VICTORIA

PARLIAMENTARY DEBATES.

(HANSARD)

Second Session of the Forty-fifth Parliament.

Legislative Council.

Tuesday, August 31, 1971.

OPENING OF THE SESSION.

The Second Session of the Forty-fifth Parliament was opened this day.

ABSENCE OF THE CLERK.

The PRESIDENT (the Hon. R. W. Garrett).—I have to announce that I have granted leave of absence to the Clerk of the House to enable him to attend, as secretary to the Australian States delegates, the general meeting and seventeenth conference of the Commonwealth Parliamentary Association to be held at Kuala Lumpur, Malaysia, and to make official visits to certain overseas branches of the association.

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

That the Clerk-Assistant do perform the duties of the Clerk of the Council during his absence, and do take his chair at the table.

The motion was agreed to.

At 2.32 p.m., the ACTING CLERK read the following:

PROCLAMATION.

By His Excellency the Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

Whereas the Parliament of Victoria stands adjourned until such day and hour as may be fixed by the President of the Legislative Council and the Speaker of the Legislative Assembly respectively: Now I, the Governor of the State of Victoria, in the Commonwealth of Australia, do by this my Proclamation prorogue the said Parliament of Victoria until Tuesday, the thirty-first day of August, 1971, and

I do hereby fix Tuesday, the thirty-first day of August, 1971, aforesaid, at the hour of half-past Two o'clock in the afternoon, as the time for the commencement and holding of the next session of the said Parliament of Victoria, for the despatch of business in the Parliament Houses, situate in Spring Street, in the City of Melbourne: And the Honorable the Members of the Legislative Council and the Members of the Legislative Assembly are hereby required to give their attendance at the said time and place accordingly.

Given under my hand and the Seal of the State of Victoria aforesaid, at Melbourne, the seventeenth day of August, in the year of our Lord One thousand nine hundred and seventy-one, and in the twentieth year of the reign of Her Majesty Queen Elizabeth II.

(L.S.) ROHAN DELACOMBE.

By His Excellency's Command,

R. J. HAMER,

Acting Premier.

GOD SAVE THE QUEEN!

GOVERNOR'S SPEECH.

The Usher of the Black Rod announced the approach of His Excellency the Governor.

His Excellency entered the Chamber attended by his suite.

The Legislative Assembly, with their Speaker, attended in response to His Excellency's summons.

His Excellency addressed the following Speech to both Houses of Parliament:—

MR. PRESIDENT AND HONORABLE MEMBERS OF THE LEGISLATIVE COUNCIL:

MR. SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY:

You have been called together today for the Second Session of the Forty-fifth Parliament of the State of Victoria. During the course of this session measures of importance to the State and for the well-being of its people will be submitted to you.

While Parliament has been in recess much has been done by the Government to implement measures enacted within this context by the previous session of the Parliament, and I shall briefly review aspects of this work.

Possibly the most significant is that aimed at the preservation of our environment and natural resources. The Environment Protection Authority and the Environment Protection Council have been appointed and have commenced the initial tasks relating to the regulation of the discharge of wastes into the environment and the prevention and control of pollution. Greater public appreciation and understanding in recent times of the vital importance of this work of protecting and improving the quality of the environment will, it is hoped, ensure acceptance of the high standards and strict controls which must necessarily flow from the deliberations of these new authorities.

A positive and active campaign has been waged by the Ports and Harbors Division of the respective harbor trusts to combat oil pollution in Victorian ports and coastal waters. This will be reinforced by new legislation in the coming year.

The Land Conservation Council has begun its task of studying the use of all public lands with a view to making recommendations as to the balanced future use of these resources. This is in accordance with the stated intention of the Government to set aside and permanently reserve at least 5 per cent of the area of the State for national parks, wildlife reserves and forest parks.

Following the amendment of the Town and Country Planning Act, statements of planning policy have been approved in respect of the conservation of the Mornington Peninsula, the protection of the Dandenong Ranges and the protection of

the beautiful Yarra Valley. These statements of policy provide a broad basis for overall resources and developmental planning by all public and private interests.

Any discussion of resources must have regard to the human element.

The new Ministry of Social Welfare, which became operative in January, is preparing a programme of future development in its various fields of activity. Regionalization of the full range of its services and the co-ordination of these with other departmental, municipal and voluntary services are prominent features in the planning. Geelong and Preston have been selected as the first areas to be developed as regional centres.

The Ministry will in future administer the school attendance provisions of the Education Act, certain parts of the Adoption of Children Act, and that section of the Mental Health Act relating to security prisoners.

The provision of housing for those in the lower income groups, for pensioners and elderly people, as well as the redevelopment of slum areas is still a major activity. By the end of June last the Housing Commission had completed nearly 70,000 dwellings, of which 31,707 had been sold.

Following the gazettal of the urban renewal legislation, preparation of urban renewal proposals will be undertaken during the coming year.

General hospital facilities are being steadily developed to match the needs of a growing population and special attention is being given to the provision of facilities for the care of old people, particularly the frail and infirm.

The general programme to rebuild the Alfred Hospital, a major medical teaching institution, is continuing, with the main ward block now under construction. When completed, the hospital will provide some 800 beds in all.

A most interesting and important new project is the community health centre being developed at Queenscliff. This will provide day-care treatment for geriatric cases and also facilities for doctors. It will have a close link with the Geelong hospital and will be the first of its type to be established in Australia.

Demands on the State education system have risen again this year. There are 12,000 more pupils in the schools than there were in 1970. This in turn creates a need for more teachers and more class-rooms.

Additional accommodation is being provided at several teachers' colleges so that more young people can be trained as teachers. Secondary teachers qualified in particular subjects are being recruited in the United Kingdom and North America.

Growing demand for tertiary education has made it necessary to provide for the expansion of the universities and the colleges of advanced education.

The state of the rural economy poses major challenges. Not only are members of the farming community experiencing difficulties with low prices for their produce but reduced farm incomes are also making a sharp impact on trade and commerce in country centres. A rural reconstruction scheme and a marginal dairy farms reconstruction scheme have been embarked upon, but these measures alleviate rather than overcome what are very major problems. It is therefore essential that effort be made at all levels to see that primary industry once again prospers, not only for the individual but also for the nation.

My advisers have informed me that forestry activities are making a significant contribution to the economy of rural communities. Following the successful establishment at Ballarat last year of a new industry which is a major user of pulp-wood, the Government will make available from

State plantations sufficient volumes of timber produce for processing at a large pulp mill being established in the Ovens Valley.

The Government's farm forestry loan scheme in respect of softwood plantations is attracting increasing attention from landholders and funds will be provided for its expansion.

The past year was a most satisfactory one for rural water supplies. Not only were irrigation deliveries an all-time record but the irrigation storages finished the year in a sound position and supplies of water for the coming season are assured.

The King River dam was advanced to the stage where storage of water was possible. A record was achieved when the reservoir filled and overflowed in less than three weeks.

The Lake Mokoan project near Benalla is virtually complete and a considerable volume of water is already in storage.

In the urban field, a start has been made on the Rosslynne reservoir near Sunbury. Duplication of the important Otway pipeline is in progress. Both construction and forward planning for the water supply to the important Westernport industrial complex are well advanced.

Under the comprehensive legislative scheme established by the Groundwater Act of 1969, the Mines Department's programme of investigation, evaluation and measurement of the groundwater resources of the State has been expanded and given new impetus. The department is continuing to test and monitor observation bores in the Koo-Wee-Rup area so that it can identify where problems of over-development and sea water intrusion occur. This was the first area to be declared a groundwater conservation area under the Act.

Industry and State instrumentalities are increasingly seeking Mines Department geologists to help with engineering geological investigations. Geologists are also intensifying their search for new reserves of sand, gravel, stone and clay. The annual Victorian production of these materials is currently valued at $40 million.

The Melbourne and Metropolitan Board of Works is engaged on works of major expansion both to its water supply and sewerage systems in order to cater adequately for the needs of the rapidly growing population of the metropolis.

Notable examples of this expansion are the Greenvale reservoir which commenced filling last month, and the Cardinia reservoir in the southern foothills of the Dandenong Ranges. This reservoir will have a capacity of 60,000 million gallons, making it the biggest storage in the board's system.

Work is proceeding on all components of the south-eastern sewerage system with a view to bringing it into operation in 1973 as programmed.

Both the Board of Works and the Country Roads Board are actively pursuing the Government's policy of providing freeways to serve the needs of motor transport.

The Country Roads Board has arranged for works to be carried out during the coming year on the Western, Calder, Frankston, Mulgrave and Eumemmerring, Mornington Peninsula and Hume freeways, in addition to the extension of dual carriageways on State highways radiating from Melbourne.

The development of public transport is receiving high priority in the over-all transportation plan. Work on the underground rail loop has begun. This loop is a key project in improving Melbourne's public transport system. Other improvements in the rail network will include the construction of the new line to Doncaster along the median of the eastern freeway. New express tracks and new suburban trains will substantially add to the quality and the capacity of the public transport network.

Negotiations have taken place for the redevelopment of the Flinders Street station area. Agreement has now been reached and legislation seeking to ratify this agreement will be brought before the Parliament this session.

The board charged with the task of inquiring into and making recommendations concerning existing land transport in Victoria is expected to report later this year.

The two gas fields developed in Bass Strait are now in full production and over 90 per cent of the appliances of all consumers in Victoria using gas have been converted to natural gas. Stabilized crude oil is being transported to refineries from Long Island Point at an average rate of about 280,000 barrels a day and provides nearly 60 per cent of Australia's present total refinery requirements.

In pursuance of one of the most important objectives of the Gas and Fuel Corporation Act of 1958—to unify the gas industry—the corporation late last year purchased the remaining assets of the Gas Supply Company Ltd. in Victoria. These included the gas undertakings at Ballarat, Ararat, Stawell, Warracknabeal, Hamilton, Portland, Warrnambool, Colac, Bacchus Marsh and Wodonga.

As a further step in this programme, the corporation recently purchased the Geelong Gas Company. Conversion of consumers' appliances at Geelong to use natural gas was completed this month.

The corporation will lay a system of pipelines to supply natural gas to Ballarat and Bendigo by the winter of 1973 at a cost of approximately $6.5 million. As tariffs for the gas will be comparable with those in Melbourne this will give aid to local industry and provide a strong inducement for the development of new industry in these country areas.

Hazelwood power station is now virtually completed to its design capacity. In the past financial year it generated more than half of the electricity requirements of the State system. The first generating unit of Yallourn West power station is expected to come into operation to meet the winter load of 1972.

As honorable members are aware, a most comprehensive and detailed report on the Victoria Police Force by Colonel Sir Eric St. Johnston was tabled during the last session. The Government has already indicated that it has accepted the recommendations in principle and many have already been implemented or are in the course of being implemented.

Action has already been taken to appoint two assistant commissioners and the Police Regulation Act was amended during the last session. This will be further amended to provide for a new rank structure for the force.

MR. SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY:

The Estimates of Revenue and Expenditure for the current financial year will be laid before you, as also will a Supply Bill to make further provision for the services of the year 1971–72.

Final Supplementary Estimates of Expenditure for the year 1970–71 will also be submitted to you.

MR. PRESIDENT AND HONORABLE MEMBERS OF THE LEGISLATIVE COUNCIL:

MR. SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY:

During the session of Parliament legislation will be introduced to provide for daylight saving in this State on an experimental basis as from the end of October.

It is also proposed to introduce legislation to establish a lands tribunal, similar to the Lands Tribunal of the United Kingdom. The legislation will confer upon the tribunal jurisdiction in a variety of matters affecting land.

Legislation to give effect to a recommendation by the Chief Justice's Law Reform Committee will

be introduced to provide for the admissibility of statements produced by computers, and to extend the admissibility of documentary evidence.

The Health Act will be amended to provide increased penalties for breaches of the Act and regulations. Separate legislation will be introduced for the regulation of the practices of pharmacy and dentistry. It is intended that each profession be regulated by its own separate Act instead of being part of the Medical Act.

Other health measures will include changes to the Mental Health Act, the Chiropodists Act and the Poisons Act.

Legislation will be introduced to authorize a new power station project at Newport. The boilers of this station will burn natural gas from Victoria's off-shore gas fields. Construction is expected to start next year and the first generating set to be in service in 1976.

Quite a comprehensive programme of other legislation is being planned, and subjects under consideration include—

the protection of Aboriginal sites and relics;

the conduct of private hospitals and nursing homes;

the constitution of Magistrates Courts and the appointment and registration of justices of the peace;

the better control of firearms;

the protection of the public against unethical motor traders; and

necessary Budget Bills.

It is with regret that I refer to the death of a former Premier of Victoria, the Honorable T. T. Hollway, and of two former Ministers of the Crown in the Honorable Sir Wilfrid Kent Hughes and the Honorable Keith Dodgshun. Each of these gentlemen rendered distinguished service in the Parliament of this State.

In addressing you today I have reviewed some of the important activities of the Government in promoting the economic and social welfare of the people of the State. This I believe has shown the concern of my Ministers, and those in authority under them in improving the quality of life enjoyed by all our citizens. Their task and that of the Parliament is a complex and demanding one, and it is well that we should, in commencing this new session of Parliament, ponder upon the responsibilities of the Parliament, of the Government, and indeed of our people, in maintaining our democratic system.

Although the right to express opinions and to protest is one which is inherent in any democratic society, it must be reconciled with the right of other citizens to freedom of movement and to protection from obstruction and violence in the pursuit of their activities at such times. The role of the Victoria Police is to maintain order and prevent violence, and in this difficult task they need and deserve the support and understanding of the whole community.

All the efforts of the Government and people to improve conditions in this State will be of no avail if the people cannot be secure in their life and property.

I now leave you to the discharge of your important duties and pray that your labours may contribute to the welfare and happiness of all sections of the community.

Copies of the Speech were handed by the Governor's Private Secretary to the President and the Speaker.

His Excellency and suite withdrew.

The Speaker and members of the Legislative Assembly retired from the Chamber.

The sitting was suspended at 2.58 *p.m. until* 4.53 *p.m.*

THE PRESIDENT **(the Hon. R. W. Garrett)** took the chair, and read the prayer.

STATUTE LAW REVISION BILL.

The Hon. G. L. CHANDLER (Minister of Agriculture).—In order to preserve the privileges of this House, I move for leave to bring in a Bill to revise the statute law.

The motion was agreed to.

The Bill was brought in and read a first time.

HOUSE COMMITTEE.

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

That the Honorables the President (*ex officio*), A. K. Bradbury, D. G. Elliot, H. M. Hamilton, D. E. Kent, and S. R. McDonald be members of the House Committee.

The motion was agreed to.

LIBRARY COMMITTEE.

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

That the Honorables the President, M. A. Clarke, R. J. Eddy, F. S. Grimwade, and J. M. Walton be members of the Joint Committee to manage the Library.

The motion was agreed to.

PRINTING COMMITTEE.

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

That the Honorables the President, B. P. Dunn, S. E. Gleeson, O. G. Jenkins, A. W. Knight, A. R. Mansell, and I. A. Swinburne be members of the Printing Committee; three to be the quorum.

The motion was agreed to.

STANDING ORDERS COMMITTEE.

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

That the Honorables the President, J. W. Galbally, V. T. Hauser, A. J. Hunt, A. R. Mansell, G. J. Nicol, I. A. Swinburne, J. M. Tripovich, and H. R. Ward be members of the Select Committee on the Standing Orders of the House; three to be the quorum.

The motion was agreed to.

STATUTE LAW REVISION COMMITTEE.

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

That the Honorables W. M. Campbell, M. A. Clarke, D. G. Elliot, F. S. Grimwade, R. W. May, and J. M. Tripovich be members of the Statute Law Revision Committee, and that the said committee have power to send for persons, papers, and records.

The motion was agreed to.

SUBORDINATE LEGISLATION COMMITTEE.

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

That the Honorables K. S. Gross, C. A. Mitchell, and G. J. O'Connell be members of the Subordinate Legislation Committee, and that the said committee have power to send for persons, papers, and records.

The motion was agreed to.

NOTICE OF QUESTIONS.

SUSPENSION OF STANDING ORDER No. 77.

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

That so much of Standing Order No. 77 as requires a member giving notice of a question to read it aloud to the House be suspended for the remainder of this session.

The effect of the motion will be as it was last session, that the questions do not have to be indicated to the House before they are answered.

The motion was agreed to.

BUSINESS OF THE HOUSE.

DAYS AND HOURS OF MEETING.

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

That Tuesday, Wednesday and Thursday in each week be the days on which the Council shall meet for the despatch of business during the present session, and that the hour of meeting on Tuesdays be half-past Four o'clock, on Wednesdays Four o'clock, and on Thursdays Eleven o'clock; that on Tuesday and Thursday in each week the transaction of Government business shall take precedence of all other

business; that on Wednesday in each week private members' business shall take precedence of Government business; and that no new business be taken after half-past Ten o'clock.

The motion was agreed to.

CRIMES (SENTENCES) BILL.

The Hon. J. W. GALBALLY (Melbourne North Province), by leave, moved for leave to bring in a Bill to amend the Crimes Act 1958, the Justices Act 1958, and the Social Welfare Act 1970 with respect to sentences of imprisonment.

The motion was agreed to.

The Bill was brought in and read a first time.

RIGHT OF PRIVACY BILL.

The Hon. J. W. GALBALLY (Melbourne North Province), by leave, moved for leave to bring in a Bill to establish the right of privacy, to make consequential amendments to the law of evidence, and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

SEWERAGE DISTRICTS (AMENDMENT) BILL.

The Hon. V. O. DICKIE (Minister for State Development), by leave, moved for leave to bring in a Bill to amend the Sewerage Districts Act 1958.

The motion was agreed to.

The Bill was brought in and read a first time.

CLOSER SETTLEMENT BILL.

The Hon. G. L. CHANDLER (Minister of Agriculture), by leave, moved for leave to bring in a Bill to make provision with respect to conditions in certain Crown grants and to amend the Closer Settlement Act 1938 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

EVIDENCE (DOCUMENTS) BILL.

The Hon. A. J. HUNT (Minister for Local Government), by leave, moved for leave to bring in a Bill to amend the Evidence Act 1958 with respect to the use of documents as evidence in legal proceedings, and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

SCAFFOLDING (AMENDMENT) BILL.

The Hon. V. O. DICKIE (Minister for State Development), by leave, moved for leave to bring in a Bill to amend the Scaffolding Act 1971.

The motion was agreed to.

The Bill was brought in and read a first time.

WRONGS (INDUSTRIAL ACCIDENTS) BILL.

The Hon. J. W. GALBALLY (Melbourne North Province), by leave, moved for leave to bring in a Bill to amend the Wrongs Act 1958 with respect to industrial accidents and for purposes connected therewith.

The motion was agreed to.

The Bill was brought in and read a first time.

MILDURA IRRIGATION AND WATER TRUSTS (AMENDMENT) BILL.

The Hon. V. O. DICKIE (Minister for State Development), by leave, moved for leave to bring in a Bill to amend the Mildura Irrigation and Water Trusts Act 1958.

The motion was agreed to.

The Bill was brought in and read a first time.

ABOLITION OF CAPITAL PUNISHMENT BILL.

The Hon. J. W. GALBALLY (Melbourne North Province), by leave, moved for leave to bring in a Bill to abolish capital punishment.

The motion was agreed to.

The Bill was brought in and read a first time.

LATROBE VALLEY (AMENDMENT) BILL.

The Hon. V. O. DICKIE (Minister for State Development), by leave, moved for leave to bring in a Bill to amend the Latrobe Valley Act 1958.

The motion was agreed to.

The Bill was brought in and read a first time.

LABOUR AND INDUSTRY (EQUAL PAY) BILL.

The Hon. J. W. GALBALLY (Melbourne North Province), by leave, moved for leave to bring in a Bill to amend the Labour and Industry Act 1958.

The motion was agreed to.

The Bill was brought in and read a first time.

CHIROPODISTS (REGISTRATION) BILL.

The Hon. V. O. DICKIE (Minister for State Development), by leave, moved for leave to bring in a Bill to amend section 10 of the Chiropodists Act 1968.

The motion was agreed to.

The Bill was brought in and read a first time.

CRIMES (INHUMANE PUNISHMENTS ABOLITION) BILL.

The Hon. J. W. GALBALLY (Melbourne North Province), by leave, moved for leave to bring in a Bill to abolish certain inhumane punishments and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

VAGRANCY (AMENDMENT) BILL.

The Hon. J. W. GALBALLY (Melbourne North Province), by leave, moved for leave to bring in a Bill to repeal section 5 of the Vagrancy Act 1966.

The motion was agreed to.

The Bill was brought in and read a first time.

TEMPORARY CHAIRMEN OF COMMITTEES.

The PRESIDENT (the Hon. R. W. Garrett) laid on the table his warrant nominating the Honorables A. K. Bradbury, W. G. Fry, K. S. Gross, and A. W. Knight to act as Temporary Chairmen of Committees whenever requested to do so by the Chairman of Committees or whenever the Chairman of Committees is absent.

WEST GATE BRIDGE.

REPORT OF ROYAL COMMISSION.

The Acting Clerk announced that pursuant to the directions of an Act of Parliament he had laid upon the table of the House the report of the Royal Commission appointed to inquire into the failure of the West Gate Bridge.

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

That the report of the Royal Commission into the failure of the West Gate Bridge be taken into consideration on the next day of meeting.

The motion was agreed to.

GOVERNOR'S SPEECH.

ADDRESS-IN-REPLY.

The PRESIDENT (the Hon. R. W. Garrett).—I have to report that His Excellency the Governor attended the House this day and was pleased to make a Speech of which for greater accuracy I have obtained a copy. As the Speech is printed, I take it that honorable members do not desire that I should read it to them.

The Hon. HADDON STOREY (East Yarra Province).—I move—

That the Council agree to the following Address to His Excellency the Governor in reply to His Excellency's opening Speech:—

MAY IT PLEASE YOUR EXCELLENCY:

We, the Legislative Council of Victoria, in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the gracious Speech which you have been pleased to address to Parliament.

It is a great honour to me personally and to the electors of East Yarra Province whom I represent to be

asked to move the motion for the adoption of an Address-in-Reply to the Speech of His Excellency the Governor.

Today, one tends to think that the bonds between Australia and Great Britain are lessening. With Great Britain about to move into the Common Market, there could be a trend away from the close relationship which formerly existed between our countries. It might also be thought that, with people coming here from all parts of the world and bringing an enrichment and diversity of culture which we have not experienced previously, there might be some weakening of the bonds between our two countries. But in fact the heritage which we obtained from Great Britain is fundamental to our society and is something which we cherish and retain. It has given to us our language, our conception of the rule of law which governs us and the democratic processes which we, particularly in this House, support. For these reasons, it is appropriate that in discussing this motion for the adoption of an Address-in-Reply, we take the opportunity of reaffirming our loyalty to Her Majesty the Queen.

It is also most appropriate that we should express our gratitude to the Governor and—although she is not mentioned in the motion—to Lady Delacombe for the great service which they have rendered to this State. Since they have been here, through their activities in moving around and meeting so many members of the community in various fields of endeavour, they have endeared themselves to the people. They have shown how representatives of Her Majesty can play a tremendously significant part in the life of the community.

It is also appropriate that in this motion we should express our gratitude to His Excellency for his Speech to this Parliament.

At the commencement of his Speech, the Governor referred to measures of importance to the State and to the well-being of its people which will be submitted to this Parliament. It is most significant that he should refer to this role of Parliament, that is, to deal with measures for the well-being of the people. The greatest protection for the well-being of the people is the existence of Parliament itself. Only through the democratic system of rule by elected representatives can the well-being of the people be preserved and maintained. This principle also supports the existence of this Chamber in which the Governor delivered his Speech this afternoon, because the essence of the preservation of liberty is the democratic process, which means the diffusion of power amongst many rather than its concentration in a single hand. It is the diffusion of power which supports the existence of the bicameral system; because the more power is diffused the more the individual's liberty is maintained. Although it may not be the most efficient form of government —in the sense that it may take longer to get something done than if there were in charge an autocrat who simply said, "Do that" and it was done whether it was good or bad—it is much more efficient at protecting the individuals in the community which, after all, is what the process of government ought to be. So it was most fitting that, at the commencement of his Speech, the Governor should refer to the well-being of the people of this State.

One might say that the theme of His Excellency's Speech was the preservation and improvement of the quality of life of the people of Victoria. He emphasized the necessity to preserve our environment and its natural resources. In doing so he referred to a number of activities which are being adopted by the Government. He referred to environment protection, land conservation, urban renewal, freeways, transport and to a variety of things each of which can be regarded in a separate compartment in a particular field of Government activity, but all of which

together are essential for the preservation and the proper functioning of the environment in which we exist. They should be looked at as a whole in the way that this Government, as evidenced throughout the Governor's Speech, has done.

The object of the preservation of the environment must be to ensure the maximum utilization of material and cultural resources with the minimum of interference with natural resources, so that members of the community may develop to the best of their abilities their own particular talents and capabilities and preserve this environment for future generations.

When one talks of environment and what needs to be done, it is necessary to state the context. The context is one of growth in population at an exponential rate, and the concentration of population more and more within urban centres. At the time of Christ, there were approximately 113 million people in the world. One thousand years later, there were 275 million. By 1650 A.D. the population had grown to 500 million. Then the explosion commenced! Within the next 200 years the number of people in the world had risen to 1,000 million. Now it is estimated to be 3,000 million, and it is expected that by the end of this century it will be 6,000 million—a doubling within a period of no more than 30 years.

Exactly the same pattern is evident in Australia. At the time of Federation there were about 3.5 million people in this country. Fifty years later the population had grown to 8.3 million people. In 1969, it was 12.5 million, and it is expected that within another 30 years the population will be 25 million persons—again, a doubling within a period of no more than 30 years.

Somebody commented that, if such an increase in population were observed in any species in the animal kingdom, man would regard it as a plague. We do not regard it as a plague, but we recognize that we have to cope with and understand the problems involved in this tremendous growth in population, which is becoming more and more an urban population. In 1900, 25 per cent of the people of the world lived in urban communities. It is estimated that by the end of this century the proportion will be 60 per cent. In Australia the percentage is higher. The 1961 census revealed that 80.9 per cent of the Australian population resided in urban centres and in the 1966 census the corresponding figure was 83.2 per cent. Doubtless the latest census will show that the percentage has again increased.

Although I do not want to ignore the problems of the rural areas, it is clear that in Australia the greatest environmental problems occur in the growing urban areas, and in Victoria this occurs in Melbourne in particular. One must therefore turn to look at what happens in a city. F. A. Hayek, the American political scientist, in his book, *The Constitution of Liberty*, said—

> Thus the city, which is the source of nearly all that gives civilization its value and which has provided the means for the pursuit of art as well as of material comfort, is at the same time responsible for the darkest blotches in this civilization.

What was he referring to? Lewis Mumford is the author of many books on the city and in his monumental work *The City in History* he has traced the development of the city from the primitive community to what he refers to as the megalopolis, the type of city one finds in New York or in Tokyo. He traced the disorders to people which emanate from such a city and which lead to the development of what is known as giantism. He speaks of citizens being flooded by a ravage of paper from all sorts of administrative agencies, which are trying to keep the cities working, and he speaks of the problems of traffic. In this context he refers in particular to New York where

in 1907 a horse-drawn vehicle travelled at approximately 11.5 miles an hour, and by 1965 with the advent of mechanical means of travel a car was able to travel at approximately 6 miles an hour. So once again progress has succeeded!

This problem of transport brings with it frustrations and disorders caused by people being crammed together on public transport. There are also the wastes and discharges from homes and factories which lead to pollution in the community. In such a city there is also a rise in the crime rate and the eventual result is that man tends to find himself isolated and not able to have that contact with the rest of his fellow beings that he has in a small city or community. This leads to the demoralization of mankind and is the most tragic and most worrying concept which can occur from the uncontrolled growth of such a city.

These disorders are not evident in Melbourne because we have, as the Governor has told us, through the process of town planning and pollution control, taken steps which will prevent Melbourne from ever reaching the stage of disorder described by Mumford.

I mention this, however, to point out what have been recognized as the problems which could arise in a city where no attention is paid to the environment, and to stress the importance of keeping this example in mind in contemplating whether in any city or State the environment should be controlled. I was most gratified to know that this was one of the first aspects of the Government's activity mentioned by His Excellency in his Speech.

I should like to mention four aspects of the control of the environment, particularly in relation to the city. The first is to determine what type of city one should strive for. Probably one cannot strive for it, but one can have a concept towards which planning is directed. It must evolve as the exigencies of the occasion arise. In his book *The City in History* Mumford refers to the ideal concept as—

> The etherialised city of the future, which would unite the urban and rural components into a porous regional complex, multi-centred, but capable of functioning as a whole.

In other words, the logical way in which to develop a city is into centres within a city where people congregate and carry on their lives, but are able to use the facilities of the greater city when those facilities are needed.

When one looks at Melbourne one finds that this is the trend of development under Melbourne's town planning scheme. There is a growth of centres within the city but outside the central city. In this way people can perhaps return not entirely but further towards the type of community where one can know one's fellow beings, and where one can associate with them and derive the advantages of being not just a cog in a machine but a living individual in a thriving community.

The second aspect to which I refer briefly is the inter-relationship between all these aspects of control of the environment. These include the inter-relationships of urban development, the control of traffic, the control of pollution and the control of the environment generally. I shall illustrate this by referring to the motor car which, whilst a boon to mankind, also brings with it problems to mankind. It brings problems in two aspects, namely, the traffic problems which occur in a large city and also the emission of noxious discharges which cause pollution. In the past the Government has indicated the need to strive towards a concept of public transport and private transport working together to provide a means of conveyance through the city. That, together with the development of centres within the city but outside the central city, could overcome the problems of traffic to some extent, but would not overcome the problems of pollution.

What might appear to be an answer to the pollution problems caused by motor cars is to require that every car be fitted with a device to prevent the emission of these noxious wastes. This has happened with the emissions of crankcase gases from motor cars, but as yet no reasonable device has been found for controlling the emission through the exhaust pipe of a motor car.

