proposed legislation will apply to the Crown and all public statutory corporations. The Bill is, in a large measure, a co-ordinating one. The pattern is to set up the proposed Authority as an organization with full supervisory powers over trade and other waste disposal which may pollute any waters of the State, with the various other Departments or agencies—the Commission of Public Health, municipal councils, the State Rivers and Water Supply Commission, the Fisheries and Wildlife Branch and other State and statutory authorities —having the responsibility for policing their own Acts in this field. Control over liquid trade wastes discharged into streams, now exercised by the Commission of Public Health under section 82 of the Health Act 1958, will be transferred to the proposed Authority under clause 17.

Although the controls in the Bill apply to the Crown, under sub-clause (8) of clause 14 all public statutory corporations will be exempt from penalty in respect of the discharge of household sullage and storm water, when those discharges are within the limits fixed by this legislation and otherwise comply with the Health Act. By sub-clause (2) of clause 3 the new legislation will not apply to the discharge of saline water through the State Rivers and Water Supply Commission irrigation channels, nor will it apply to discharge of oil from ships, which is already covered by the Navigable Waters (Oil Pollution) Act. The Navigable Waters (Oil Pollution) Act is mirroring and is complementary to similar legislation of the other States and the Commonwealth whose Parliaments have legislated in response to an international agreement on this subject; hence the exemption in this Bill.

Although the maximum monetary penalty provided by the Navigable Waters (Oil Pollution) Act is $2,000, which is also the maximum penalty provided for polluting waters under this Bill, the Navigable Waters (Oil Pollution) Act contains specific defences which are internationally accepted and are applicable only to shipping. All the countries involved agreed to enforce penalties against ships registered in their countries, where those ships have been found guilty of polluting waters in the countries of other signatories to the agreement. Australia is a signatory to the international agreement. It is, therefore, undesirable that this legislation should affect the provisions of the Navigable Waters (Oil Pollution) Act as that Act, in addition to containing penalty provisions which can be enforced locally, also contains machinery to enforce those provisions in the countries of other signatories.

Even though disposal from ships of waste matter other than oil will be covered by the Bill it is not practicable to issue a licence under sub-clause (7) of clause 1 in respect of ships. However, general regulations will be made to cover this situation under paragraph (*h*) of sub-clause (1) of clause 39. Nevertheless, under the provisions of clause 14, the Authority will be concerned with disposal of oil into waters from land because, whilst the provisions of the Navigable Waters (Oil Pollution) Act will still apply to oil discharged from land sources, this aspect does not have the international implications that arise in dealing with discharge of oil from ships.

The Bill has far-reaching implications in respect of the extensive water projects associated with power generating activities by the State Electricity Commission. Although no specific exemption has been included in the Bill to regulate the use of water and its thermal and possibly other contamination during the generation

of electricity, provision has been made in the regulation-making powers in paragraph (*h*) of sub-clause (1) of clause 39 for the Governor in Council to grant specific exemptions so that the State Electricity Commission may carry out its functions and comply as far as possible with appropriate controls. It is felt that the exemption provisions in the Bill will allow the Authority to adopt a flexible and realistic approach to problems, and this fact, together with the membership of the Advisory Committee of a member appointed on the nomination of the Minister for Fuel and Power under paragraph (*g*) of clause 7, will bring detailed knowledge of the vital interests of the power-generating operations of the State to the Authority.

The Water Pollution Control Authority proposed to be set up by the Bill will have appropriate powers and responsibilities which are set out in clause 11, and provide for the control of pollution of waters of the State, including estuarine and coastal territorial waters, by classifying them for various uses under clause 13. Clause 14 will regulate the flow of polluting material into such waters so that pollution in the over-all system of streams or waters does not rise above a safe level. By clauses 14 and 17, all persons likely to cause pollution will be licensed and unlicensed persons will be prohibited under severe penalty from discharging polluting material into waters.

At present, the discharge of pollutants is regulated by the imposition of requirements controlling the standard and amount of pollutant material each firm or body may discharge into waters, and not by reference to the over-all capacity of the receiving waters to assimilate them.

Part II. of the Bill contains provisions setting up a Water Pollution Control Authority—clause 6—and an Advisory Committee to the Authority —clause 7. The composition of the Advisory Committee is substantially as recommended by the Parliamentary Joint Select Committee on Drainage for the Authority itself. However, after considerable discussion with interested bodies and the Departments concerned, and in view of the complexity of the tasks involved in water pollution control, it was felt that a full-time Authority of three members, who were appropriately qualified, was necessary for this important assignment, and that such an Authority should be supported by a fully-representative Advisory Committee.

Under the provisions of paragraph (a) of sub-clause (1) of clause 6, 2 of the members of the Authority of 3 persons are required to be expert and hold appropriate qualifications in environmental control, and in view of the large measure of administrative and co-ordinating activities involved, it is felt that the Authority should include as its other member a person of administrative skill and experience. This is provided for in paragraph (*b*). Sub-clause (2) of clause 6 provides that one member of the Authority shall be appointed by the Governor in Council as Chairman and another as Deputy Chairman. The provisions of the Bill are sufficiently flexible to enable the most suitable of any persons offering from time to time to be appointed Chairman and Deputy Chairman, respectively. A member of the Authority, even though he is not subject to the Public Service Act, will not be permitted to engage in any employment outside the duties of his office except in special circumstances and with the approval of the Minister. This is covered by paragraph (b) of clause 9. Any person appointed as a member of the Authority who is a public servant or a contributor to the Superannuation Fund will have his accrued rights protected under paragraph (l) of clause 9. Members will be appointed for a period of three years—sub-paragraph (i) of paragraph (*a*) of clause 8 provides for this—and at the conclusion of that period shall be eligible for re-appointment under sub-paragraph (ii).

The usual provisions concerning the declaration of vacancies in the office of member of the Authority are included in paragraph (*a*) of clause 9 and the filling of vacancies on both the

Authority and the Advisory Committee is dealt with by parapgraph (*b*) of clause 8. The remaining provisions of clauses 8 and 9 deal generally with the conduct of operations by the Authority and the Advisory Committee.

The powers, duties and functions of the Authority set out in sub-clause (1) of clause 11 of the Bill are substantially as recommended in the sixth progress report of the Joint Select Committee on Drainage at page 29. Sub-clause (3) of this clause requires the Authority to report annually to the Minister and provides for presenation of this report to both Houses of Parliament.

As has been mentioned, there will be an Advisory Committee to advise the Authority on all matters in respect of its powers, duties and functions, and to report to the Authority on any matter which the Authority refers to it.

By sub-clause (2) of clause 11, the Committee will also be charged with a duty to report to the Minister of Health on any matter which he specifically refers to it.

The Committee will consist of 9 members appointed by the Governor in Council, 1 of whom being the Chairman of the Authority will be *ex officio* Chairman of the Committee. This is provided in clause 7. The remaining 8 members of the Advisory Committee will be selected as set out in clause 7. As will be seen, these 8 members will all be associated in some measure with the problems of water pollution. Members of the Advisory Committee will be part-time appointees only but, apart from this, the terms and conditions applying to the Committee and its operations will be substantially the same as those applying to the Authority.

Part III. of the Bill provides for the classification and reclassification of waters. Before classifying or reclassifying any waters, the Authority must indicate its intention in three issues of a newspaper or newspapers circulating in the area involved, as provided in sub-clause (1) of clause 13, and any person likely to be affected by the proposal will have a right to submit to the Authority any information he considers relevant before the classification or reclassification is finalized. Sub-clause (2) covers this.

In other countries where systems of water classification are operating, it has been usual to divide waters into the following broad categories:

Class "A"—suitable for public water supply and any water use without treatment; i.e. excellent quality water.

Class "B"—suitable for public water supply and any water use with treatment; i.e. good quality water.

Class "C"—suitable for body contact sports, swimming, boating, &c.

Class "D"—suitable for boating, irrigation, industrial use as cooling water, &c.

Class "E"—suitable only for navigational use and the transport of wastes; i.e. poor quality water.

Class "F"—waters which do not fall within classes "A" to "E".

Although, in some countries, these categories may be defined by reference to more scientific criteria, these are the fundamental groups into which classification has been made. The aim always will be to raise the standard of any water to the highest possible and, from time to time, it should be possible to reclassify water from a low to a higher category; that is, nearer class "A". After considering all information submitted, the Authority will recommend to the Governor in Council an appropriate classification for the waters under consideration. This classification will be brought to public notice by publication of the Order of the Governor in Council in the *Government Gazette* not less than two months after the views of the public

on the proposal had been first sought. These provisions appear in sub-clauses (3) and (4) of clause 13.

Classification of waters will vary considerably from place to place and will require detailed and technical consideration. For this reason at least such classifications must be the subject of expert recommendation. Only when these expert recommendations are available will it be possible to make specific requirements and, accordingly, such requirements will have to be the subject of regulations. Therefore, in paragraph (g) of subsection (1) of clause 39, the Bill contains a very broad power to make regulations for these purposes.

Part IV. of the Bill relates to the control of pollution of waters, and sub-clause (1) of clause 14 provides in detail the circumstances which constitute the offence of polluting waters. It provides that no person shall allow any material likely to pollute waters to be placed in such waters or where it may gain access to such waters, if that material is likely to change the characteristics of that water, so that it becomes unclean, noxious, poisonous, impure, detrimental to health, safety, welfare or property of persons, undrinkable for farm animals, poisonous to aquatic life, animals, birds or fish, unsuitable for irrigation, or interferes, or is likely to interefere, with the enjoyment of any person or with any right in relation to the waters or any part thereof.

Pollution includes any variations of the characteristics of water brought about by thermal changes and also as a result of negligent acts. This is covered by sub-clause (2) of clause 14. Sub-clause (3) provides that a court, on conviction, may require the person convicted to abate the pollution at his own expense under the supervision of the Authority, or as otherwise ordered.

However, notwithstanding these strict provisions, under the terms of sub-clause (4) of clause 14, a person who can prove that pollution was not caused as a result of his negligence does not commit an offence if he gives all assistance to authorized officers, and provided that he gives due notification before any court proceedings that he intends to avail himself of this defence and gives a detailed explanation of the precautions he took.

Transitory provisions in sub-clauses (5) and (6) of clause 14 will enable a person to continue operations after the commencement of the Act where those operations involve pollution of waters, provided that the discharge of pollutants is kept within the limits prescribed by the Authority.

Sub-clause (7) of clause 14 specifically absolves from penalty under the Act any person who permits polluting matter to enter any waters providing he holds a licence issued by the Authority authorizing him to discharge waste matter into waters so long as the discharge of waste is in accordance with the conditions expressed in that licence.

As has been referred to previously, under sub-clause (8) of clause 14 municipalities and drainage authorities which must acept storm water and household sullage and which have no other alternative but to discharge it into waters in the condition in which it is accepted will also receive protection. Such discharge must be subject to the general control of this Act in relation to any pollutants other than those usually contained in storm water or sullage, as well as being subject to the existing provisions of the Health Act 1958 in general, with particular reference to nuisances.

The general penalty for polluting water is $2,000, with a daily penalty of not more than $1,000 for each day on which the offence continues after the service of a notice of contravention of the licence. These penalties are set out in sub-clause (9) of clause 14. The penalty provides a degree of uniformity with New South Wales in that it is similar to the provisions contained

in a Bill introduced in that State on this subject. The penalties are also similar in amount to those provided in the Navigable Waters (Oil Pollution) Act 1960. The penalty provisions of the Fisheries Act 1968 are, in fact, even more severe, in that they carry the alternative of a term of imprisonment of twelve months.

By clause 15, the owner, occupier, lessee, and any other person having control and management of any land from which pollutants are discharged through a drain, may be severally liable to the penalties provided in the Bill, but any one of these persons if charged would be able to escape the penalty if he proves that he comes within any of the defences provided in sub-clause (4) of clause 14.

A landowner may discharge pollutants to adjoining land with the consent of the owner of the adjoining land, without committing an offence. The onus is on the person discharging pollutants through a drain into water to have a licence for this purpose, and the responsibility would obviously devolve upon him to restrict by civil action the adjoining owner from placing him in a position where he would commit an offence or be in breach of his licence. This is dealt with in sub-clause (2) of clause 15. A further machinery provision in sub-clause (3) defines a "drain" as any drain, pipeline, sewer, stormwater channel, or artificial watercourse.

A person to whom a business is transferred will be entitled to any concessions or licences which were previously held by the transferor. The transferee will be required to make application within the prescribed time for transfer of the licence for which he may be charged a fee up to $200, as provided by clauses 16 and 22.

As in the Health Act 1958, in respect to offensive and dangerous trades, and in pollution control legislation elsewhere, any person who establishes or materially extends any trade, business or undertaking producing pollutants which either directly or indirectly enter waters or alters any disposal system of pollutants, or who causes pollution of waters in the course of any trade or business or causes pollution which is likely to enter any waters, will by this legislation have to apply for a licence in the prescribed manner to the Authority and supply such information as the Authority requires. Clause 17 makes this provision. This type of provision has been found very satisfactory in the Health Act over the years, not only in Victoria, but elsewhere, and it should be equally effective in relation to water pollution control in this State.

The Authority is required to refer full particulars of all applications for licences for comment to all other statutory bodies likely to be affected by the discharge of any polluting matter by the licensee. A period of one month is allowed for receipt of objections or recommendations from these other statutory bodies, following which the Authority may grant a licence with or without modification of terms and conditions, or the Authority may refuse to grant a licence. This is also dealt with by clause 17. No licence may be granted where the Commission of Public Health objects to the application on the ground that the public health is likely to be endangered if the Authority grants a licence. This is set out in paragraph (*b*) of sub-clause (4) of clause 17.

There is a right of appeal from the refusal of the Authority to grant a licence, or the granting of a licence subject to conditions, or against the variation of the conditions of a licence, to a Judge of the County Court. The Judge, if he thinks the action warranted, may require the Authority to justify its actions in respect of the application and support or disallow the actions taken. This is provided in clause 23 and is similar to the appeal provision.

contained in the Health Act 1958. This provision in the Health Act has operated satisfactorily for many years.

By sub-clause (10) of clause 17, the Authority is given power to attach conditions to a licence regarding operation of prescribed monitoring equipment. It is becoming increasingly difficult to effectively police the discharge of highly complex wastes and pollutants by a visit of an inspector with a sampling bucket, bottle or glass container, in many cases some time after pollution has occurred and a complaint has been received. Some operators find it highly profitable to confine discharge of offending wastes to the hours of darkness or to times when and places where they are likely to escape detection. Health authorities overseas have been forced, in dealing with these situations, to require the installation of automatic monitoring equipment which provides notification immediately the level of pollution in the effluent rises above certain levels, or, alternatively, to provide sealed monitoring devices with adequate precautions to ensure accurate and untampered readings. This involves inspection of the monitoring devices installed on the licensee's premises.

Very often, the mere presence of the device is sufficient to deter pollution as it enables the effective detection of pollution whenever it occurs. It is felt that any Bill on water pollution control must have adequate powers to provide for the installation of monitoring equipment. Included in paragraph (*b*) of sub-clause (10) of clause 17 are provisions which will allow access and use of such equipment by authorized officers. The specifications of the manner of its use may be laid down, as set out in paragraph (*c*). The setting out of specification of precautions to ensure the accuracy of the data is allowed by paragraph (*d*).

It is considered that the proposed legislation should make the cost of the provision of such equipment a charge on the industry involved and this principle has been in recent legislation passed in other parts of the world. Where automatic equipment is required to determine the level of pollution in the waters concerned, this will be provided by the State and the cost generally recovered through licence fees. The heaviest cost with such equipment may well be the provision of telephone lines and, in very critical situations, the connexion of such lines to auto-analysers and computers. For this reason, licence fees may be as high as $5,000, as provided in sub-clause (1) of clause 22, but different fees for licences or approvals may be prescribed, according to the various factors involved. These would include the size of the business operations and the amount of work involved in carrying out the provisions of the Act in relation to that business. Provision is also being made in paragraph (*b*) of sub-clause (1) of clause 28 for the employment by the Authority of pollution control officers for it is recognized that, although many of the inspections will be carried out by the staff of other Departments and the Commission of Public Health, the Authority will require a number of inspecting officers to carry out its functions.

The remainder of Part IV. of the Bill relates to procedural provisions concerning the transfer of licences, as contained in clause 18, the period a licence is operative, as provided in clause 19, together with the submission of appropriate information to the Authority at its request and at least fourteen days after the notice to furnish that information, as referred to in clause 20. Clause 21 requires that the Authority be required to keep a register of licences in the prescribed form.

An important machinery provision contained in clause 24 will authorize the Authority to take such action as is necessary to remove or remedy pollution, either by directing any

person having any powers under any Act relating to pollution to take appropriate action, or by taking such action itself and recovering from the person concerned all costs and expenses incurred thereby. The Authority may also specify a particular method to be used to abate pollution, as provided in sub-clause (2) of this clause.

Costs involved in taking action to remedy pollution may be recovered by the Authority in a court of competent jurisdiction as a debt, or where a defendant cannot be found such costs may be made a charge on the property of the defendant after there has been an appropriate advertisement in a newspaper indicating the intention of the Authority to do this. However, in the case of an emergency, of which the Authority shall be the sole judge, and where the owner of the property cannot be found, the Authority may without advertisement take whatever action it sees fit to abate pollution, and charge the cost of this action against the property. This is provided for in clause 33.

Although the Bill contains heavy penalties for breaches of the respective provisions, emphasis at all times will be placed on obtaining the maximum possible co-operation with industry and with the persons in the community who are involved.

In Part V., which contains a number of procedural and evidentiary powers, the Authority is permitted, by service of a notice, to require any person to furnish information as to manufacturing, industrial or trade processes from which waste is discharged, and clause 25 provides that a penalty of $1,000 will be applied to any person who refuses to do as the Authority directs in its notice. However, if information as to wastes discharged is furnished in accordance with this requirement, and if the person furnishing the information objects at the time on the ground that supplying such information might tend to incriminate him, the information obtained by this means will not be admissible in evidence in any proceedings for an offence under this Act, except the offence of refusing to comply with the notice.

Other evidentiary provisions contained in clause 26 include powers similar to those in the Health Act to permit authorized officers to enter premises to examine and inspect apparatus, equipment and works, and other devices used in connexion with discharge of wastes into the waters. These officers may take samples and, where possible, such samples must be taken in the presence of the owner or occupier of the premises in order that he may be informed of the circumstances in which evidence is obtained against him. Provisions made in the Bill for the appropriate sealing and labelling of samples and for the supply of referee samples are similar to the requirements of the Health Act in this regard. Authorized officers may take photographs of land or premises as necessary for the administration of the Act, as provided in sub-clause (4) of clause 26. Sub-clause (5) provides that occupiers of premises from which pollutants are usually discharged are required on demand to produce to authorized officers appropriate reports, books and documents relating to the discharge of pollutants into waters from the premises, and also information concerning monitoring processes carried on, which are likely to provide information as to waste discharges.

A procedure similar to that laid down in the Health Act in connexion with court hearings is provided for analysts' certificates. However, as provided in clause 29, an analyst, or a pollution control officer, may be required to attend in court should the defendant give notice, at least seven days before the hearing, that he requires such person to be present in court. Clause 30 provides that a referee sample may be analysed if the court so requires. Similar evidentiary provisions to those provided for in respect of analysts' certificates are laid down for evidence by pollution control officers to facilitate court hearings.

Heavy penalties—a fine of $1,000 or 1 year's imprisonment—are provided in clause 31 if any person discloses information as to trade secrets or manufacturing processes obtained by him in connexion with the administration of the Bill, but an exception is made if such disclosure is required in the course of a legal proceeding arising out of the proposed legislation.

Other machinery provisions are made for the service of notices by post, as contained in clause 32, and clause 34 makes provision for proceedings for an offence to be taken in a Court of Petty Sessions before a magistrate sitting alone. Heavy penalties are provided in clause 35 and there will be a fine of up to $1,000 a day as a daily penalty for failing to obey an order to abate pollution, whilst clause 36 preserves the right any person may have at common law to restrict or prevent the pollution of any waters or to obtain damages. Clause 37 specifies that a general penalty provision of up to $400 is available to meet any cases where no specific penalty for an offence has been provided.

In clause 38, the Minister of Health is given an overriding power in respect of the functions of the Water Pollution Control Authority and all officers employed in the work of water pollution control are required to give effect to any direction of the Minister. Similar provisions exist in a number of other Acts administered within the Ministry of Health.

Clause 39 empowers the Governor in Council to make regulations providing the wide amount of detailed control necessary to administer this measure. These are set out in paragraphs (*a*) to (*n*) of sub-clause (1).

The maximum penalty for breaches of the regulations is fixed at $400 by paragraph (*m*). Special mention should be made of the authority for exemptions which is contained in paragraph (*h*) of sub-clause (1) of clause 39. In view of the extremely complex nature of industry generally, administrators of pollution control legislation have found an exemption provision such as this the only way to deal with some cases without imposing an intolerable burden on the industry concerned.

One of the aspects most criticized by investigators of water pollution control administration in this State has been the great variation in penalties which various Departments and authorities may impose under their respective legislation. The First Schedule to the Bill will amend the penalty provisions of other Acts relating to water pollution to make them uniform with the penalty provisions of the Bill. This will enable the State to be in a position whereby any industry or person convicted of a pollution offence will be liable to a similar penalty no matter which Act is used to prosecute the transgressor. Wherever a penalty provision has included provision for a term of imprisonment, this provision has remained unaltered.

The schedule to the Bill will amend the Health Act 1958 to provide for the over-all administration of the new legislation within the Department of Health. It repeals section 82 of the Health Act and this will allow the Authority under the provision of clause 17 of the Bill to control the emission of trade wastes by the issue of licences. This provision was recommended by the Parliamentary Joint Select Committee on Drainage.

Sections 333 and 334 of the Health Act, which formerly provided protection to certain firms discharging wastes into the Yarra river where such firms were established before the year 1854, will also be repealed. The schedule also repeals sub-sections (4), (5) and (6) of section 65 of the Latrobe Valley Act 1958; such sub-sections had previously provided the Latrobe Valley Water and Sewerage Board with parallel powers to those of the Commission of Public Health in relation to the discharge of trade wastes into the Latrobe river. This measure was also recommended by the Parliamentary Joint Select Committee on Drainage.

The schedule, in addition to amending penalty provisions relating to pollution as provided for in other Acts, will give effect to two further recommendations contained in the report of the Parliamentary Joint Select Committee on Drainage. Firstly, it provides for the addition of statutory provisions to the Health Act to allow for inspections of septic tank systems to the extent of at least one inspection in every four years in the case of a septic tank system which is designed to absorb the effluent on the property, and at least once in each year for any other septic tank system in operation. Further, the municipal council concerned will be required to report in each year to the Commission of Public Health on the number of inspections carried out by the council, the number of systems found to be defective and the number of defective systems remedied.

Secondly, the Commission of Public Health will be empowered to cause the treatment works of a sewerage authority to be inspected at least once in every six months; to cause the treatment and disposal of wastes by sewerage authorities to be inspected and to require a sewerage authority to comply with any direction by the Commission concerning the treatment and disposal of wastes. The Commission of Public Health will also be empowered—with the approval of the Governor in Council—to make regulations concerning the treatment and disposal of wastes by sewerage authorities.

The schedule also amends the Groundwater Act 1969 in so far as it relates to section 82 of the Health Act, such section being repealed, and replaced by clause 17 of the Bill. I commend the Bill to the House.

Mr. EDMUNDS (Moonee Ponds).—I desire to address myself to the question that the Bill be now read a second time. Am I in order, Mr. Speaker?

The SPEAKER (the Hon. Vernon Christie).—Yes, that is the question before the House.

Mr. EDMUNDS.—This Parliament and the public at large are conscious of the importance of the quality of our life in relation to our aquatic environment, and measures of this nature will be introduced in all Parliaments. However, the Opposition is concerned at some of the statements made by the Minister of State Development, who is the representative in this House of the Minister of Health.

One of the difficulties facing the Opposition is that this measure has wide and deep ramifications. The schedule refers to a considerable number of Acts, and the Opposition will require a great deal of assistance in its inquiries to ensure that the measure will assist in the control of water pollution. The House has been assured by the Premier—in fact, he offered the Opposition a written guarantee—that Parliament would go into recess on Thurday next. Recently there have been numerous press relations exercises on the part of the Government and the Minister of Health in relation to this matter, and there has been no denial of this statement published in the *Sun News-Pictorial* of the 17th March—

> The new proposals on water pollution will be given in detail by the particular Minister, Mr Dickie, in Parliament tomorrow.

Obviously, this is a little bit of journalistic licence. The report proceeds—

> Mr. Dickie said yesterday that this measure would be held over until the spring session of Parliament to allow a full examination by interested people.

This technical Bill requires much investigation to ensure that it will achieve what is intended and what the Opposition requires. I am afraid that the Government is indulging in some sort of thimble and pea trick. Honorable members know that the Third Session of the 44th Parliament will shortly terminate. No one can predict which party will form the Government following the forthcoming elections, but it is obvious that if, in the life of the new Parliament, this measure is restored to the Notice Paper, a multiplicity of amendments will be

necessary to make the legislation workable and effective. Honorable members have no guarantee that the measure will be restored to life in the new Parliament.