In a paper delivered to the Economic Society of Australia and New Zealand, Mr. N. Fisher, of Melbourne, showed what it would cost to equip all cars with an anti-pollution device which would prevent discharges from exhaust pipes. He took 2.8 million cars as the number of cars in the urban areas of Australia and he estimated a cost of $70 a car to fit such a device. Then he made allowances for increased running costs and so on, and came up with the figure of $1,772 million which would be required to fit all cars with the device. That is an enormous amount of money and makes one wonder whether this is the answer to the problems caused by pollution from motor cars.

There are other answers but I am giving this as an illustration of the need to consider the inter-relationship of all factors. The real problem with pollution from motor cars occurs where motor cars are gathered in one area. Under these same circumstances the problems associated with traffic congestion also occur. So the solution of traffic congestion would also go a considerable way towards solving the problems of pollution caused by motor cars. One can consider all sorts of alternative answers to these problems.

One answer may be to ban all motor cars from freeways and the city. This would solve the problem, but would create many others and would be out of the question as an answer. Indeed, it would be an illiberal approach. Another approach might be to provide that only people who really need to go to the city should go there, and that could be introduced either by imposing special charges on cars that enter the city or by applying special registration fees for these cars. Perhaps another solution could be some sort of tax relief for cars fitted with an anti-pollution device. In this way, economics could be used to lessen pollution arising from motor cars and at the same time could lead to an easing of the traffic congestion caused by the presence of too many motor vehicles on the roads. I am not advocating any of these measures as essential because they all need inquiry and research. However, they illustrate the inter-relationship of the different aspects of control of the environment.

My third point is that control of the environment is for the benefit of the individual. One must examine the wishes and the needs of all the individuals in the community to know what should be done to control the environment. In this respect, education is essential. In recent years the community has become much more aware of the pollution of the environment than was the case in the past. The steps now being taken to control pollution can be advanced further by greater education in schools on the subject of environment. In America where the problems of pollution and the environment are much more acute than in Australia, educational courses in schools and text-books deal with such aspects as motor-car pollution, urban development, and so on. These matters should be considered here.

Fourthly, environmental control is necessarily administered by various public agencies. How this is done should always be open to scrutiny and review. At present the environment is controlled by town planning legislation, under the provisions of which the Town Planning Appeals Tribunal has been established. The Environment Protection Act provides for an Appeals Tribunal in relation to licences, and the Urban Renewal Act provides for consultation with the various interested

parties in the community, and for a right of appeal to the Minister against any decisions that have been made. These safeguards are necessary in any legislation relating to the control of the environment and it is pleasing to know that they exist. It is hoped that similar provisions will be made in any further legislation which may be enacted in this field.

Consideration of all of these aspects leads to the view that today, as His Excellency has said, the community is paying a great deal more attention to the control of the environment. This stems from a desire that the quality of life for the individuals in the community may be preserved and also improved for the benefit of the coming generations.

I shall now refer to a different type of environment, namely, commercial environment which embraces many of the activities in which people engage. Over the years, the community has deemed it necessary to control commercial activities. In the days of small communities in which every member knew every other member, common law took the view that, when a person made a bargain, he should be bound by it for good or bad because he knew what he was doing, and probably everyone else also knew what he was doing. As the community grew more complex and sophisticated, it became necessary to protect persons who might not be abreast of current conditions. This brought about the enactment of legislation relating to money lenders, and, in more recent times, the Door-to-Door Sales Act and the various Acts relating to hire purchase.

Today His Excellency said that the Government was considering the introduction of measures to protect the public interest against unethical motor vehicle traders. This could be considered to be an extension of control of the commercial environment. As the community becomes more and more complex, new and different types of commercial activities emerge and it becomes necessary to consider whethr further legislation is necessary.

In substance, hire purchase is a means of acquiring goods on credit, although the technical legal aspects are somewhat different. In recent years, new methods of acquiring goods on credit such as chattel mortgages, revolving credit accounts, and so on, have been developed and used in the community. These are designed essentially to produce the end result of a hire-purchase agreement, namely, the acquisition of goods on credit. In other words, the consumer is provided with credit by not having to pay cash when he obtains the goods.

The Hire Purchase Act provides a desirable protection in various ways for hirers and persons who provide finance. However, there is no legislation relating to the new forms of consumer credit to which I have referred. This has been recognized by the Standing Committee of Attorneys-General, which commissioned a report from a committee at the Adelaide law school. The committee made a report in which changes in the law were recommended. A committee of the Law Council of Australia is now considering how the recommendations may be implemented, but it has not yet made a report. When the committee makes its report it would be appropriate for the Government to consider the recommendations to determine whether certain provisions, such as those at present embodied in the Hire Purchase Act, could be extended to cover other commercial activities to achieve the same result. These matters are all related to the protection of the individual.

I am privileged to be a member of this Parliament where questions relating to the protection of the individual can be and are dealt with through Parliamentary processes. I am conscious of the fine example set in this Chamber by my predecessor, who made excellent contributions to its

debates. I can but hope to emulate the standard which he set. Therefore, it is all the more pleasing to me to have the honour of moving the adoption of an Address-in-Reply to the Speech of His Excellency the Governor in order that I may express our loyalty to Her Majesty the Queen and our gratitude to His Excellency for the Speech he made today.

The Hon. C. A. M. HIDER (Monash Province).—I deem it an honour to second the motion for the adoption of an Address-in-Reply to the Speech of His Excellency the Governor so ably moved by Mr. Storey. I also deem it an honour, so early in the sessional period, on my own behalf and that of my constituents, to have the opportunity to reaffirm our loyalty to Her Majesty the Queen. Mr. Storey has ably expressed the bonds which link Australia and Great Britain.

I wish to refer to the Ministry of Social Welfare. The appointment of this Ministry was most significant and in my view particularly important. Social welfare is an area of concern not only to the Government but more importantly to every citizen in the community. The issues of quality of life have risen and become dominant in politics, and I believe the issues of social welfare will similarly rise and become of importance to the community. Understandably, the community perhaps has been more concerned with its own material prosperity and success and has not thought so deeply about the problems of the depressed minorities. Fortunately this tendency is changing and the Government will find support from the community in enacting legislation to improve the position of minorities. Surely the affluent society cannot allow any areas of depression, poverty, misery and hardship to exist within its borders.

The minorities I refer to, which should be the concern of the community and this Government, are the aged, the handicapped, the young, the criminals, and the Aborigines. These can be broken up into various subgroups such as the deserted wife, the single mother, the working mother, the unemployed and the unemployable, and the hardships and problems that arise with the large family, and from the alcoholic and other addicts. Individually each of these groups does not form a large part of the community, but collectively they comprise a significant percentage. They can perhaps be put under a general heading of "the poor".

The various studies that have been carried out on poverty indicate that in Australia there are probably up to a million people living near the subsistence level. Certainly in this country in excess of 500,000 people can be described as living in conditions of poverty. An affluent society should not tolerate this situation and we have the power to remedy it. I believe the community is now requiring Governments to take action to remedy these areas of poverty wherever possible. Mostly it is purely a question of finance and of assessing priorities rather than of saying that one area has been satisfactorily dealt with and other areas brought up to minimum standards. A situation in which 500,000 people live below the subsistence level is just not acceptable.

In Britain various estimates have been made of the number of households living close to the subsistence level. One such estimate is 14 per cent. Fortunately, here the estimates are lower than that. The problem of the poverty syndrome is now accepted. The people living in poverty have every chance of seeing their children brought up in conditions of poverty, malnutrition, lack of education, and lack of opportunity, which merely repeats the vicious circle. Today's poor are therefore producing tomorrow's poor, tomorrow's unemployable, and tomorrow's problem for society. Much can be done in these areas to relieve the depression for the various minorities.

Tonight I propose to mention only one of these minorities, namely, the criminal and to advert to prisons. No doubt other areas will be mentioned by subsequent speakers.

The Minister for Social Welfare has shown his keen interest in this subject and his department's realization that certain action can be taken perhaps at minimal cost in the sphere of general penology and the treatment of the criminal and his reform. I believe a great deal can be achieved at no cost by a humanitarian approach which will benefit the community in the ultimate and save money in the short term. The Minister has already indicated that he is prepared to examine methods of introducing week-end imprisonment for certain offenders. It is important to remember that approximately 28.5 per cent of convicted persons have not previously been convicted.

I should like to mention the report which has been given by the chairman of the Prisoners Parole Board in Queensland, Mr. Justice Hoare, to the conference of the Australian Crime Prevention, Correction and Aftercare Council being held in Brisbane. I wish to quote the following brief passage from the report:—

> Imprisonment has been shown to be an extremely expensive and doubtful remedy.

The report further stated that to gaol a man so as to waste his time was indefensible unless the issue involved in the particular case was the physical safety of the community. To gaol him without giving him a reasonable opportunity to improve his position in the community "is to waste his time".

Victoria, of course, is in the forefront in the treatment of prisoners. It has gained from experience in other States and overseas. A close examination of the Social Welfare Department's treatment of prisoners will show an interested observer the success that has been achieved in this field, but of course there is much still to be done. The community's attitude, which is perhaps contrary to the expert's attitude, is still based on the concept that prison is a place for punishment. It is a grave mistake to attempt to use eighteenth century methods in the mid-twentieth century. Originally, of course, prison was a holding area only. It was not intended to be a punishment as such; it was intended for holding the prisoner prior to trial. Since then the prison system has been adapted so that it has become suitable for punishment. The majority of modern thinkers agree that the purpose of prison should be reform and correction. If anything, prisoners should be sent to prison as a punishment, not for punishment, as so often happens. It is certainly ineffective on its own as a punishment. Grave doubt exists whether prison deters. The mere incarceration of a person is completely deleterious to his well-being and future, and can in no way serve the interests of society.

English investigation has shown no significant difference in the reconviction rates and later crimes of a person whether he is placed in prison, put on probation, or fined. In other words, prison has not been shown to be any more successful than fining a person as a deterrent or a dampener of the crime rate. It is of course degrading and incredibly stupid to allow a person merely to while away his time in idleness in prison. This does not happen in Victoria.

The Hon. J. M. TRIPOVICH.—What about the gaoling of husbands on maintenance charges? They are gaoled for nothing.

The Hon. C. A. M. HIDER.—I will come to that important question, and how these persons can best serve their families. I agree that a person in prison is not serving himself or the community to any purpose. The cost and the waste of resources in gaoling people is large and is a disaster both for the family of the person concerned and for himself. The debts which have been incurred and for which he may be serving a sentence are not being paid off whilst he is in prison. Therefore, the position of the wife who is seeking pay-

ment and maintenance from an erring husband is worsened.

The Hon. J. M. TRIPOVICH.—What about a married man whose wife is prepared to let him rot in prison?

The Hon. C. A. M. HIDER.—Can Mr. Tripovich cite a particular case?

The Hon. J. M. TRIPOVICH.—A few particular husbands are in gaol.

The Hon. C. A. M. HIDER.—The concept of the walled institution is one which we must accept now as being of short-term duration. By the turn of the century one can envisage that the institutions which now exist will have been completely abolished and we will have an entirely different prison system which will indeed allow for the problem raised by Mr. Tripovich. As Mr. Tripovich knows, methods of treating offenders other than gaoling them are available. I wish to give an example. In California the California Youth Authority's community treatment project, which is now in its seventh year, allowed one control group to return to the community and gave that group intensive treatment by individual counselling, group counselling, group training, and so on. This was without the use of any prison facilities whatever. It was found that when such a group was returned to the community it was necessary to revoke parole in only 28 per cent of the cases compared with the general average of 52 per cent. It can be seen, therefore, that the practice was almost doubly effective in reforming prisoners. It is also interesting that the cost of this programme—cost is important to any Government which is attempting to balance a budget—was only half that involved in relation to institutionalized offenders. As a result, California was able to save between $6 million and $8 million by returning offenders to the community and not having to build new institutions. If, as was suggested by interjection, gaols are needed, the Government should examine the form that they should take and ensure that they are suitable for the twentieth century.

The Minister for Social Welfare has said that certain offenders could be sent to correctional institutions for week-ends only, and I further suggest that serious consideration should be given to a concept which is being currently examined in Queensland, namely, not to impose gaol sentences of less than six months. The statistics which have been produced by the Social Welfare Department in its excellent publication include the number of offenders and the length of sentences. Just over 20 per cent of the total number of prisoners were sentenced for less than six months, and the number of sentences of less than three months is approximately 11 per cent of the total number. Those are very significant statistics. From 1st July, 1969, to 30th June, 1970, the total number convicted and sentenced to imprisonment for less than six months was 81 per cent of all prisoners, so that if sentences of less than six months were to be abolished, the number of prisoners entering various institutions would be reduced by about 80 per cent. The percentage would actually be slightly lower, because a number of convictions would be for crimes in respect of which it could not be agreed that the sentence should not be imposed. Those percentages are set out in table 13 of the Social Welfare Department's publication *Census of Prison Population in Victoria on the Night* 17-18 *October*, 1970.

Other suggestions have been made in connection with convictions for felony, namely, that no gaol sentence of less than twelve months should be imposed. English experience has shown that for every 30 convictions only one offender is gaoled, the others being dealt with by fines, probation and other punishments. Perhaps consideration should be given to adopting a minimum sentence of twelve months for felony convictions; but that raises other issues.

I suggest that in order properly to utilize a person who has been convicted of a crime and to enable him to contribute to his own well-being and that of the community in this State, consideration should be given to a system whereby prisoners are allowed to have home leave and to work outside, and also to increasing the number of letters and visits that a prisoner is allowed. I think it is important that a prisoner's contact with his family and the community should be maintained as much as possible. The prisoner must return to his family and to the community eventually, and he should be able to maintain his bonds and contacts so that when he rejoins the community he will be rehabilitated. If this is not done, he will return to prison.

The Hon. M. A. CLARKE.—Are you familiar with the situation of those who are on remand at Pentridge?

The Hon. C. A. M. HIDER.—Yes; I shall refer to those statistics later. I suggest that the establishment of prison industries in Victoria should be greatly increased. With the co-operation of unions, prisoners could then learn trades and have something to look forward to when they return to the outside world. The prison system would also become more self-supporting and contribute more to its own maintenance. Professor Norval Morris and Professor Gordon Hawkins, in their book *The Honest Politician's Guide to Crime Control,* state at page 130—

> The extent of the demoralization entailed in keeping prisoners in a state of workless, infantile dependency is incalculable. The development of prison industries can not only provide for the rehabilitation of inmates to constructive and rewarding employment but also provide opportunities for training in vocational skills.

The Swedish work programme is rather interesting, because in that country the motto is, "First build a factory then add a prison to it". The prison industries in Sweden produce goods worth $12 million per annum. This is a large sum when one considers that prison industries in Victoria produce approximately $400,000 or $500,000 per annum. The Social Welfare Department has been examining this problem for some time, and I believe that the present system of prison industries could be expanded considerably.

I turn now to the subject of open prisons. The Social Welfare Department's statistics show that almost half of all prisoners in Victoria are still in Pentridge and that the other half are in open prisons at Ararat, Beechworth, Bendigo, and other places. The statistics also reveal that the number of people awaiting trial in Victoria is approximately 9 per cent of those who have not been sentenced to gaol. This is a refreshing statistic when it is realized that in America approximately 40 per cent of all prisoners are awaiting trial. They have not been convicted. Of that number between 50 and 60 per cent are acquitted, so that about 25 per cent of prisoners in America are never convicted and are, in fact, wrongly imprisoned.

I believe careful consideration should be given to the establishment of special institutions for those who are addicted to alcohol or drugs. Although this is a question of cost and priority, it must be appreciated that it would relieve the pressure on existing institutions. I believe there are approximately 300 alcoholics who would benefit from treatment in a special institution. They represent 12 per cent of those who are now in prison.

There are three aspects of this matter which should be examined by the Government in line with what the Minister for Social Welfare has proposed. Firstly, the Government should consider whether a bail system which is based on finding money should be continued. There are very few people who abscond while on bail, and it may be that more stringent conditions should be imposed to ensure that an accused will appear. The figure of 9 per cent of prisoners awaiting trial in Victoria is set out

in table 4 of the publication *Census of Prison Population in Victoria on the Night* 17-18 *October*, 1970.

The Hon. M. A. CLARKE.—Is it 9 per cent of the prisoners in Pentridge, or of the total number?

The Hon. C. A. M. HIDER.—They are all in Pentridge.

The Hon. D. G. ELLIOT.—Awaiting sentence, or trial?

The Hon. C. A. M. HIDER.—They are awaiting trial. Of this 9 per cent approximately half are in fact convicted and sentenced to gaol. The other half are either acquitted or put on a bond, or a retrial is ordered or a fine imposed.

The second reform worthy of consideration is to emphasize and continue the present work of the Social Welfare Department in ensuring that where possible the treatment of the prisoner is based on the community —that is, to allow him to work out and remain as much as possible part of the community. Of course, in conjunction with this, it is essential that special and intensified treatment of the convicted person should take place when he is working as part of the community. The essence is to let the person remain part of the community, to continue to earn a satisfactory wage to support himself and his dependants and, at the same time, ensure that he is corrected where rehabilitation is possible. Given the opportunity, in most cases rehabilitation is possible. The English attitude is that gaol is a last resort only after all other methods have been tried.

The third suggested reform is along the lines of the American Law Institute model penal code which requires that a felony be awarded a one-year conviction, or not at all. In other words, if a crime is serious enough to warrant a gaol sentence that sentence should be not less than one year. In other cases an open gaol would be more suitable.

The Hon. J. W. GALBALLY.—The man is either sent to gaol for twelve months, or not at all, but an offender might receive a sentence of a month or so.

The Hon. C. A. M. HIDER.—But he gets twelve months?

The Hon. J. W. GALBALLY.—Yes.

The Hon. C. A. M. HIDER.—That thought did occur to me, but this type of reform must be introduced slowly. There are judges who believe it is necessary to impose gaol sentences to protect the community. This does not appear to be an easy matter to solve and perhaps this is why the Minister's suggestion of a minimum period of six months would be more acceptable to the community. This would allow some assessment to be made of the likely reaction to this type of sentence. Rather than gaoling a person, the aim is to utilize every other avenue of reform and correction. Prison should be a last resort. Thus one would assume that it is a severe crime which warrants a prison sentence.

At the end of June, 1970, 3,800 convicted persons were on probation. The present figure is approximately 5,100. This means that, where possible, the courts are attempting to allow the individual another chance, under some guidance, to rehabilitate himself and take his place in the community. The number on parole is 750. This indicates the desire of prison authorities to release prisoners to take their place in the community under a system of guidance and control. If these numbers could be enlarged it would result in a saving to the community, and certainly would be of benefit to the prisoner.

The Hon. M. A. CLARKE.—Does a shortage of probation officers prevent this?

The Hon. C. A. M. HIDER.—I doubt it. Certainly it is desirable that there should be a good ratio of probation officers to prisoners. The Minister is to be congratulated on his proposal

to have a committee look at the penal system. Undoubtedly the work being carried out by the Prisons Division is first class, and work such as that being undertaken by the Hawthorn Youth Welfare Service indicates clearly how the department is thinking. Probably it will not need much more encouragement to continue this type of reform, which is similar to the California Youth Authority's community treatment project to which I referred earlier. The proposal put forward in April, 1970, was that young persons convicted of various crimes be given a number of tests. I shall quote from page 25 of the annual report of the Social Welfare Department for the year ended 30th June, 1970—

> Youths who satisfy the selection criteria are placed on probation to the Youth Welfare Service for a period of six months. Three months are spent in attendance on three evenings per week and all day Saturday. There is an intake of one group of ten youths each month. The first three groups are now taking part in the programme. Regular contact is made with parents, and this is maintained during the latter part of the probation period when there is greater emphasis on assistance with individual adjustment to community demands for acceptable living.

The report also refers to nightly group discussions, group therapy and individual therapy, and goes on to state—

> Each evening begins with a meal at 5.30 p.m. followed by work projects such as repairing kindergarten furniture, or making toys for children in homes. The evening concludes at 9 p.m., when youths receive fare-money, and regular checks are made to ensure that they are home by 10 p.m.

This type of activity is to be commended and I congratulate the Minister on his attitude, which is in contrast to that of some other States. I hope the views expressed by the Minister recently will be adopted.

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

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

SCAFFOLDING (AMENDMENT) BILL.

The Hon. V. O. DICKIE (Minister for State Development).—I move—

That this Bill be now read a second time.

Earlier this year an Act which is cited as the Scaffolding Act 1971 was passed by Parliament. The legislation had two main objectives. Firstly, responsibility for the administration of the scaffolding safety legislation was to be transferred from the Minister for Local Government to the Minister of Labour and Industry. The central administrative unit established under the Act would thus be transferred from the Local Government Department to the Department of Labour and Industry. Secondly, responsibility for actual inspection of scaffolding in certain inner or "high rise" parts of the metropolitan district was to be transferred from the municipal councils concerned to the Department of Labour and Industry.

The Scaffolding Act 1971 has not yet been brought into operation by proclamation of the Governor in Council because the necessary administrative arrangements have not yet been completed. However, in the meantime it has been brought to notice that there is a defect in the legislation and this Bill is designed to cure that defect. In section 3 of the Act "municipal district" is defined as "a municipal district as constituted under the Local Government Act 1958". Neither the municipal district of Melbourne nor the municipal district of Geelong is constituted under the Local Government Act 1958 and thus, quite inadvertently, as the Act now stands, those two municipal districts are excluded from its application.

Therefore, the Bill is simply a short, simple measure to cure that defect by amending the definition of "municipal district". The words "as constituted under the Local Government Act 1958" are to be deleted and the Act will then apply to all municipal districts in the State

of Victoria, irrespective of the Act by or under which they were created. 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, September 7.

LATROBE VALLEY (AMENDMENT) BILL.

The Hon. V. O. DICKIE (Minister for State Development).—I move—

That this Bill be now read a second time.

It contains two measures to assist the Latrobe Valley Water and Sewerage Board in its administration. The first, which is contained in clause 2, specifies the avenues available to the board for investment of its surplus funds and extends to the board the benefits of being able to invest surplus funds in the short-term money market. Other local authorities can now do this under the provisions of the Water Act, the Geelong Waterworks and Sewerage Act and the Sewerage Districts Act. The clause as drafted is similar to the amendment made to those Acts in 1963 following provision for such investments by municipal councils made in the Local Government Act in 1962.

The second provision is a machinery measure, which is contained in clause 3, and which will simplify the annual statements of accounts which the board is required to prepare. The present provision requires the board to prepare each year a revenue account, a statement of receipts and payments, and a balance-sheet. However, most of the figures in the revenue account are duplicated in the statement of receipts and payments. Under the proposed amendment, these two statements will be replaced by one statement of revenue and expenditure which will show more clearly the board's financial position for the relevant year. The proposed amendment will bring this section of the Act into conformity with the Water Act and the Sewerage Districts Act. I commend the Bill to the House.

On the motion of the Hon. D. E. KENT (Gippsland Province), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, September 7.

SEWERAGE DISTRICTS (AMENDMENT) BILL.

The Hon. V. O. DICKIE (Minister for State Development).—I move—

That this Bill be now read a second time.

Its purpose is to provide a number of measures, mostly of a machinery nature, to assist sewerage authorities in their administration. All the measures have been sought by the Provincial Sewerage Authorities Association and will provide greater uniformity between the Sewerage Districts Act and other Acts, notably the Local Government Act, on which they have been modelled. The most important provision in relation to sewerage authorities will enable an authority to vary the rate of interest on outstanding house connection debts so that it can vary with the changing rates the authority may have to pay in financing private works.

Clause 2 amends section 37 of the principal Act which at present requires sewerage authorities to appoint, in addition to other officers, a treasurer. The proposed amendment removes this requirement by deleting reference to the word "treasurer" from the Act. The proposed change follows a similar amendment to the Local Government Act in relation to municipal councils. Little purpose appears to be served by the appointment of a treasurer to a sewerage authority as the Act makes no mention of his qualifications, functions or responsibilities and, in most cases the accounts are kept by the authority's secretary and his staff. The deletion will not prevent

an authority from appointing a treasurer if it considers such an appointment necessary.

Clause 3 is a machinery measure amending section 60A consequent upon an amendment to the Companies Act 1961. The Companies (Public Borrowings) Act 1963—No. 7089—substituted a new section 38 in the principal Act in which sub-section (5) became sub-section (7).

Clause 4 inserts a new section 94B in the principal Act to provide that the sale, conveyance or transfer of any land which is subject to rating by a sewerage authority shall be notified to the secretary of the authority within two months of such sale, conveyance or transfer. This proposal will assist the administration of the rating responsibilities of sewerage authorities by requiring adequate notice of ownership changes of properties serviced by these authorities. The amendment is similar to provisions which already exist in the Water Act, the Local Government Act and the Melbourne and Metropolitan Board of Works Act. The form that the notice to a sewerage authority should take is provided for in clause 6, and is similar to the Twelfth Schedule of the Water Act.

Clause 5 amends sub-section (2) of section 95 of the principal Act which provides that, where an authority finances private works, such as house connections, it is required to accept payment of costs and expenses by quarterly instalments, and the rate of interest charged to the landholder on his outstanding debt must not exceed 1 per cent more than the rate of interest payable by the authority at the time the finance was provided.

However, in recent years interest rates on overdrafts and short-term loans have often risen sharply, and before the debt is paid off the authority could be paying greater interest on such finance than the landholder. For instance, one authority borrowed money in 1962 by way of overdraft in order to finance private house connections at an interest rate of 5¼ per cent. It charged the landowners 6 per cent. The authority is now paying interest on its overdraft at the rate of 7 per cent and is thus losing money on the financing of these works which are a private responsibility.

The proposed amendment will enable a sewerage authority to vary the interest rate charged to landholders on that portion of any debt which remains unpaid when overdraft or loan interest rates change, but so that the interest charged to the landowner shall never be more than 1 per cent in excess of the rate of interest being paid from time to time by the authority. This proposal is similar to the provisions of the Local Government Act concerning payment by instalments for private street construction and drainage.

Clause 6 inserts a new Eighth Schedule in the principal Act setting out the form of notice required under the new section 94B, proposed in clause 4. This concerns the sale, conveyance or transfer of land subject to rating by that authority. I commend the Bill to the House.

On the motion of the Hon. A. W. KNIGHT (Melbourne West Province), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, September 7.

MILDURA IRRIGATION AND WATER TRUSTS (AMENDMENT) BILL.

The Hon. V. O. DICKIE (Minister for State Development).—I move—

That this Bill be now read a second time.

The Bill contains three amendments to the Mildura Irrigation and Water Trusts Act to bring the Act into line with the Local Government Act in relation to non-rateable properties. There are also three consequential amendments following recent amendments to the Water Act.

Clause 2 amends section 3 of the principal Act to provide that land which is not rateable by a municipality in accordance with section 251 of the Local Government Act 1958, as amended by the Local Government (Rating Exemptions) Act 1969, will not be rateable by the First Mildura Irrigation Trust or the Mildura Urban Trust. This provision already applies to all authorities under the Water Act and the Sewerage Districts Act; it also applies to the Geelong Waterworks and Sewerage Trust which is required to follow the provisions of those Acts for water and sewerage rating.

Clause 3 amends section 42 of the principal Act to ensure that the provisions of the new section 251 of the Local Government Act will apply to lands within the Mildura Urban Trust District. This is a consequential amendment following that contained in clause 2. Clause 4 amends section 44 of the principal Act, consequential on an amendment in 1968 to the Water Act which substituted a new Division 5 of Part V. with a renumbering of the sections.

Clause 5 amends section 73 of the principal Act to remove wording now redundant as a result of the amendment in clause 2 of the Bill, which applies the provisions of the Local Government Act in determining what land is non-rateable.

Clause 6 contains two amendments to section 170 of the principal Act. The first provides that the provisions of section 243A of the Water Act shall now apply to the First Mildura Irrigation District and the Mildura Urban Water District. The Water Act was amended in 1968 by the insertion of a new section 243A which provides that where a water supply has been discontinued for any reason the authority may recover the reconnection costs. It is considered desirable to extend this provision to the First Mildura Irrigation Trust and the Mildura Urban Trust.

The second amendment is a consequential amendment following the substitution in 1968 of the new Division 5 of Part V. in the Water Act with the sections being renumbered. 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, September 7.

The sitting was suspended at 6.26 *p.m. until* 9.49 *p.m.*

SUPPLY (SUPPLEMENTARY ESTIMATES) BILL (No. 2).

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.

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

That this Bill be now read a second time.

I thank honorable members for their co-operation in dealing with this important measure. I know that the party leaders have conferred, and I have discussed the matter with Mr. Galbally and Mr. Swinburne because the Premier and Treasurer gave an assurance that this Bill would be passed at the earliest possible moment, which this is.

These special Supplementary Estimates cover the payment of pay-roll tax to the Commonwealth in respect of wages and salaries paid during 1970-71. Honorable members will recall that in the 1970-71 Budget no provision was made for an appropriation to cover the payment of pay-roll tax to the Commonwealth Government, and subsequently the Government challenged the validity of the tax as it purported to apply to the State.

After the House adjourned, and on 14th May, 1971, the High Court delivered its judgment and pronounced unanimously that the Commonwealth legislation was valid in

relation to the State. This meant that we were bound to pay the Commonwealth pay-roll tax for 1970-71. The Government had, as a matter of prudence, so planned its cash dispositions through the Works and Services Account that if the judgment went against us we would have the cash to pay. But there was no Parliamentary appropriation, the Treasurer's Advance was not adequate to meet the position, and therefore no payment could be made in 1970-71. However, the relevant sum has been charged to the 1970-71 accounts by transferring the cash to a trust account, and the authority of Parliament is now sought to support this transfer.

The Premier has given an undertaking to the Commonwealth Treasurer that the payment will be made immediately the supplementary appropriation is available, and in the light of that assurance the Commonwealth did not proceed to make a deduction from our tax reimbursement grant for 1970-71, a power which the Commonwealth Parliament had approved to be exercised at the discretion of the Commonwealth Treasurer. The Government has given an honourable undertaking to the Commonwealth, and its implementation calls for speedy passage of the supplementary appropriation. I commend the Bill to the House.