The Government has obviously indulged in a press relations exercise with a view to milking as much publicity as possible from this measure which, it claims, will deal with the pollution problem. The Opposition believes it is time to act now on water pollution. Although pollution is becoming increasingly troublesome throughout the world, Victoria has taken no action concerning it. If honorable members can take notice of recent newspaper articles on this question, the Minitser will attempt by some form of subterfuge to defer further consideration of this Bill, which will die at the end of this Parliament. Because the Bill deals with such an important problem, particularly in relation to our environment, I seek an assurance from the Minister concerning the fate of this legislation.

The SPEAKER (the Hon. Vernon Christie).—The question is—

That this Bill be now read a second time.

Mr. WILKES (Northcote.)—Mr. Speaker, I want some indication from the Minister of State Development whether he proposes to proceed with this measure.

The SPEAKER.—The Minister has already spoken on the second reading of the Bill. The question before the House is that the Bill be now read a second time. Those of that opinion say, "Aye"; to the contrary, "No.".

Members having given their voices—

The SPEAKER.—I think the "Ayes" have it.

Mr. MANSON (Minister of State Development).—May I ask for a ruling, Mr. Speaker, as to how we should vote on the motion which you have put?

The SPEAKER.—I cannot rule how members should vote. I have declared the second reading of the Bill passed on the voices.

Mr. MANSON.—With respect, I challenge the passing of the second reading. When you put the motion, Mr. Speaker, I said, "No".

The SPEAKER.—The Minister knows the usage of this House. I have said that on the voices the "Ayes" have it.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of other Acts).

Mr. MANSON (Minister of State Development).—I move—

That progress be reported.

Mr. EDMUNDS (Moonee Ponds).—During the second-reading debate, I asked a number of specific questions concerning which I require answers. If the motion is agreed to, honorable members will be denied the opportunity of ascertaining what is in the Government's mind concerning this most complex measure.

Mr. WILCOX (Minister of Transport).—I raise a point of order. The position is quite clear.

Mr. WILKES.—You have been caught with your pants down.

Mr. WILCOX.—I do not think anybody has been caught. I have been here long enough to understand the forms of the House. The second-reading of the Bill has been carried and honorable members are now considering it in Committee. The Minister in charge of the measure has moved that progress be reported, which is a normal procedure that is frequently adopted. If the motion is carried, the Bill will remain on the Notice Paper, and no doubt at the appropriate time it will be further considered. My point of order is that the only question that can be debated now is that progress be reported. I do not think the honorable member for Moonee Ponds should be permitted to continue in the vein in which he has been speaking, because he has been endeavouring to canvass the whole

intent of the Bill. It is not competent for him to debate the subject-matter of the Bill on the motion, "That progress be reported." The question of the intent of the Bill is normally canvassed during the second-reading debate, which has been completed.

The CHAIRMAN (Mr. J. D. MacDonald).—I uphold the point of order. The motion before the Chair is that progress be reported. The honorable member for Moonee Ponds is entitled to speak only on that narrow point; he is not allowed to traverse the background and history of the Bill.

Mr. EDMUNDS (Moonee Ponds).—I thank you for your ruling, Mr. Chairman. The Opposition is serious in asking why it is necessary for the Government to move that progress be reported. We have heard considerable public comment on the seriousness of pollution. Although the motion for the second reading of the Bill has been agreed to, the Opposition will be denied the opportunity of dealing with this technical measure clause by clause. I wish to know why it is necessary that progress should be reported at this stage. Obviously, the Government, which is not serious in its attitude towards pollution, has used Parliament in a ridiculous manner in introducing this Bill.

Mr. WILKES (Northcote).—Although the motion for the second reading of the Bill has been carried, the Minister in charge of the measure does not wish to debate it further, notwithstanding that is the most important legislation that has been considered during the current sessional period. Parliament is entitled to an opportunity to debate this important Bill. During the debate on clause 2, the Minister of State Development should furnish some reason why he wants progress reported at this stage. If the Government is only kidding about legislation to control pollution, the Minister should say so. In the absence of an explanation from the Minister, it is obvious that the Government does not intend to proceed with the Bill. In its anxiety to preserve its rights in this Chamber, the Opposition will oppose the motion unless it receives an assurance from the Minister that the Bill will receive further consideration. In the interests of the people of Victoria, it is essential that action should be taken to control pollution.

The CHAIRMAN (Mr. J. D. MacDonald).—The honorable member for Northcote is departing from the motion.

Mr. WILKES.—Because of the insincerity of the Government, the Opposition will oppose the motion.

Mr. MANSON (Minister of State Development).—As I see it, the matter is simple.

Mr. FENNESSY (Brunswick East).—I rise to a point of order. Is the Minister of State Development entitled to speak again on the motion that is before the Chair?

Mr. WILTON (Broadmeadows).—Speaking to the point of order, Mr. Chairman, I seek your guidance. When a Bill is in Committee and the clauses are being dealt with, honorable members are entitled to speak twice to each clause. Is the Minister of State Development similarly entitled to speak more than once to the motion that progress be reported?

The CHAIRMAN (Mr. J. D. MacDonald).—For the guidance of the honorable member for Broadmeadows, I shall quote from Standing Order No. 78E which, under the heading "Debates in Committee of the House", states—

> In Committee of the House, except as herinafter provided, no member other than a member in charge of a Bill or motion, or Minister in charge of an Estimate, shall speak more than twice on any one question nor more than thirty minutes on the first occasion, and fifteen minutes on the second occasion.

The question proposed by the Minister is straightforward. Within the Standing Orders, the honorable gentleman is entitled to speak twice to the motion.

Mr. MANSON (Minister of State Development).—I thank you for your ruling, Mr. Chairman. The position should have been quite clear to honorable members. The motion under discussion is equally clear. There is no reason for members to become heated on this question. Although it is normal procedure at the conclusion of the explanatory second-reading speech by the Minister for the member of the Opposition who is in charge of the Bill to move that the debate be adjourned, it is the prerogative of the Minister to move that the debate be adjourned for a specified period. On this occasion the member of the Opposition in charge of the Bill purposely refrained from moving that the debate be adjourned and he has now outsmarted himself. One of the reasons usually given for seeking an adjournment of the debate is that a Bill is complex and Opposition members require time in which to examine it and to obtain expert advice from people who know the background of the measure.

Mr. WILKES (Northcote).—On a point of order, your ruling, Mr. Chairman, was that the debate on the motion that progress be reported was narrow and honorable members would not be permitted to refer to matters outside the question. I suggest the Minister is referring to such matters.

Mr. MANSON (Minister of State Development).—On the point of order, both the Deputy Leader of the Opposition and the honorable member for Moonee Ponds have suggested that I did not answer questions they raised and I am now trying to give them the details. If they do not want to hear what I have to say, I shall be perfectly happy. I have already moved that progress be reported and I stand by that.

The CHAIRMAN (Mr. J. D. MacDonald).—Order! I repeat the ruling that I gave before that the motion is very narrow. However, I allowed members of the Opposition to discuss other matters because I realize that the subject is difficult to debate and in fairness I should give the same opportunity to the Minister. Therefore, I seek the cooperation of honorable members, but I maintain the ruling that I have already given. I also direct attention to Standing Order No. 78A which provides, *inter alia*—

> No Member shall digress from the subject matter of any question under discussion.

That reinforces my previous ruling.

Mr. HOLDING (Leader of the Opposition).—Events have taken an extraordinary turn

Mr. WILCOX.—The Opposition brought it about.

Mr. HOLDING.—The problem confronting the Minister of Transport is that the Opposition took the Government seriously when it said it wanted to do something about pollution. This Bill started off as a public relations exercise by the Government.

The CHAIRMAN.—Order! The Leader of the Opposition is digressing from the question. As I pointed out before, the debate on this motion must be kept within narrow limits.

Mr. HOLDING.—I heard only the concluding remarks of the Minister, but he gave no reason why progress should be reported. Obviously the Government wants the motion accepted because it is faced with having its legislation passed and it does not want that.

Mr. BORTHWICK (Minister of Water Supply).—Nothing could be further from the truth than the statement made by the Leader of the Opposition. One of the rights and responsibilities of the Opposition in this Parliament is to examine legislation properly and thoroughly. This Bill relates to fourteen different Acts and involves local government and other authorities. It has wide-ranging ramifications. The Opposition is not prepared to allow the people of Victoria to examine this Bill even for a short period, but the Government is prepared to allow progress to be

reported to enable this to occur. I remind members of the Opposition that there are three parties in this House and today few members of the Country Party are present to examine the Bill for reasons with which honorable members generally are acquainted. In view of the interests of the people who have a vital stake in this legislation, and reinforced by the Government's intention to proceed with the measure at the earliest opportunity, I suggest that the motion should be agreed to.

Mr. WILTON (Broadmeadows).—The argument advanced by the Minister of Water Supply is without foundation. An examination of *Hansard* will reveal that in the history of Parliament on many occasions the Government has had no hesitation in using its numbers to control the time for which a debate is adjourned and has not given other parties an opportunity to examine legislation carefully. Therefore, there is no substance in the statement made by the Minister of Water Supply. The second-reading motion has already been agreed to by the House, but the Minister of State Development considered it necessary to move that progress be reported on legislation that he introduced. Has he any faith in the importance of the Bill? Has he put sufficient work into it?

The CHAIRMAN (Mr. J. D. MacDonald).—Order! It is not my wish to keep reminding honorable members about the narrowness of this debate. The situation is quite clear; I have allowed some laxity during the debate, but the honorable member for Broadmeadows should not canvass the whole situation.

Mr. WILTON.—I shall endeavour to abide by your ruling, Mr. Chairman, but I believe I am entitled to advance reasons why progress should not be reported.

The CHAIRMAN.—Order! That is not the question; the Minister has taken advantage of the forms of Parliamentary procedure and has acted within the scope of Standing Orders. It is my duty to ensure that Standing Orders are obeyed.

Mr. WILTON.—I shall endeavour to conform with your ruling, Mr. Chairman. I am concerned about pollution and therefore I believe the legislation should be dealt with by Parliament as soon as possible. In fact, it should be dealt with forthwith. The Opposition is prepared to deal with it now and I cannot understand why the Government objects to this procedure. Members of the Country Party are quite capable of putting forward their own opinions and informing the Committee of their atitude towards this question. Members of the Opposition believe the debate should be dealt with forthwith and the Minister of State Development has advanced no reasons why the motion that progress be reported should be carried.

Mr. FLOYD (Williamstown).—The issue is quite clear. Members of the Opposition were informed by the press that this was a most important and urgent measure and we are prepared to make sacrifices to have it passed for the benefit of Victoria. If the Bill is not passed today it may never be considered. It is our business whether or not we seek an adjournment of the debate. The Government has no right to tell us what period of adjournment of the debate we should seek.

I noted the remarks of the Minister of Water Supply, who said that the legislation should be considered adequately by all parties. I take it that if other Bills are introduced in the next few days the Minister will advocate that members of the Opposition be given sufficient time in which to consider them. In the past couple of weeks we have repeatedly asked for additional time in which to consider measures—sometimes to obstruct the Government politically and at other times because we have been sincere—but the Government has not agreed to our requests. On this occasion we do not want additional time in which to study the Bill

and we are prepared to allow it to be passed today. In fact, I do not think we will even debate the clauses because we have read in the press that it is an excellent Bill. We read all about it in the papers before it was brought into the House and we need no more detail. Let the Bill be passed and give Victoria a go.

The Committee divided on the motion that progress be reported (Mr. J. D. MacDonald in the chair)—

Ayes	34
Noes	28
Majority for the motion	6

AYES.

Mr. Balfour	Mr. Reese
Mr. Billing	Mr. Reid
Mr. Birrell	Mr. Rossiter
Sir John Bloomfield	Sir Arthur Rylah
Mr. Borthwick	Mr. Smith (*Bellarine*)
Mr. Darcy	Mr. Smith (*Warrnambool*)
Mr. Dixon	Mr. Stephen
Mr. Dunstan	Mr. Suggett
Mr. Evans (*Ballaarat North*)	Mr. Templeton
Mrs. Goble	Mr. Trethewey
Mr. Hayes	Mr. Vale
Mr. Jona	Mr. Wheeler
Mr. Loxton	Mr. Wilcox
Sir William McDonald	Mr. Wiltshire.
Mr. McKellar	*Tellers:*
Mr. Manson	Mr. McLaren
Mr. Meagher	Mr. Tanner
Mr. Rafferty	

NOES.