The Hon. J. W. GALBALLY (Melbourne North Province).—This Bill is to enable a debt to be paid to the Commonwealth. The High Court has declared that it is owing, and therefore Victoria must pay it. Perhaps we should ask whether provision should not have been made for that contingency. No doubt the Treasurer relied on the advice of his lawyers. I suppose he should know by now that legal advice is no more reliable than that obtained on the racecourse. The honorable gentleman's interesting career on the racecourse should enable him to exercise his own judgment in dealing with lawyers just as I hope he exercises his own judgment in dealing with bookmakers and jockeys. With this little homily, nothing more remains than for us to say to the Commonwealth, "You won a magnificent triumph in the High Court—the money is yours."

The Hon. I. A. SWINBURNE (North-Eastern Province).—Members of the Country Party support the measure. We gave the Treasurer an undertaking that the Bill would be passed today so that he could pay to the Commonwealth money which he failed to provide for last year. I suppose we could say, "We told you so." We did point out in Supply debates in the last sessional period that some provision should be made for this contingency, but that was not done and in the Parliamentary recess the Treasurer could not sign the cheque. The honorable gentleman promised the Commonwealth that payment would be made as soon as possible. Therefore members of the Country Party support the Bill so that the Treasurer may honour his promise.

The motion was agreed to.

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

SUMMARY OFFENCES (AMENDMENT) BILL.

The Hon. A. J. HUNT (Minister for Local Government), by leave, moved for leave to bring in a Bill to amend sections 24 and 26 of the Summary Offences Act 1966.

The motion was agreed to.

The Bill was brought in and read a first time.

POLICE FORCE.

REPORT OF BOARD OF INQUIRY.

The Hon. MURRAY BYRNE (Minister of Public Works) presented, by command of His Excellency the Governor, the report of the board of inquiry into allegations of

corruption in the Police Force in connection with illegal abortion practices in the State of Victoria.

It was ordered that the report be laid on the table.

The Hon. MURRAY BYRNE (Minister of Public Works) (*By leave*).—I wish to make a supplementary statement on behalf of the Chief Secretary in respect of this report. The board of inquiry found that there was credible evidence raising a strong or probable presumption that four past or present members of the Victoria Police Force, all of them members or former members of the Homicide Squad, were guilty of criminal offences.

Each of the four members or former members was subsequently charged with criminal conspiracy, committed and tried in the Criminal Court in Melbourne. Frederick John Adam was acquitted. John Edward Matthews was convicted and sentenced to five years' imprisonment; Jack Ralph Ford was convicted and sentenced to five years' imprisonment; and Martin Robert Jacobson was convicted and sentenced to three years' imprisonment. Subsequent appeals by Matthews and Ford to the Court of Criminal Appeal were dismissed.

In the course of its report, the board of inquiry made observations suggesting that investigation be made as to whether certain other members might have been involved in breaches of the Police Regulations. A thorough investigation by senior officers was accordingly made at the direction of the Acting Chief Commissioner in respect of the following:—Superintendent F. G. Holland, Sergeant J. W. Flynn, Senior Constable R. H. Jackson, Senior Detective N. E. Murphy, and Senior Detective J. B. O'Brien. In each case the Acting Chief Commissioner of Police, having reviewed the investigation, and with the advice of the legal assistant, decided that no grounds existed for the institution of charges against the member concerned.

Each file was submitted at the direction of the Chief Secretary to the Solicitor-General, and in each case the Solicitor-General concurred in the decision made by the Acting Chief Commissioner of Police. No further action is, therefore, proposed in these five instances. I am prepared to make these five files, and the opinion of the Solicitor-General thereon, available for perusal by the Leader of the Opposition and the Leader of the Country Party if they so desire.

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

That the report be taken into consideration on the next day of meeting.

The motion was agreed to.

EVIDENCE (DOCUMENTS) BILL.

The Hon. A. J. HUNT (Minister for Local Government).—I move—

That this Bill be now read a second time.

It has been approved by the Chief Justice's Law Reform Committee and implements recommendations in a report adopted by that committee in May, 1971. The purpose of the Bill is to incorporate in one measure provisions from the Criminal Evidence Act 1965 of the United Kingdom, the computer provisions of the Civil Evidence Act 1968 of the United Kingdom, certain of the provisions of Division 3 and the whole of Divisions 9 and 10 of Part III. of the Evidence Act 1958, which I shall hereafter refer to as the principal Act.

The sub-committee appointed by the Chief Justice's Law Reform Committee to consider the matters dealt with in the Bill had the benefit of discussions with Mr. Justice Manning of the New South Wales Law Reform Commission, who had given consideration to the whole topic of hearsay evidence. This sub-committee also had a meeting with Professor Rupert Cross, who is a foremost world authority on evidence. Over a

period of four years the sub-committee exhaustively examined many and varied proposals for amendment of the law in this field, and I believe that the Bill which has resulted from its work is a valuable contribution to law reform.

Clause 1 contains the usual short title and citation provisions. Clause 2 substitutes a new section 3 in the principal Act. Sub-section (1) retains the present definitions of "legal proceeding" and "persons acting judicially", substitutes a new definition of "document" and adds a number of new definitions. Several definitions call for comment. For example, the definition of "business" is based on the definitions of the same term contained in sections 53 and 98A of the principal Act but with the added words "whether or not it is engaged in or carried on for profit." "Document" is defined much more broadly than the existing definition and is based primarily on section 10 of the Civil Evidence Act 1968 of the United Kingdom. "Statement" is defined in the same terms as in sub-section (1) of section 54 of the principal Act.

Sub-section (2) defines, in relation to the definition of "document" in sub-clause (1), what are copies for the purposes of the provisions of the Act. Sub-section (3) contains a series of amendments consequential upon the definitions in sub-section (1).

Clause 3 substitutes for sections 54 to 56 of the principal Act several proposed new sections. Section 54 is a saving provision identical with sub-section (2) of section 54 of the principal Act. Section 55 deals with the admissibility of documentary evidence. Sub-section (1) of this section, applying to civil proceedings, is substantially similar in effect to sub-section (1) of section 55 of the principal Act, but omits the requirement that the document form part of a "continuous" record.

Sub-section (2), applying to criminal proceedings, is based upon sub-section (1) of section 1 of the Criminal Evidence Act 1965 of the United Kingdom. It differs from the scheme of the English provision in that it expressly requires to be called as a witness the person who supplied the information in the statement to be admitted in evidence. This requirement is, however, subject to the exceptions created by sub-sections (5), (6) and (7).

Sub-section (3) excludes from the scope of sub-section (2) which, as honorable members will recall, provides rules for criminal proceedings, statements made in the course of an investigation of a crime, whether by the police or other investigators, or of the preparation of the case for the prosecution or for the defence. This provision has been included to ensure that having regard to the wide definition of "business" in the new section 3, statements in a police brief, or statements compiled for the purpose of being tendered in evidence for the defence, do not become admissible in criminal proceedings. This reinforces what has always been the law.

Sub-section (4) repeats without any substantive change the provisions of sub-section (3) of section 55 of the principal Act. Sub-section (5) is in general based on the proviso to sub-section (1) of section 55 of the principal Act and on paragraph (*b*) of sub-section (1) of section 1 of the Criminal Evidence Act 1965 of the United Kingdom. Paragraphs (*d*) and (*e*) of this sub-section, however, are based on sub-section (1) of section 42B of the Evidence and Discovery Act 1867–1962 of Queensland.

Sub-section (6) is also based on paragraph (*b*) of sub-section (1) of section 1 of the Criminal Evidence Act 1965 of the United Kingdom. Sub-section (7) is based upon sub-section (2) of section 55 of the principal Act. Sub-sections (8) and (9) contain part of the provisions of sub-section (5) of section 55 of the principal Act.

Section 55A makes provision for the admission of evidence concerning the credibility of a person responsible for a statement. Sub-section (1) is taken from section 7 of the Civil Evidence Act 1968 of the United Kingdom. Sub-section (2) is new, making special provision in relation to proof of convictions.

Proposed new section 55B is an interesting comment on our computer society, and for the first time in law provides for the admissibility of statements produced by computers. This section is based mainly on section 5 of the Civil Evidence Act 1968 of the United Kingdom, but sub-section (5) borrows from sub-section (5) of section 6 of the same Act. However, sub-section (7) has no counterpart in the English legislation. It has been included because of the desirability to give the court a discretion to reject a statement if for any reason it appears inexpedient in the interests of justice that the statement be admitted. Provisions to this effect appear in sub-section (5) of section 55 of the principal Act and in sub-section (9) of proposed new section 55 in the Bill.

Proposed new section 55C enables a court to draw any reasonable inference from the form or contents of a document and is based on sub-section (2) of section 6 of the Civil Evidence Act 1968 of the United Kingdom and proposed new section 55D provides for the proof of documents by the production of the original or of a copy authenticated in a manner approved by the court. It is based on sub-section (1) of section 6 of the Civil Evidence Act 1968 of the United Kingdom and is similar in effect to the existing paragraph (*b*) of sub-section (2) of section 55D of the principal Act. Proposed new section 56 deals with the effect of the new provisions in clause 3 of the Bill on the rules requiring corroboration of evidence. It is taken from sub-section (2) of section 56 of the principal Act.

Clause 4 of the Bill inserts in the principal Act new sections 58A to 58J dealing with books of account. These provisions amalgamate Division 9—sections 90-98 in relation to bankers' books—and Division 10—sections 98A-98C in relation to books of account—of Part III. of the principal Act. The new sections are as follows:

In proposed sub-section (1) of section 58A the definition of "bank" is taken from the present section 90, and the definition of "books of account" incorporates definitions in sub-section (2) of section 90 and section 98A of the principal Act, with an added expression to cover production records and stock records which may not, in themselves, be documents recording the financial transactions of a business. This was a limitation in the old definition which made it difficult to prove some kinds of business records in courts. The definition of "court" is designed to overcome any difficulties arising under the new sections 58G and 58H.

Proposed section 58B provides for entries in a book of account and copies of such entries to be prima facie evidence. Paragraph (*a*) is based on the existing section 98B, and paragraph (*b*) is based on the existing section 91. Proposed new sections 58C to 58J substantially re-enact sections 92 to 98 of the principal Act, but the provisions which formerly related solely to bankers' books have been widened to extend to books of account of a business.

Clause 5 of the Bill repeals the provisions of the principal Act which have been replaced by the new provisions contained in clause 4 of the Bill.

Clause 6 amends section 135 of the principal Act so as to make provision for the admission in evidence of a transcript of notes of a licensed shorthand writer or a transcript of a record made by mechanical means, where the shorthand writer or recorder has died without having certified the transcript and the court is satisfied that the transcript is correct.

The Hon. M. A. CLARKE.—What happens if a person is too ill to certify; if, for instance, he is in a mental institution?

The Hon. A. J. HUNT.—I shall be most happy to consider that suggestion prior to the resumption of the second-reading debate. It would be proper for me to consult with the Chief Justice's Law Reform Committee, in view of the fact that the recommendations to which this Bill gives effect have come from that committee.

Clause 7 effects consequential amendments of section 1 of the principal Act, having regard to changes made by the other clauses of the Bill.

As I have mentioned, the provisions of this Bill supplement existing procedures and remove a number of deficiencies. I might add that I have with me copies of the report made to the Chief Justice's Law Reform Committee by its sub-committee which considered these amendments and made recommendations which were adopted by the full Chief Justice's Law Reform Committee. Members of the sub-committee were His Honour Judge Dunn of the County Court, Mr. B. L. Shaw, who was succeeded upon his retirement from the bar by Mr. J. A. Gobbo, Mr. W. F. W. King who for a period was substituted for by Mr. A. R. Lobbin of the Law Institute together with Professor P. L. Waller of the Monash University Law School. The sub-committee's report is very detailed and I think it will greatly supplement what I have said to the House tonight. I shall make copies available to assist honorable members in considering the Bill before the resumption of the debate. I commend the Bill to the House.

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

It was ordered that the debate be adjourned until Tuesday, September 7.

SUMMARY OFFENCES (AMENDMENT) BILL.

The Hon. A. J. HUNT (Minister for Local Government).—I move—

That this Bill be now read a second time.

This is a short Bill which has two objects. The first is to amend the Summary Offences Act 1958 to provide a separate offence of assault in company with a substantial penalty of twelve months' imprisonment on conviction; the second is to make it clear that it is an offence to be in possession in Victoria of property stolen or unlawfully obtained whether in Victoria or in any other State or Territory of the Commonwealth of Australia.

Pursuant to the provisions of section 23 of the Summary Offences Act 1958 it is an offence for any person unlawfully to assault or beat another person. The penalty for such offence is a maximum of $250 or imprisonment for three months.

Where a person is convicted of assault or battery upon a male child apparently under the age of fourteen years or any female, and in the opinion of the court the assault or battery is of such an aggravated nature that the offender cannot be sufficiently punished under the penalties for common assault, the offender on conviction is liable pursuant to the provisions of section 24 to a penalty of $500 or imprisonment for six months. However, assault upon a single person by a number of persons acting in concert must in terms of section 24 be dealt with as common assault unless the court is of the opinion that the assault or battery was of an aggravated nature.

Pursuant to sub-section (2) of section 24, a person convicted of assault by kicking or with a weapon or instrument is liable to a penalty of imprisonment for two years. A stipendiary magistrates' conference has discussed these existing penalties for assault and has advised the Government that it is of the unanimous opinion that the provisions of

the Summary Offences Act are insufficient to deal adequately with assault in company, and that that offence should be dealt with more seriously as one of the categories of aggravated assault. The legal committee of that conference has considered the matter and has recommended that in section 24 there should be a separate provision for such an offence and that a penalty of twelve months' imprisonment should be provided.

The Government agrees with the recommendation and now proposes by this Bill to strengthen the law to enable courts to deal more severely with the abhorrent and cowardly offence of assault in company and to dissuade people of all ages from engaging in this abhorrent, pack attack type of offence. The Bill amends sub-section (2) of section 24 to the effect that if a person in company with any other person or persons assaults another person he shall on conviction be liable to imprisonment for twelve months.

I refer now to the second object of the Bill, which is to make it an offence to be in possession in Victoria of property suspected of being stolen or unlawfully obtained in any State or Territory of the Commonwealth.

Section 26 of the Summary Offences Act provides that any person having in his actual possession or conveying in any manner any personal property whatsoever reasonably suspected of being stolen or unlawfully obtained may be arrested and brought before a Magistrates Court. If that person does not in the opinion of the court give a satisfactory account of how he came by such property, he shall be guilty of an offence.

Doubts have arisen under that section whether or not (*a*) the suspicion envisaged must be a suspicion that the property was stolen or unlawfully obtained in Victoria; and (*b*) action can be taken against a person in Victoria with respect to property stolen or unlawfully obtained in another State or Territory of the Commonwealth.

It would be a strange result if a person charged with being in possession of stolen property unlawfully obtained could raise the defence that he stole the property in the Northern Territory, and be acquitted. It would be a ludicrous defence and yet quite recently it was raised successfully in some courts of petty sessions. The Chief Justice's Law Reform Committee was concerned with this defence and considered proposals for the creation of a new substantive indictable offence of possession of property unlawfully obtained outside the State. However, it rejected the proposal as being inappropriate.

In the case of relatively minor offences where a person is found in Victoria in possession of articles of small value, stolen or unlawfully obtained in another State or Territory, extradition to another State would be quite a foolish and unnecessarily expensive procedure. The Chief Justice's Law Reform Committee considered that the matter could be dealt with adequately by a simple amendment to section 26 of the Summary Offences Act, which is precisely what this Bill seeks to achieve in sub-clauses (1) and (2) of clause 3. The Bill removes a doubt about the territorial limitations of a defence under section 26 of the Act and makes it clear that a court may hear and determine an information under the section even where it appears that the defendant stole or unlawfully received the property outside the the State. I commend the Bill to the House.

The Hon. J. M. TRIPOVICH (Doutta Galla Province).—I move—

That the debate be now adjourned.

I am wondering if the Minister will allow me access to the report of the Chief Justice's Law Reform Committee so that I may study the committee's comments on the matter.

The Hon. A. J. HUNT (Minister for Local Government).—I shall undertake to do that. I have not been provided with the full text of the report, but I shall obtain it and make it available to Mr. Tripovich within the next 48 hours.

The Hon. M. A. CLARKE.—And to the Country Party?

The Hon. A. J. HUNT.—Yes.

The motion for the adjournment of the debate was agreed to, and it was ordered that the debate be adjourned until Tuesday, September 7.

ADJOURNMENT.

BUSINESS OF THE HOUSE—POLICE CELLS AT KERANG AND KYABRAM.

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

That the Council, at its rising, adjourn until Tuesday next.

I appreciate the co-operation of the House in getting a number of Bills placed on the Notice Paper. It was difficult to arrange a time for resumption following the suspension of the sitting for dinner because it was not known how long the debate on a certain measure in another place would take. I should like honorable members to be ready to proceed with the debate on the motion for the adoption of an Address-in-Reply to the Governor's Speech as early as possible. The session has started on the right foot because never before, to my knowledge, have so many Bills been placed on the Notice Paper on the first day of a sitting.

The motion was agreed to.

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

That the House do now adjourn.

The Hon. S. R. McDONALD (Northern Province).—I raise a matter of Government administration in the Chief Secretary's Department, namely, the state of cell accommodation at certain country police stations, particularly at Kerang and Kyabram. I am certain that similar conditions exist throughout the State.

The cell accommodation at these two centres is the same as it was 75 or possibly 100 years ago and the standard is the same as in Ned Kelly's time. The accommodation consists of two 9-ft. square cells, one for males and one for females; they are virtually unlit and unventilated, and the sanitary arrangements are extremely primitive. His Honor Judge Gorman of the County Court, as reported in the *Kerang Times* of 27th July, made some scathing comments on the situation and said that the cells at the Kerang police station caused a denigration of human personality. His Honor described the cells as deplorable and said it was hard to imagine that such primitive and shocking conditions could exist in this century. An inspection by my colleague, Mr. Clarke, and myself revealed that His Honor's remarks were quite accurate.

Mr. Clarke and I have been informed by the Chief Secretary's Department that insufficient finance is available to replace the cells in question. This evening, Mr. Hider expressed an enlightened attitude to the treatment of criminals. At Kerang and Kyabram, the persons who spend nights in the cells may not be criminals because quite a few will be acquitted. I can only hope that the same enlightenment evidenced by Mr. Hider extends further than the back benches of the Government.

The existing situation shows a callous disregard for the welfare of those unfortunate persons at the two centres I have mentioned who may have to spend a night in these unsatisfactory cells. I ask the Minister representing the Chief Secretary to

bring this matter to the Chief Secretary's attention so that some action may be forthcoming in the near future.

The Hon. MURRAY BYRNE (Minister of Public Works).—I thank Mr. McDonald for bringing this matter to the attention of the House. I have no personal knowledge of the cells in question but I can assure the honorable member that I will immediately take up the matter with the Chief Secretary. The Chief Secretary and the Government are concerned about accommodation in gaols and, despite the problems facing the State, the Government has a good record with regard to improvements that have been effected at penal establishments over the past couple of years.

The motion was agreed to.

The House adjourned at 10.39 *p.m., until Tuesday, September* 7.

Legislative Assembly

Tuesday, August 31, 1971.

OPENING OF THE SESSION.

The SPEAKER **(the Hon. Vernon Christie)** took the chair at 2.31 p.m., and read the prayer.

The CLERK read the Proclamation by His Excellency the Governor convoking Parliament.

The Usher of the Black Rod of the Legislative Council brought a message from His Excellency the Governor desiring the attendance of honorable members in the Chamber of the Legislative Council.

The House, headed by the Speaker, proceeded to the Council Chamber.

The sitting was suspended at 2.35 *p.m. until* 4.31 *p.m.*

DEATHS OF THE HONORABLE THOMAS TUKE HOLLWAY AND THE HONORABLE KEITH DODGSHUN.

Sir HENRY BOLTE (Premier and Treasurer).—Mr. Speaker, before I move a motion relating to the late Honorable Thomas Tuke Hollway and the late Honorable Keith Dodgshun I should like to refer very briefly to three other events, two of which have saddened this House. I refer to the death of two former Clerks of the Parliament — Hugh Kennedy McLachlan, who was Clerk of the Assembly and Clerk of the Parliaments and who died on 9th August, and John Archibald Robertson, who occupied the same positions and who died on 2nd July. It is not usual to move a motion relating to the deaths of former officers of Parliament, and I do not propose to do so, but I consider that it is proper to refer to the marvellous service which was rendered by those two gentlemen, and on behalf of all honorable members I express honest and sincere condolences.

On the brighter side, I think it is proper for me to report that almost a mini-miracle has taken place—namely, that Sir Arthur Rylah is well on the way to recovery. I am sure all honorable members will be pleased to know that, in my opinion, Sir Arthur has recovered 100 per cent mentally and is well on the way to complete physical recovery, although that will take a little longer.

I move—

(1) That this House expresses its sincere sorrow at the death of the Honorable Thomas Tuke Hollway, 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 Ballaarat from 1932 to 1952 and for the electoral district of Glen Iris from 1952 to 1955; Premier and Treasurer from 1947 to 1950 and in 1952; Minister of Public Instruction and Minister of Labour from 1943 to 1945; Commissioner of Crown Lands and Survey, Minister of Water Supply, and Minister of Soldier Settlement in 1948; Minister of Transport and Minister in Charge of Electrical Undertakings in 1949; and Attorney-General in 1952.

(2) That this House expresses its sincere sorrow at the death of the Honorable Keith Dodgshun, 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 Ouyen from 1938 to 1945 and for the electoral district of Rainbow from 1945 to 1955; Chief Secretary from 1947 to 1948 and from 1950 to 1952; Minister in Charge of Electrical Undertakings and Minister of Immigration from 1950 to 1952.

I move this motion with the knowledge that, at the most, there are only four honorable members still serving who were members of Parliament at the same time as Mr. Hollway and Mr. Dodgshun. They were important members of Parliament during a very torrid period when there was turmoil from day to day and from week to week, a situation I have no wish to see repeated. Their careers were almost parallel, in that each was a member of the Parliament before, during and after the war when the Parliament and politics were in a state of flux.

I was a colleague of the late Thomas Hollway. I went to school with him and we played in the same cricket team. I also played in a Cabinet team with him. Although we parted ways politically I can at least say—and it pleases me to be able to—that I remained a friend of Tom Hollway until the day he died. I think it is fitting as well that we should remember the very valuable service that he rendered to this State. Tom Hollway entered Parliament as a young man in 1932. He held the seat of Ballaarat for twenty years and then transferred to Glen Iris during the period of turmoil to which I have referred. Ultimately, he was defeated at the 1955 elections.

Keith Dodgshun entered Parliament at about the same time, or a little later. He lived through the same turbulent era and was involved in all of the political struggles that took place. Throughout the whole of that period he and Tom Hollway proved themselves to be men who were well fitted to serve in the Parliament. They stood up to the rigours of Parliamentary life and to the political assaults that were made—sometimes, one upon the other, for at times they worked together and at other times they were opposed. Of course, it was proved that Parliament was supreme, because regardless of the struggles, the difficulties and the differences that arose, Parliament survived.

I think all honorable members can learn a lesson from the actions of the many notable figures who have graced this Parliament in the 115 years of self-government in Victoria. We have been fortunate in having had men who were leaders in their own right within their respective political parties. It is my sad duty today to convey to both families the sincere condolences of this House from honorable members who knew Mr. Hollway and Mr. Dodgshun personally and from honorable members who did not know them but realize from their knowledge of political history that they were gentlemen who carved a niche in political history and life in this country—even beyond the borders of Victoria. During the period that I have mentioned Canberra had begun to erode the powers of this State and this Parliament, and both of those gentlemen strongly resisted that erosion.

I have the greatest admiration for both of them. I am proud to have served in a Government with the late Tom Hollway and I am proud to have sat in opposition with the late Keith Dodgshun. Both honorable members lived up to what was expected of them in protecting the rights of the people of Victoria and of this Parliament.

Mr. HOLDING (Leader of the Opposition).—In supporting the motion moved by the Premier, I should like first to refer to the former Premier, the late Honorable Thomas Tuke Hollway. I did not have the pleasure of sitting with him or watching him in this Parliament, but as a young man I met him at the university on one occasion when he gave an address. He was a charismatic and turbulent figure, and it is well known that politics were more turbulent then than they are

now. He showed great capacity as an administrator and seemed to enjoy his responsibilities as Premier. As a Parliamentarian he demonstrated that he could not only take it but could also dish it out, and, given the nature of politics, that is as much as one can say in terms of praise concerning any honorable member who has spent a long period in this House. Mr. Hollway had strong principles, and in accordance with those principles he served the State as well and ably as he could.

Keith Dodgshun had a most impressive record of service, and this is amply confirmed by the number of positions he occupied in the House during a turbulent period in politics. It is interesting to note that now even the more senior honorable members have difficulty in vividly recalling the capacity which was shown by these men in Parliament. Both served the State faithfully and well.

I agree with the Premier that it is appropriate to record the very real loss that honorable members feel at the deaths of two former Clerks, Mr. McLachlan and Mr. Robertson. I met Mr. McLachlan, and I knew Mr. Robertson well. I was a young member when he was Clerk of the House, and it is sad that he has died before having an opportunity to record for posterity the vivid memories he had of this place. I spoke to him several times about his vast experience in the procedures and rules of the House and I have heard his vivid recollections of many very real personalities who made this Parliament the place it is. His loss is a sad one and one that all honorable members will feel deeply. I echo the sentiments of the Premier in saying that the deaths of these men leaves a gap in history of the Parliament and of the State.

Mr. MITCHELL (Benambra).—On behalf of the Country Party, I support the motion. With the Premier and the Leader of the Opposition, I am shocked and saddened at the number of distinguished and great men we have lost in the past few weeks. Parliament was more than a job for Mr. McLachlan and Mr. Robertson; it was a way of life, a calling, something higher than mere toil. This House was poorer when they left, and the State is poorer now that they have passed away; but we are richer with the memory of what can be done by persons who serve an institution in which they sincerely believe, and Mr. McLachlan and Mr. Roberston were magificent examples of such persons.

The Premier did a commendable job in referring to Tom Hollway's specific achievements, but I wish to speak of him from a more personal angle. He demonstrated to us that life was meant to be something worth while. He did not commence life in advantageous circumstances, but he refused to let that get him down. By his own efforts he had a distinguished career at school in Ballarat, and, again by his own efforts, he had a distinguished career at the university. He was not prepared to sit down and let life come to him; he took it before it came, and when he was 25 years of age he started the tradition of youth in Parliament, for he was then the youngest man ever to be in this House.

Tom Hollway showed a capacity to learn that we can all admire and copy. The late Sir Andrew Peacock taught him the skill and the depth of what is meant by the operation of a Parliament. Tom Hollway was not too proud to learn. He also learned a lot, as we all can and have learnt, from the Opposition. He learned much from the late Sir Albert Dunstan, who was one of the best political brains this State has had. Far from being disheartened, Tom Hollway was able to pick the brains of Sir Albert Dunstan.

As the Premier said, they were difficult times, and Tom Hollway learnt to deal with them. He learned a political skill which I do not think I have seen since, although towards the end of his political life events—some of his own making, some of fate, and some of the times—perhaps

clouded his political career. He never let up. He always had that keen mind, skill and sense of humour that are so necessary if one is to temper this life with humanity. The late Tom Hollway paid a debt to the future. He realized that Parliament is not just here now, and he sponsored young men, one of whom is now the Premier of the State. He followed along the many branches and routes of political life, and now he has gone.

With the honorable member for Murray Valley I served with the late Keith Dodgshun in Cabinet, and there is no better school for learning human nature and personal qualities. Although the Cabinet at that time did not experience all the difficulties that were mentioned by the Premier, the Country Party Government did have a rather tenuous position with very little money and difficult problems, but never once did Keith Dodgshun lose his sense of balance. He was able to keep the Cabinet from becoming rattled. With a few quiet words and a faint smile, Cabinet would be on the beam again.

The late Mr. Dodgshun could have lived a life of luxury in Melbourne after his war service as a gunner, but this young man went to the Rainbow–Hopetoun area and fought under the shadow of failure, which was prevalent in those days and which could have meant starvation. Keith Dodgshun never weakened and neither did his family. He was a pioneer in the true sense of the word and his greatest characteristic was that no matter what crisis or contingency arose, or what spate of annoyances crowded down on him, he never once let it interfere with his calm appreciation and the joy of this life which God has vouchsafed to grant us in this world. No matter what the problem, the religious principles laid down by his mother were inviolate.

It is often said that when a man takes up politics, he does so because of a mixture of self-advancement and patriotism, but in Keith Dodgshun there was no question of self-advancement or cheap jingoism but a sincere love of his country. Keith Dodgshun had one attribute which is not easy to find in many people. It is easy to smile with the lips, but not easy to smile with the eyes, which demonstrates sincerity of soul. Keith Dodgshun always smiled with his eyes.

He was helpful to young Ministers and members, and was an example of absolute loyalty at its best. It is not always easy to remain loyal even if one thinks one's Leader is right, but it is harder still when one thinks one's Leader is wrong. Even though Keith Dodgshun thought our Leader was wrong at times, he never wavered in his sincere loyalty. Although he travelled to Melbourne from Rainbow, he remained loyal to the people of his district, loyal to himself and loyal to his surroundings, and thereby set an example which will be hard to beat.

The SPEAKER (the Hon. Vernon Christie).—I am sure that every honorable member is grateful to the Premier for moving this motion and to the Leader of the Opposition and the honorable member for Benambra for supporting it. As the Premier said, most of us were not here to learn at first hand of the deeds and exploits of the late Mr. Hollway, but many of us have read about them and studied them. We are all grateful for the chance to honour a man who held the top administrative job in the State and who worked so well in the Ministry of the State of Victoria.

The late Mr. Dodgshun was a very warm and lively personality. I recall meeting him before I came into this place. He had the great quality that when people went to him for advice, he seemed to have a cheerfulness and understanding of the difficulties of running the country and of people living together.

I am pleased that the Premier mentioned the late Mr. McLachlan and the late Mr. Robertson, both of whom were great servants of this House in the best tradition of service

to Parliament. They did the groundwork in building up the staff of this place in a way for which we are now thankful in the quality of the table officers whom we are pleased and happy to have with us.

I agree that these things should be mentioned and hope that all the relatives of those who are no longer with us will understand our sympathy in their loss.

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

ADJOURNMENT.

Sir HENRY BOLTE (Premier and Treasurer).—I move—

That, as a further mark of respect to the memory of the late Honorable Thomas Tuke Hollway and the late Honorable Keith Dodgshun, the House do now adjourn until a quarter to Eight o'clock this day.

The motion was agreed to.

The House adjourned at 4.54 *p.m.*

The SPEAKER **(the Hon. Vernon Christie)** took the chair at 7.50 p.m.

TEMPORARY CHAIRMEN OF COMMITTEES.

The SPEAKER (the Hon. Vernon Christie) laid on the table his warrant nominating Mr. Clarey, Mr. A. T. Evans, Mr. Ginifer, Mr. Jona, Mr. Lind, Mr. R. S. L. McDonald, Mr. Mitchell, Mr. Stokes, Mr. Suggett, Mr. A. W. Taylor, Mr. Trewin, Mr. Wheeler and Mr. Wiltshire to act as Temporary Chairmen of Committees whenever requested to do so by the Chairman of Committees.

Mr. WILKES (Northcote).— Would it be appropriate for me, Mr. Speaker, to comment on the list of Temporary Chairmen of Committees which was circulated, or would you prefer me to do it later?

The SPEAKER (the Hon. Vernon Christie).—This is my warrant nominating Temporary Chairmen of Committees. The list is unofficial. Is it the list which was issued today?

Mr. WILKES.—Yes. Would you prefer me to see you privately, Mr. Speaker?

The SPEAKER.—Yes. It is inappropriate to raise the matter at this time.

QUESTIONS WITHOUT NOTICE.

TRAIN DERAILMENTS.

Mr. WHITING (Mildura).—In view of two recent derailments of passenger trains in the vicinity of Bungaree and a further derailment in the vicinity of Creswick, will the Minister of Transport consider appointing an independent inquiry in an endeavour to restore the confidence of the travelling public in the Victorian Railways?

Mr. WILCOX (Minister of Transport).—If at any stage there is a need for an independent inquiry into the matters which the honorable member for Mildura has raised. I would have no hesitation in saying that an independent inquiry would take place. In relation to the Mildura train to which the honorable member referred and which suffered a derailment——

Mr. WHITING.—There were two derailments.

Mr. WILCOX.—I can speak of one that came to my notice. The system is that the Victorian Railways, under their legislation provided by this Parliament, are required to hold a board of inquiry, which they do promptly. In each case when the board has completed its inquiry I am notified of the cause of the derailment. If there is any doubt about the cause of the derailment, the matter is not allowed to rest there. If the honorable member will let me know of any particular occurrence with which he is concerned, I shall be happy to provide him with the report of the board of inquiry.

In the unfortunate and serious derailment which occurred at Bungaree late yesterday, it is very fortunate that there were no real

injuries. All of the seven or eight people who were taken to hospital were able to resume their journeys in the train provided to take them to Adelaide. I have had a number of reports from the Victorian Railways during the day, but I have not yet been informed concerning the cause of the derailment. Not only is the board of inquiry hard at work but the three branch heads of the operating section of the railways went to the scene later this day to ascertain the cause of the accident—if it is humanly possible to find it.

I do not want to say much more at this stage because it would not be fair to prejudice anyone. I will most certainly inform the honorable member for Mildura or any other honorable member what was the cause of the derailment. It is a matter of great concern to the Government and to myself that any error, derailment or whatever it was of this nature should have occurred. The cause should be completely identified so that no danger can arise of its happening again.

SHOP TRADING HOURS.

Mr. WILKES (Northcote).—In the light of the widespread hostility and opposition by small shopkeepers to any extension in shop trading hours, will the Minister of Labour and Industry give an assurance that he is prepared to listen to the representations of those people before he proposes any alterations to shop trading hours through the provisions of the Labour and Industry Act?

Mr. RAFFERTY (Minister of Labour and Industry).—In accordance with the normal practice and policy of the Government, all responsible representations on any matters of importance have always been listened to. I am prepared to listen to reasonable and sensible proposals put to me by the representatives indicated by the honorable member for Northcote.

SPECIAL SCHOOLS.

Mr. DOUBE (Albert Park).—Is the Minister of Education aware that there is a waiting list of approximately 300 children seeking accommodation in special schools administered by the Education Department? Is he also aware that this figure of 300 has been reached mainly because of the number of applications that have been received in the past two years? If so, can he inform me what steps he proposes to take so that the problem will be overcome as rapidly as possible?

Mr. THOMPSON (Minister of Education).—The Education Department is at present planning that new schools should be established for children in this category. It has been planned to accommodate such children at newly-designed special schools at Watsonia, Burwood and Dandenong. The Dandenong school will be the first of these projects to be completed, followed by newly-erected schools in Watsonia and Burwood.

RURAL RECONSTRUCTION SCHEMES.

Mr. GINIFER (Deer Park).—Can the Minister of Lands inform me whether Victoria is acting as an agent in respect of the dairy farm reconstruction scheme and the States grants rural reconstruction scheme, or whether complementary legislation is required for the State to participate in these schemes? If complementary legislation is not required, will he make a Ministerial statement so that these two matters can be debated?

Mr. BORTHWICK (Minister of Lands).—The scheme does not require complementary legislation. It is a Commonwealth scheme in which the States participate by way of agreement. I believe there should be opportunity for the House to discuss this scheme, and I will give consideration at an appropriate time to the making of a Ministerial statement.

COMMONWEALTH CONSTITUTION.

Mr. JONA (Hawthorn).—Has the Attorney-General had discussions with representatives of the other States as to the holding of a conference on the Commonwealth Constitution; if so, what progress has been made in these discussions?

Mr. REID (Attorney-General).—I have had discussions with representatives of other State Parliaments in all States except Western Australia, in respect of which I propose to arrange a visit shortly. I cannot, of course, answer on behalf of other Governments in regard to their actions, but I have had very favourable responses to this suggestion. I have discussed the matter with the Premier, the Attorney-General, and the Leader of the Opposition in New South Wales, in Queensland, and in South Australia. They have been most interested in the proposal, and I believe their reaction is favourable and that the Premiers will discuss it with their Cabinets. In Tasmania I discussed it with the Premier and the Attorney-General, who were similarly well-disposed to the proposal. I did not have the oportunity of discussing it with the Leader of the Opposition in Tasmania as at that time he was attending an important conference of his party, but I propose to call upon him again; I believe he is sympathetic to the suggestion.

ETHANE PIPELINE.

Mr. WILKES (Northcote).—Is the Minister for Fuel and Power prepared to clarify the situation relating to the proposed ethane pipeline across Port Phillip Bay? The Minister for State Development has written to municipalities advising them that the Government has already made certain inquiries into the matter. In spite of this, the Minister for Fuel and Power has stated that the Government is still not satisfied. Is the Minister for Fuel and Power prepared to clarify this situation in the light of the statements of the Minister for State Development?

Mr. BALFOUR (Minister for Fuel and Power).—I am not aware of the remarks alleged to have been made by the Minister for State Development. In April of last year, after much consideration, the Government decided that a permit and a licence should be issued for the construction of the ethane pipeline. About that time, because of opposition from certain people—in the Mordialloc area, particularly—a black ban was placed on the line by the so-called 26 rebel unions. Following that, a ban was placed on the line by the Trades Hall Council. The Trades Hall Council sent to me as Minister a certain resolution. Over the intervening period, with the introduction of the environment protection legislation setting up the Environment Protection Authority, and the Environment Protection Council, on which the Trades Hall Council has a representative, I believe—and the Trades Hall Council agrees—that the matters raised in its resolution have been resolved. I had just left for overseas at the time, but I understand that at its meeting about the end of June the Trades Hall Council decided to lift its ban.

The present position is that the Government is satisfied that the line can be constructed safely without causing problems in the bay. Since the issue of the permit in April of last year, a great deal of work has been done; in fact, the services of an underwater photographer were engaged and there are now photographs of the whole strip across the bay. We now have first-hand knowledge of what the bay looks like. If honorable members are interested, I shall make the photographs available to them. Recently a barge made a trip across the bay and took soundings for engineering purposes. Aboard the barge was the senior lecturer in geology from the University of Melbourne. He took samples, and it is his opinion that no damage could be done.

The Government's position is clear. The Government believes this line should be constructed. Last weekend the contractors advertised for

labour, and I understand that the response was very favourable and that many people wish to carry out various types of work on the line.

Mr. WILKES.—The Chief Secretary said that you would investigate a suggestion that the line should be laid around the bay.

Mr. BALFOUR.—To two deputations which I attended with him the Chief Secretary said that the Government would investigate a proposal concerning a pipeline corridor around the City of Melbourne. I made it quite plain to both deputations that we were committed to construction of the ethane line across the bay. I pointed out that the building of the line was a matter of urgency so that ethane which is at present being flared at Long Island can be taken to Altona, where the petrochemical companies have spent about $18 million on works to treat it. The Government believes this project should be carried out as quickly as possible.

TYPHOID.

Mr. SHILTON (Midlands).—Can the Minister of Health inform the House if, when a woman contracted typhoid in Broadmeadows after eating at a Northcote Chinese café, the Department of Health failed to act to close the café twenty days after the woman contracted the disease and five days after the proprietor was found to be a typhoid carrier? If so, why?

Mr. ROSSITER (Minister of Health).—The answer is, "Yes".

PRE-SCHOOL EDUCATION.

Mr. FORDHAM (Footscray).—Can the Minister of Health advise the House what progress has been made in the selection of personnel and the drawing of terms of reference for the proposed committee of inquiry into pre-school education in Victoria. Following a Cabinet decision to set up such a committee in May, 1971, can the Minister explain if there has been a delay, and if so, why?

Mr. ROSSITER (Minister of Health).—If the honorable member assumes that there has been a delay because of some important discussions which have taken place between the departments concerned in establishing a committee, I pity him for his approach to the question of administering committees within this State. A Cabinet decision has been taken, and a committee of inquiry will be established under the Health Act. It will be a consultative committee of inquiry into pre-school education. The terms of reference have been circulated among departments. We are waiting for one or two departments to give us their comments on the proposed terms of reference. Consideration has been given to the personnel of the consultative committee, and in due course the committee, the terms of reference and the personnel will be announced.

TAPE RECORDING OF PARLIAMENTARY PROCEEDINGS.

Mr. ROSS-EDWARDS (Leader of the Country Party).—I ask you, Mr. Speaker: If at any time it is contemplated that experiments in the tape recording of proceedings of this House should be made, will you first give notice to all honorable members of any such experiments?

The SPEAKER (the Hon. Vernon Christie).—The answer is, "Yes."

TYPHOID.

Mr. SHILTON (Midlands).—In view of the answer given to my previous question, does the Minister of Health regard the delay by his department in dealing with this matter as serious? If so, what action does the honorable gentleman intend to take through the Department of Health to prevent a tragedy such as that which happened in Glasgow, where a similar outbreak occurred, and as a result of which 300 people died from typhoid through eating food in dirty cafés?

Mr. ROSSITER (Minister of Health).—Speaking as a layman——

Mr. SHILTON.—Speak as the Minister of Health.

Mr. ROSSITER.—I am speaking as a layman and not as a medically trained scientist. Whether or not there are different phases in typhoid—

Honorable members interjecting.

The SPEAKER (the Hon. Vernon Christie).—Order! The Minister should address the Chair.

Mr. HOLDING (Leader of the Opposition).—On a point of order, Mr. Speaker, the question is directed to the Minister in his capacity as Minister of Health, and I submit that he is entitled to answer, or not answer, in that capacity. The honourable gentleman is out of order if he is suggesting that he is answering as a layman. He should answer as a Minister of the Crown, or not at all.

The SPEAKER.—Order! There is no point of order. The expression might indicate a certain humility.

Mr. ROSSITER (Minister of Health).—As a layman, conscious of the humility required of a Minister of the Crown when speaking about something of which he has been advised by his technical advisers, rather than someone who purports to speak in a puny, pusillanimous way, I point out that there are certain types of typhoid germs—let us use layman's terms—and it took the scientists five days to find out whether or not the Chinese proprietor of the café had the same sort of germs in his body as the woman who was taken into Fairfield Hospital with typhoid. In terms of individual justice, could the Department of Health close this café?

Mr. CURNOW.—Yes.

Mr. ROSSITER.—There is the next dictator of Victoria! I stand here supremely conscious and confident that the Department of Health acted in the best interests of the community in this matter.

Mr. WILKES.—It did not.

The SPEAKER (the Hon. Vernon Christie).—Order! The Minister has been asked a question and he should be permitted to answer it without interjection.

Mr. ROSSITER.—I am conscious of the fact that the Department of Health has acted in this matter with the highest propriety in accordance with scientific principles.

Mr. HOLDING (Leader of the Opposition).—I direct a further question to the Minister of Health on the same subject. Can the honorable gentleman assure the House that he is satisfied there was no undue delay in the handling of this matter which would involve any directives by him as Minister to those members of his department who may have been involved in such delay.

Mr. ROSSITER (Minister of Health).—I issued no directives to officers of my department in this matter. I was guided by their scientific knowledge and the fact that they are the people who are statutorily responsible for the health of this community.

Mr. HOLDING.—I am only asking for the Minister's assurance that he believes there was no unreasonable delay.

Mr. ROSSITER.—To answer the supplementary question by the Leader of the Opposition, I give him an assurance that, in my opinion as Minister of Health, there was no undue delay.

AGENT-GENERAL IN LONDON.

Mr. EDMUNDS (Moonee Ponds).—Does the Premier consider that Britain's entry into the European Common Market will make redundant the office of Victorian Agent-General in London?

The SPEAKER (the Hon. Vernon Christie).—The honorable member is asking for an opinion; a question should be asked.

Mr. EDMUNDS.—In view of Britain's imminent entry into the European Common Market, is it a

fact that the office of Victorian Agent-General will be redundant? If so, will the Premier consider re-appointing the Agent-General to Tokyo, Singapore, or Hong Kong, to promote the interests of Victorian businessmen in those Asian cities?

Sir HENRY BOLTE (Premier and Treasurer).—It is news to me that the Agents-General in London for all States have had any influence or impact on trade agreements or economic functions between Australia and the United Kingdom or Europe. The function of Victoria's Agent-General in London is to represent this State in that city and to do various things.

Mr. FORDHAM.—What, for example?

Sir HENRY BOLTE.—The junior honorable member should wait and learn a little before he giggles. The Agent-General's office in London today undertakes all the buying for Victorian authorities including the Victorian Railways, the State Electricity Commission, the Gas and Fuel Corporation and many other departments. This is one of the major functions of the office but perhaps the greatest function is to look after Victorian citizens when they are in London so that they may have somewhere to go where they will be known and be looked after. If for no other reason than that, the office is justified.

One could go into the whole field of interviewing prospective migrants, handling inquiries from industrialists regarding information about conditions—economic, industrial or otherwise—in the State of Victoria, but these things have nothing to do with Britain's entry into the Common Market, the value of the yen, sterling, the dollar, or anything else. Victoria has a very good office in London and I believe the Premier of the day who sold Australia House, which was then owned by Victoria, did this State a great disservice because Victoria would still have owned the whole building. Unlike the honorable member who would close down the Victorian office in London, I am endeavouring to strengthen it.

MORWELL POLICE DISTRICT.

Mr. AMOS (Morwell).—Has the attention of the Chief Secretary been drawn to the fact that the staff of the Morwell police district is severely under authorized strength? If so, will the honorable gentleman take steps to ensure that the staff is brought up to strength as soon as possible?

Mr. HAMER (Chief Secretary).—Yes, it has been drawn to my attention that the staff of the Morwell police district is below authorized strength. So is the staff of several other police districts. There has been considerable improvement in recruiting to the Police Force over the past few months. When the new men are trained, the first objective will be to bring all districts up to their authorized strengths. I will not forget the Morwell district.

JUSTICES OF THE PEACE.

Mr. CLAREY (Melbourne).—In view of one or two recent appointments as justices of the peace, I ask the Attorney-General whether the Law Department has relaxed its policy that, it would not recommend any appointments, which honorable members may suggest, of hotelkeepers or former members of the Police Force as justices.

Mr. REID (Attorney-General).—There has been some slight variation of policy in relation to persons associated with the hotel trade. A memorandum on this matter was circulated to honorable members last year, at the beginning of the present Parliament. That memorandum set out the various conditions for appointments as justices of the peace. I will see that the honorable member for Melbourne receives another copy of the memorandum.

LAND FOR FORESTS.

Mr. GINIFER (Deer Park).—Is the Minister of Forests aware that, under the dairy farm reconstruction scheme, properties are being offered for purchase by adjoining landowners and that some properties, if not adjacent to, are in close proximity to State forests? Would the honorable gentleman be prepared to arrange that the Forests Commission liase with the Rural Finance and Settlement Commission with a view to obtaining some of this land to be used for forests?

Mr. MEAGHER (Minister of Forests).—The Forests Commission, over the past five years, has, in fact, bought some 14,000 acres of this type of farm property to restore it to forest. At the meeting of the Australian Forestry Council last June, I put it to the Commonwealth that this type of operation should be incorporated in the rural reconstruction scheme. Recently, I suggested to the Premier that he might convey a similar request to the Prime Minister. I am hopeful that, under the rural reconstruction scheme, more money will be made available so that more of this type of action can be taken.

QUESTIONS ON NOTICE.

The SPEAKER (the Hon. Vernon Christie).—As we start this new session, I should tell honorable members of a small change which has been made in relation to questions on the Notice Paper. In future, each question handed in for listing on the Notice Paper will be allotted a number by which it shall be identified so long as it remains on the Notice Paper. This is a change from what we have been doing. Therefore, questions will be numbered consecutively for the whole of the session and not numbered each day. I think this will not upset members. It will certainly assist in the printing of the Notice Paper and it will help the departments which are so good in answering the questions. It should save time and money.

PETITIONS.

SALE OF ALCOHOLIC DRINKS.

Mr. HAYES (Scoresby) presented two petitions from certain citizens of the State of Victoria praying that legislation be enacted to require the sale of drinks with an alcoholic content to be made only from licensed premises. He stated that the respective petitions were respectfully worded, in order, and collectively bore 285 signatures.

It was ordered that the petitions be laid on the table.

WEST GATE BRIDGE.

REPORT OF ROYAL COMMISSION.

The Clerk announced that pursuant to the directions of an Act of Parliament he had laid upon the table of the House the report of the Royal Commission appointed to inquire into the failure of the West Gate Bridge.

It was ordered that the report be printed.

POLICE FORCE.

REPORT OF BOARD OF INQUIRY.

Mr. HAMER (Chief Secretary) presented, by command of His Excellency the Governor, the report of the board of inquiry into allegations of corruption in the Police Force in connection with illegal abortion practices in the State of Victoria.

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

Mr. HAMER (Chief Secretary).—By leave, I make a supplementary statement for the information of the House in connection with the board of inquiry into allegations of corruption in the Police Force in connection with illegal abortion practices.

The board of inquiry found that there was credible evidence raising a strong or probable presumption that four past or present members of the Victoria Police Force, all of them members or former members of the Homicide Squad, were guilty of criminal offences. Each of the four members or former members was subsequently charged with criminal

conspiracy, committed and tried in the Criminal Court in Melbourne. Frederick John Adam was acquitted; John Edward Matthews was convicted and sentenced to 5 years' imprisonment; Jack Ralph Ford was convicted and sentenced to 5 years' imprisonment; Martin Robert Jacobson was convicted and sentenced to 3 years' imprisonment. Subsequent appeals by Matthews and Ford to the Court of Criminal Appeal were dismissed.

In the course of its report, the board of inquiry made observations suggesting that investigations be made as to whether certain other members might have been involved in breaches of the Police Regulations. A thorough investigation by senior officers was accordingly made at the direction of the Acting Chief Commissioner in respect of the following:— Superintendent F. G. Holland, Sergeant J. W. Flynn, Senior Constable R. H. Jackson, Senior Detective N. E. Murphy, and Senior Detective J. B. O'Brien.

In each case the Acting Chief Commissioner of Police, having reviewed the investigation, and with the advice of the legal assistant, decided that no grounds existed for the institution of charges against the member concerned.

Each file was submitted at my direction to the Solicitor-General, and in each case the Solicitor-General concurred in the decision made by the Acting Chief Commissioner of Police. No further action is, therefore, proposed in these five instances.

I am prepared to make these five files, and the opinion of the Solicitor-General thereon, available for perusal by the Leader of the Opposition and the Leader of the Country Party if they so desire.

Mr. WILKES (Northcote).—By leave, I move—

That the report of the board of inquiry into allegations of corruption in the Police Force in connexion with illegal abortion practices in the State of Victoria be taken into consideration tomorrow.

Mr. HOLDING (Leader of the Opposition).—I wish to point out to the House that the Opposition is desirous of proceeding with the debate on this report at an early date. We have given certain assurances to the Premier, who will introduce the Budget tomorrow and who will be desirous of having it debated before he goes overseas, which will mean that probably most of next week will be devoted to the Budget debate. Members of the Opposition will be seeking the assurance of the Government that at the earliest possible time the House will be permitted to debate fully the contents of this report.

Mr. HAMER (Chief Secretary).—I give the assurance that opportunity will be given for debate of this report at the earliest practical moment.

The motion was agreed to.

WEST GATE BRIDGE.

REPORT OF ROYAL COMMISSION.

Mr. WILKES (Northcote).—By leave, I move—

That the report of the Royal Commission into the failure of the West Gate Bridge be taken into consideration tomorrow.

The motion was agreed to.

LEAVE OF ABSENCE.

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

That leave of absence for one month, on account of absence overseas, be granted to Sir Edgar Stephen Tanner, C.B.E., E.D., the honorable member for Caulfield.

The motion was agreed to.

THE SPEAKER.

TEMPORARY RELIEF IN CHAIR.

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

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

The motion was agreed to.

GROUNDWATER (AMENDMENT) BILL.

Mr. DUNSTAN (Minister of Water Supply).—In accordance with the usual practice and in order to preserve the privileges of this House, I move that I have leave to bring in a Bill to amend Parts III. and V. of the Groundwater Act 1969.

The motion was agreed to.

The Bill was brought in and read a first time.

GOVERNOR'S SPEECH.

ADDRESS-IN-REPLY.

The SPEAKER (the Hon. Vernon Christie).—I wish to report that the House this day attended His Excellency the Governor in the Legislative Council Chamber, when His Excellency was pleased to make a Speech to both Houses of Parliament of which, for greater accuracy, I have obtained a copy. As the Speech is printed, and copies are in the hands of honorable members, it will not be necessary for me to read it. I call on the honorable member for Sandringham.

Mr. CRELLIN (Sandringham).—I move—

> That the following Address-in-Reply to the Speech of His Excellency the Governor to both Houses of Parliament be agreed to by this House:—
>
> MAY IT PLEASE YOUR EXCELLENCY:
>
> We, the Legislative Assembly of Victoria in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the gracious Speech which you have been pleased to address to Parliament.

I acknowledge the great honour and privilege that has been extended to me in being selected to move this motion. I wish to add a sincere expression of loyalty to Her Majesty, Queen Elizabeth II. on behalf of the residents of the electorate of Sandringham whom I have the honour to represent in this House.

In this rapidly-changing world with rapidly-changing standards I appreciate this opportunity of again emphasizing some of the real values which have made this a good country in which to live. The first value which comes to mind is loyalty—a rather rare quality in some bodies in Australia today. We speak of loyalty to our family, to our Sovereign and to the nation. This should be taught at an early age, although it disturbs me that certain persons in Victoria are querying whether the Monday morning practice of school children saluting the flag should be continued.

Tradition is another value which should be cherished, whether one belongs to a family of people or to a family of nations; we take great pride in our heritage and the traditions which form part and parcel of our everyday life. In some circles, it is popular to "knock" or disparage traditions, traditional customs and procedures. Therefore, it is particularly pleasing that today so many people were enabled to enjoy the traditional opening of Parliament. It is also pleasing that in Victoria we maintain the practice of holding a Queen's Birthday levee at which all citizens have an opportunity to express their personal loyalty to Her Majesty's representative in this State.

Mr. WILKES.—It is an anachronism.

Mr. CRELLIN.—It is to be regretted that more members of Her Majesty's Opposition do not attend that function.

Australia is often called the lucky country by people describing it in a materialistic sense. I prefer to call it the lucky country for another set of reasons. Australia was lucky in the first place to be settled by people from the British Isles.

MR. HOLDING.—What is wrong with the Irish?

The SPEAKER (the Hon. Vernon Christie).—Order! I remind honorable members that they are listening to the mover of the Address-in-Reply to the Governor's Speech and the honorable member's remarks should not be received in the present atmosphere.

Mr. CRELLIN.—I suggest that members of the Opposition and their Leader should listen and they will hear why I believe Australia is a lucky country. The British settlers brought with them many great freedoms; freedom of speech, freedom of the press and other media, freedom of thought and freedom to form trade unions. They also brought with them the system of law and order that has stood the test of time, the system of Parliament and government which Sir Winston Churchill described as not perfect but the best so far devised by man.

The Governor referred to the inherent right to express opinions and to protest and that right is being used a lot tonight by members of the Opposition. His Excellency also said that this right must be reconciled with the rights of other people, the freedom of movement and protection from violence.

Mr. WILTON.—Like the protection that is being given to murderers and rapists who are moving around the community.

The SPEAKER.—Order! I have already invited members of the Opposition not to interject and to listen to the honorable member for Sandringham. I suggest to the honorable member for Broadmeadows that he cease interjecting.

Mr. WILTON.—The honorable member for Sandringham is prostituting the words in the Governor's Speech.

The SPEAKER.—Order! I have already spoken to the honorable member for Broadmeadows.

Mr. CRELLIN.—There is a good deal of loose talk among young people today concerning freedom. When we talk about freedom we must realize the difference between freedom and licence. To uphold true freedom, every member of the community from the youngest to the oldest must also shoulder his or her share of responsibility and self-discipline.

His Excellency referred to the significant contribution that is being made to the economy of rural Victoria by forestry activities. It is not generally known that since the development of Victorian oil reserves, timber and timber products are now the major import into Australia and their value is in excess of $200 million a year. Last week, with a number of honorable members, I was privileged to take part in a tour of projects being undertaken by the Forests Commission and commercial interests in the north-east of Victoria. I pay a tribute to the officers and staff of the Forests Commission for the efficient and dedicated manner in which they are carrying out their role in providing Victoria with first-class forest resources for the present and the future. I use the word "dedicated" in its true sense. Annual timber production in Victoria is valued at approximately $70 million a year. With new areas coming into production, this figure is bound to increase substantially.

The Forests Commission is responsible not only for undertaking forest activities but also for providing recreational facilities in its forest areas. Mount Buller is an excellent example of the job the commission is doing in providing recreational facilities for the people of Victoria. It has been described as the premier alpine resort in Australia and I believe this is fair comment. At Mount Buller accommodation is available for 3,700 people, which is double the amount available at any other alpine resort in Australia. It is truly an outstanding tourist resort providing world-class facilities. The total investment by the Government and by private enterprise is estimated at $7 million.

Mr. EDMUNDS.—Members of the Opposition have read the brochure.

Mr. CRELLIN.—I am pleased to learn that some other honorable members have received a copy of the brochure. Many thousands of people visited the resort last year.

Mr. EDMUNDS.—That is all right, Max, keep going.

The SPEAKER (the Hon. Vernon Christie).—Order! The House will know that these light exchanges are out of place.

Mr. CRELLIN.—The timber industry in Victoria provides employment for 12,000 people, mostly in country areas, often remote and rugged. It uses basic raw materials and could be described as a truly decentralized industry. To be really effective any decentralized industry should use a large proportion of local raw materials and it should be capable of developing them to a further stage of production in the locality in which they are found. Timber qualifies on both counts and the timber industry is worthy of encouragement to help decentralization in Victoria and to improve Australia's balance of payments.

Even in the face of strong opposition and severe criticism in past years the Forests Commission has set aside large reserves. A considerable area of Victoria is now under reserve for forests and reafforestation projects. Victorians should be grateful for this because it is benefiting the State in two ways. On the one hand it is providing development and decentralization and on the other hand it is providing recreation facilities and areas for the preservation of flora and fauna.

I turn now to the field of transport. His Excellency referred to the improvements being made in the suburban rail network. Recently work started on the site of the first tunnel for the underground loop. That is evidence of the priority that the public transport system is receiving, and I believe it should receive this high priority. Melbourne is fortunate that it possesses an excellent electrified suburban rail network. This is another asset for which we should be thankful to our early planners and Melbourne is the envy of many larger cities in the world which are now realizing, often too late, that fixed rail transport is the most efficient and speedy method of passenger transportation. To start from scratch and to provide a rail network equivalent to that available in Melbourne would cost an astronomical sum. It is therefore vital that this facility should be used properly. Again I stress the need for a concept of a balanced transportation system, embracing trams, trains, buses and private motor cars. Balanced transport means that all transport agencies are fully utilized to attain maximum efficiency and comfort for the travelling public. Much has been done in recent years to develop a freeway system in Melbourne which has been welcomed by road users.

It is now pleasing to see the Victorian Railways achieving a better recognition of its role. It is to be hoped that as the result of this better recognition a larger share of the over-all transport funds are allocated to this field for two main reasons: Firstly, to provide the best possible service for those obliged to use rail and tram services; and, secondly, to provide an attractive alternative to the private motor car and thus reduce the demand for expensive road space and parking facilities.

In addition there is a valuable bonus —one that is not always appreciated —in that electric trains and trams do not give off exhaust fumes and contaminate the atmosphere. An excellent example of the changeover from electric transportation to motor transportation can be seen in Brisbane, and in the particular aspect of pollution, the people in that city are regretting it. Motor cars do help to contaminate the atmosphere.