Mr. Broad	Mr. Phelan
Mr. Buckley	Mr. Ring
Mr. Cochrane	Mr. Ross-Edwards
Mr. Edmunds	Mr. Simmonds
Mr. Evans (*Gippsland East*)	Mr. Stoneham
Mr. Fennessy	Mr. Sutton
Mr. Floyd	Mr. Trewin
Mr. Ginifer	Mr. Trezise
Mr. Holding	Mr. Turnbull
Mr. Lind	Mr. Whiting
Mr. Lovegrove	Mr. Wilkes
Mr. McDonald (*Rodney*)	Mr. Wilton.
Mr. Mitchell	*Tellers:*
Mr. Moss	Mr. Divers
Mr. Mutton	Mr. McDonald (*Rodney*).

PAIR.

Sir Henry Bolte	Mr. Clarey.

Progress was reported.

The sitting was suspended at 1.6 *p.m. until* 2.6 *p.m.*

MELBOURNE HARBOR TRUST (AMENDMENT) BILL.

The debate (adjourned from February 24) on the motion of Mr. Borthwick (Minister of Water Supply) for the second reading of this Bill was resumed.

Mr. FLOYD (Williamstown).—This is a small, simple, machinery Bill on which I shall not waste the time of the House. Firstly, it proposes to substitute the words "Victorian Trades Hall Council" for the words "Trades Hall Council of Melbourne" in the principal Act. As honorable members are aware, that was the old title. I often wonder why the House should weary itself about these small details. Some enabling Act should be passed to provide for contingencies such as the change from pounds to dollars and the substitution of one name for another when a title is changed, thus obviating the necessity for Bills of this nature to be brought in. One wonders whether a person representing the Trades Hall Council of Melbourne was acting legally when the title was changed to the Victorian Trades Hall Council.

The Chairman of the Melbourne Harbor Trust has done an excellent job. One hears many complaints about the Yarra river. Some years ago the course of the river was changed.

The SPEAKER (the Hon. Vernon Christie).—Order! This is a Bill to amend the Melbourne Harbor Trust Act and does not deal with the Yarra river.

Mr. FLOYD.—I realize that, Mr. Speaker, and I intend to relate my remarks to the Chairman of the Harbor Trust. The Trust has done an excellent job and it has turned the Yarra river, about which we have heard many complaints, into a fine inland port, as a result of what the Chairman has become a well-known person in the world today. He has done such an excellent job that he should have more overseas trips to study procedures in other countries.

It is necessary for the Chairman to go overseas more frequently. The Bill provides that, in the absence of the Chairman, the other Commissioners shall elect one of their number to take the chair. I remind honorable members that the Commissioners, other than the Chairman who is full time, are part-time Commissioners. The Act provides that in the absence of the Chairman the senior Commissioner shall preside at meetings. This gentleman may not be available, so in future it will be possible for the Commissioners to decide who shall take the chair.

The third amendment contained in the Bill clarifies the situation of the Melbourne Harbor Trust Commissioners in regard to the bonding of cadets. It is reasonable that, if an organization sends men overseas for experience, it should have the benefit of their services when they return. The Bill will permit the Melbourne Harbor Trust Commissioners to enter into cadetship agreements and agreements which bond officers to serve for specified periods. Members of the Opposition agree with this proposal.

Finally, the Bill makes provision for the Government to guarantee loans raised by the Harbor Trust Commissioners. The Opposition could not agree more with this proposal. Over the past few years, I have come to the conclusion that, whichever Government is in office, it is democratically elected and its integrity, financially, is beyond reproach. The Melbourne Harbor Trust pays into Consolidated Revenue in excess of $1 million a year from its funds. The late Sir Herbert Hyland continually argued that it was unfair that the Harbor Trust should have to organize its accounts so that it made a profit and was able to pay this sum to the State Government. In return, it is little enough to expect any Government to guarantee loans raised by the Harbor Trust.

I regret the fact that I transgressed, Mr. Speaker, in referring to the Yarra, but I was attempting to support my contention that the Chairman of the Harbor Trust Commissioners has done an excellent job, as the result of which he is recognized as a world figure, and must attend conferences overseas. Of course, in his absence, the wharves and the inland port must continue to operate. Over the years, the Yarra river and its docks, and possibly even the waterfront at Williamstown and Port Melbourne, have been greatly improved. I pay a tribute to the Harbor Trust for the work that it has carried out. The Trust is an abstract body ; it is only a name. People have to run it, and these personalities have done an excellent job. Therefore, members of the Opposition agree entirely with the Bill, which, although largely of a machinery nature, is nevertheless necessary. Members of the Opposition wish it a speedy passage.

Mr. TREWIN (Benalla).—I indicate on behalf of members of the Country Party, that we support this Bill. It is not a large measure, and contains mainly machinery provisions. The honorable member for Williamstown, who has fully informed the House of the operations undertaken by the Harbor Trust, has given honorable members the benefit of his interest in the affairs of the waterfront over many years. The House is fortunate to have an honorable member who is so knowledgeable in these matters.

The amendments contained in the Bill will facilitate the better operation of the Melbourne Harbor Trust. Although many of us live far from the port of Melbourne, we are interested in the activities of the Melbourne Harbor Trust, because over the past 125 years the produce of this State has passed through it. We are proud to learn that the Melbourne Harbor Trust is operated so efficiently. The Chairman of the Harbor Trust Commissioners should be afforded the opportunity of extending his knowledge overseas in the interests of this State. Members of the Country Party agree with the provision relating to the chairmanship of meetings when the Chairman is absent.

Clause 4 relates to cadetships and bonding agreements. If officers of the Trust travel overseas, in return for this privilege they should be bonded to the Trust for a certain period. This is a reasonable arrangement. Great advances are being made within the area controlled by the Harbor Trust; wharves are being rebuilt, and other improvements made. To effect improvements the Trust must spend money, and to obtain that money it must compete on the loan market. It is reasonable that the Government of Victoria should guarantee future loan raisings of the Trust and the interest payable thereon. Members of the Country Party support the Bill because they consider it to be a move in the right direction in the interests of the development of Victoria.

The motion was agreed to.

The Bill was read a second time, and committed *pro forma*.

Mr. BALFOUR (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 this Bill.

A resolution in accordance with the recommendation was passed in Committee and adopted by the House.

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

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

PHILLIP ISLAND DEVELOPMENT BILL.

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

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

ABORIGINAL AFFAIRS (AMENDMENT) BILL (No. 2).

The debate (adjourned from March 3) on the motion of Mr. Meagher (Minister for Aboriginal Affairs) for the second reading of this Bill was resumed.

Mr. WILKES (Northcote).—This very small Bill amends the Aboriginal Affairs Act 1967, which confers certain powers on the Minister for Aboriginal Affairs. At least powers vested in the Minster are within the purview of Parliament. Probably it is much easier to question powers vested in the Minister than it is to question regulations. When matters are left to be dealt with by regulatory powers sometimes confusion arises as to the rights of people and the Opposition. According to the Minister's second-reading speech, the powers which he will have in future have already been exercised by him. The Minister will be empowered to remit debts arising from loans advanced to Aborigines under paragraphs (*b*) and (*j*) of sub-section (1) of section 26 of the principal Act. This relates to loans which have been approved in certain cases under the old set-up before the Ministry was established. I have no doubt that the present organization is much more efficient than the old arrangement, and that it is more circumspect in the handling of the type of aid envisaged.

I think it is proper that the Minister should have power to remit debts which have been incurred. In years gone by sufficient thought was not given to the way in which Aborigines were permitted to incur such debts. I believe the Ministry is now in a better position to assess the credibility and the need, which is very imtant. Assistance to Aborigines in the form of hand-outs should be avoided at all times. I believe the Ministry has disregarded and will continue to disregard that principle. If the Auditor-General found that the Act did not provide power for the Minister to act as he has done, undoubtedly the Act should be amended. I browsed through the Auditor-General's report, but did not find any reference to this matter. No doubt it was referred to the Minister or the Department in a personal note, and I accept that.

Paragraph (*n*) of sub-section (1) of section 26 of the principal Act, which is being amended, will enable

the Minister to make grants or loans to voluntary organizations recognized in accordance with the regulations. A number of such organizations have already been cited in the regulations. I am concerned about clause 3, which repeals paragraph (*e*) of section 42 of the principal Act, which refers to the recognition of voluntary organizations. I take it that the Minister, through his Department, will determine which organizations shall receive the type of assistance envisaged.

I hope the Minister will recognize all those organizations which have endeavoured to help in this field or which have undertaken projects in the interests of Aborigines in this State. The Minister may disagree and say that he has been sceptical about some organizations. I do not think the honorable gentleman should discriminate in this regard, and I do not think he will. If an organization is functioning in the spirit in which the Minister desires it to function and is attempting to secure the same end as the Ministry, I am sure the Minister will recognize that organization. This will be an encouragement to organizations of the type mentioned by the Minister.

The honorable gentleman referred to the Aboriginal Education Incentive Scholarship Fund, which is well known and has done a lot to raise money for its purposes. The organization has taken a pertinent interest in the education of Aborigines in this State. Another such organization is the Aborigines Advancement League. Fortunately, the headquarters of the League is in my electorate. I think the Minister has been very generous in the assistance that he has given the League from time to time. Now that the League is controlled by Aborigines the Minister may consider its work to be even more valuable than it has been in the past in the interests of their own people. I have no doubt that the Minister has considered making advances to the League for specific purposes, and that he will continue to do so.

The Opposition supports the legislation. Its purpose is to enable the Minister to do something that he has already been doing, and to facilitate the work of the Ministry. Therefore, it will be accepted by those who have shown interest in the cause. I am sure that the League and the other organizations I have mentioned, as well as others, will welcome the opportunity of becoming eligible for assistance by the Ministry to further whatever projects they may be interested in.

Mr. B. J. EVANS (Gippsland East).—This Bill seeks to amend section 26 of the principal Act, which is fairly long. Sub-section (1) of the section commences—

> Subject to this Act the Minister shall take all such steps as he considers necessary or desirable for ensuring the preparation, administration and co-ordination of measures conducive to promoting the interests of aborigines and without limiting the generality of the foregoing may do anything that he considers necessary or desirable for or with respect to—

Then follow a number of different circumstances concerning which the Minister may exercise his discretion under the Act. Such matters as assisting Aborigines to obtain suitable housing, the provision of educational assistance, the use, development and management of Aboriginal reserves, and the provision of training farms, are covered. Clause 2 proposes to insert a new paragraph (*ja*) in subsection (1) of section 26 of the principal Act, which will empower the Minister to remit in whole or part debts owed by Aborigines to the Ministry however incurred, subject to such terms and conditions, if any, as the Minister thinks fit. I consider that to be a desirable amendment.

There is no doubt that in this field there is great need for wide discretionary powers to be available to someone in a position of authority. I think such power should properly repose in the Minister for Aboriginal Affairs, who I consider to be carrying out his functions in this field very creditably. I believe that considerable progress is being made in this aspect of Government administration.

I do not think there is any need for me to deal further with the details of the remaining provisions of the Bill, which are of a minor nature. The Deputy Leader of the Opposition made his point well in regard to the voluntary organizations. Similar statements have been made by other members of the Country Party and myself in previous debates on the subject. We rate the value of these voluntary organizations highly and consider that they should be given every encouragement. I hope the Minister will give them all the assistance that he can within the finance available to him. The Country Party supports the measure.

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 12) on the motion of Sir Arthur Rylah (Chief Secretary) for the second reading of this Bill was resumed.

Mr. LOVEGROVE (Sunshine).—The Opposition does not oppose this Bill, which is one of a bracket of measures designed to protect the consumer from unfair trading practices. Firstly, I refer the House to the speech which the Chief Secretary made when introducing the measure on the 12th March last, in which the honorable gentleman pointed out that the main purpose of the Bill is to add the word "misleading" adjacent to the expression "false" wherever it appears in the relevant sections of the principal Act.

The final purpose of the Bill is to remove an anomaly which arose through an interpretation of the existing Act and which deprived that Act of its original purpose. The Bill follows an inquiry made by the Consumers Protection Council. This inquiry emanated from a number of recommendations which the Council made in its report for the year ended the 30th June, 1969. The recommendations appear on page 5 of the report. Recommendation (*ix*) is—

> That the scope of the Summary Offences Act relating to false and misleading advertising be broadened.

The following recommendation is—

> That legislation be introduced to prohibit "inertia selling" along similar lines to that recently enacted in the State of New York.

I assume that the absence of legislation on this matter means that the Government has not yet agreed to the Council's recommendations. The Opposition suggests that the Government should seriously consider the tenth recommendation.

On pages 8 and 9 of the same report under Section IV.: Dishonest and Misleading Advertising, the Council gives a number of examples of the type of advertising to which it objects and on which it has made its recommendations to the Government.

Mr. B. J. EVANS.—Do you regard "Liberal Opinion" published in the *Sun News-Pictorial* today as misleading advertising?

Mr. LOVEGROVE.—I suppose the only answer to the interjection is that members of Parliament are always complaining about misleading advertising but that in politics they grant each other a good deal of poetic licence. The Council goes beyond its recommendations and makes a number of observations which the Opposition hopes will receive future legislative expression. At the conclusion of its consideration of this subject, the Council states—

> If marketers and advertisers do not take action to control misleading and dishonest advertising and the present trend continues, the Council will be forced to advise the Government to introduce "truth in advertising" legislation, similar to recent legislation implemented at the Federal level in the United States of America.

Honorable members will find a reference on this subject in the Final Report of the Committee of Consumer Protection, which was presented to the House of Commons by the President of the Board of Trade in July, 1967. This report deals with advertising which is similar to that

examined by the Victorian Consumers Protection Council. The English report also refers to legislation of long standing in the United States of America. Under the heading "Federal Trade Commission model", the report states—

> The Federal Trade Commission is a regulatory commission originally established by Act of Congress in 1914, financed by votes from that body, and under the control of Commissioners appointed by the President. Its function *inter alia* is to enforce a provision of its enabling Act which declares "unfair methods of competition in commerce, and unfair or deceptive acts or practices in commerce" to be unlawful. What is to constitute unfairness or deceptiveness for these purposes is in general not further defined, but left for the Federal Trade Commission—and on appeal the Courts—to decide, on the basis of precedent, good sense, and good trading practice.

I quote that reference because of the manifest difficulty confronting anybody who is interested in defining with some precision the word "misleading", having regard to the fact that this measure has an impact on the most important sections of mass media which are controlled by Commonwealth legislation. In the light of experience gained after the measure has been passed, further examination should be made of the practice adopted in Great Britain and the United States of America to control unfair advertising. Section 36 of the Summary Offences Act, which will be amended by this Bill, relates to false advertising and sub-section (8) of the section provides, *inter alia*—

> No prosecution shall be instituted against the printer publisher or proprietor of any newspaper printed and published in Victoria or against any person having the management or control of any broadcast telecast or cinematograph exhibition or against any person acting under the authority of any of them for the publication of a statement in contravention of this section unless—

The sub-section then sets out the conditions under which prosecutions must be instituted.

I quote the principal Act to point out that the provisions of this Bill will affect not only the printed word but also the spoken word on radio broadcasts and telecasts. A considerable volume of public opinion regards television advertising as being grossly exaggerated, and in future some sweeping legislative action may be necessary to protect the public against some of the inaccuracies, inveracities and exaggerations which make up a good deal of the advertising content in Victoria today.

Mr. ROSS-EDWARDS (Shepparton).—This Bill represents an attempt by the Government to protect the public from false and misleading advertising. The present Summary Offences Act relates only to false advertising, but this Bill proposes to amend the Act to cover misleading advertising. It will also enable action to be taken against those who control public advertising through mass media, such as radio and television, so that, if they do not act upon a warning given to them by legal officers that certain advertising is misleading or false, they will then become liable to severe penalties. The Country Party supports the measure.

Mr. BIRRELL (Geelong).—I desire to demonstrate the effect of the measure. Within my own electorate exists a system of cut-price petrol retailing which has been publicized quite widely in the metropolitan press and elsewhere in recent months. A garage proprietor will place outside his premises a notice reading "Petrol —8 cents off". The normal price of petrol is 40 cents. When the dial on the pump is examined, it is found that the price is not 32 cents, as one would expect, but 36 or 37 cents. When the proprietor is queried about this—it is a form of misleading advertising because a notice of this type could well be described as advertising—he says that when he put the sign outside, he had increased the price of petrol and the discount was on the new price. Unfortunately, these facts cannot be disproved. Although the advertising is misleading, it would be difficult to prove that it was a false advertised price. The measure might come to grips with this type of problem.

Another example in my own area is that in certain circumstances, the advertised discount on petrol does not apply to each gallon purchased but is deducted from the total bill.

Mr. GINIFER.—That is private enterprise.

Mr. BIRRELL.—No, it is misleading advertising. Possibly, even some State-owned instrumentalities step out of line in some of their statements. This measure will bring within the legislation certain of these practises which are hard to successfully prosecute.

The motion was agreed to.

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

MOTOR CAR (FALSIFICATION OF MILEAGE) BILL.

The debate (adjourned from March 12) on the motion of Sir Arthur Rylah (Chief Secretary) for the second reading of this Bill was resumed.

Mr. WILKES (Northcote).—This Bill stems from a recommendation in the report of the Consumers Protection Council. It might be well if I informed the House what that Council thought about objectionable car selling practices. These were adverted to by the Chief Secretary in his second-reading speech. Under the heading, " Sales by Second-Hand Car Dealers " at page 5 of its report, the Council states—

> The complaints the Council has received about the sale of second-hand motor vehicles confirms our opinion that legislation should be implemented to curtail many of the malpractices prevalent in the industry. The Council considers that the licensing of motor vehicle dealers must be the first major move to protect the consumer. If a dealer is convicted of indulging in fraudulent practices, the licence should automatically be revoked.
>
> Good used cars are high priced and hard to find. However, some car dealers, through misleading advertisements and verbal misrepresentations made by over enthusiastic sales staff, would have buyers believe that there was no difficulty in obtaining good used cars at low prices.

The Council also made certain recommendations about the falsification of mileages of used cars, and hence this Bill. It is important to note that the Consumers Protection Council did not highlight the trouble caused by the falsification of the mileage readings as being in most need of urgent reform. The Council suggested that used car dealers should be licensed. Obviously, from the number of complaints it had received, the Council considered that was the most efficient way to protect the public.

All honorable members have heard of misrepresentation on the sale of used cars. The very matter raised by the honorable member for Williamstown was one which the Consumers Protection Council warned the public against. The Council said that the public should be aware, when purchasing used cars, that the car dealer or the person from whom they bought a car was in fact the actual owner. The onus is on the public to make sure of that and I do not see how legislation can be framed to protect the public. There could be legislation to institute a system of licensing car dealers. However, in its wisdom, the Government has decided to present this Bill to prevent a person who is selling a car from winding back the mileage reading on the odometer. The intention is that the person who buys a car will know the actual mileage that the vehicle has covered.

One can see problems arising from this measure. No doubt the Draftsman had some difficulty because of the complexity of drawing up a Bill to control this type of misrepresentation. No law in this State prevents the owner of a vehicle from disconnecting the odometer. Under the Motor Car Act and regulations, a vehicle must have only a speedometer. Therefore, there could be any sort of reading on the odometer when an owner traded in a vehicle. According to the Chief Secretary,

when a person trades in a vehicle, all he will have to do is to sign a form to say that the mileage recorded is correct and that the odometer has not been tampered with. If the vehicle has been owned by someone else before it was owned by the person trading it in, he could not give that assurance. In such cases, the provision will be useless. There must be hundreds of cars whose second owners trade them in on others and the Bill does not provide for that.

Another weakness is that there are people in the used car industry who would not think twice about suggesting to someone trading in a vehicle that if he was prepared to say the mileage the vehicle had covered was half of that shown on the odometer, they would be prepared to allow him an extra $100, $200, or $300, on his trade-in valuation. These people are in a small minority, but they exist. Investigations by the Consumers Protection Council and by committees of this Parliament have found that these malpractices do take place. If a young person was gullible and was prepared to take a risk and say that the mileage covered by the vehicle was less than it actually was, he would break the law, but could he be detected? It is obviously necessary to do something to protect the buying public from being deceived about the mileage of a motor vehicle, but it is obvious that it will not be easy to police the law.

Mr. MUTTON.—It will be impossible.

Mr. WILKES.—It may well be impossible. This is not the best way to go about cleaning up these practices in the industry. This was made plain by the Consumers Protection Council when it went on to say in its report—

> The Council considers that purchasers of second-hand cars should be informed of any known defects at the time of sale. If this condition is to be effective then legislation will have to be introduced to protect consumers against the blatant dishonesty of some car dealers and their salesmen.
>
> A warranty or a guarantee may look good, but what the consumer wants is a vehicle that will, within reason, give trouble free performance.

All honorable members are aware that the warranty given by reputable car dealers these days is not bad, even though it is not perfect. However, the Statute Law Revision Committee examined the credibility of warranties issued by some used car organizations and what they found was anything but good; in fact, the position was disconcerting. Some warranties are worth something, but others are worth nothing. The people who give worthless warranties will take no notice whatever of this measure. There should be some other means of taking action against them and I recommend that suggested by the Consumers Protection Council, that is, the registration of second-hand car dealers.

The Opposition agrees with the Chief Secretary who said that it is desirable to control the practice of winding back odometers if it is possible. However, the Opposition points out that it may be so difficult to police the terms of this measure that it will be inoperative even before it is on the statute-book. On the question of penalties, the Chief Secretary said—

> Firstly, it makes it an offence for any person, with the intention to deceive, to falsely state the mileage travelled by a motor car or to falsify the recorded mileage of a motor car by tampering with the instrument or device used for recording mileage or by substituting another such recording instrument or device.

The penalty for such an offence is to be a fine of not more than $100. That sum would be small for a used car dealer to pay if he was caught, and he would have to be caught first. It will be exceedingly difficult to prove the offence unless a trap were laid for a dealer, and that would lead to proving only one offence. What is to happen when no odometer is used in a motor vehicle? A vehicle may have covered 100,000 miles but there could be no recording of that fact. In those circumstances, the measure will achieve nothing.

I can understand the Government wanting to implement some of the provisions suggested by the Consumers Protection Council, but it would have been better for the Government to adopt the Council's first and foremost recommendation, that used-car dealers be registered. Opposition members do not disagree that there is a need for legislation on this subject, but we disagree with the Chief Secretary when he suggests that the police will be able to enforce the proposed law. I suggest that something else will have to be done if the Government really intends this measure to achieve its end. There are holes in the measure through which one could drive a horse and cart.

The Minister of Labour and Industry may have some suggestion to make by way of amendments to the Bill, either here or in another place. But, as it is now, the Bill is not good enough to achieve the laudable object of the Government, that is, to correct some of the malpractices in the industry. If the measure does not go far enough, the malpractices will continue because the industry is vulnerable to these practices.

Mr. R. S. L. McDONALD (Rodney)).—I have listened with interest to what the Deputy Leader of the Opposition said about this short Bill. However, I point out that some cars which have covered 80,000 or 100,000 miles could be in better condition than others, of the same make and model, which have covered only 20,000 miles. A car which has covered great distances may never have had oil off the wearing parts so that the wear would be very slight, whereas another car may have sat in a shed for months, and had metal-to-metal wear when it was used. The best point made by the Deputy Leader of the Opposition was that car dealers should be licensed. Eventually, this must come in the interests of the motor industry. The Consumers Protection Council made certain recommendations along these lines and, if we are to achieve the result we are aiming at, those recommendations should be adopted.

Someone who buys a car from a reputable dealer will have very little trouble, but I emphasize that people must buy from reputable dealers. People who buy from dealers who are not reputable are allowing the industry to get into the hands of those who are disrupting it. The Bill does not provide the optimum of protection for car buyers but I believe it will go a long way towards overcoming some of the malpractices and protecting the public. As the Chief Secretary said, the Bill provides that it will be an offence—

> for any person, with the intention to deceive, to falsely state the mileage travelled by a motor car or to falsify the recorded mileage of a motor car by tampering with the instrument or device used for recording mileage or by substituting another such recording instrument or device.

This is not the answer to the problem. As I have said, some cars which have travelled 100,000 miles are better than some which have travelled only 25,000, although it is also true that some cars which have covered only 25,000 miles are better than others which have travelled much greater distances. If a person purchases a vehicle from a reputable dealer he should not be concerned.

Mr. ROSSITER.—The consumer also must bear some responsibility. He should be able to detect these things.

Mr. R. S. L. McDONALD.—The Bill seeks to protect the consumer. The Minister of Labour and Industry has said that the Government is trying to protect the poor man against himself. The big car dealers have made it easy for a young man to purchase a motor car with a minimum deposit. If a tyre blows out or a battery breaks down he does not have the money to buy a new one.

Mr. ROSSITER.—There are mugs operating on the Stock Exchange who cannot be protected.

Mr. R. S. L. McDONALD.—We are not debating the Stock Exchange; we are endeavouring to protect people who purchase second-hand motor cars. The car dealers should be licensed. If they were, people could go to reputable dealers with no risk. Last night the honorable member for Williamstown mentioned a case involving a certain dealer. The victim in that case should be protected. The Government has done away with the certificate of ownership, but if there had been such a certificate in this instance the man concerned would have known what was going on.

The Country Party will support this legislation, which will amend the Motor Car Act 1958 with respect to the falsification of the recorded mileage of motor cars and for purposes connected therewith. It is designed to protect prospective purchasers of second-hand cars. The buyer of a new car should not have to be concerned about the mileage figure.