A most important piece of foreshadowed legislation announced today concerns oil pollution of the sea. As a representative of a seaside electorate, I have a particular interest in this matter. Victoria is the oil State of Australia, and will soon be providing 80 per cent of Australia's needs in this field. At this stage of industrial development, Victoria is in a unique position to

take advantage of overseas knowledge and experience to combat maritime oil pollution. I look forward to legislation being enacted on this matter and hope that it will provide the necessary protection to ensure that accidental spillage is minimized, and that in the event of either accidental or deliberate spillage, appropriate penalties to act as a real deterrent are available.

If such legislation receives the support of Parliament—I believe some members of the Opposition will support it—Victoria will provide an illustration to Australia and the world of its intention to keep itself free of such disasters as the sinking of the oil tanker *Torrey Canyon* off the English coast in 1967.

The foreshadowed legislation is designed to secure the well-being and security of the citizens of Victoria. Together with other honorable members, I am certain that this second session—as did the first session of the Forty-fifth Parliament —will result in the enactment of much legislation that will be welcomed by all sections of the community.

Mr. BURGIN (Polwarth).—I am pleased to have the honour of seconding the motion for the adoption of an Address-in-Reply to the Speech of His Execellency the Governor. I consider it to be an honour not only to myself but to the people of my electorate. I fully endorse the sentiments and statements that have been expressed by the honorable member for Sandringham. I compliment His Excellency, Sir Rohan Delacombe, and Lady Delacombe on the manner in which they have carried out their duties in Victoria. Wherever I have travelled, I have heard wonderful and warming comments from the people of Victoria on the graceful manner in which Sir Rohan and Lady Delacombe have performed their duties.

In these days when life seems to be so hectic, when the people are continually asking for change and when there always seems to be some unrest in the community, it is well for everyone to stop occasionally and think what the Monarchy has meant to our wonderful country. Over the years, it has been the anchor point for our community, and it will continue to be so for many years to come.

When our forefathers came to Australia it seemed to them to be a harsh land, but they built it into the wonderful country we know today. The traditions of the Monarchy and the Commonwealth of Nations have stood Australia well over the years and will certainly continue to do so in the future. His Excellency mentioned many important facets of legislation that has been enacted, such as the Environment Protection Authority and the Land Conservation Council. Those two authorities have commenced work which, in the near future, will give a new type of living to Victorians. They have provided the groundwork, and the actions they have taken and will take will give the people of Victoria relaxation in the types of environment and anti-pollution areas that they require, although I think that this will be rather tough. They will provide recreation areas, parks and all manner of places where people can enjoy themselves.

It is strange that the majority of the population seems to wish to live close together in the city and yet, at the same time, wants to get out into the country to enjoy fresh, clean air. I do not know how far any conservation council or environment protection authority can regulate those two wishes of people in the metropolitan area. I believe the machinery has been provided to enable the two authorities in question to do much to further the enjoyment of the people of Victoria.

His Excellency has stressed the economic problems of our rural community that the Government faces at present. It is well to consider these matters so that we can be sure everyone understands the problems which

are facing our rural communities. The first problem is that primary production, especially the wool industry, is working on 1971 costs but is receiving only 1946 prices. The situation is as simple as that.

Over the years our rural industries have kept up with rising costs by becoming more and more efficient. At this stage I would say that the Australian farmer, and especially the Victorian farmer, is producing more per man-hour than his counterpart in any other country in the world. Our farmers are a very efficient breed. In some cases they have been able to increase production three and four-fold in a given area of land. To do this, of course, the farming community was advised from a number of sources to borrow money, and they did so. At the same time their profit was progressively falling because of a gradual and sometimes alarming rise in costs through the demands of workers and other sections of the community.

The situation which I have outlined was greatly accentuated by the 1968 drought which put the rural industry further into debt. A farm cannot be run on peanuts today. At this stage the rural community has accumulated debts totalling some $2,200 million. When this debt of the farming community is apportioned throughout the various farms it means that the farmers are paying out approximately a living in interest. This position has been reached because of the outside influence of prices received on the world market. It is the policy of every Government to obtain cheap food for its people. Because of these policies outside Australia and the costs inside Australia, a proportion of the farming community is in real trouble.

I have heard it asserted on many occasions verbally and I have read in the press that these farmers are no-hopers anyway, that they are bad managers. That is not so. there is direct evidence that some of the best managers in the State, the most progressive farmers, are in as much trouble as it was thought small farmers were. Now we know that it is not only the small farmers who are in trouble. Farmers with average sized properties, big farmers, and big graziers are in difficulties. If a man is growing wool today it does not matter in how big a way he is. If each pound of wool is being grown at a loss, the bigger one is the faster one goes down. There are facts to support this assertion. This problem of finance exists right through the rural communities, especially in the wool-growing areas. Two other factors have been very damaging to rural producers and have added to their burden. One was that Australia decided not to devalue its currency when the British pound was devalued. I believe this was the right decision for Australia to take for the betterment of the whole community, but for the wool producers and meat producers it was an extra load to carry. They received no compensation for this.

The other factor which has been damaging to the farming community has been the policy of tariff protection for secondary industries, the effect of which has grown enormously in this State. I was hopeful that through the new Leader of the Country Party in the Federal sphere a change of thinking might occur in this field, but the latest indication from the shirt manufacturing case shows that we may have to wait a little longer.

At this stage plans for dairy farm reconstruction, rural reconstruction and farm amalgamation have been implemented. There is also a wool deficiency scheme which provides a guaranteed price of 36 cents a pound for wool. After today I should not like to comment on how much this might cost the Federal Government, but I want to make it perfectly clear that under the rural reconstruction scheme this is no hand-out to the farmer. The farmer is expected to pay back every cent that is loaned

to him under a rural reconstruction scheme. This is a financial arrangement to help the farmer who is in trouble, but it will remove only a core of about 15 per cent out of the middle of the problem. It will leave a group of farmers just above this 15 per cent group paying high rates of interest. What will happen to them? In another two years when they cannot pay the high rates of interest will they slide down the hill to the group which is being helped or will we get to the stage where we cannot help enough people? To enable the rural reconstruction and dairy farm reconstruction schemes to work some form of rural loan insurance must be provided whereby long term loans at low interest rates are guaranteed.

Mr. GINIFER.—What rate of interest would you recommend?

Mr. BURGIN.—I am not recommending any rate of interest. I say that it should be low, because it is so important. Everything that is done in the rural field by Governments today should be aimed at cutting down the over-all accumulated debt which the farming community is bearing.

So far I have been discussing problems which are mainly within the Federal sphere, and I know that my colleagues are exerting their utmost pressure to try to get this type of thinking through to the Federal Government. I now turn to consider what the State Government has done for the rural community. It has abolished land tax in country areas, it has greatly reduced probate duties on stock and plant and it has afforded relief to shires in connection with pay-roll tax and various other forms of taxation. The Government has done a good deal in the way of assistance, but I think there are other ways in which it can act in an attempt to overcome the difficult position which exists.

Employment figures do not yet show it, but in country areas—particularly wool-growing areas—the number of unemployed persons has increased. This is occurring because, owing to lack of finance, work is not being done and men are being put off the stations. Unemployment figures do not reveal this, because many of these hard-working bushmen are coming to the city to find employment. Heaven help some city workers when all these bushmen come down here! They may step into some of the jobs at present held by city workers.

Everybody should think hard about this problem. I think that, through the Country Roads Board, the Public Works Department and the State Rivers and Water Supply Commission, the Government's policy should be directed to the creation of work in areas where there is an employment problem.

Recently suggestions have been made by various councils that the Government should consider the use of pay-roll tax relief for secondary industries in specified country areas. This suggestion has some merit, and I am sure the Government will examine it carefully, but I feel that it will fail in the same way as other concessions unless we can convince the Federal Government that it should give the same telephone concessions to businesses in country areas as it does in the city. It is one of the biggest debts that a manufacturer in the country incurs, and it represents his biggest loss of profit.

His Excellency also mentioned that forestry could play an active part in the rural economy, and the honorable member for Sandringham had much to say about this. I should like to talk about it from a slightly different point of view. I was fortunate enough to be on the tour with some 40 honorable members, and I think that many more members of Parliament should have been present. In particular, I learnt three things. The trip confirmed my assessment of the calibre of forestry officers in my area and, indeed, throughout the whole State. It is obvious that we

have a new breed of forestry officers within Victoria, and that by any standard they are A1. As well as being forestry officers, they are now conservationists, and I am quite sure that we can safely leave the management of our forests and of conservation in the forestry officers' hands. I must add that during the trip I saw some very beautiful country—so beautiful that it is second only to my own Otway area. I was also very pleased during that trip to hear the Minister of Forests say, as he has also said in the House today in reply to a question, that last June he put to the Federal forestry group the point that forestry could mean a great deal in the concept of rural reconstruction. In my electorate there are areas of hill country which could profitably be diverted from farm production to forestry. Some of this land can be purchased at a lower price than that which is being paid for the clearing of land for pine planting.

I do not suggest that we should stop clearing scrub land, but I think we should endeavour in every way to allow the Forests Commission to be another buyer of this type of land from any farmer who wishes to sell it. It would strengthen the market for the farmer who wished to sell and it would take the land out of primary production. Having regard to current economic conditions, it is land which should not be in primary production. As forest, it would be of great benefit to Victoria in the future.

It is well for everybody to know the proportions of our softwood and hardwood milling. Many people do not understand what is being done with softwoods; they do not understand that three times as much softwood can be produced from a given acreage. A total of 60 million super feet of softwood is milled each year compared with 430 million super feet of hardwood. There are twenty softwood mills in the State compared with 400 hardwood mills, so we can go a long way with the planting of softwoods and still keep our environment in good balance.

In relating forestry, rural reconstruction and decentralization I wish to read from a booklet issued by the Forests Commission a short passage in connection with the Koetong plantation to illustrate to members the part that forestry can play in decentralization in Victoria. It is as follows:—

> At the present time that area has a labour force of 40 men. It is anticipated under the methods we use today that by the year 2000 that area will be employing 1,200 men.

These forestry areas are strategically placed throughout Victoria. While we keep in our country areas the whole of our manufacturing of forestry products right through to the finished article we shall have a wonderful asset in this State and a wonderful chance of providing employment in country districts.

In conclusion, I ask honorable members to join with the honorable member for Sandringham and myself in extending a message of loyalty to Her Majesty, Queen Elizabeth II. and thanks to His Excellency, Sir Rohan Delacombe, for delivering his Speech today.

On the motion of Mr. WILKES (Northcote), the debate was adjourned.

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

COMMITTEE OF PUBLIC ACCOUNTS.

Sir HENRY BOLTE (Premier and Treasurer).—By leave, I move—

> That Mr. Doube, Mr. Lind, Mr. R. S. L. McDonald, Mr. McLaren, Mr. Reese, Mr. Trezise, and Mr. Wheeler be members of the Committee of Public Accounts and that the committee have power to send for persons, papers, and records, to move from place to place, and to sit on days on which the House does not meet; three to be the quorum.

The motion was agreed to.

STATUTE LAW REVISION COMMITTEE.

Sir HENRY BOLTE (Premier and Treasurer).—By leave, I move—

That Mr. Doyle, Mr. Edmunds, Mr. A. T. Evans, Mr. Lovegrove, Mr. Aurel Smith, and Mr. Whiting be members of the Statute Law Revision Committee; and that the committee have power to send for persons, papers and records.

The motion was agreed to.

SUBORDINATE LEGISLATION COMMITTEE.

Sir HENRY BOLTE (Premier and Treasurer).—By leave, I move—

That Mr. Birrell, Mr. A. W. Taylor, and Mr. Turnbull be members of the Subordinate Legislation Committee; and that the committee have power to send for persons, papers and records.

The motion was agreed to.

HOUSE COMMITTTEE.

Sir HENRY BOLTE (Premier and Treasurer).—By leave, I move—

That Mr. Bornstein, Mr. Doube, Mr. B. J. Evans, Mr. McLaren, and Mr. Mitchell be members of the House Committee; and that the committee have leave to sit on days on which the House does not meet.

The motion was agreed to.

LIBRARY COMMITTEE.

Sir HENRY BOLTE (Premier and Treasurer).—By leave, I move—

That Mr. Speaker, Mr. Doyle, Mr. Edmunds, Mrs. Goble, and Mr. Mitchell be members of the Library Committee; and that the committee have leave to sit on days on which the House does not meet.

The motion was agreed to.

PRINTING COMMITTEE.

Sir HENRY BOLTE (Premier and Treasurer).—By leave, I move—

That Mr. Speaker, Mr. Broad, Mr. Curnow, Mr. W. J. Lewis, Mr. J. D. MacDonald, Mr. Stephen, Mr. Stokes, and Mr. Whiting be members of the Printing Committee; and that the committee have leave to sit on days on which the House does not meet; three to be the quorum.

The motion was agreed to.

STANDING ORDERS COMMITTEE.

Sir HENRY BOLTE (Premier and Treasurer).—By leave, I move—

That Mr. Speaker, Mr. Holding, Mr. Manson, Mr. Ross-Edwards, Mr. A. W. Taylor, Mr. Whiting, and Mr. Wilkes be members of the Standing Orders Committee; and that the committee have leave to sit on days on which the House does not meet; five to be the quorum.

The motion was agreed to.

COMMITTEES OF SUPPLY AND WAYS AND MEANS

Sir HENRY BOLTE (Premier and Treasurer), by leave, moved the following motions, which were agreed to:—

That Standing Order No. 273A be suspended so as to allow the Committees of Supply and Ways and Means to be appointed this day.

That this House will, this day, resolve itself into a Committee to consider of the Supply to be granted to Her Majesty.

That this House will, this day, resolve itself into a Committee to consider of the Ways and Means for raising the Supply to be granted to Her Majesty.

COMMONWEALTH PLACES (ADMINISTRATION OF LAWS) BILL.

Mr. REID (Attorney-General), by leave, moved for leave to bring in a Bill to amend the Commonwealth Places (Administration of Laws) Act 1970.

The motion was agreed to.

The Bill was brought in and read a first time.

POLICE REGULATION (CHIEF COMMISSIONER) BILL.

Mr. HAMER (Chief Secretary), by leave, moved for leave to bring in a Bill to declare the office of Chief Commissioner of Police to be vacant, to make provision with respect to the appointment of a Chief Commissioner of Police and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

SUPPLEMENTARY ESTIMATES FOR 1970–71.

Sir HENRY BOLTE (Premier and Treasurer) presented a message from His Excellency the Governor transmitting Supplementary Estimates of Expenditure for the year 1970–71, and recommending an appropriation from the Consolidated Fund accordingly.

The House went into Committee of Supply.

Sir HENRY BOLTE (Premier and Treasurer).—I move—

That a sum not exceeding $8,971,423 be granted to Her Majesty on account for or towards defraying services for the year 1970–71, as printed in the Supplementary Estimates.

Honorable members are aware that last year no appropriation was made for Commonwealth pay-roll tax. This House endorsed the action of the Government, but it was stated that if the High Court decided against Victoria, this State would have to honour its obligation. I gave my word to the Federal Treasurer of the day that if Victoria's challenge were rejected, rather than have the Commonwealth make a deduction from our tax reimbursement grant—a procedure which I consider would have been an insult to this State—I, not as the Premier, but as representing this Parliament, would take the earliest opportunity of paying the amount involved. Goodness knows how the High Court arrived at its decision, but we lost the case.

I am now taking the earliest opportunity of asking Parliament to appropriate the sum in question for payment to the Commonwealth. The Government was prudent enough to provide for the money in last year's accounts. I give an assurance to honorable members that it does not come out of this year's accounting. There will be further Supplementary Estimates, the Budget, Budget Bills and Supply, and in no way do I wish to restrict debate on these matters. However, I suggest to the Leader of the Opposition and the Leader of the Country Party that in the interests of the good name of this Parliament this motion should be passed immediately and that any further debate should be conducted when the other measures are under consideration.

Mr. HOLDING (Leader of the Opposition).—Last night, the Premier mentioned to me his intentions in this matter. When the legal challenge was made the Opposition believed it had been properly brought. I suppose the Government cannot win them all, but it would have been nice to have won this challenge. Now that the case has been fought and lost, no course is open to the Government other than that suggested by the Premier. The Opposition will want to say much about the State Government's relationships with the Commonwealth, but ample opportunity will be provided in the next few days for this to be done, so we shall reserve our ammunition until then.

The motion was agreed to.

The resolution was reported to the House and adopted.

WAYS AND MEANS.

The House went into Committee of Ways and Means.

Sir HENRY BOLTE (Premier and Treasurer).—I move—

That, towards making good the Supply granted to Her Majesty for the service of the year 1970–71, the sum of $8,971,423 be granted out of the Consolidated Fund of Victoria.

Mr. CLAREY (Melbourne).—I was unaware that this matter would be dealt with this evening. However, in view of my long stand in Parliament for the right of Victoria to challenge the validity of Commonwealth pay-roll tax and as this will be my last term as a member of Parliament, I might be misunderstood if I did not say that I fully appreciate the attitude of the Premier in challenging the validity of this tax. As a layman, I expressed the opinion over the years that this tax was a violation of section 114 of the Commonwealth Constitution. I was absolutely amazed at the decision of the High Court that the

Federal Government could tell a State Government, a partner in the government of the country, that it intended to take some of its revenues, and to charge some of the State's expenditure to Commonwealth purposes.

In the present circumstances, there is no alternative other than to accept this decision, but as one who, from his first Budget speech in this Chamber, asked the Government to challenge the validity of Commonwealth pay-roll tax, I compliment the Government upon taking the necessary action and I regret that it was defeated.

The motion was agreed to, and the resolution was reported to the House and adopted.

SUPPLY (SUPPLEMENTARY ESTIMATES) (No. 2) BILL.

Leave was given to Sir Henry Bolte (Premier and Treasurer) and Mr. Hamer (Chief Secretary) to bring in a Bill to carry out the resolution of the Committee of Ways and Means.

Sir HENRY BOLTE (Premier and Treasurer) brought in a Bill to apply out of the Consolidated Fund the sum of $8,971,423 to the service of the year 1970–71, and moved that it be read a first time.

The motion was agreed to, and the Bill was read a first time, and passed through its remaining stages.

MAGISTRATES' COURTS BILL.

Mr. REID (Attorney-General) presented a message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Fund for the purposes of a Bill with respect to the holding and constitution of Magistrates' Courts the appointment powers duties and protection of stipendiary magistrates justices and clerks of Magistrates' Courts and for other purposes.

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

On the motion of Mr. REID (Attorney-General), the Bill was brought in and read a first time.

Mr. REID (Attorney-General).—I move—

That this Bill be now read a second time.

Prior to 1915, the law relating to the courts then known as Courts of Petty Sessions was to be found in a number of Acts of Parliament, which were consolidated in the Justices Act of that year. The enactment, in a single measure, of the whole of the law relating to justices and Courts of Petty Sessions had the benefits of certainty and ease of reference, and the form of the 1915 Act was retained in the consolidation of 1958, of which the Justices Act 1958 formed part.

Since 1915, there has been no overall examination of the Justices Act, although many amendments have been made and, as honorable members are aware, the Statute Law Revision Committee has reported on particular aspects of the Act. In recent years, the form and content of the Act has been examined and it is clear that there is a need to revise it. During the course of an investigation of administration of justice in the courts, a committee under the chairmanship of Mr. Justice Smith made a general recommendation that the Act be redrafted in modern terms and rearranged to facilitate the location of specific provisions.

The Government accepted this recommendation but took the view that, before attempting to redraft and rearrange the Act, necessary amendments of substantive provisions should first be made within the existing framework of the Act. For this purpose a committee was appointed in 1965 to consider the revision of the Act in relation to a variety of particular matters.

This committee, under the chairmanship of Mr. J. Moloney, Deputy Chief Stipendiary Magistrate, completed its task in December, 1967. Most of its recommendations have

been implemented and those which are outstanding were the subject of the most recent report of the Statute Law Revision Committee upon provisions of the Justices Act.

The Magistrates' Courts Bill is the first of a series of Bills to effect a complete revision of the Justices Act. Because the Act has become large and complex, it is proposed that it should be divided into a series of enactments, each dealing with different aspects of the provisions of the Justices Act. Subject to passage of the present Bill, the provisions which remain to be dealt with affect jurisdiction, procedure and appeals.

It is not at present clear whether it is necessary or desirable to have separate enactments for civil and criminal matters respectively, but it is expected that a decision will be made in the near future and appropriate legislation introduced next year. Under the procedures adopted in Victoria for the reprinting of Acts, the proposal to establish a series of Acts containing provisions in respect of Magistrates Courts will provide legal practitioners and other interested persons with the most recent law applicable to a particular statute on a continuing basis.

In essence, the Magistrates' Courts Bill enacts those provisions of the Justices Act 1958 which relate to the holding and constitution of Magistrates Courts, the appointment and registration of justices of the peace, the appointment, duties and powers of clerks of the Magistrates Courts, the protection of justices and officers, contempt, the prohibition of young persons from attending hearings and the prohibition of publication of reports of proceedings.

Accompanying the Bill is a table indicating the provisions of the Justices Act 1958 which are comparable with the clauses of the Bill. For the sake of brevity I shall refer to the Justices Act 1958 as the 1958 Act. In many instances the amendments of the existing provisions consist only of minor variations of expression to suit the context of the Bill. In these circumstances I propose to comment only on those clauses of the Bill which have no equivalent in the 1958 Act or which contain substantial amendments.

As honorable members will appreciate, where the comparative table uses the expression "No change" the provision in the Bill is identical with its counterpart in the 1958 Act. Where the expression "No substantive change" is used, the provision in the Bill differs from the existing provision only be reason of minor changes of language.

I shall therefore comment on a number of clauses of the Bill. Clause 1 contains the usual provisions in respect of short title, commencement and division. Clause 2 provides for repeal or amendment of provisions of the 1958 Act consequential upon the enactment of the provisions in the Bill, and also contains the usual saving provision. Clause 3 is the interpretation clause. It defines "clerk" in language similar to that of the 1958 Act and, for convenience, provides definitions of the words "court", "rules" and "secretary".

Clause 4, which deals with the appointment of places for the holding of Magistrates Courts, differs from section 64 of the 1958 Act in the following respects:—

(*a*) Sub-clause (2) of clause 4 is a new provision. It is designed to ensure that, where there has been an alteration in the days or hours when a court is held and there is process made returnable on a day or at an hour fixed for the holding of the court before the alteration, the process can be preserved by adjourning the hearing to an appropriate time.

(*b*) Sub-clause (3) of clause 4 is similar to sub-section (2) of section 64 of the 1958 Act but the words

> or with the consent of the parties and upon the direction of a stipendiary magistrate at any other time or place

at the end of the sub-clause have been added to the existing provision. The purpose of the addition is to enable business at a court to be disposed of speedily, particularly where there are a number of matters to be determined by a stipendiary magistrate sitting alone and a stipendiary magistrate at some other place can be made available.

Clause 5 enables the Governor in Council to revoke the appointment of any place for holding a Magistrates Court, and sub-clauses (1) and (2) are identical in effect with section 65 of the 1958 Act. Sub-clause (3), however, is a new provision. It is intended to overcome the difficulty that process transferred from a closed court to a new court may be returnable on a day which is not a court day at the new court. The sub-clause, therefore, provides for the proceedings to be heard on the next court day at the new court after the day originally fixed.

Clauses 7, 8 and 9, which deal with the appointment of stipendiary magistrates and related matters, are new provisions. Clause 7 gives statutory recognition to practices which have been adopted for many years. Appointments of a Chief Stipendiary Magistrate, Deputy Chief Stipendiary Magistrate and other stipendiary magistrates have been made pursuant to the Public Service Act 1958 or corresponding previous legislation and, indeed, it is clear that the power to appoint magistrates is inherent in the Government in providing for the administration of the State—see *Ex parte Hargreaves* (1869) 1 A.J.R. 23.

However, it seems desirable that the existing practice should be the subject of an express provision in the legislation which provides for the establishment of Magistrates Courts. At the same time the opportunity has been taken of providing for stipendiary magistrates to take the oaths set out in Schedule Two to the Bill. This again is a practice which has been adopted for many years, but since the enactment of section 51 of the Public Service Act 1946 there has not been a clear statutory requirement in that regard. It is desirable, therefore, that the matter be put beyond doubt.

Clause 8 provides for the payment to the Chief Stipendiary Magistrate of an annual allowance of $300 in addition to any remuneration to which he is entitled under the Public Service Act. The Government recognizes that, in common with the holders of certain other judicial offices, the Chief Stipendiary Magistrate will incur expenses which by their nature are difficult to meet by direct reimbursement, and it is proposed to overcome the problem by means of an annual allowance.

Clause 9 is administrative and is designed to enable the best use to be made of the services of stipendiary magistrates. The clause enables the Attorney-General to assign duties to magistrates, but it is envisaged that in practice this will be done by the Chief Stipendiary Magistrate pursuant to the power of delegation provided for in this clause.

Clause 27 repeats, with one omission, the provisions of sub-sections (2) and (3) of section 87 of the 1958 Act in relation to deputy clerks of certain Magistrates Courts. The difference between the existing and proposed provisions is that sub-clause (2) of clause 27 omits the words "and shall carry out such of the duties of that clerk as that clerk from time to time in writing directs".

The existing requirement of a written direction is not considered to be necessary, and in any event a deputy clerk is not appointed in practice unless he is capable of performing all the duties of the clerk satisfactorily. As the present provision stands, in the event of a written direction not clearly specifying a duty in fact performed by the deputy clerk, doubt could arise as to the validity of the action of the deputy. For these reasons it is considered that the words referred to should be omitted.

Clause 46 replaces the provisions contained in sections 211 and 212 of the 1958 Act in relation to contempt, and follow in substance the provisions of sections 54 and 54A of the County Court Act 1958, as inserted by the County Court (Jurisdiction) Act 1971. The latter provisions have been modified to suit the jurisdiction exercised by Magistrates Courts.

Sub-clauses (1) to (4) of the clause reproduce the provisions of section 211 of the 1958 Act, together with additional provisions based on the County Court (Jurisdiction) Act 1971. Sub-clause (5) is identical with section 212 of the 1958 Act, and sub-clause (6) is a new interpretation provision consequential upon changes of expression used in the clause.

Clause 47 re-enacts, with amendments, the provisions of section 213 of the 1958 Act. Amongst other things the existing provision empowers a court to order any woman or any person, whether male or female, under the age of 21 years to leave the court. Clause 47, however, substitutes a power for a court to order any person under the age of 18 years to leave the court. The omission of reference to women removes an apparent discrimination against women and the reduction of the age of 21 years to 18 years is consistent with general trends in the law relating to infants.

Schedule One provides for the substitution of a new provision for section 4 of the Coroners Act 1958. Sub-section (1) of the new provision gives statutory recognition to the practice adopted for many years of appointing each stipendiary magistrate as a coroner, and will obviate the need for a separate appointment by the Governor in Council. Sub-sections (2) and (3) of the new provision re-enact section 4 of the Coroners Act 1958 with amendments consequential upon the new sub-section (1).

The schedule also provides for the repeal of provisions of the Justices Act 1958 which will be replaced by the provisions of the Bill, and for the amendment of section 5 of the 1958 Acts to take into account any rules made under the powers conferred by clause 49 of the Bill.

As I have already indicated, the Bill is the first of a series to effect a complete revision of the 1958 Act. I believe the division of the existing provisions into separate enactments will be of considerable benefit to the courts, the legal profession and other interested persons. I commend the Bill to the House.

On the motion of Mr. LOVEGROVE (Sunshine), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, September 7.

JURIES (COMPENSATION) BILL.

Mr. REID (Attorney-General) presented a message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Fund for the purposes of a Bill to amend the rate of compensation of jurors and the fees for civil jurors under the Juries Act.

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

On the motion of Mr. REID (Attorney-General), the Bill was brought in and read a first time.

Mr. REID (Attorney-General).—I move—

That this Bill be now read a second time.

Its purpose is to adjust the basic rate of payment to jurors and to make consequential amendments of the fees payable in respect of civil jury actions. The present daily rate of payment to jurors for service up to six days, namely, $6, was fixed in December, 1967, and it is appropriate to increase that rate by 25 per cent to $7.50. The proportional increase is slightly greater than the 23.6 per cent increase in the minimum wage rate between December,

1967, and June, 1971. It is not, however, proposed to increase the rate of $12 a day for service beyond six days.

As appears from clause 1 of the Bill, the increase will operate from 1st January, 1972, and clause 2 effects the necessary amendment of Schedule 8 to the Juries Act 1967. Having regard to the amendment of Schedule 8, clause 3 of the Bill contains consequential amendments of sections 15 and 16 of the Act in relation to fees paid by a civil litigant who desires an action to be tried by a judge and jury.

I commend the Bill to the House.

On the motion of Mr. WILKES (Northcote), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, September 7.

LANDS TRIBUNAL BILL.

Mr. REID (Attorney-General) presented a message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Fund for the purposes of a Bill to provide for the constitution of a Lands Tribunal and to define the jurisdiction powers and procedure of the tribunal and for other purposes.

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

On the motion of Mr. REID (Attorney-General), the Bill was brought in and read a first time.

POLICE REGULATION (CHIEF COMMISSIONER) BILL.

Mr. HAMER (Chief Secretary).—I move—

That this Bill be now read a second time.

The purpose of this short Bill is to facilitate the appointment of a new Chief Commissioner of Police, an appointment which has became necessary because of the ill health of Mr. Noel Wilby, M.V.O., Q.P.M.

Mr. Wilby was appointed to the position of Chief Commissioner on 1st February, 1969, since when he has discharged the duties of the position with distinction. I am sure that all honorable members will have learnt with regret that because of ill health Mr. Wilby will be unable to continue in his office of Chief Commissioner.

Under the present law there can be only one incumbent of the office of Chief Commissioner and subject to earlier retirement on the ground of ill health or the submission of his resignation he is entitled to remain in office until he attains the age of 65 years. According to the established practices and usages relating to the office of Chief Commissioner, Mr. Wilby is entitled to sick leave and recreational leave benefits which would enable him to continue in the force until 24th January, 1973. At present this poses particular problems for the Victoria Police Force in that it would be under the control of an Acting Chief Commissioner for the next sixteen months or so, a period during which considerable changes will be taking place in the organization and administration of the force, particularly as a result of the report of Colonel Sir Eric St. Johnston.