Mr. MUTTON (Coburg).—The introduction of this Bill follows the presentation of a report last June by the Consumers Protection Council, and its purpose is to prevent people from being exploited by others who are bent on fraud. The two previous speakers have emphasized that the only culprits are second-hand car dealers, but I point out that any person with mechanical knowledge may remove a speedometer from a car, alter the mechanism and create a false impression; he does not have to be a second-hand car dealer. Even though the Government may intend to protect persons who purchase motor cars, I agree with the Deputy Leader of the Opposition that it is impossible for this kind of legislation to be properly policed, and it is doubtful if it will prove of benefit to the motorist.

In his second-reading speech the Chief Secretary frequently used the term "motor car". There was no mention made of a "motor cycle" or "motor truck", and I suggest that the exclusion of these words may give members of the legal profession an opportunity to defeat the good intentions of this measure.

I direct attention to the fact that there is no actual commencement point for the purposes of the legislation. For instance, legislation in New South Wales makes it compulsory for the owner of a motor vehicle to obtain a roadworthiness certificate prior to each annual registration. If that procedure were followed in this State the actual mileage covered by a vehicle would be noted on the roadworthiness certificate each year. I understand it is the intention of the Government eventually to introduce legislation of that type. At present in Victoria the only time a roadworthiness certificate is called for is when a vehicle is sold.

Another point which the Government should consider when contemplating further legislation of this kind is the substitution of speedometers. I use the term "speedometers" somewhat loosely, realizing that an odometer actually records mileage. Any person may go to a motor wrecker's yard and purchase a speedometer that records a low mileage, or obtain a new one, and it is a simple matter for him to substitute it for a speedometer on the vehicle that is showing a high mileage. How can it be proved that a speedometer has been replaced?

This measure indicates the Government's good intentions, but it is doomed to failure. The first major step which should be taken by the Government is to call a meeting of car manufacturers to discuss the matter and emphasize to them that the speedometer is recognized as a most important item of equipment. Each speedometer should bear a serial number coinciding with the serial number stamped on the body of the vehicle—not the serial number of the engine, because engines can be replaced. This would provide a good opportunity to detect whether the speedometer had been replaced.

If the Government carries out its stated intention of introducing further legislation making it compulsory for car owners to have their vehicles checked annually for roadworthiness and to approach car manufacturers in this State seeking their co-operation in this matter, it could be of great assistance to many people who will purchase second-hand vehicles—not always from used car dealers. The Government should withdraw the Bill in its present form and substitute a measure that will enable the police to obtain evidence leading to the conviction of persons who operate fraudulently.

Mr. EDMUNDS (Moonee Ponds).—This Bill is an attempt by the Government to control some of the rapacious practices followed in the selling of second-hand motor cars in this State. Because of the large number of vehicles in the community this is a difficult matter to control by legislation. Many people have sufficient mechanical knowledge to enable them to turn back the figures on an odometer. I am not speaking of a speedometer—I refer to the device that registers mileage. The proposed legislation is not capable of being policed in the manner intended by the Government.

In its report for 1969, the Consumers Protection Council suggested that second-hand car dealers should be licensed, and if they were found to engage in fraudulent practices their licences should be revoked. That is an excellent suggestion, and I see nothing outlandish in it. Similar action is taken in other fields—for example, estate agents are subject to certain conditions—and I know of no reason why provision on these lines should not be included in the Bill.

I am not sure that the measure goes as far as the Government envisages, because one device may be easily removed from a vehicle and replaced by another device. The penalty of $100 is not sufficient to deter dealers from altering mileage devices to achieve a lower recording. An instance has been drawn to my attention. A person informed me that an incident in which he was involved had destroyed any faith he had in connexion with the purchase of second-hand vehicles. He traded in a motor car, the odometer on which showed approximately 55,000 miles, and bought a later model car that, according to the odometer, had covered approximately 12,000 miles. A week later he called at the car dealer's yard to discuss further business and noticed that his previous vehicle was unsold, but that the odometer had been wound back to 22,000 miles. The car dealer had deducted some 33,000 miles from the original reading.

Mr. STEPHEN.—What was the name of the dealer?

Mr. EDMUNDS.—It was the Bob Jane organization in Brunswick. It is common practice with dealers and other people who wish to sell their vehicles. In this instance the person had paid a considerable sum of money for a 1967 Valiant car which showed 12,000 miles on the odometer. When he went to the manager of the yard to be assured that the mileage, as recorded on the odometer, was correct, he was informed that it was. When he asked why the mileage on his own vehicle had been tripped back, he was informed that, on inspection, it was discovered that something was wrong with the mileage recording device, which it had been necessary to replace, and in its replacement the vendors had overlooked the need to wind the new instrument to the correct figure. That is a plausible answer. The Bill will not cover actions of this kind. It would not need a skilful person in court to prove a point like that.

Evidence in my possession indicates that practices of this type are engaged in. In fact, to my own knowledge they have occurred. In its effort to control the rapacious practices of used car dealers, the Government would be wise to accept the advice of

the Consumers Protection Council and license dealers in second-hand motor cars. I hope the Government will adopt my suggestion.

Mr. BUCKLEY (Lowan).—As stated by the honorable member for Rodney, the Country Party supports the Bill. In the opening remarks of his second-reading speech, the Chief Secretary provided ample justification for the enactment of legislation of this type. The honorable gentleman stated, *inter alia*—

> I am informed by the Chief Commissioner of Police that the practice of winding back the mileage recording on the odometer of a motor car is widespread amongst used car dealers. The report of the Consumers Protection Council supports that opinion and states that vendors have been known to wind the mileage readings back by as much as 30,000 miles.

I wish to emphasize certain factors in relation to the sale and purchase of second-hand motor vehicles. Obviously, a used motor car that has recorded only a low mileage will yield a better price than a vehicle that has traversed many miles. I could cite a pathetic case concerning a vehicle owned by a minister of religion. In performing his pastoral duties, the clergyman in question rarely carried passengers in his car with the result that the interior of the vehicle was in immaculate condition. When the vehicle was traded-in, the odometer registered 60,000 miles. Some time later, at a football grand final, the minister saw his old car and decided to ask the driver how it was performing. He was informed that its was performing quite well but, on looking at the odometer, he noticed that it registered only 30,000 miles. This is typical of what happens to many vehicles that are sold to used car dealers. The case I have cited was authentic.

Prospective purchasers of used vehicles can also be misled when the owners of the vehicles replace the speedometer and odometer every 5,000 or 10,000 miles. When such a vehicle is resold, the purchaser is often deceived by the false mileage reading. The Bill is a step in the right direction; it will assist to overcome practices of the type to which I have referred. Honorable members should ensure that the measure has a speedy passage.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2, inserting a new section 82A in the principal Act.

Mr. WILKES (Northcote).—The points raised during the second-reading debate emphasize that this Bill will not achieve the desired result. The Government should withdraw the measure until it can produce one which can be properly policed. Too many loopholes for fraudulent practices exist in the Bill. For example, it does not compel any motor car owner to have a mileage measuring device fitted to his vehicle, nor will it prevent a person from changing the measuring device before he sells his vehicle. In the event of the measuring device being changed, there is no compulsion on the owner to set the new instrument at the mileage figure that was recorded on the old device. The legislation will not change the practices of those unscrupulous persons who wish to derive some gain by tampering with the mileage measuring devices of used motor cars.

I believe the Government should have accepted the advice and recommendations of the Consumers Protection Council on this question. The adoption of the three recommendations of the Council would have been an excellent starting point for a measure of this type. The Council's first recommendation was—

> That motor vehicle dealers should be licenced and the licence should be subject to cancellation in the event of fraudulent practices.

I should have thought that it would be a simple matter to implement that recommendation. The Council further recommended—

> That it be made an offence for a motor vehicle dealer to conceal from a buyer known defects in a second-hand car.

There are more defects in second-hand motor cars sold in Victoria than there are false mileage recordings. Furthermore, defects are far more important from the point of view of the purchaser than a false mileage. Frequently, a motor vehicle which has recorded 100,000 miles may be in excellent running condition, whereas another vehicle that may have traversed only 10,000 miles may be dangerous. I realize that roadworthiness certificates must be supplied for all second-hand vehicles that are sold but, because of the cost involved, roadworthiness tests are inadequate. In testing a vehicle for roadworthiness a mechanic could remove one wheel and find it in good order, but the other three wheels, which might not be tested, could have defects in them.

Previous speakers have emphasized that because of loopholes in this legislation, the Government will be unable to police it properly. The Consumers Protection Council's third recommendation was—

> That it be made an offence for a vendor to wind back the odometer of a motor vehicle.

The Bill provides that the contract for the purchase of a second-hand car may be voided if it can be proven that an incorrect mileage was recorded on the measuring device, but it will not be possible for a contract to be voided if defects are detected in the car. Even the back-bench members of the Liberal Patry can see that the Bill will not achieve what is desired of it. I urge the Government to implement the recommendations of the Consumers Protection Council which, collectively, would achieve something. I invite the Minister of Labour and Industry, who is now at the table, to advise the Chief Secretary to withdraw the Bill and redraft it along the lines of the recommendations of the Consumers Protection Council.

Mr. TURNBULL (Brunswick West).—Because of an approaching election, this is the showmanship time of the year. Clause 2, which inserts a new section 82B in the principal Act, provides that any person who, with intent to deceive, tampers with a mileage recording device shall be guilty of an offence. How can it be proven that a person has deliberately tampered with a mileage measuring device? That is why I referred to a time of showmanship; so far as the Government and the approaching election are concerned, the remark is apt. Sub-section (2) of the proposed new section provides—

> Where it is proved that any instrument or device used in a motor car for recording the mileage of the motor car has been tampered with or substituted whilst the motor car was on the premises of any person carrying on the business of dealing in second-hand motor cars or in his possession custody or control such tampering or substitution shall, unless the dealer proves the contrary, be deemed to have been done, with intent to deceive, by or on behalf of the dealer.

This provision, which contains many legalisms, will achieve very little. It is mere showmanship because a layman reading that provision would come to the conclusion that there is to be a change in the onus of proof. As I read the provision, there will be a presumption of intention to deceive. Yesterday, the Minister of Labour and Industry gave an assurance that he was not prepared to alter the onus of proof.

Mr. ROSSITER.—That statement is entirely out of order.

Mr. TURNBULL.—Do I gather from the interjection that the Minister does believe in changing the onus of proof? At first glance one gets the impression that there may be a change in the onus of proof on the question of whether or not the instrument has been altered. Criminals do not operate in broad daylight or under the glare of lights in a main street; they operate at night when everything is quiet. That is when the rewinding of instruments will be undertaken and that poses a real difficulty. How can an offence be proved unless it is out of the mouth of the person concerned? These people are like Mr.

Miller, and I have no doubt that they will not make confessions. They belong to a breed who do not confess to crimes.

I do not think the Chief Secretary proposes that a police constable should be on duty at every used car yard, particularly in view of the difficulty he is having administering the Police Force at the moment. In addition, the Government could not afford it. Next year, if I am still here, I shall look forward with interest to hearing how many offences have been recorded under this provision. I am prepared to gamble that there will be none because it is difficult to prove such an offence. The Bill is pure showmanship and after 30th May nothing further will be heard of it.

Mr. MUTTON (Coburg).—Paragraph (*b*) of sub-section (1) of proposed new section 82B provides that any person who with intent to deceive tampers with any instrument or device used for the recording of the mileage of a motor car shall be guilty of an offence. Paragraph (c) provides that any person who with intent to deceive installs a new device or instrument shall also be guilty of an offence. The Bill contains no specific reference to motor cycles which, as honorable members know, are fitted with odomoters. The only difference between a motor cycle and a motor car is that one has 2 wheels and the other has 4. In addition, there is no reference to a motor truck. Is the Committee to understand that the definition of a motor car includes a motor truck? Probably, if the definition related to a motor vehicle, a truck would be included. This Bill will be a harvest for solicitors if they have to defend cases in court.

The only safe way for the Government to act at this juncture is to withdraw the Bill. The legislation will not work unless members of the Police Force have something concrete on which to operate. Any person can go to a shop or a car wrecker's yard and buy a new or second-hand odometer and the only number on that component will be the patent number. No serial number will be on it. Only two serial numbers appear on a motor vehicle ; one is on the engine and the other is on the body. Therefore, it will be necessary for the Government to inform the manufacturers of motor car components that they must stamp all components used in a motor car with the serial number that is on the body of the vehicle. That is the only way in which the legislation can operate for the benefit of the community.