The changes which are and will be taking place during the next year or so will have a tremendous influence on the stability and increased efficiency of the force for many years to come. In the opinion of the Government it is essential that the person who is to be appointed Chief Commissioner of Police should be associated with these developments as soon as practicable. Mr. Wilby supports this view and the enabling Bill to which I will now refer is acceptable to him.

This Bill declares the office of Chief Commissioner held by Mr. Wilby to be vacant from the passing of the Act. This will enable the new Chief

Commissioner to be appointed with the minimum possible delay. The Bill also preserves the rights of Mr. Wilby to any emoluments, leave or superannuation rights and benefits which may have accrued to him before the date of his normal retirement on 24th January, 1973. He will also be subject to any obligations under the Superannuation Act which would have been imposed on him had he retired on that date. These rights, benefits and obligations will accrue to Mr. Wilby as if the measure had not been enacted.

In recent years it has become increasingly obvious to the Government that the person holding the office of Chief Commissioner is subject to such mental and physical pressures that it is desirable that he should be appointed to the office for periods not exceeding five years rather than to the age of 65 as at present. Such short periods of appointment would react to the benefit of the Chief Commissioner, the Government and the Police Force in general.

Accordingly the Bill enables the Governor in Council to appoint future Chief Commissioners for periods not exceeding five years subject to retirement at age 65. I commend the Bill to the House.

On the motion of Mr. WILKES (Northcote), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, September 7.

GROUNDWATER (AMENDMENT) BILL.

Mr. DUNSTAN (Minister of Water Supply).—I move—

That this Bill be now read a second time.

Its purpose is to provide for three basic amendments to the principal Act. Two of the measures are essentially machinery in that they will improve the administration of the Act. One deals with the issue of licences for groups of bores, and the other provides uniformity for periods of notification of appeals. The third and most important provision of the Bill is fundamental. It will protect the rights of landholders by ensuring that they can appeal against the intention of the State Rivers and Water Supply Commission to refuse to issue a groundwater licence in respect of a bore or group of bores which are the subject of an application for a bore construction permit.

Section 21 of the Groundwater Act 1969 provides that where an application is made to the Mines Department for a construction permit for a new bore to be used for the extraction of groundwater for other than domestic and stock use, it shall refer the application to the State Rivers and Water Supply Commission. The commission is then required to notify the Minister of Mines of the conditions it will attach to a licence issued for the extraction of water from that bore or of its objection to the approval of the permit application. Under the proposed amendment to clause 21 there is more specific provision for the commission to notify the Minister of Mines, and through him the applicant, of its intention to refuse a licence.

As the Act now stands, the applicant has under section 22 the right of appeal to the Groundwater Appeal Board against the conditions the commission may propose to include in a licence, but has no such right if the commission notifies its intention to refuse the issue of a licence. I commend the honorable member for Gippsland West for bringing this matter to the attention of the House earlier this year.

The commission, in compliance with the present provisions of the Act, grants groundwater licences for the extraction of water for other than domestic and stock use on the basis of one licence for each separate bore as defined for the purposes of the Act. However, under the regulations, where there are a number of bores

on a property, the application fee of $15 and annual charge of $10 are payable only in respect of the first bore.

On many properties a number of individual bores may comprise a single extraction system connected to, and discharging through, a common outlet. In such circumstances, it would appear unreasonable for separate licences to be issued for each separate bore within the extraction system, particularly when on some irrigation properties as many as ten bores may be involved. When these complexes are discharging through a common outlet there is also the additional problem of assessing the rate of extraction from individual bores as required under the Act and the conditions attached to each licence.

It is therefore proposed that the Act be amended to provide that a group of individual bores which extract groundwater by means of a single system and discharge it through a common outlet shall be regarded as one bore for the purposes of the licensing provisions of the Act. The amendments now proposed under clauses 4 to 8 and clause 10 have been drawn to achieve this aim. It is pointed out that sections 21 and 22, referred to under clauses 2 and 3, have been similarly amended for this purpose.

The Bill has been drawn to amend all those sections of the Act relating to licensing provisions only rather than amend the definition of "bore" set out in section 2. The definition of bore has implications for the Act as a whole, including the provisions for the construction and maintenance of bores and other provisions which are the responsibility of the Minister of Mines. It would not be practical or appropriate to extend the proposed amendments to these areas.

Clause 9 is a machinery amendment to bring the provisions of sub-section (2) of section 63 into line with sections 22 and 55. While sections 22 and 55 provide for a 30-day period in which to appeal against the matters referred to, sub-section (2) of section 63 refers to a notification and appeal period of one month. The proposed amendments to sub-section (2) of section 63 will provide for a 30-day notification and appeal period and so bring this section into line with sections 22 and 55. I commend the Bill to the House.

On the motion of Mr. FLOYD (Williamstown), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, September 7.

COMMONWEALTH PLACES (ADMINISTRATION OF LAWS) BILL.

Mr. REID (Attorney-General).—I move—

That this Bill be now read a second time.

Honorable members will recall the consideration of the Commonwealth Places (Administration of Laws) Act 1970 by this House in the spring sessional period last year. At that time it was clearly stated that the view of the Victorian Government was that the scheme proposed by the legislation to overcome the practical difficulties flowing from the judgment of the High Court in *Worthing* v. *Rowell and Ors.* was by no means a perfect solution, and that it is the view of all State Attorneys-General that the matter could be satisfactorily dealt with only by a constitutional amendment. So that the matter of the legislation could be kept under review by the Parliament, the Act was expressed to remain in force only until 31st December, 1971.

Up to the present time the legislation seems to have worked reasonably well, although it has not been the subject of any deep consideration by any superior court. One minor problem has come under notice in that the present State legislation does not allow the Governor to agree to the conferring on State judicial officers of powers of an administrative nature, even if they are bestowed

upon them as *personae designatae* and not as a court. The Bill seeks to overcome this difficulty by the amendment of sub-section (1) of section 4 of the Act by paragraph (*a*) of clause 2.

The other matter dealt with by the Bill is the period of operation of the Act. It is proposed to extend the operation of the Act to 31st December, 1974. This three-year extension was agreed upon by all Attorneys-General at their last meeting in Melbourne, as it was felt that it would take at least three years to make any proper assessment of the effectiveness of the legislation and of the need for a constitutional referendum.

The whole question of law in Commonwealth places is, of course, one which would inevitably be discussed by the constitutional convention which this House has resolved should be held. There is considerable support throughout Australia for the motions passed in both Houses of this Parliament, and I am confident that in the near future a constitutional convention will be convened. I hope that before this legislation expires a permanent and satisfactory solution of the problem of law in Commonwealth places will be found. I commend the Bill to the House.

On the motion of Mr. EDMUNDS (Moonee Ponds), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, September 14.

LANDS TRIBUNAL BILL.

Mr. REID (Attorney-General).—I move—

That this Bill be now read a second time.

As the long title of the Bill indicates, its main purpose is to provide for the establishment of a Lands Tribunal and to define the jurisdiction, powers and procedure of the tribunal. The origin of the proposals in the Bill is to be found in the recommendations made by the Statute Law Revision Committee in paragraph 12 of its report dated 17th December, 1963, upon restrictive covenants. In that paragraph the committee recommended that a tribunal similar to the United Kingdom Lands Tribunal be established, that it have certain jurisdiction in relation to restrictive covenants and that there be a right of appeal to the Supreme Court from the tribunal.

Following consideration of the report of the Statute Law Revision Committee it became apparent that it was not immediately practicable to implement the recommendation for establishment of a lands tribunal. One obvious difficulty was that dealing with applications for the discharge or modification of restrictive covenants would not provide the tribunal with sufficient work to justify the expense of its establishment, particularly since this would also have created problems of staffing and accommodation. It seemed that there were likely to be a considerable number of matters affecting land which might be included in the jurisdiction of the tribunal, but at that time the Sale of Land Act 1962 had only recently come into operation, and the Government had been fortunate in persuading Mr. Louis Voumard, Q.C., to accept appointment as the first arbitrator under that Act. It was essential that the operation of this new legislation should be tested in practice before deciding whether the contemplated jurisdiction relating to land should be vested in a tribunal or whether it was appropriate to extend the jurisdiction of the arbitrator under the Sale of Land Act.

There were also other developments in relation to the possible jurisdiction of a lands tribunal. One of these was the work commenced by the Chief Justice's Law Reform Committee in 1964 in respect of the reform of the law relating to easements of light and air. This project was highly technical and complex, and the task of the committee was only completed a few months ago. Another development which suggested a field in which a

lands tribunal might operate was a submission in evidence before the Joint Select Committee on Drainage, established under the Joint Select Committee (Drainage) Act 1965, that there was a need for a drainage court.

Eventually, after careful and lengthy consideration of the foregoing matters, an expert committee was appointed in September, 1969, to investigate and make recommendations on the advisability of establishing a lands tribunal, and on matters such as the constitution of the tribunal, the terms of appointment of its members, its jurisdiction, the number and qualifications of officers likely to be required by the tribunal, and the procedure of and appeals from the tribunal. The committee has as its chairman Mr. Louis Voumard, Q.C.; its other members were the Chief Parliamentary Counsel, the Registrar of Titles, senior members of the Victorian Bar representing the Victorian Bar Council, representatives of the Law Institute of Victoria, and Mrs. J. Lewis, Parliamentary Counsel. I shall refer to this committee hereafter as the Voumard committee, in order to distinguish it from other committees mentioned in my comments.

The Voumard committee made its report on 17th March, 1971, and a number of copies of the report are available for honorable members who might wish to peruse it. I propose, therefore, to comment on the report only in relation to recommendations which have not been implemented. The first of these is the recommendation that draft legislation, referred to by the committee as the Property Law (Easements) Bill, should be enacted independently of, and prior to, legislation constituting a lands tribunal. In fact a report on the draft legislation was received from the Chief Justice's Law Reform Committee in June last, and there are a number of administrative problems which must be resolved before the legislation can be introduced. The Government has taken the view that the establishment of a lands tribunal should not await the introduction of this legislation, which will in due course confer jurisdiction upon the tribunal.

The only other recommendation which has not been implemented is one relating to the jurisdiction of the tribunal. I will comment upon this when dealing with the jurisdiction provisions of the Bill.

I turn now to the clauses of the Bill. Clause 1 contains the usual short title and commencement provisions.

Clause 2 provides for the amendments set out in the schedule, in consequence of the transfer of jurisdiction to the tribunal by clause 12.

Clause 3 provides for a Lands Tribunal, which is to be a superior court of record.

Clause 4 deals with the constitution of the tribunal. The clause implements the recommendation of the Voumard committee that a member of the tribunal should have security of tenure similar to that enjoyed by Her Majesty's judges and that the salary offered should be in excess of that of a judge of the County Court and not materially less than that of a judge of the Supreme Court.

Clauses 5 and 6 contain provisions for retirement of judges of the tribunal and for pensions of such judges in terms similar to the provisions applying to judges of the County Court and the Supreme Court.

Clause 7 provides for the temporary appointment of an additional judge or judges of the tribunal in the various circumstances, as set out in the clause, when a temporary appointment is necessary.

Clauses 8 and 9 provide for the appointment of registrars of the tribunal, and the powers of such registrars.

Clause 10 provides for the appointment of a secretary and other necessary officers of the tribunal, subject to the Public Service Act 1958.

Clause 11 provides that a judge sitting alone may hear and determine any matter coming before the tribunal.

Clause 12 deals with the jurisdiction of the tribunal. Sub-clause (1), in effect, transfers to the tribunal jurisdiction created by various statutes. The proposed jurisdiction, with two exceptions to which I shall refer later, is as recommended by the Voumard committee. A summary of the respective matters dealt with in this sub-clause is as follows: —

(*a*) Any matter under section 37 of the Drainage Areas Act 1958.— Jurisdiction now vested in a judge of the County Court to determine whether intended acts will or may injuriously affect any water or works under the care of a water authority.

(*b*) Any matter under section 8 of the Drainage of Land Act 1958.— Jurisdiction now vested in a stipendiary magistrate to determine whether drainage works affecting land of an adjoining owner will cause injury to the owner or other person interested in the land, whether the injury will be fully compensated for by money, the amount of compensation and how it should be apportioned.

(*c*) Any matter under section 31 of the Extractive Industries Act 1966. —Jurisdiction now vested in a stipendiary magistrate to assess compensation in respect of the search for stone on private land.

(*d*) Any appeal from the Groundwater Appeals Board under section 68 of the Groundwater Act 1969.— Jurisdiction now vested in a judge of the County Court to hear appeals from the Groundwater Appeals Board, which hears appeals in relation to groundwater licences.

(*e*) Any matter under section 58, section 60 or section 65 of the Lands Compensation Act 1958.—Jurisdiction now vested in the Supreme Court or a Land Valuation Board of Review to apportion rent where part of a property under lease is taken, to assess compensation for tenants from year to year and to assess compensation for temporary occupation of land. Having regard to the amendment contained in item 5 of the schedule to the Bill, the jurisdiction of a Land Valuation Board of Review is not affected by this paragraph.

(*f*) Any application under section 150 of the Liquor Control Act 1968.— Jurisdiction now vested in the Supreme Court to assess compensation and to determine questions of law relating to the fixation of compensation, when questions of unusual difficulty or of general importance arise before the Liquor Control Commission in cases of the surrender or determination of licences.

(*g*) Any claim for compensation referred to in section 840 of the Local Government Act 1958.—Jurisdiction now vested in a judge of the County Court, appointed to act as an arbitrator by the Governor in Council, to determine whether compensation shall be paid —and, if so, the amount —by a municipality consequent upon the exercise of powers conferred on it by the Act in cases where the amount of compensation is in dispute and the claim exceeds $1,000.

(*h*) Any appeal under sub-section (4) of section 22 or 23 of the Milk Board Act 1958.—Jurisdiction now conferred on the Minister to determine appeals from assessments of compensation by the Milk Board in respect of the cancellation of licences under the Milk and Dairy Supervision Act 1958.

(*i*) Any objection referred to in section 19A of the Probate Duty Act 1962 in respect of which jurisdiction was conferred prior to the commencement of this Act on the Supreme Court.—Jurisdiction now conferred on the Supreme Court to determine appeals from assessments where the objection is against a valuation of land and the valuation

is $10,000 or more or a question of unusual difficulty or of general importance is raised.

(*j*) Any application under section 84 of the Property Law Act 1958.—Jurisdiction now vested in the Supreme Court to discharge or modify restrictive covenants.

(*k*) Any matter under the Sale of Land Act 1962 or any other Act in respect of which jurisdiction was conferred prior to the commencement of this Act upon an arbitrator appointed under the Sale of Land Act 1962.—Jurisdiction now conferred on an arbitrator appointed under the provisions of the Sale of Land Act to determine, for example, applications to extinguish or grant easements to enable land to be subdivided efficiently, appeals against the refusal of municipal councils to seal plans of subdivision, and appeals against requirements made by a municipal council for the construction of roads or drains upon a proposed subdivision of land.

(*l*) Any appeal under sections 17 and 23 of the Soil Conservation and Land Utilization Act 1958.—Jurisdiction now vested in a judge of the County Court to determine appeals from apportionments by the Soil Conservation Authority in respect of cost of anti-erosion and other works and the burden of consequent decreases in the value of land.

(*m*) Any application under subsection (2) of section 10 of the Strata Titles Act 1967.—Jurisdiction now vested in the Supreme Court to amend or alter a schedule of unit entitlement or of unit liability.

(*n*) Any application under subsection (4) of section 13 of the Urban Renewal Act 1970.—Jurisdiction now vested in the Supreme Court, in cases where the urban renewal authority has sold land to a purchaser subject to a covenant as to the manner and method of and the time within which the land shall be redeveloped, to order the transfer to and vesting in the authority of the land, or part thereof, if the court considers that there has been a failure to comply with the covenant. This jurisdiction was not included by the Voumard committee in its recommendations, but is clearly within the range of matters which the committee thought should be dealt with by the tribunal.

(*o*) Any matter under the Valuation of Land Act 1960 in respect of which jurisdiction was conferred prior to the commencement of this Act upon the Supreme Court—other than an appeal under sub-section (4) of section 12 of that Act.—Jurisdiction now conferred upon the Supreme Court to determine, for example, claims for compensation for compulsory acquisition of land, which exceed $10,000 or raise questions of unusual difficulty or of general importance. Appeals under sub-section (4) of section 12 of the Valuation of Land Act are against determinations by the Valuers Qualification Board upon proceedings of a disciplinary nature. The Voumard committee did not recommend that this appeal jurisdiction remain with the Supreme Court, but the Chief Justice has pointed out that it is analagous to other jurisdictions of the Supreme Court to hear appeals from bodies similar to the Valuers Qualification Board, affecting professional people. The Government is of the view that such appeals should continue to be heard by the Supreme Court.

I have already referred to the jurisdiction of land valuation boards of review in relation to paragraph (*e*) of sub-clause (1) of this clause of the Bill. I emphasize that it is not intended that the Lands Tribunal should take over any of the jurisdiction of such boards.

(*p*) An arbitration under subsection (4) of section 11 of the Victorian Inland Meat Authority Act 1958.—Jurisdiction now conferred upon a judge of the County Court to determine the amount of compensation to be paid for the acquisition or closing of an abattoir by the authority.

Sub-clauses (2), (3) and (4) of clause 12 are transitory provisions which deal with matters part heard or pending at the time jurisdiction is transferred to the tribunal. Before leaving this clause, I draw attention to the fact that clause 12 of the draft Bill prepared by the Voumard committee included the jurisdiction of stipendiary magistrates under section 579 of the Local Governnment Act 1958 to hear objections to private street construction schemes. However, after the committee completed its report, the Local Government (Further Amendment) Act 1971 was passed and this Act amended section 579 to enable arbitrators to exercise the jurisdiction formerly conferred upon stipendiary magistrates. For the time being at least there appears to be no reason why this new provision should be disturbed.

Clause 13 enables the tribunal to do any matter or thing in the same manner as the Supreme Court. It also provides for an order of the tribunal to be made a rule of the Supreme Court, thus enabling enforcement of the order.

Clause 14 provides for a judge to sit with one or more assessors, and for the appointment and remuneration of assessors.

Clause 15 enables the tribunal to reserve any question for the opinion of the Full Court of the Supreme Court.

Clause 16 provides for a right of appeal from the tribunal to the Full Court of the Supreme Court and applies the rules of the Supreme Court to such appeals.

Clause 17 is a normal provision enabling the judges of the tribunal to make rules regulating procedure and other matters, and is in the form recommended by the Voumard committee. In relation to paragraphs (*i*) and (*j*) of sub-clause (1) of this clause, it will be noted that there is nothing unusual in a tribunal making rules governing some aspects of appeals to the Full Court. Such a provision has existed in the County Court Act for many years and now appears as paragraph (*h*) of subsection (1) of section 78 of the County Court Act 1958.

I conclude by saying that the Government intends to adopt the recommendation of the Voumard committee that the proposed jurisdiction of the tribunal be conferred in stages. It is intended to bring into operation first the provisions of paragraph (*k*) of sub-clause (1) of clause 12 relating to the jurisdiction now conferred on the arbitrator appointed under the Sale of Land Act, and to extend the operation of the Act from time to time as the capacity and experience of the tribunal grows and it has the facilities to deal with a greater volume of work. I commend the Bill to the House.

On the motion of Mr. WILKES (Northcote), the debate was adjourned.

Mr. REID (Attorney-General).—I move—

That the debate be adjourned until Tuesday, September 14.

I give the usual undertaking if the Opposition desires further time.

Mr. WILKES.—We should like to speak with an officer of your department.

Mr. REID.—The services of an officer will be made available.

The motion was agreed to, and the debate was adjourned until Tuesday, September 14.

ADJOURNMENT.

EDUCATION DEPARTMENT: TEACHER TRAINING FACILITIES IN WESTERN SUBURBS—FALLS CREEK COMMITTEE OF MANAGEMENT — BRITISH MIGRANTS: EMPLOYMENT OPPORTUNITIES.

Mr. HAMER (Chief Secretary).—I move—

That the House, at its rising, adjourn until tomorrow, at Three o'clock.

The motion was agreed to.

Mr. HAMER (Chief Secretary).—I move—

That the House do now adjourn.

Mr. GINIFER (Deer Park).—I remind the Minister of Education of inquiries which have been made in respect of a teachers' college for the western suburbs. The honorable gentleman recently gave an undertaking that the question of primary schools in the western suburbs being classified as training schools will be reviewed. The people of the western suburbs appreciate that Mr. Row, who was an Assistant Director of Primary Education, was to undertake a study of the schools with a view to making certain recommendations in regard to their being declared to be training schools. Now that Mr. Row has been appointed Director of Primary Education this matter may have passed from his jurisdiction. I should like the Minister to have this review completed within the next couple of months so that some firm indication can be given in regard to the 1972 academic year and so that students who will be posted to Melbourne Teachers College from the western suburbs may be able to do their practical training in schools in the western suburbs. I raise this matter with the Minister and the Education Department in the hope that some finality may be reached by October or November.

Mr. MITCHELL (Benambra).—I direct the attention of the Minister for Fuel and Power to the unsatisfactory state of the Falls Creek committee of management. I was officially invited to attend a meeting as an observer. When I arrived I was asked to leave the conference room together with a representative of the Shire of Bright. We sat outside like naughty schoolboys for about half an hour. Eventually, I was informed that I could go back and make a few remarks, and I then had to leave the room. Can the Minister for Fuel and Power and the Government inform me what are the powers of this committee? I am not satisfied with the conduct of some committees of management of national parks and other areas. Have they the right to throw out representatives of a shire and of this Parliament? Mr. Swann, who is the chairman of the committee of management, and for whom I have high regard, is not handling that committee as it should be handled. In view of the barbaric medical arrangements at Falls Creek, allegations that children are smoking marijuana, the question of sweated labour, and other matters, I ask for a Royal Commission into Falls Creek.

Mr. SIMMONDS (Reservoir).—I direct the attention of the Minister of Labour and Industry to the serious effect of remarks of Mr. Piesse, an industrial relations officer, in respect to employment of British migrant workers, particularly in the steel industry and to the fact that the metal trade unions in this State have seen fit to advise that migrant workers from Great Britain could expect to be unable to obtain employment with certain firms in Victoria as a result of Mr. Piesse's remarks.

Has the Minister investigated the damage that these remarks could have caused to the employment opportunities of British migrant workers? Will the honorable gentleman inquire as to the extent of the discrimination against British migrant steel workers in Victoria? Finally, will the Minister inquire and advise migrants in Great Britain of the attitude of certain employers in Victoria in respect of their employment of British migrants?

Mr. THOMPSON (Minister of Education).—In reply to the honorable member for Deer Park, I shall be pleased to discuss with the newly-appointed Director of Primary Education the results of the survey which he was undertaking. His work may

well have been interrupted by his appointment as Director of Primary Education some six weeks ago following the retirement of Mr. McLellan.

Mr. BALFOUR (Minister for Fuel and Power).—In reply to the honorable member for Benambra, I point out that members of the Falls Creek committee of management are an autonomous body. They are elected according to the regulations and are charged with the control of that area. I made arrangements with Mr. Swann, for whom I have high regard, for the honorable member to be present at a meeting. It was up to the meeting itself to decide how long the honorable member remained and what he said. I understand that the shire official was the health officer. Although he may have remained outside initially, I am informed that he did attend the committee meeting on two days. Some personalities have entered into this situation which I, as Minister, should like to correct, but there must be some give on both sides. I certainly do not think there is any need for a Royal Commission into the operation of the Falls Creek Committee of management which I believe is doing a very good job of developing that area.

Mr. RAFFERTY (Minister of Labour and Industry).—In reply to the honorable member for Reservoir, I have not made any special investigation into the remarks of Mr. Piesse. They are Mr. Piesse's own views and I regard them in the same light as I would similar remarks made from time to time by, say, Mr. Carr, the self-appointed representative of certain rebel unions. If the honorable member has something specific that he would like me to look at and if he writes to me about it, I shall examine it.

The motion was agreed to.

The House adjourned at 10.51 *p.m.*

Legislative Assembly.

Wednesday, September 1, 1971.

The SPEAKER **(the Hon. Vernon Christie)** took the chair at 3.35 p.m., and read the prayer.

QUESTIONS ON NOTICE.

The following answers to questions on notice were circulated:—

EDUCATION DEPARTMENT.

PROPOSED ST. ALBANS SPECIAL SCHOOL.

(Question No. 5)

Mr. GINIFER (Deer Park) asked the Minister of Education—

What plans the Education Department has for the establishment of the proposed St. Albans special school?

Mr. THOMPSON (Minister of Education).—The answer is—

The erection of this school is included in the department's list of capital works. I am unable to indicate precisely when tenders will be advertised.

DEAF CHILDREN: SCHOOL FOR WESTERN SUBURBS.

(Question No. 6)

Mr. GINIFER (Deer Park) asked the Minister of Education—

What plans the Education Department has for the establishment of a school for deaf children in the western suburbs of Melbourne?

Mr. THOMPSON (Minister of Education).—The answer is—

Our continuing surveys show there are insufficient numbers of deaf children in the western suburbs to warrant a school or kindergarten for deaf children in the western suburbs at present.

ROBBERIES AT SCHOOLS IN RESERVOIR ELECTORATE.

(Question No. 9)

Mr. SIMMONDS (Reservoir) asked the Minister of Education—

In respect of State primary and secondary schools in the electoral district of Reservoir—

1. Which schools have been broken into during the past twelve months?

2. On how many occasions each such school has been broken into?

3. What was the nature and value of goods removed and damage to premises, respectively, in each case?

4. What arrangements have been made for repair of damage and replacement of goods removed and at whose cost?

5. What steps have been taken to prevent further breaking and entering into such schools?

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

1, 2 and 3. Listed below are details of breaking and entry reported to the department during the past twelve months.

School.	No. of times.	Nature and value of goods removed and damaged.
4686 Reservoir East ..	1	*Damage to windows
3960 Reservoir ..	1	Canteen stock loss $75
1494 Preston	2	*(1) Windows broken *(2) Minor items stolen
H.S. Lakeside	1	Damage to windows, &c. $20
H.S. Merrilands ..	1	Refrigerator stolen $145
H.S. Reservoir ..	3	(1) No damage (2) Office stores $50 stolen (3) No damage
T.S. Keon Park ..	3	*Damage to windows (2) Nil (3) Damage to windows $15
Kingsbury T.S. ..	6	*(5) Very minor damage only. Several items stolen belonging to building contractor. (1) Motor mower stolen

*No valuation included in report.

4. Repairs to damage incurred are generally effected immediately either by the Public Works Department or the school.

Items of equipment bought by the school either wholly or partly from local funds are replaced at no expense to the school, provided that such items are registered with the department's Stores Branch. Equipment and furniture which has been supplied by the department is replaced by the department.

5. Certain security procedures have been suggested to schools generally and discussions have been held between senior officers of the Police Department, the Education Department and Public Works Department.

DEPARTMENT OF HEALTH.

DEAF CHILDREN: KINDERGARTEN FOR WESTERN SUBURBS.

(Question No. 7)

Mr. GINIFER (Deer Park) asked the Minister of Health—

What plans the Department of Health has for the establishment of a kindergarten for deaf children in the western suburbs of Melbourne?

Mr. ROSSITER (Minister of Health).—The answer is—

The Department of Health has no plans for the establishment of a kindergarten for deaf children in the western suburbs of Melbourne.

A reply to the same question has also been sought by the honorable member from the Minister of Education, who would be responsible for the establishment of such a kindergarten.

INDUSTRIAL STRIKES.

SECRET BALLOTS.

(Question No. 8)

Mr. SIMMONDS (Reservoir) asked the Minister of Labour and Industry—

Whether any representation has been made to him by any person or corporation suggesting that compulsory ballots be held before any person or body of persons ceases work on account of an industrial matter?

Mr. RAFFERTY (Minister of Labour and Industry).—The answer is—

Yes. I would also like to draw the attention of the honorable member to the results of the Gallup poll published in the *Herald* on Wednesday, 11th August, 1971, when it was reported that 73 per cent of Australians favour compulsory ballots.

COUNTRY ROADS BOARD.

RAIL OVER-PASS IN NORTH GEELONG.

(Question No. 11)

Mr. TREZISE (Geelong North) asked the Minister of Transport, for the Minister for Local Government—

What is the proposed date of reopening of the rail over-pass from Glenleith Avenue to Church Street, North Geelong?

Mr. WILCOX (Minister of Transport).—The Minister for Local Government has supplied the following answer:—

January, 1972. The Country Roads Board expected to open the over-pass to traffic in December, 1971, but work has been delayed by the recent strike of carpenters.

HOUSING COMMISSION.

RENT INCREASES.

(Question No. 12)

Mr. TREZISE (Geelong North) asked the Minister of Housing—

What rent increases have been imposed on tenants of Housing Commission units over the past fifteen years?

Mr. MEAGHER (Minister of Housing).—The answer is—

From 1956 to 1963 rentals for commission dwellings were determined on an economic basis for each as set out in the 1945 Commonwealth–State Housing Agreement and the Victorian Rents and Rebate Regulations —in practice the rentals were adjusted when dwellings were vacated and relet.

In 1963 an averaging scheme for rental fixation was introduced—the position with rentals for 3-bedroom accommodation in the metropolitan area then being and as subsequently adjusted is as follows:—

14th July, 1963: Minimum, $7 per week; maximum, $10.50 per week.

No existing tenant was charged more than a $2 per week increase in the first twelve months.

30th January, 1966: Rentals less than the minimums brought to the minimum of each bedroom type except no tenant paid an increase greater than $1 per week.

10th April, 1966: Minimum of ranges increased by $1.25 per week.

3rd November, 1968: Rents for all dwellings increased 30 cents per week and in addition minimum rentals increased a further 35 cents per week.

20th September, 1970: Rents for all family dwellings increased $1.50 per week to the present level.

For 3-bedroom metropolitan accommodation this is—Minimum, $10.40 per week; maximum, $12.30 per week.

CORIO MULTI-SHOPPING CENTRE.

(Question No. 13)

Mr. TREZISE (Geelong North) asked the Minister of Housing—

1. What is the present position concerning the planned development of the multi-shopping centre at the intersection of Bacchus Marsh Road and Purnell Road, Corio?