A person may own a motor car built in 1967 and, like the man of the cloth referred to by the honorable member for Lowan, he may keep the vehicle in immaculate condition. The valuation of a motor car depends on the quality of its engine and from 1967 to 1970 the owner of a car could travel anything up to 70,000 miles in it. Then, instead of buying a new motor car he may fit a new engine. Many years ago it was common when a new engine was fitted into a car to restart the odometer reading at nil. I know that the Government has good intentions but it would be wise to withdraw the Bill until such time as it can be made more effective.

Mr. B. J. EVANS (Gippsland East).—This legislation causes me to reflect on a Bill which was introduced some years ago relating to roadworthiness certificates for motor cars. It was not foreseen at the time

but it subsequently transpired that the definition of a motor car included a tractor. The result was that in some isolated areas in East Gippsland when people wanted to transfer the ownership of a tractor, they had to obtain a roadworthiness certificate. I believe that tractors will still come under the definition which applies to this Bill and, although tractors are not generally fitted with instruments which measure mileage covered, they are fitted with instruments which register the hours of running. Will the Bill apply to instruments that are fitted on tractors and is it the Government's intention that the buyers of second-hand tractors will be given the same protection as the buyers of used cars? I should like an explanation from the Government on what is proposed in this regard.

Mr. R. S. L. McDONALD (Rodney).—From the Bill one could conclude that the only fault which develops in a second-hand car is in the odometer, and until such time as used car dealers are licensed there will be trouble. Members of the Country Party support the Bill because we believe it is an honest attempt by the Government to do something to prevent deceit in the sale of used cars. A reputable dealer will not sell a car which has mechanical faults. The Consumers Protection Council recommended that certain action be taken and, until the Government follows that advice, it will not get to the root of the problem. The Bill will go some way towards overcoming the problem, but it cannot go the full way.

Mr. STEPHEN (Ballaarat South).—I disagree with the Deputy Leader of the Opposition in his assertion that the Bill should be withdrawn. It will do no harm, but it may considerably help some people and keep others on their mettle. I concede that the Deputy Leader of the Country Party has raised a point that should be clarified. In my electorate some large firms deal in tractors on a similar basis to used car dealers.

In considering this legislation honorable members should have regard to sub-section (3) of proposed new section 82c, which provides that a purchaser may rescind or affirm the contract and may recover damages for any loss suffered as a result of any false statement made in writing. The examples quoted by honorable members during the debate lead me to believe that it is possible to obtain redress from people who wind back odometers on vehicles with intent to deceive. Most people who sell their cars to used car dealers are distressed when they find that the dealer has misrepresented the vehicle to prospective purchasers. Whilst it might be difficult in some instances to police the legislation, nevertheless it is an honest attempt to assist people who have been or will be deceived. Subject to a satisfactory reply being given to the point raised by the Deputy Leader of the Country Party, I support the Bill.

Mr. PHELAN (Kara Kara).—During the debate one aspect has emerged on which I should like clarification from the Minister. I refer to the replacement of a defective odometer. Under the Bill it will be an offence to replace these instruments or to tamper with them—

Mr. ROSSITER.—Only if there is an intention to deceive.

Mr. PHELAN.—It is not with intent to deceive that the instrument is replaced. Whether the mileage is right or wrong because of a mechanical defect or tampering is begging the real question. It is little comfort to the purchaser who has taken delivery of a vehicle showing an incorrect mileage to know whether it was intentional or unintentional. The Bill should provide for the mechanically defective instrument recording the mileage of the vehicle

to be replaced with one showing the mileage when the defective instrument broke down.

The clause was agreed to.

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

EXTRACTIVE INDUSTRIES (LICENCES) BILL.

The debate (adjourned from March 12) on the motion of Mr. Balfour (Minister of Mines) for the second reading of this Bill was resumed.

Mr. STONEHAM (Midlands).—This small Bill amends section 38 of the Extractive Industries Act. The spectacle with which honorable members are confronted is familiar; that is, some time after important legislation has been enacted the Government finds that an essential section is defective and must be amended to make certain practices lawful. In this case section 38 provided that existing extractive industries operating on private freehold land could continue to do so for a period of six months after the commencement of the comprehensive Extractive Industries Act 1966, which came into operation on the 15th May, 1968.

The extractive industries were permitted to function until November, 1968, and provided that they lodged application within that period, the Minister was in duty bound to issue licences for periods of up to fifteen years under the conditions which he prescribed. It has been found that industries have continued to operate although licences could not be issued within that period of six months and that their activities since have been illegal. This Bill, which proposes to remedy that situation by making the issue of licences retrospective to the proclamation of the principal Act, will get the Government out of a difficult position. Parliament frequently has to agree to measures of this nature so that important legislation can be validated. In the circumstances the Opposition does not oppose the Bill.

Mr. B. J. EVANS (Gippsland East).—It seems extraordinary that such a long time should elapse since the passing of the Extractive Industries Act containing provisions that the industries concerned were allowed a period of grace of six months in which to continue, before it has been found that the position is still not resolved. Because of the many requirements of the Act and the fact that the Minister is required to carry out certain investigations before agreeing to the issue of licences, more time will elapse before the matter is determined.

As the honorable member for Midlands has indicated, there is no point in opposing the Bill; but it is a matter for concern that such a long time should elapse before the legality of the matter can be finalized. I hope that in future there will be no need for amending legislation of this type and that proper inquiries will be made before Bills are introduced in Parliament. It often happens that measures are introduced to legalize something that has been going on for some time. My party does not oppose the Bill.

Mr. PHELAN (Kara Kara).—This Bill is an apology for poor legislation and poor administration. In 1964, the State Development Committee conducted an extensive investigation into the extractive industries, and recommended certain controls. It was not until 1966 that the Government enacted the necessary legislation and the Act was not proclaimed until 1968. Sufficient time should have elapsed for an examination of the ramifications of the Act. The principal Act provided a period of six months for an extractive industry to continue quarrying on private property and to apply for a licence. It was not then realized that the licence must be issued within six months.

I do not believe that this is the real situation. In almost all cases of legislation involving the issue of licences,

the deadline is the date of receipt of the application. I find it hard to believe that, in relation to extractive industries, the reverse is the case. I must accept that for some strange legal reason, this is the position. I should like to know what is the position regarding applications lodged since the 15th May, 1968. Excuses were given that the engineer was sick, but another appointment was made to cure that problem. Parliament must accept the recommendation of the Crown Solicitor and action must be taken to ensure that the position is legalized. However, I deplore the fact that, four years after the enactment of the extractive industries legislation, an amending Bill is introduced to cure a defect, and that it took two years to determine that certain activities were illegal.

The motion was agreed to.

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

CEMETERIES (COBURG PUBLIC CEMETERY) BILL.

This Bill was received from the Council and, on the motion of Mr. MANSON (Minister of State Development), was read a first time.

INSTRUMENTS (AMENDMENT) BILL.

The debate (adjourned from March 10) on the motion of Mr. Reid (Attorney-General) for the second reading of this Bill was resumed.

Mr. TURNBULL (Brunswick West).—This Bill was approved of in another place by members of all parties. It has everything to commend it, and the Opposition supports it.

The motion was agreed to.

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

LA TROBE UNIVERSITY (AMENDMENT) BILL.

The debate (adjourned from March 10) on the motion of Mr. Rossiter (Minister of Labour and Industry) for the second reading of this Bill was resumed.

Mr. SIMMONDS (Reservoir).—This Bill was fully debated and supported by all parties in another place. As the Minister stated in his explanatory second-reading speech, it has been introduced at the request of the Council of the La Trobe University. It results from changes that have occurred by virtue of the development of the University since its establishment. The Bill makes provision in relation to the personnel of the Council, elections to that body, and other matters to meet the changed situation.

It is desired by all concerned with the University that there should be a third representative of undergraduate students on the Council. This representative will be the president of the Students Representative Council as an *ex officio* member to ensure that one of the student members is directly involved in student affairs while he is a member of the Council.

I commend the Bill, and direct attention to the fact that it is expected that in about 10 years' time La Trobe University will have a population of about 10,000 students. The present enrolment is 2,600 students, 600 of whom commenced this year, and the teaching staff has been increased from 196 to 295. I have no doubt that similar legislation will be required from time to time in the future to ensure that the students themselves play their full role in the conduct of this worth-while institution.

The University is well planned and is in ideal surroundings which have the approval of persons seeking to improve universities and university attitudes. I maintain that nothing but good can come from the fact that these young people have the opportunity of meeting together, testing their ideas against those of the establishment, of building their own

organization and assisting in the management of their seat of learning. There is a danger involved in the practice of not giving students a real say in the conduct of their affairs. Therefore, as the student population increases and as their involvement in the organization develops they must be allowed to play a wider role in the administration of this democratic institution.

Mr. R. S. L. McDONALD (Rodney).—Members of the Country Party support this measure, the purpose of which is to amend the La Trobe University Act. The Bill was fully debated in another place and was introduced at the request of the Council of the La Trobe University. It is designed to give the students a greater say in the conduct of their affairs. This proposal is in keeping with the activities of persons associated with universities elsewhere in the world. I would not suggest that three members of the Legislative Assembly should be appointed to the Council of the University and am happy to see that the students are to be well represented. If they have any complaints they will have available to them a ready means of passing them on to the Council because the president of the Students Representative Council will be an *ex officio* member of the Council. Members of the Country Party support the Bill, believing it to be a step in the right direction. When this University is fully developed and its associated colleges are established, it will be one of the greatest universities in this State.

The motion was agreed to.

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

ADJOURNMENT.

COUNCIL OF MONASH UNIVERSITY: VACANCY IN MEMBERSHIP.

Sir ARTHUR RYLAH (Chief Secretary).—I move—

That the House, at its rising, adjourn until tomorrow, at a quarter past One o'clock.

The motion was agreed to.

Sir ARTHUR RYLAH (Chief Secretary).—I move—

That the House do now adjourn.

Mr. WILKES (Northcote).—Mr. Speaker, I seek your guidance in respect to the matter I wish to raise. Perhaps the Chief Secretary would be good enough to advise me and other members of the Opposition concerning it. We have expressed deep concern at the fact that since October, 1969, the Opposition has not been represented on the Council of Monash University.

Sir ARTHUR RYLAH.—This is on the Notice Paper.

Mr. WILKES.—I am seeking guidance. Likewise, the Council of Monash University has not had a representative of the Opposition to assist it in its deliberations. I seek your guidance, Mr. Speaker, as to whether it is proper for me to raise this matter at this juncture.

The SPEAKER (the Hon. Vernon Christie).—Order! It would not be appropriate to discuss this matter on the adjournment. It appears on today's Notice Paper as item No. 12. However, it has often been the usage for the House to grant leave for an honorable member to ask a question relating to the order of business to ascertain when an item is likely to be debated. I think the best way to handle the matter would be for the honorable member for Northcote to ask a question by leave.

Mr. WILKES.—Thank you for your guidance, Mr. Speaker. By leave, I should like to ask the Chief Secretary whether the Government intends to give the Opposition an opportunity to appoint a member to the Monash University Council in the near future.

Sir ARTHUR RYLAH (Chief Secretary).—I presume that I, too, speak by leave. In reply to the Deputy

Leader of the Opposition, I must admit that the Government has had so many problems with adjournment motions, motions relating to want of confidence in Ministers, and so on, that it has not given this matter any thought. I shall do so within the next day of two.

The motion was agreed to.

The House adjourned at 4.32 *p.m.*

Legislative Assembly.

Friday, March 20, 1970.

The SPEAKER **(the Hon. Vernon Christie)** took the chair at 1.50 p.m., and read the prayer.

DEATH OF THE HONORABLE SIR HERBERT HYLAND.

Sir HENRY BOLTE (Premier and Treasurer).—I move—

That this House expresses its sincere sorrow at the death of the Honorable Sir Herbert John Thornhill Hyland and places on record its acknowledgment of the valuable services rendered by him to the Parliament and the people of Victoria as member of the Legislative Assembly for the electoral district of Gippsland South from 30th November, 1929, to 18th March, 1970; Honorary Minister from 1936 to 1938; Minister of Transport and a Vice-President of the Board of Land and Works from 1938 to 1943; Chief Secretary from 1943 to 1945; Minister of Labour from 1947 to 1948; Minister in Charge of State Development from 1947 to 1948; Minister of Decentralization in 1948; Minister of Transport, Minister in Charge of Prices, Minister of State Development and a Vice-President of the Board of Land and Works from 1950 to 1952.