2. When construction will begin?

3. When it is expected the centre will be open for public shopping?

Mr. MEAGHER (Minister of Housing).—The answers are—

1. The successful tenderers have informed the Housing Commission that preliminary plans for the shopping centre have been finalized with A. V. Jennings Industries (Aust.) Ltd. They expect to enter into a contract with that firm on or before the 24th October, 1971, so complying with their contract with the Housing Commission.

2. The developers anticipate commencement of site works on or about 24th October, 1971.

3. At this juncture the opening date is not known to the Housing Commission.

NORTH FITZROY RECLAMATION AREA.

(Question No. 18)

Mr. BORNSTEIN (Brunswick East) asked the Minister of Housing—

1. What amounts have been expended by the Housing Commission in the area of North Fitzroy bounded by Rae, Reid, Nicholson and Church streets on—(*a*) acquisition of houses; (*b*) demolition of houses; (*c*) acquisition of factories and other properties; and (*d*) demolition of factories and other properties?

2. What amounts the commission expects to expend in each of the above-mentioned categories this financial year?

Mr. MEAGHER (Minister of Housing).—The answers are—

1. (*a*) $578,950; (*b*) $9,544; (*c*) $65,342; (*d*) Nil.

2. As the commission purchases properties from only those owners who approach it with an offer to sell, the expenditure in this category cannot be estimated.

(Question No. 20)

Mr. BORNSTEIN (Brunswick East) asked the Minister of Housing—

1. How many—(*a*) houses; and (*b*) factories and other properties, have been purchased by the Housing Commission in the North Fitzroy area bounded by Rae, Reid, Nicholson and Church streets?

2. How many—(*a*) houses; and (*b*) factories and other properties, have been demolished by the commission since their purchase?

3. How many additional—(*a*) houses; and (*b*) factories and other properties, the commission intends to purchase in the above-mentioned area?

4. Which, if any, of—(*a*) the houses; and (*b*) factories and other properties, purchased but not demolished the commission intends to preserve intact?

5. Which, if any, of—(*a*) the houses; and (*b*) factories and other properties, which the commission desires to purchase it is intended to preserve intact?

Mr. MEAGHER (Minister of Housing).—The answers are—

1. (*a*) 52. (*b*) 6.

2. (*a*) 49. (*b*) Nil.

3. Apart from those properties which are offered for sale to the commission by the respective owners, the commission has no present intention of purchasing any properties in these categories.

4. This matter has not been determined.

5. This matter has not been determined.

(Question No. 21)

Mr. BORNSTEIN (Brunswick East) asked the Minister of Housing—

Whether an offer was recently made by the Housing Commission to Goold and Porter Pty. Ltd., of Church Street, North Fitzroy, seeking to transfer their factory to a new site; if so—(*a*) when the offer was made; (*b*) why it was made; (*c*) what were the terms of the offer; and (*d*) what attitude the factory owners adopted towards the offer?

Mr. MEAGHER (Minister of Housing).—The answer is—

Negotiations are proceeding between the Housing Commission and Goold and Porter Pty. Ltd., concerning the factory site in Church Street, North Fitzroy. At this stage the particulars of the offer are, of necessity, confidential between the parties.

(Question No. 23)

Mr. BORNSTEIN (Brunswick East) asked the Minister of Housing—

Whether plans for the redevelopment of the North Fitzroy area bounded by Rae, Reid, Nicholson and Church streets have been submitted to the Education Department; if so, what is the nature of such plans, specifying the date on which they were submitted, and the reasons for such submission?

Mr. MEAGHER (Minister of Housing).—The answer is—

Sketch plans of possible redevelopments for the area were discussed with officers of the Education Department in May, 1970.

The reason for the discussion was advice received from the Education Department that it will have a definite requirement for a primary school site of 2—2½ acres.

RENOVATION AND RESTORATION OF HOUSES.

(Question No. 22)

Mr. BORNSTEIN (Brunswick East) asked the Minister of Housing—

1. In what circumstances the Housing Commission will make loan money, pursuant to the provisions of the Urban Renewal Act 1970, to assist in the renovation and restoration of houses?

2. In what circumstances the commission made available loan money for such purposes under the Housing Act 1958 specifying the number and dates of applications received and the number approved?

Mr. MEAGHER (Minister of Housing).—The answers are—

1. This matter has not yet been determined.

2. The commission made available loan money for restoration and/or renovation of houses following bush fires. Applications approved were four in 1944, three in 1945 and one in 1947. These allowances were made under Act No. 4996.

RURAL FINANCE AND SETTLEMENT COMMISSION.

RURAL RECONSTRUCTION SCHEME: APPLICATIONS FOR ASSISTANCE.

(Question No. 17)

Mr. W. J. LEWIS (Portland) asked the Minister of Lands—

1. How many applications have been dealt with under the rural reconstruction scheme?

2. How many applications have been processed and how many have been rejected to date?

Mr. BORTHWICK (Minister of Lands).—The answer is—

To the 31st August the Rural Finance and Settlement Commission has received 1,857 applications for assistance under the rural reconstruction scheme and of these, 1,298 cases have received an initial analysis. Just under 400 have proceeded to a final decision whilst the balance are in varying stages of being dealt with.

A complete examination of a farmer's affairs involves considerable work and time, including farm inspection and valuation and before final agreement can be reached as to the terms of making a loan it is frequently necessary to become involved in very detailed and quite complicated negotiations with creditors.

Up to date, offers of assistance have been made to 70 applicants involving just under $1.4 million and some 321 applications have been declined.

It is pointed out that not all cases are declined on the grounds that the applicant's over-all debt position is so high that he has no prospects of achieving viability within a reasonable time, as required by the Commonwealth legislation. Some applications are declined because the applicants are possessed of considerable resources and are not in financial difficulties but are merely seeking a concessional rate of interest, whilst others are not full-time farmers with their principal means of livelihood being gained outside their farming activities. In addition, some applicants have mortgages not in arrears and with some time to run before maturity and thus do not meet the Commonwealth's requirements of being in danger of losing their farms.

In many cases, from the information supplied by the applicants in their initial application and accompanying data, it is apparent that the prospects of assistance being approved are not bright. However the commission feels it has a responsibility to conduct a thorough and detailed investigation of the applicants' affairs to see whether there are any prospects of assistance being granted rather than make a hasty decision to decline.

(Question No. 31)

Mr. E. W. LEWIS (Dundas) asked the Minister of Lands—

1. How many applications for rural reconstruction have been received from the shires of Kowree, Arapiles, Wannon, Glenelg, Dundas, Portland, Minhamite, Belfast, Mount Rouse, Mortlake, and Warrnambool?

2. How many applications have been investigated, how many applicants have received financial assistance and what total amount of money has been paid out for rural reconstruction?

Mr. BORTHWICK (Minister of Lands).—The answer is—

The Rural Finance and Settlement Commission has received 1,857 applications for assistance under the rural reconstruction scheme. Separate statistics are not kept in respect of individual shires, but it will be appreciated that because of the current problems confronting the wool-growing industry a very large proportion of the applications being received are from the western part of the State which embodies the shires in question.

Of the applications received, 1,298 cases have received an initial analysis. Just under 400 have proceeded to a final decision whilst the balance are in varying stages of being dealt with.

A complete examination of a farmer's affairs involves considerable work and time, including farm inspection and valuation and before final agreement can be reached as to the terms of making a loan it is frequently necessary to become involved in very detailed and quite complicated negotiations with creditors.

Up to date, offers of assistance have been made to 70 applicants involving just under $1.4 million and some 321 applications have been declined.

SOCIAL WELFARE.

HOSTELS FOR ADOLESCENTS AND YOUNG ADULTS.

(Question No. 26)

Mr. BORNSTEIN (Brunswick East) asked the Treasurer—

1. Which voluntary organizations operating hostels for adolescents or young adults have received Government financial assistance since 30th June, 1965, specifying in each case—(*a*) the nature of such assistance; (*b*) the amount of assistance; (*c*) the nature of and amount of assistance requested; and (*d*) when assistance was provided?

2. Which voluntary organizations operating or seeking to operate the abovementioned hostels have been refused assistance during the same period, specifying in each case the nature of and amount of assistance requested?

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

1. I am advised by the Minister for Social Welfare that his department has provided assistance as indicated in the following table:—

Date paid.	Hostel.	Parent organization.	Type of grant.	Amount.	Amount requested.
1965–66–				$ c	
30th July, 1965 ..	Marian Hall ..	Good Shepherd Sisters..	Renovations ..	1,827.90	As granted
8th November, 1965	Kew Hostel ..	Citizens Welfare Service	Renovations ..	1,040.10	As granted
8th November, 1965	Kew Hostel ..	Citizens Welfare Service	Furniture ..	1,739.70	As granted
15th October, 1965 ..	Maryville Hostel	Daughters of Charity ..	Capital ..	8,666.67	As granted
15th April, 1966 ..	Maryville Hostel	Daughters of Charity ..	Capital (part payment)	6,000.00	As granted
24th February, 1966	Coolock	St. Vincent de Paul Childrens Home	Renovations ..	4,825.33	As granted
14th June, 1966 ..	Coolock	St. Vincent de Paul Childrens Home	Renovations ..	1,841.33	As granted
14th June, 1966 ..	St. Vincents No 2 Hostel	St. Vincent de Paul Childrens Home ..	Capital ..	4,700.00	As granted
			Total	24,641.03	

Date paid.	Hostel.	Parent organization.	Type of grant.	Amount.	Amount requested.
				$ c	
1966–67					
12th December, 1966	Maryville Hostel ..	Daughters of Charity	Renovations ..	1,069.73	As granted
12th December, 1966	,, ,, ..	,, ,, ,,	Furniture ..	2,000.00	As granted
20th December, 1966	,, ,, ..	,, ,, ,,	Capital : final payment	1,194.83	$1,250.67*
20th March, 1967 ..	Kew Hostel ..	Citizens Welfare Service	Renovations ..	399.80	As granted
9th June, 1967 ..	Lyndon Lodge ..	Salvation Army ..	Furniture ..	673.34	As granted
			Total	5,337.70	
1967–68					
20th July, 1967 ..	Raelene Hostel ..	St. John of God Brotherhood	Renovations ..	2,948.67	As granted
26th July, 1967 ..	Open Door Hostel	Campaigners for Christ	Furniture ..	133.34	As granted
28th July, 1967 ..	Carinya Hostel ..	Salvation Army ..	Renovations ..	126.67	As granted
17th October, 1967 ..	Menzies Boys Hostel	Menzies Boys Homes ..	Renovations ..	69.73	As granted
30th October, 1967 ..	Harrison House Hostel	Presbyterian Social Services	Renovations ..	1,411.00	As granted
29th November, 1967	Try Youth Hostel	Try Boys Society ..	Renovations ..	153.34	As granted
9th January, 1968 ..	Coolock Hostel ..	St. Vincent de Paul Childrens Home	Renovations ..	121.20	As granted
5th February, 1968 ..	Molloy House	Church of England Boys Society	Capital Works (part payment)	4,666.67	As granted
18th March, 1968 ..	,, ,,	,, ,, ,,	,, ,,	9,333.33	As granted
29th April, 1968 ..	Gordon Boys Hostel	The Gordon Homes ..	Renovations ..	533.34	As granted
1st May, 1968 ..	Molloy House ..	Church of England Boys Society	Capital works (part)	4,666.67	As granted
16th May, 1968 ..	Lyndon Lodge ..	Salvation Army ..	Capital work ..	2,534.30	$4,241.67*
4th June, 1968 ..	Molloy House ..	Church of England Boys Society	Capital works (final)	1,333.33	As granted
6th June, 1968 ..	Carinya Hostel ..	Salvation Army ..	Capital works ..	137.68	As granted
21st June, 1968 ..	Surrey Hills Hostel	Church of England Boys Society	Capital works (part payment)	10,000.00	As granted
			Total	38,169.70	
1968–69					
17th October, 1968 ..	Molloy House ..	Church of England Boys Society	Furniture ..	2,000.00	As granted
9th January, 1969 ..	Regent House ..	Presbyterian Social Services	Renovations ..	138.67	As granted
9th January, 1969 ..	Harrison House ..	,, ,,	,, ..	236.00	As granted
13th March, 1969 ..	Mater Dei ..	St. Vincent de Paul	Capital ..	17,833.33	As granted
1st May, 1969 ..	Surrey Hills Hostel	Church of England Boys Society	Capital (part payment)	9,941.93	As granted
12th June, 1969 ..	Open Door ..	Campaigners for Christ	Capital (part payment)	4,455.33	As granted
13th June, 1969 ..	Lyndon Lodge ..	Salvation Army ..	Renovations ..	2,673.65	As granted
			Total	37,071.42	
1969–70					
23rd July, 1969 ..	Surrey Hills Hostel	Church of England Boys Society	Furniture ..	2,000.00	As granted
27th September, 1969	Open Door ..	Campaigners for Christ	Capital works (part payment)	5,666.67	As granted
25th September, 1969	Gordon Boys Hostel	The Gordon Homes ..	Furniture ..	120.34	As granted
7th November, 1969	Open Door ..	Campaigners for Christ	Capital works (part payment)	3,538.00	As granted
16th January, 1970 ..	Open Door ..	,, ,, ,,	Furnishings ..	1,563.11	As granted
12th March, 1970 ..	St. Martins ..	St. Johns Homes ..	Renovations ..	230.00	As granted
			Total	13,118.12	
1970–71					
24th July, 1970 ..	Maryville ..	Daughters of Charity ..	Furniture ..	241.33	As granted
31st July, 1970 ..	Mater Dei ..	St. Vincent de Paul Society	Furniture ..	2,000.00	As granted
20th October, 1970 ..	The Harbour ..	Salvation Army ..	Renovations ..	766.66	As granted
20th October, 1970 ..	Gordon Boys Hostel	The Gordon Homes ..	Furniture ..	25.56	$124.67*
22nd October, 1970	Coolock Hostel ..	St. Vincent de Paul Childrens Home	Renovations ..	360.00	As granted
22nd October, 1970	St. Vincents No. 2 Hostel	,, ,, ,,	Renovations ..	406.66	,,
30th November, 1970	Swinborn Lodge ..	Community Welfare Foundations	Renovations ..	1,857.38	,,
24th February, 1971	Try Boys Hostel ..	Try Boys Society ..	Furniture ..	404.67	
			1970–71 Progressive Total ..	6,062.26	

2. No application was refused during the period referred to, but in three instances as indicated in the table by asterisks the amount requested required adjustment having regard to the basis of subsidy ($2 for $1) and the maximum grants available, viz.—

$20,000 in respect of capital expenditure.
$2,000 in respect of furniture and fittings.
$4,000 in respect of renovations and repairs.

The Hospitals and Charities Commission has also made some grants to voluntary organizations working in this field. I am obtaining details of this assistance and I will let the honorable member have it as soon as it is available.

AFTER-SCHOOL CARE PROGRAMMES.

(Question No. 27)

Mr. BORNSTEIN (Brunswick East) asked the Treasurer—

1. Which voluntary organizations operating after-school care programmes for "latch-key" children have received Government financial assistance since 30th June, 1965, specifying in each case—(*a*) the nature of such assistance; (*b*) the amount of assistance; (*c*) the nature of and amount of assistance requested; and (*d*) when assistance was provided?

2. Which voluntary organizations operating or seeking to operate programmes have been refused assistance during the same period, specifying in each case the nature of and amount of assistance requested?

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

1. I am advised by the Minister for Social Welfare that the Youth Advisory Council provided assistance to the Girl Guides Association towards its "Trefoil project" in this particular field on the following basis:—

(*a*) financial assistance was granted for the training of youth leaders to conduct after-school activities;

(*b*) the total amount granted was $4,000;

(*c*) the nature and amount of assistance was not specified in the association's application;

(*d*) $2,000 was granted in each of the years 1968-69 and 1969-70.

2. The council is not aware of any other application for assistance towards such a programme having been refused.

PRISONS DIVISION.

FAIRLEA FEMALE PRISON.

(Question No. 28)

Mr. BORNSTEIN (Brunswick East) asked the Minister for Social Welfare—

1. What is the minimum age for females serving sentences at Fairlea Female Prison?

2. Whether any females below such age level are currently confined at the prison; if so, why?

3. Whether females below such age level are regularly confined at the prison; if so, why?

Mr. I. W. SMITH (Minister for Social Welfare).—The answers are—

1. There is no prescribed minimum age, but in practice prisoners are rarely held under the age of seventeen years.

2. No.

3. No.

(Question No. 29)

Mr. BORNSTEIN (Brunswick East) asked the Minister for Social Welfare—

1. What steps are taken to treat women prisoners at Fairlea Female Prison who are suffering from contagious diseases?

2. What precautions are taken to prevent the spread of diseases amongst inmates of the prison?

Mr. I. W. SMITH (Minister for Social Welfare).—The answers are—

1. Examination and treatment, including isolation in the prison hospital or transfer to a public hospital, as directed by the prison medical officer.

2. All prisoners are medically examined as soon as practicable after reception. Any prisoner found to be suffering from a disease receives treatment and/or isolation in the prison hospital, or is transferred to an appropriate public hospital, as directed by the prison medical officer.

QUESTIONS WITHOUT NOTICE.

BRIQUETTING INDUSTRY.

Mr. AMOS (Morwell).—Can the Minister for Fuel and Power inform the House when the decision was taken by the State Electricity Commission to make redundant 200 men engaged in the briquetting industry of the commission?

Mr. BALFOUR (Minister for Fuel and Power).—Investigations have been carried out into the operation of briquetting factories, and a report has been produced. As yet no decision has been made as to the implementation of that report. However, I will make inquiries and inform the honorable member.

SURVEY OF PORT PHILLIP BAY.

Mr. FLOYD (Williamstown).—Can the Chief Secretary inform me whether the Fisheries and Wildlife Branch is working on a survey of Port Phillip Bay? If so, how long have those concerned been on the job? Do they intend to bring out any interim report? If not, why not; and do they intend finally to produce a report for all members?

Mr. HAMER (Chief Secretary).—The Fisheries and Wildlife Branch has been engaged in an ecological survey of Port Phillip Bay for upwards of a year—probably nearly two years now—in conjunction with the Melbourne and Metropolitan Board of Works. I understand that that survey will require at least another year and possibly more to complete. So far as I am aware it is not proposed to bring out any interim report. In fact, I do not know that any interim report would be entirely appropriate, because most of the study depends upon the making of comparisons of readings of various types of the waters of the bay and other ecological data over a period. I will make inquiries to see whether any form of interim report would be appropriate. In the meantime, the survey is continuing and we expect results in about a year or two.

HORSHAM KYOSAN ENGINEERING COMPANY LIMITED.

Mr. HOLDING (Leader of the Opposition).—I ask the Treasurer: Is it a fact that the Horsham Kyosan Engineering Company Limited held a winding-up meeting yesterday, and is it also a fact that if this company closes, as now seems certain, some 50 men will be unemployed in Horsham? Did the Government, which holds a debenture in the vicinity of $15,000, receive an offer to acquire that debenture from a number of private shareholders who are concerned merely to endeavour to protect their interests and to keep the company going, if possible? Was this offer refused, and can the Treasurer give reasons why this offer was refused?

Sir HENRY BOLTE (Premier and Treasurer).—This is perhaps a proper question for the Minister for Fuel and Power to answer on behalf of the Minister for State Development because of the involvement of that department in the financing of this company in Horsham over the years. I have knowledge of the fact that an offer of some $15,000 was made to the Government for the debenture, or whatever security it held. Following legal advice and on the advice of the Ministry of State Development the Government was advised not to accept the offer for reasons that I am not at liberty to disclose at this moment.

PAY-ROLL TAX.

Mr. W. J. LEWIS (Portland).—In the interests of decentralization will the Premier give concessions or exemptions to approved decentralized industries regarding the payment of pay-roll tax?

The SPEAKER (the Hon. Vernon Christie).—Order! I think this is really a matter of policy.

MANSFIELD AUTISTIC PLAY SCHOOL CENTRE.

Mr. TREWIN (Benalla).—Will the Minister of Health consider providing assistance to the Mansfield Autistic Play School Centre so that the teacher who travels throughout the country areas of Victoria can continue with this work in the interests of children so afflicted?

Mr. ROSSITER (Minister of Health).—I shall be pleased to give sympathetic consideration to that request.

MANNEQUINS AND MODELS DETERMINATION.

Mr. HOLDING (Leader of the Opposition).—Will the Minister of Labour and Industry inform the House whether it is a fact that for something like nine months the Minister

and his department have been constantly advised of breaches of the mannequins and models determination, and whether it is also a fact that the department has steadfastly refused to take any positive legal action to see that the law is enforced against certain agencies in Melbourne which are treating the Minister and his department as a joke?

Mr. RAFFERTY (Minister of Labour and Industry).—The answer is, of course, "No," but for the benefit of honorable members I shall enlarge upon it. It is a fact that certain representations have been made by the guild, but in the great majority of cases the allegations made have not been sustained. It is also a fact that the department is continuing investigations into the matters in an effort to obtain sufficient evidence for a prosecution, but thus far it has been unable to do so. It is further a fact that the Leader of the Opposition has received copies of correspondence from the persons who are making the allegations, and it is a fact that on numerous occasions I have discussed this matter with the Leader of the Opposition and have also sent him information.

SOCIAL WELFARE DEPARTMENT.

Mr. BORNSTEIN (Brunswick East).—What steps has the Social Welfare Department taken to co-ordinate its regional boundaries with those of other Government departments?

Mr. I. W. SMITH (Minister for Social Welfare).—As yet, the State Government has no regional boundaries to co-ordinate with other forms of government.

FLOOD RELIEF.

Mr. J. A. TAYLOR (Gippsland South).—Can the Minister of Water Supply indicate when river improvement trusts in Gippsland will receive a financial allowance for flood relief purposes?

Mr. DUNSTAN (Minister of Water Supply).—Advice has been received from the Treasurer that a special allocation of $200,000 will be made available for flood relief work in Gippsland. This money will be divided between seven river improvement trusts as follows:—Snowy River, $75,000; Cann River, $40,000; Mitchell River, $28,000; Avon River, $25,000; Thomson River, $15,000; Macalister River, $4,000; and Latrobe River, $3,000. In addition, the Orbost Waterworks Trust will receive $7,000 and the Orbost Sewerage Authority $3,000. I should add that this special allocation of $200,000 will be additional to the usual $500,000 per annum which is granted to the 26 river improvement trusts in Victoria.

FOOTBALL BETTING.

Mr. TREZISE (Geelong North).—I desire to ask the Chief Secretary a question concerning legalized football betting. Has the honorable gentleman received submissions from football bodies on that subject and can he furnish details of the submission, particularly in relation to the allocation of profits? Can the Chief Secretary also inform the House whether there has been any opposition expressed in respect of football betting and, if so, by whom, and what were the reasons given for that opposition? Can the honorable gentleman also inform the House when a decision can be expected in this matter?

The SPEAKER (the Hon. Vernon Christie).—Order! Oral questions which are to be answered during question time should be brief and not so detailed.

Mr. HAMER (Chief Secretary).—No specific proposals have yet been made, but the Victorian Football League has indicated that it does intend to make a proposal. It has not yet done so. The position is that no proposals and no opposition have been considered.

PRESTON ASSESSMENT CENTRE.

Mr. WILKES (Northcote).—Will the Minister of Health inform the House whether the assessment

centre for the treatment of alcoholics and drug-dependent persons which he promised earlier this year would be operating in Wood Street, Preston, is operating? If not, when does the Minister hope that it will be in operation?

Mr. ROSSITER (Minister of Health).—I am looking forward with just as much expectation and, I hope, enjoyment as the honorable member to the Treasurer's Budget speech to be delivered in a little while, and then I shall be in a better position to answer the question.

COMMONWEALTH-STATE HOUSING AGREEMENT.

Mr. EDMUNDS (Moonee Ponds).—I ask the Minister of Housing: Is it a fact that the six States have rejected the Commonwealth's proposals contained in the Federal Budget in regard to the continuance of the Commonwealth-State housing scheme? If so, will the honorable gentleman inform the House of the reasons why the States have rejected the proposals at this stage, as there is considerable public confusion about the future of this agreement?

Mr. MEAGHER (Minister of Housing).—At a conference held in Canberra last Friday the Commonwealth put certain proposals before the States which the States found unsatisfactory because they were not sufficiently documented. From the States' point of view it appeared that, with the increasing cost of housing, they could only become progressively worse off under the proposed arrangement, which did not include continuance of the agreement. It was to be a simple arrangement between the Commonwealth and the States. The conference was adjourned on the motion of the States in order to have some further elucidation produced. It is hoped that a further meeting will be held in September.

FLOOD RELIEF.

Mr. B. J. EVANS (Gippsland East).—In view of the information given by the Minister of Water Supply when answering a question a few minutes ago, I ask the honorable gentleman what proposal he has in mind for correcting damage which has ocurred on the Genoa River, where there is no river improvement trust, but which nevertheless suffered extensive damage in the floods.

Mr. DUNSTAN (Minister of Water Supply).—I am well aware of the damage done to this river, having inspected it with the honorable member shortly after the floods which occurred there in January. The matter is receiving the attention of the State Rivers and Water Supply Commission. I hope to be able to advise the honorable member what expenditure is proposed and what methods will be used to rectify the damage and to prevent further damage.

STUDENT CONCESSION FARES.

Mr. FELL (Greensborough).—Will the Minister of Transport consider extending the student concession tickets, or passes, available on public transport to allow them to be used during school holidays? Most students are without incomes and many live in outer suburban areas.

Mr. WILCOX (Minister of Transport).—The general question of concessions granted by the transport authorities is reviewed from time to time and I should be happy to ask the authorities to look at this question when they next review the matter. However, I could not hold out a great deal of hope for the simple reason that the many concessions granted by the transport authorities already are considerable and cost this State some millions of dollars each year. This point has to be very much borne in mind when honorable members on the opposite side of the House speak as they do of the losses sustained by the transport authorities. However, I shall be happy to draw the attention of the authorities to the matter raised by the honorable member for Greensborough.

POLICE FORCE: OVERTIME PAYMENTS.

Mr. WILKES (Northcote).—Can the Chief Secretary inform me whether any alteration has been made to the principle of overtime payments to all members of the Victoria Police Force since the recommendations on this subject in the report by Sir Eric St. Johnston were made, and whether members of the Police Force are still receiving days off in lieu of overtime payments?

Mr. HAMER (Chief Secretary).—There is provision for the payment of overtime and no doubt the matter will receive attention in the Budget. As the Deputy Leader of the Opposition knows, there is a general principle that unless days off can be given within a reasonable time, overtime is paid. In recent years, the tendency has been to pay more and more in overtime and give fewer and fewer days off. I think all honorable members will agree that this is a better principle because it provides more police on active duty for longer periods and also gives them a better remuneration. I assure the Deputy Leader of the Opposition that the provision for overtime is continually increasing and I expect that it will increase further in the Budget which the Treasurer will introduce shortly.

INQUIRY INTO EDUCATION.

Mr. TREWIN (Benalla).—Will the Minister of Education inform the House whether the inquiry into education instituted by the Government has been completed, and when it is completed will honorable members have the opportunity of obtaining a copy of the report?

Mr. THOMPSON (Minister of Education).—The report by His Honour Judge Southwell was presented to a meeting of the Executive Council this afternoon. Copies will be made available to party leaders this afternoon, and subsequently to all honorable members.

SUNDAY RAIL SERVICES.

Mr. WILTON (Broadmeadows).—Will the Minister of Transport, in his own words, inform me why he has refused to receive a deputation from representative groups who rely on the Melbourne–Upfield suburban line for rail transport on Sundays, as requested by me in two letters over recent weeks?

Mr. WILCOX (Minister of Transport).—I can only answer in my own words and will not read what I say, which frequently the honorable member for Broadmeadows has to do. The question is an interesting one and concerns the provision of a better transport service on Sundays for residents in the Upfield area. The Passenger Services Co-ordination Committee, which operates under the sponsorship of the Ministry of Transport and the chairman of which is the Director of Transport, who has a number of functions under the Ministry of Transport Act in co-ordinating transport generally, being concerned with the provision of transport services, went thoroughly into the question of running trams, trains and buses parallel on a Sunday when all services were losing money.

Mr. WILTON.—Why will you not tell this to the people?

Mr. WILCOX.—All this has been told to the people.

Mr. WILTON.—It has not; you have been running away from it.

The SPEAKER (the Hon. Vernon Christie).—Order! It is plain that question time must consist of one question and answer at a time and not interjections. I ask the Minister of Transport to answer the question.

Mr. WILCOX.—I am explaining the background to the deputation.

Mr. WILTON.—Why will you not receive the deputation? Do not tell me, tell the people.

The SPEAKER.—Order! The honorable member for Broadmeadows has asked a question, and if he stops interjecting he will hear the answer.

Mr. WILCOX.—Obviously, the honorable member for Broadmeadows is in trouble. The Passenger Services Co-ordination Committee recommended that the train services be cut out and that, in substitution, the tram and bus services be considerably upgraded.

Mr. WILTON.—We all know that.

Mr WILCOX.—And so do your constituents.

The SPEAKER.—Order! The Minister should address the Chair.

Mr. WILCOX.—I thought that the idea of answering questions in this House was to give the facts, and I am giving them. I have no intention of being cut off when I am answering a question which cannot be properly answered without full explanation. I hope, Sir, you will allow me to give a full explanation.

The SPEAKER.—Order! If the Minister thinks he is being cut off by the Chair, he is wrong. In fact, he has cut himself off. The Minister has been asked by the Chair to answer the question, and I suggest that he answers it.

Mr. WILCOX.—If I gave any inference that you were cutting me off, Mr. Speaker, of course I apologize. I was referring to the demands of the honorable member for Broadmeadows that I answer this question, which cannot be answered without a full explanation. The residents in the area have a better transport service on Sundays and the saving to the transport authorities amounts to about $38,000 a year. This has all been explained to a number of honorable members, including the honorable member for Broadmeadows, who have written to me. The case is clear: With a saving of $38,000 a year and better transport for the residents, that is the simple reason why I do not wish to see a deputation.