Sir Herbert Hyland was first elected to the Legislative Assembly on the 30th November, 1929. He was re-elected unopposed on five occasions. Sir Herbert held the following portfolios:—

Honorary Minister from 22nd June, 1936, to 26th April, 1938; Minister of Transport and a Vice-President of the Board of Land and Works from 26th April, 1938, to 14th September, 1943, 27th June, 1950, to 28th October, 1952, and 31st October, 1952, to 17th December, 1952; Chief Secretary from 18th September, 1943, to 2nd October, 1945; Minister of Labour from 20th November, 1947, to 3rd December, 1948; Minister in Charge of State Development from 20th November, 1947, to 6th July, 1948; Minister of Decentralization from 6th July, 1948, to 3rd December, 1948; Minister in Charge of Prices from 27th June, 1950, to 28th October, 1952, and 31st October, 1952, to 17th December, 1952; and Minister of State Development from 27th June, 1950, to 20th May, 1952.

Sir Herbert was knighted in 1952. He represented the Victorian Branch as its delegate to the Commonwealth Parliamentary Association conference at Nairobi in 1954.

He was the Leader of the Parliamentary Country Party from 21st April, 1955, to 7th July, 1964, and Chairman of the Latrobe Valley Development Advisory Committee from 21st December, 1949, to 25th August, 1953. He was also a member of the following Committees:—House Committee, 1936, 1940–47, 1952–55 and 1960–63; Subordinate Legislation Committee, 1964–70; Vacuum Oil Company Bill, 1931; Potato Marketing Committee, 1953; Public Works Committee, 1964–67.

This morning honorable members attended the State funeral of Sir Herbert, which is the last acknowledgment a grateful State may make for such a proud and distinguished record of service over a great number of years, comprising four decades of representation for the electoral district of Gippsland South.

I knew the late Sir Herbert for 22½ years, since I had the honour of entering this Parliament. There are

three honorable members of this House who have known him as a Parliamentarian even longer—the Leader of the Country Party, the honorable member for Midlands and the honorable member for Benambra —and they are now the three surviving members of this Parliament with the longest service.

During the period in which I have been a member of this House, two distinguished persons who, in turn, were the distinguished fathers of the House, have died. One was the late John Lemmon, who served for approximately 50 years as a Parliamentarian. I have vivid recollections of the State funeral accorded to that honorable member. Similarly, the State funeral accorded to Sir Herbert this morning was an acknowledgment of a grateful State's feeling for his contribution to Parliament.

I did not know Sir Herbert when he was a back-bench member of the Country Party, but knowing him over the past 22½ years I am sure that he would have been a fiery opponent. In Parliament he held practically every responsible portfolio other than that of Premier. He was the leader of a political party, he sat in Opposition, and he walked the tight rope between Government and Opposition —none could have done it better. He was a most astute and experienced politician.

In addition to Sir Herbert's record in politics, he was interested in many other facets of life. For example, he never ceased to be concerned about the Parliament House building and was always raising issues regarding it. He was mindful of the privileges of honorable members, particularly in relation to their remuneration. He also stood up for the staff of Parliament and in their interests sought for them a better way of life in this building. He espoused many causes and he was never afraid to speak up on them.

Sir Henry Bolte.

I am proud to have known Sir Herbert. If he had lived for another fortnight, or perhaps even a week, he would have been in the House on the last day of this session, when he would have announced his retirement from politics. Although the end was sudden and we were shocked to hear of it, we had known for some time that Sir Herbert had reached an advanced age, but I never ceased to be amazed at his activity in this Parliament. It was to his credit that he regularly attended Parliamentary sittings. He was rarely absent from his seat in the House and almost every day on the resumption of the sitting he was in his place. We will miss him tremendously. We had accepted the fact that he would not be present after the election, but we did not expect that we would so soon have to address ourselves to the motion that I have moved today.

During his long political career Sir Herbert did not have an easy life. He had many family setbacks; his son and daughter predeceased him. Although he faced many difficult times he had a rewarding life, and this he openly admitted. If it had not been for this rewarding life I am sure that he would not have remained in this Parliament as long as he did. He loved Parliamentary life and he thought he could make a contribution to the welfare of Victoria. We are the poorer for his passing, and on behalf of the Government I sincerely express to all of his relatives and close friends our feelings towards this great man.

Mr. MOSS (Leader of the Country Party).—I support the remarks of the Premier on this sad day for the Country Party and for the Victorian Parliament. I appreciate the gesture of the Leader of the Opposition in allowing me to speak to the motion after the Premier. Sir Herbert was a part of this institution for a long time; he played a full part in the House and in all the activities associated with being a Minister, a Leader

of a party and a member of Parliament. At the same time he gave distinguished service to the people of the Gippsland South electorate and was one of the greatest and most efficient members ever to represent a constituency in Victoria. With his tremendous all-round capacity he played a big part in the history of Victoria, and he played it well. It is sad for honorable members generally to have to support this motion which places on record the great service that Sir Herbert Hyland rendered to Victoria.

I could say a great deal about Sir Herbert. Many children throughout Victoria today are thankful for their association with him. He was a generous supporter of hospitals and organizations for handicapped children, and was a regular visitor at many of these institutions in Melbourne. Today I was speaking to a young girl who is now living in Albury, and she told me that whilst she was in hospital suffering from poliomyelitis the patients at that hospital knew Sir Herbert as Uncle Bert. It is wonderful for young people to refer to Sir Herbert in that way. Members of the Country Party have suffered a severe loss. Sir Herbert was known not only in Gippsland but throughout Victoria. His record will be difficult to surpass. I express our sympathy to Lady Hyland, and the relatives and friends of our late member.

In some respects, when one reflects on it, Sir Herbert Hyland had a very sad family life, and his tremendous spirit must be an inspiration to us all. I do not think there is a member of this House, or a past member, irrespective of the party to which he belonged, who could not say that at some stage or another Bert Hyland helped him along the way. On behalf of the Country Party, I place on record this modest tribute to the memory of a great person.

Mr. HOLDING (Leader of the Opposition).—On behalf of the Opposition, I support the statements which have been made by the Premier and the Leader of the Country Party. The Opposition records its sympathy and extends its sorrow to Lady Hyland and the relatives of the late Sir Herbert Hyland.

It is unnecessary for me to enlarge upon the record of Sir Herbert because it is plain and speaks for itself. It is a record of achievement and one which I think will be a matter of pride to his next of kin, to the party that he served throughout his life and indeed to this Parliament.

The period during which I knew Sir Herbert was towards the end of his career, but he was still a turbulent and forceful member of this House. Even until recent months, he always managed to sustain a busy Parliamentary career, in the course of which he was always ready to involve himself. He was never too busy to concern himself with the conditions of the staff of this Parliament, or the conditions under which honorable members have to work. As you will remember, Mr. Speaker, on many occasions our late colleague raised matters of concern to the Parliament.

It is beyond argument that, through recent bouts of serious illness, Sir Herbert showed remarkable physical courage. He was a wonderful specimen because nothing seemed to keep him down. He would be absent through some serious physical ailment and then return in a matter of weeks, again taking his place and playing his part in the activities of Parliament.

He served the State, his party and the Parliament well. I borrow one of his own much beloved phrases when I say that in the plainest of plain language this State has lost a worthy son; his party and his electorate have lost a worthy servant.

Mr. COCHRANE (Gippsland West).—I join with the Premier and other honorable members in their expressions of sorrow at the passing of Sir

Herbert Hyland. As one of his next-door Parliamentary neighbours, I was associated with Sir Herbert over a long period extending back many years prior to my becoming a member of this House. There was a close affinity between the electorate of Gippsland South, which Sir Herbert so ably represented for 40 years, and my electorate of Gippsland West. As a matter of fact, Sir Herbert was just as well and favourably known in my electorate as he was in Gippsland South, which indicates the manner in which he moved around in his own and neighbouring territories, and became known by his own constituents and the citizens of other areas.

Sir Herbert came to Parliament as a Leongatha storekeeper. Nevertheless, he always displayed a wide knowledge of primary industries. Although Sir Herbert frequently differed with honorable members, these differences were never taken outside the door of this Chamber. I feel that, perhaps like a family, we all have a deep sense of loss at the passing of the father of the Parliament, who was greatly respected by all and was an elder statesman.

I also refer to the wonderful tribute paid to Sir Herbert at the service this morning, which gave members the opportunity of sharing their sorrow with the family in appreciation of Sir Herbert's lifetime of service. The church and the locality, identified with his days as a young man, were a fitting setting for this tribute.

I express appreciation of the reverent and efficient arrangements made by the Premier's Department and other persons who organized what was indeed a moving and touching ceremony. On behalf of the constituents of Gippsland South and Gippsland West, I add my tribute to the memory of Sir Herbert Hyland and join with other members in expressing sympathy to his widow and relatives.

Mr. BIRRELL (Geelong).—During the past six years, Sir Herbert Hyland served as a member of the Subordinate Legislation Committee, and I have been asked to say a few words on behalf of the members of that Committee. Members of Parliament generally knew his character and outlook, but, having worked in close association with him on this Committee, one gained something in addition to the impression received from the hurly-burly of debate in Parliament. Members of the Committee found Sir Herbert to be a wonderful, loyal and hard-working member of the Committee. To sum up his character in a few words, I found him to be kind, loyal, thoughtful, sincere, fiery on occasions, always pragmatic, and not greatly interested in philosophy on any particular question.

One aspect of Sir Herbert's personal life appealed to me. Last July, realizing Sir Herbert's health problems, the Subordinate Legislation Committee decided that it would not inform him that the Committee intended to travel interstate. Arrangements were made accordingly, but somehow Sir Herbert turned up at the train and joined the party. He carried with him a small case, full of pills and potions with appropriate instructions as to when they were to be taken. These were necessary to keep Sir Herbert going, although not many members knew of his problems. I happened to be his general factotum and almost medical adviser on such trips over a period of years. On behalf of the members of the Subordinate Legislation Committee, I join in the expressions of sympathy that have been voiced by previous speakers.

Mr. B. J. EVANS (Gippsland East).—It is difficult, in a few minutes, to sum up adequately the lifetime of work devoted to this Parliament and this State by the late Sir Herbert Hyland. My colleague, the honorable member for Gippsland West, expressed sentiments which I thoroughly endorse on behalf of the other constituents in the eastern portion of Victoria who came to know and to love Sir Herbert for the man he was, for his meticulous attention to every

query that was raised with him. On occasions, the Premier has indicated that he considered Sir Herbert to be the most prolific letter writer in the State, and that claim was probably well and truly justified. I should think that in some Departments there would be a sigh of relief, because there is no doubt that Sir Herbert kept on the ball right to the finish on any question that was brought to his notice. He was not prepared merely to make a contact and then wait an unlimited time for an answer. If the reply did not come as soon as he thought it should, he would send one of what he referred to as his "chasers" to make certain that the problem was not forgotten.

It was this meticulous attention to detail—the fact that no question was too small for his individual and undivided attention—which was responsible for his maintaining the tremendous personal support which he received from his electorate of Gippsland South. Sir Herbert had a great gift; no matter how lowly an individual felt his own standing in the community to be, to Sir Herbert he was important and he made the other person feel important. By these means, his constituents received outstanding representation and he did the job he believed he should do in this Parliament.

I somehow feel that his passing came about in a way in which he would have liked; virtually, he died with his boots on, and I believe that that is what he would have wanted. Politics were his life. As my colleague, the honorable member for Gippsland West, has said, Sir Herbert would have greatly appreciated the tributes which have been paid to him today. I place on record my personal sorrow at his passing and my pride in having known him.

Mr. ROSSITER (Minister of Labour and Industry).—Briefly, I want to speak for the parents and the children of Bayley House, Brighton, and of the Helping Hand Association, an institution which Sir Herbert Hyland made one of his lifelong interests. He worked solidly for its betterment. Those who were there will never forget him as Father Christmas at the last Christmas party for the children. This was typical of the interest Sir Herbert showed in the institution. On their behalf, we mourn his passing.

The SPEAKER (the Hon. Vernon Christie).—I am sure that all honorable members would like me to say that we are grateful to the Premier, the Leader of the Country Party, the Leader of the Opposition, and other honorable members for expressing on our behalf our sense of loss at the break we knew would come and which we are now experiencing.

One of the outstanding features of the personality of Sir Herbert Hyland was that he was always himself. Apart from having had a distinguished Ministerial career, he was a very successful local member. That, in itself, is a great achievement. A member does not remain a representative in this place for 40-plus years unless the people think he deserves to be and ought to be here.

I should like to add that, in our sadness, we should express a note of thankfulness for a very useful life spent in the service of the State. On behalf of all honorable members, I express to Lady Hyland and to the relatives our sympathy in what, even at Sir Herbert's great age, is a very great loss to all who knew him.

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

Sir HENRY BOLTE (Premier and Treasurer).—I move—

That, as a further mark of respect to the memory of the late Honorable Sir Herbert John Thornhill Hyland, the House do now adjourn until Monday next, at Two o'clock.

The motion was agreed to.

The House adjourned at 2.20 *p.m., until Monday, March* 23.