RURAL RECONSTRUCTION SCHEME.

Mr. WHITING (Mildura).—Can the Minister of Lands advise the House if any offers of loans from the Commonwealth Rural Reconstruction Fund have been accepted? If so, will the honorable gentleman continue to keep the House posted at, say, fortnightly intervals on the number of loans accepted?

Mr. BORTHWICK (Minister of Lands).—At the close of business on Monday evening, 70 offers of finance involving a total sum of $1.4 million had been made, and at that stage there had been about 45 acceptances involving approximately $854,000. In regard to the latter part of the question, I suggest that interested honorable members use the forms of the House and, at question time, ask questions similar to that asked by the honorable member for Mildura.

SUBURBAN RAIL CARRIAGES.

Mr. WILKES (Northcote).—Has the Minister of Transport been advised by the Railways Commissioners on the safety of the continual use of wooden carriages in Victoria? Further, have they advised him about the effect of rust in some of the steel carriages in use? Is the honorable gentleman disturbed by the fact that the scheduled programme for the replacement of carriages will not be completed by the estimated date of 1983 or 1985? What does the Minister intend to do about this?

Mr. WILCOX (Minister of Transport).—Like the Railways Commissioners, I should like to see a new fleet of suburban trains, to which I take it the Deputy Leader of the Opposition is referring, to replace the old wooden carriages. I recognize that new carriages of modern construction would be much safer than the old wooden carriages.

Mr. DOUBE.—It will not be possible to use wooden carriages on the underground loop.

Mr. WILCOX.—I am glad of the honorable member's interjection; what he says is correct. In conclusion, towards the end of his question the honorable member for Northcote made a reference to 1983. I do not think we can project ahead as far as that, but the Railways Commissioners, with the quite limited funds available to them, have launched a programme for new suburban carriages. I sincerely hope, as do the commissioners, that the provision of these carriages can be speeded up so that it will be possible to get rid of the old carriages.

COLLINGWOOD HIGH SCHOOL.

Mr. HOLDING (Leader of the Opposition).—I direct a question to the Minister of Education. On his recent inspection of the facilities and premises at Collingwood High School, did the Minister inspect that room described as an attic which houses pupils in the senior form and which does not comply with health regulations but more importantly does not comply with fire regulations? Is the Minister aware that in the event of a fire that room would constitute a fire trap to the children? If so, what steps does the Minister propose to take to relieve the situation?

Mr. THOMPSON (Minister of Education).—I did inspect that room which is part of temporary premises that were hired because of the fire which occurred last year at Collingwood High School. Steps were taken to hire some additional rooms in the Carlton area previously occupied by a private school with the idea of possibly transferring some Collingwood High School pupils there. I shall be happy for officers of the Public Works Department to examine that room again to ensure that it is adequately safeguarded against fire. Following the inspection, I gave other directions relating to the clearing of stored furniture—a task which I hope has already been carried out—and the erection of partitions which would make it a more satisfactory building, although it is for temporary purposes only.

Mr. HOLDING (Leader of the Opposition).—In view of the serious accommodation position currently at Collingwood High School and as there will be further applications for enrolment following the erection of high-rise Housing Commission flats in Wellington Street, can the Minister inform me what plans or arrangements the Education Department has to proceed either with the erection of a new Collingwood High School or simply to accommodate those intending applicants from within the area?

Mr. THOMPSON (Minister of Education).—The first move is to try to ease the pressure at Collingwood High School for next year by making use of some spare space at schools such as Heidelberg Girls High School; pupils would be taken by bus from Collingwood High School to that school. Secondly, rebuilding of Collingwood High School is already acknowledged by the Public Works Department as a top priority project.

ENVIRONMENT PROTECTION COUNCIL.

Mr. KIRKWOOD (Preston).—I direct a question to the Minister representing the Minister for State Development. As the Environment Protection Council has met twice, why has the Melbourne Trades Hall Council representative, Mr. Colin Willman, not been appointed?

Mr. BALFOUR (Minister for Fuel and Power).—I ask the honorable member to put that question on the Notice Paper. I am not aware of the situation.

NURSING HOMES AND WELFARE SERVICES.

Mr. BORNSTEIN (Brunswick East).—In view of assurances given by the Premier in this House earlier this year, can the honorable gentleman indicate whether the Government is any nearer to accepting the long-standing offer by the Commonwealth to subsidize the cost of additional

benevolent nursing homes and additional domiciliary welfare services? If not, why not?

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

INQUIRY INTO FUTURE OF YALLOURN.

Mr. AMOS (Morwell).—Following the answer that the Minister for Fuel and Power gave to my previous question, can the honorable gentleman inform the House if the information which was available to the committee to which the honorable gentleman referred was available to the Parliamentary committee which inquired into the future of Yallourn township, and if not, why not?

Mr. BALFOUR (Minister for Fuel and Power).—The report which I mentioned was an inter-departmental report. I do not think it was available when the Public Works Committee was inquiring into the future of the Yallourn township.

EXHIBITION (BORROWING POWERS) BILL.

Mr. I. W. SMITH (Minister for Social Welfare), by leave, moved for leave to bring in a Bill to amend section 14 of the Exhibition Act 1957.

The motion was agreed to.

The Bill was brought in and read a first time.

MOONEE PONDS (QUEENS PARK) LAND BILL.

Mr. BORTHWICK (Minister of Lands), by leave, moved for leave to bring in a Bill to authorize the grant of leases in respect of certain land at Moonee Ponds in the City of Essendon and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

ESTIMATES FOR 1971-72.

Sir HENRY BOLTE (Premier and Treasurer) presented a message from His Excellency the Governor transmitting Estimates of Revenue and Expenditure for the year 1971-72 in lieu of the Estimates of Expenditure for the first three months of the year 1971-72, transmitted on 2nd March, 1971, and recommending an appropriation accordingly.

FINAL SUPPLEMENTARY ESTIMATES FOR 1970-71.

Sir HENRY BOLTE (Premier and Treasurer) presented a message from His Excellency the Governor transmitting Final Supplementary Estimates of Expenditure for the year 1970-71, and recommending an appropriation accordingly.

STATE ELECTRICITY COMMISSION (NEWPORT POWER STATION) BILL.

Mr. BALFOUR (Minister for Fuel and Power) moved for leave to bring in a Bill to make provision with respect to the scheme for the extension of the State electricity generating system by the establishment of a power station at Newport.

The motion was agreed to.

The Bill was brought in and read a first time.

FILMS BILL.

Mr. HAMER (Chief Secretary) moved for leave to bring in a Bill to consolidate and amend the law relating to films and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

LOTTERIES GAMING AND BETTING (PRE-POST BETTING) BILL.

Mr. I. W. SMITH (Minister for Social Welfare) moved for leave to bring in a Bill to authorize certain pre-post betting on the Melbourne

Cup, to amend the Lotteries Gaming and Betting Act 1966 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

DAYLIGHT SAVING BILL.

Mr. HAMER (Chief Secretary) moved for leave to bring in a Bill to promote the greater use of daylight in certain months of the year and to provide for certain matters incidental thereto.

The motion was agreed to.

The Bill was brought in and read a first time.

APPRENTICESHIP (AMENDMENT) BILL.

Mr. RAFFERTY (Minister of Labour and Industry) moved for leave to bring in a Bill to amend the Apprenticeship Act 1958 and to repeal certain provisions of the Employers and Employés Act 1958.

The motion was agreed to.

The Bill was brought in and read a first time.

THE BUDGET.

The House went into Committee of Supply.

Sir HENRY BOLTE (Premier and Treasurer).—Another financial year has gone, a new one has begun, and once again it is my privilege to bring in the Budget, this time for the year 1971-72. This honour has been mine for seventeen successive years and I am prompted to reflect on what has characterized those years. Foremost they have been years of stability in government, a stability which has provided a basis for much useful long-term planning. They have been years of growth and development, and this at a rate unprecedented since the spectacular early developments of the State in the middle of the last century following the great gold discoveries. They have been years in which we have come of age in so many things, and on the occasion of the Budget as I look back on what has gone before, and therefore what is the foundation on which the future rests, I am conscious of the role of the budget process in giving direction and purpose to the development and welfare of the State.

I say the budget process rather than the Budget, for the Budget itself, confined as it is to the immediate span of a new financial year, covers a period which is both too short and too long. It is too short to give continuity to essential forward planning. It is too long to keep a check on how things are going in the immediate present. It is an artificial span—useful as an accounting period, but with limitations in the planning sense. Planning calls for the long-term view of projects and programmes, combined with virtually a day-to-day oversight of cash flows and progress. Yet the Budget is the main report for the year to Parliament on the financial position as it has emerged at the close of the old financial year, and as it is planned for the new financial year. I proceed therefore to the task of that reporting, and deal first with the state of affairs as they existed at the end of the financial year 1970-71.

When I presented the Budget for that year we had planned on having a shortage of $8 million on current account for 1970-71, to be offset by a surplus of a similar amount on capital account. The two were combined for the first time into one Consolidated Fund which had to be planned to balance for the year, and which in fact had to be in balance at the end of the year whatever the changes in circumstances which arose. Circumstances did change during the year, notably massive and unprecedented increases in costs from wage awards made by wage-fixing tribunals. They

threw the Budget as presented to the House at the outset of the year substantially out of gear, and tested to the full the validity of the total cash flow budget inherent in the Consolidated Fund. On this latter point may I say that my best hopes were fulfilled, and my confidence in the new budget framework was completely vindicated.

As the year progressed I kept the House fully informed of the changes that were occurring, and of the nature and results of the negotiations between the States and the Commonwealth, first at the February conference and later at the April conference. The House will remember those reports. They are on record in *Hansard*, and I don't propose to go over them again, but rather to pick up the situation as it was when I last reported to the House and indicate the eventual result when the year closed.

After a series of measures to contain expenditure, all explained in detail at the time, and a special grant of $10·5 million from the Commonwealth, the situation as it looked when I spoke to the House on 6th April was that on the figures as they then were, a cash deficit of about $2·5 million seemed likely for the year—an amount which I indicated would be manageable, and so described it. What I meant by manageable was that if the worst happened, and it did in fact eventuate, we could handle it, but I did have in mind that it was more than likely that events between then and 30th June, 1971, would turn in our favour, and that our total cash planning would come out square. In the event this is what happened. In fact there was a small amount to spare and this I will explain.

It will be recalled that the whole basis of understanding between the Commonwealth and the States at the April Premiers Conference was that the additional funds then made available to the States—$43 million in total of which $10·5 million came to Victoria—were to be used to reduce the prospective deficits for the year, and were not to be used for new expenditure. This was not a condition laid down by the Commonwealth. It was a basic understanding subscribed to by all, and certainly by me. This circumstance had great bearing on the attitude we took subsequently on two matters. The first was the ultimate level of the tax reimbursement grant, which depends on calculations made on data up to 31st March in each year—data which does not become available until June. When all the data was known, the actual tax reimbursement grant for 1970-71 was $3 million more than the figure estimated at April. It would have been inconsistent with the understandings between us and the Commonwealth to spend this additional amount of $3 million. In addition to that amount, receipts from probate duty and land tax eventually exceeded the figures estimated in April by $2 million, while other net variations in the figures took care of the amount of $2·5 million which in April had looked like being a possible cash shortage in the year. Therefore we took the decision that the two amounts I have mentioned—the $3 million and the $2 million —should not be spent but should be held as an unspent balance in the Works and Services Account at 30th June, 1971, as a partial offset to the unfunded revenue deficit of $15 million of the previous year. As opportunity offers it will be necessary to further augment the carry forward unspent balance in the Works and Services Account so that in time it will offset all unfunded revenue deficits currently carried on general cash balances. I explained in last year's Budget how these balances must be available in due course for the specific purposes for which they are held—they are trust fund balances—and I know that the import of what I have said is understood by the House.

Thus the year 1970-71 concluded with the Consolidated Fund in balance as required, and with a useful provision as an offset to the revenue deficit of the previous year. All of this was in conformity with the basic understandings between us and the Commonwealth on the appropriate Budget measures in the circumstances as they were.

I shall omit the next paragraph in the printed speech in the hands of honorable members which relates to the special Supplementary Estimates covering the payment of pay-roll tax to the Commonwealth for 1970-71. These Supplementary Estimates were considered by the House last night.

If I seem to have spoken at undue length about the old financial year, it is simply for the purpose of informing the House on the ultimate outworking of the things of which the House had been kept fully informed up to the time of the rising of the House at the end of the autumn session. All in all it can be said that although 1970-71 was a year of unprecedented change in the context of the Budget, the outcome was satisfactory, and indeed beyond expectations as they were in the middle of the year. Above all, the framework of the Consolidated Fund which Parliament adopted for the first time in 1970-71 was tested and proved, and the validity of the change was vindicated.

THE YEAR 1971-72.

I come now to the Budget for 1971-72 and the financial considerations underlying it. The first point to make goes back to something I reported to the House in the autumn session. This is that yet another new basis of tax reimbursement grants laid down by the Commonwealth only twelve months ago broke down completely in the first year of its operation. When I spoke of these new arrangements in the Budget speech last year, I said that I had not agreed to them because I realized that they left Victoria in a position of acute and continuing financial difficulty. I went so far as to say that having regard to the interlocking nature of the whole of the financing of government, including the major statutory corporations, the situation was so serious as to pose a threat to the whole role of government in the affairs of the State. This was proved to be entirely correct; it was accentuated by the unusually heavy wage increases during the year, and it was acknowledged before the year was out by the Commonwealth itself. In the result the arrangements have been changed yet again, and the nature of those changes needs to be explained.

At the Premiers Conference in June the Commonwealth presented to the States a package deal. The nature of the package as it emerged after a good deal of discussion was modified from the initial proposition, and the elements in it as it finally emerged were—

1. The Commonwealth to retire from the field of pay-roll tax, and the States to take the tax over as a State tax, with an amount equivalent to the proceeds of this tax at the rate of $2\frac{1}{2}$ per cent to be deducted from the tax reimbursement grant which would have been payable under the 1970 scheme. In itself this gave the States no money, but merely substituted a new State tax for a Commonwealth grant. I will say more about that in a moment.
2. As a supplement to the formula tax reimbursement grants, an amount of $20 million to be distributed among the States in proportion to pay-roll tax collections by each State in 1971-72, with an addition to the share of the four less populous States

to give them an amount equal to that which they would get on a tax reimbursement grant-sharing basis. These amounts will be merged into the base of the formula grants for the purpose of calculating those grants in subsequent years. From this arrangement Victoria will get just on $5·8 million in 1971-72.

3. A non-recurring grant in 1971-72 of $40 million to be distributed between the States in proportion to their formula tax reimbursement grants. From this arrangement Victoria will receive $9·9 million in 1971-72.

The method of determining the payment to the State by the Commonwealth of what really is, and used to be called, tax reimbursement —that is, a grant in substitution for income tax—seems to become more complicated each year. A statement giving further details of this year's arrangements is included in the Budget Papers, and here I have endeavoured to give the outline of it in simple, and I hope understandable, terms. In terms of the Budget what really counts is the amount of cash. This is something that everyone can understand, and it is worth looking at it in those terms. First it is to be remembered that the transfer of pay-roll tax to the State, and the revenue from it at the present rate of 2½ per cent, is merely a substitution for an equivalent amount of tax reimbursement grant. It is deducted from the grant that otherwise would be payable under the formula brought in last year, and in itself it makes no change in the cash available to the Budget in 1971-72. In those terms, and for the purpose of measuring availability of cash, it can be ignored. The only additional cash to be received from the new arrangements in 1971-72, over and above the tax reimbursement grant which would have been payable if no change in arrangements had occurred, is our share of the $40 million which is $9·9 million, and our share of the $20 million which is $5·8 million. These amounts I have referred to earlier, and combined they amount to $15·7 million. However in 1970-71 there was a special amount of $43 million paid to the States over and above normal tax reimbursement grants, and Victoria's share of this was $10·5 million. In cash terms, therefore, the net additional amount available this year over and above what would have come to us if tax grant procedures had not changed is only $5·2 million. This is not a large sum in a Budget of $1,100 million, and it is important to bear this in mind as I come shortly to outline the Budget proposals for 1971-72.

Before I do this, I should perhaps make a brief observation about the significance of the handing over by the Commonwealth of pay-roll tax. As explained by the Commonwealth the purpose of this transfer is to give to the States a "growth tax". As an offset to this it has reduced tax reimbursement grants by an equivalent amount. Two things need to be said. Any augmentation of the meagre taxing powers remaining to the States is in itself a good thing. To that extent the transfer of pay-roll tax has increased the taxing powers of the States, and has enhanced the extent of direct financial responsibility of the States—the nexus between revenue and expenditure, between getting and spending. This is a principle which I as Treasurer, and the Government and the Government party, have always believed in—a principle we believe to be a condition precedent to the satisfactory working of State government. It is a principle which was endorsed by the whole Parliament, and all the parties represented here, as recently as in the last Parliamentary session. In so far as the transfer of pay-roll tax to the States makes a contribution to the outworking of that principle, it must be held to be a good thing. That is why the Government has no hesitation in accepting pay-roll tax as a State tax. No other tax was offered. Nonetheless a word of caution is needed about just how

far it goes to solving the real Budget problems of the States. While at last it has been acknowledged by the Commonwealth that enlarged taxing resources are needed by the States, it would be naïve of us all to think that the transfer of pay-roll tax of itself has solved the basic problem. It has been referred to as a "growth tax", a term which seems to have acquired some magic significance. All taxes are "growth" taxes in the sense that the revenue from them grows as national income grows. Some grow at a faster rate than others. For example, without any changes in rates of tax, land tax, probate duty, and stamp duty all grow at a rate of something like 6 to 7 per cent per annum. Over the last ten years pay-roll tax has shown an average annual growth rate of 10 per cent. However it is income tax that is the real growth tax. Income tax on personal incomes has had a natural growth rate—that is a rate of growth unconnected with changes in rates of tax—of some 13 per cent per annum over the last ten years. Last year it was about 20 per cent. These figures help to put pay-roll tax in perspective as a "growth tax", and indicate the need for calm caution in assessing the significance of the transfer of pay-roll tax to the States. Indeed the rate of growth of pay-roll tax at constant rates is less than the rate of growth in the formula tax reimbursement grant. Pay-roll tax at constant rates of tax grows at the same rate as the increase in total wages. The formula tax reimbursement grant grows at a faster rate than wages grow, though at a lesser rate than income tax, particularly income tax on personal incomes.

The real significance of the transfer of pay-roll tax is in my view the fact that something has been done at long last. While the problem of the adequacy of State revenues has been by no means solved, it is evident that on the vexed question of Commonwealth–State financial relationships, the winds of change are blowing in Canberra, and for this I give the Commonwealth Government great credit. What has happened this year is the first real sign of constructive thinking at the Commonwealth level on the very real problems of State finance for nigh on 30 years. Perhaps the most hopeful sign of all is that the winds of change seem to be blowing not only in Canberra, but in the minds of all thinking people, on the real need to ensure that government at all levels—Commonwealth, State and local—is based on a stable and viable financial framework. The discussions and the resolutions of this Parliament in the last session, and the growing enthusiasm for the Constitutional Convention there proposed, to begin first between representatives of all States, and later followed by consultation between representatives of the States and representatives of the Commonwealth, are welcome signs of an awakening of interest and a deeper understanding of the need for change. The Government is more than heartened—indeed, it is delighted—by the response, and by the support of the Labor Party and the Country Party on this issue, and is further strengthened in its resolve to press on by the warm response and interest of the other States.

ESTIMATES OF EXPENDITURE 1971-72.

I come now to the practical issue of the expenditure needs for 1971-72 and the measures necessary to ensure that these needs are met.

I speak of needs, because the expenditure proposals are not inflated by any grandiose schemes to create new expenditure demands. The Estimates before the House, and the appropriations necessary from the Consolidated Fund to support the proposed expenditure, represent the minimum provision necessary for the service of government in the State without any frills or extravagance. The Government has consistently placed great emphasis on the efficiency of the Budget process and the

control of expenditure. Government expenditure does not grow because the Government sets out to make it grow. It grows in response to the growth of the State—population, numbers of school children and so on—and in response to social pressures. But above all Governments have to remember constantly, as the great statesman Macaulay so aptly put it, that they exist only for the good of the people. The people must get value for their money. This is the thing we have had uppermost in our mind at all times. Last year, as one of the steps to contain the Budget in circumstances of inflationary pressures, specific economy measures were introduced to effect actual cuts in certain areas of expenditure. These measures have been continued over into the Budget for 1971-72, subject only to such unavoidable modifications as are necessary to ensure the adequate functioning of departments.

The estimated total outlay from the Consolidated Fund in 1971-72 is $1,158 million or $147 million more than in 1970-71. These estimates are given in summary in the Budget Papers at page 7, and more details are set out in other pages and in particular in the document titled " Estimates of the Receipts and Payments of the Consolidated Fund 1971-72 ". Of the increase in estimated expenditure of $147 million, an amount of $129 million is in that part of the Consolidated Fund which formerly would have been the Consolidated Revenue, and $18 million is in the appropriation to the Works and Services Account, formerly embraced in the Loan Fund.

At this stage it is the $129 million which requires examination and I turn to that, emphasizing that the figures I am speaking of relate to the current account sector of the Budget only. Additional wages and salaries account for $64·5 million, of which $42 million is the additional cost in 1971-72 of wage awards in the previous year and wage awards already handed down in 1971-72. Debt charges—that is interest and sinking fund on loan borrowings—will increase this year by $17·5 million. The payment into the Hospitals and Charities Fund, after making allowance for the increases in hospital income from higher charges already operating, will increase by $3·5 million. Pay-roll tax payments on account of State departments will increase by $4·5 million. This is an offsetting item because it appears also in the revenue side of the accounts, and it arises from a decision to continue charging pay-roll tax on departmental salaries because of the use of pay-roll tax returns by the Commonwealth Statistician for calculation of various statistics relating to wages. I believe it is proper that the departments be debited with pay-roll tax as they were in the past, otherwise a wrong impression could be given of how the State was spending this money for the purposes of government. The Government share of superannuation pensions will rise by $2·1 million. The provision for education, apart from salaries and the other items I have already mentioned, will increase by $11 million. Payments to kindergartens and créches will rise by $1·1 million, mainly because of wage increases. Social welfare proposals to be outlined later account for $1·4 million, and proposals for increased subsidies to the railways and to the Melbourne and Metropolitan Tramways Board, in respect of fare concessions to pensioners and students account for $2·9 million. These subsidies will be explained as I proceed.

The share of petroleum royalties to be paid to the Commonwealth under the petroleum submerged lands legislation for 1971-72 is $7·4 million or $2·3 million more than in 1970-71, and this adds that amount more to the expenditure estimates this year. The gross receipts from petroleum royalties are paid to revenue, and the Commonwealth share is paid out on the expenditure side. While there is no significant increase in any of the other expenditure items, taken together they account for

an increase in expenditure of $4·2 million. The effect on the Budget of new wage awards made during last year and already this year is to add $50 million to the payments side, and the aggregate annual cost of these awards amounts to the quite formidable total of $90 million. These unprecedented wage awards have had a profound effect on the Budget.

The total increase in expenditure accounted for by the items I have mentioned is $115 million. The remaining $14 million is represented by an appropriation to be sought under Division No. 45A for Treasurer's Advance, and this requires an explanation. Under the Public Account Act provision is made for an amount of $6 million to be available out of the Public Account as an advance to the Treasurer to meet urgent claims pending Parliamentary sanction. This is an essential safety valve which all Governments have in one form or another, and which enables them to meet unforeseen and emerging contingent situations, subject to subsequent ratification by Parliamentary appropriation. There are two points to be made here. The first is that the amount of $6 million was last fixed by Parliament in 1957. The total of today's Budget is some three and a quarter times the Budget at that time. In proportionate terms this justifies an amount for Treasurer's Advance of $20 million today. The amount which had to be charged to Treasurer's Advance and subsequently covered by supplementary appropriations last year was $39 million. This was of course exceptional, because, as I have already said, wage awards after the Budget last year were massive and unprecedented. However in 1969-70, the year before last, the corresponding amount was $18 million and in the preceding year to that, 1968-69, it was $22 million. The average amount for the last three years was therefore $26 million and for the two years 1968-69 and 1969-70 it was $20 million. This adds further confirmation to the reckoning that the appropriate figure in today's terms is of the order of $20 million. The other point is that with the new form of the Consolidated Fund introduced last year, that fund has to be in balance in the year. It cannot be overdrawn. This is the essential safeguard in the whole concept of the Consolidated Fund. It does however involve a minor problem in bringing to account unforeseen expenditure commitments arising in the year, and which are not provided for in the annual Parliamentary appropriations, but are subsequently covered by supplementary appropriations. The assurance that these commitments will not lead to an overdrawing of the Consolidated Fund comes primarily from close and continuous oversight of the total cash flows by Treasury and by the Government. However the Leader of the Country Party will remember that he mentioned this point last year, and raised the problem of the need to safeguard the position. In turn this consideration points up the need for some greater degree of flexibility. Having regard to both of the points I have made the Government has decided that instead of amending the Public Account Act to increase the $6 million provided there for Treasurer's Advance, the additional amount of $14 million necessary to bring the total advance to the $20 million justified on the present size of the Budget should be appropriated on the annual Appropriation Act. A question might be raised, why retain the Public Account Act provision? The answer is that in due course it may not be necessary, but some time is needed to test the situation, and for the Government and Treasury to feel their way with the working of the Consolidated Fund. The Government recommends this course to Parliament, but proposes to review the situation in the light of experience.

The crux of the Budget problem for 1971-72 was how to cover the increase in expenditure of $129 million in the current account sector of the Consolidated Fund, having regard to the fact that the net gain in 1971-72 from the new arrangements covering tax reimbursement grants

and pay-roll tax set down at the June Premiers' Conference was only $5·2 million. There is of course the normal increase in receipts that would have come from the tax reimbursement grant arrangements as they had been determined in the previous year, and apart from the new proposals. This increase is $59 million. So far as the railways are concerned the expected increase in receipts in 1971-72 is $9·8 million, after taking into account the effects of the recent increase in railway charges. Taking all other items of State taxation and revenue items combined, the expected net increase in receipts in 1971-72 is only $16 million. This is a smaller net increase than usual because last year we picked up $11 million of receipt duty which is non-recurring, but this year the Commonwealth is reimbursing us for what would be a full year's normal receipts from this source.

In total therefore, without any change in existing State tax conditions, we would have available an increase in receipts on current account of only $90 million towards meeting an increase in payments of $129 million. This would leave a gap of $39 million, an amount which is far too large to be absorbed in the capital sector of the Budget through the Works and Services Account without completely disrupting the works programme. In these circumstances action is necessary on the receipts side to preserve the equilibrium of the Budget.

This situation was known even when the Premiers Conference was in session in June last, and furthermore it is a situation which in general terms, and in varying degree, is common to all States. At the end of the Premiers Conference therefore, and after the Commonwealth had closed its deal on tax reimbursement arrangements, all States agreed that it would be necessary to obtain additional revenue from their own resources, and all agreed that it would be necessary to increase the rate of pay-roll tax, when it is taken over by the States, from the present rate of $2\frac{1}{2}$ per cent to $3\frac{1}{2}$ per cent. All States will be implementing this decision as from 1st September, 1971, and our enabling legislation will be introduced today. The additional revenue to be derived by Victoria in 1971-72 from the increase of 1 per cent in the rate of pay-roll tax from 1st September is estimated at $30 million.

So far I have spoken of increases in expenditure on current account above that of last year, and have deducted from that the increase in receipts to be expected this year without new Budget revenue measures. We have seen the difference between these two figures as $39 million. With $30 million from the additional 1 per cent on pay-roll tax this difference is reduced to $9 million in terms of what is required to meet increases in expenditure on current account in 1971-72. But if we were to simply look at the matter in terms of increases over last year we would be losing sight of the fact that expenditure in the current account sector of the Consolidated Fund exceeded the receipts of that sector in 1970-71 by $14 million. This was offset by the appropriation to the Works and Services Account in 1970-71 of an amount which was $14 million less than the proceeds of loan raisings plus loan repayments and the Commonwealth works grant—items 8, 9 and 10 on the receipts side of the Consolidated Fund set out at page 4 of the Budget Papers. Thus if we were to set out to bring the current account sector into balance in 1971-72 we would still require to find an additional $23 million from new Budget revenue measures in 1971-72. The judgment on how far the Government should go in this matter comes back very much to a judgment on how much it is reasonably prudent to divert from loan raisings to support the current account. Our judgment has been that it would not be prudent to have this diversion at too high a figure having regard to the importance of the works programme. On the other hand we have judged

that new Budget revenue measures to the extent necessary to entirely eliminate a gap in the current account sector of the Consolidated Fund equally would not be prudent. In the result we have struck what to the Government seems an appropriate compromise. We are proposing new revenue measures which should find an extra $14·5 million in 1971-72, leaving $8·5 million to be covered on current account out of loan raisings. The revenue measures proposed are as follows.

In the first place we propose a number of amendments to the Stamps Act to increase the rate of stamp duty in the following fields where stamp duty already applies.

1. *Cheques.*

Stamp duty on cheques will be increased from 5 cents to 6 cents.

2. *Marketable Securities.*

Stamp duty on the transfer of marketable securities, for example shares, will be increased from the present rate of 20 cents per $100 of consideration payable both by the buyer and the seller to a new rate of 30 cents per $100 payable both by buyer and seller. This measure will be dependent on similar action in other States because of the obvious need for uniformity between States. Unless it were done in other States, the business of the Stock Exchange of Melbourne could be affected. The Government understands that the other States will act in the matter.

3. *Land Transfers.*

Stamp duty on land transfers will be increased. The present rate is $1\frac{1}{4}$ per cent up to a consideration of $7,000 and above that a rate of $1\frac{1}{2}$ per cent. The new rates will be—

Consideration up to $7,000	$1\frac{1}{2}$ per cent.
Over $7,000 to $15,000	$1\frac{3}{4}$ per cent.
Over $15,000 to $100,000	2 per cent.
Over $100,000 to $500,000	$2\frac{1}{4}$ per cent.
Over $500,000 to $1 million	$2\frac{1}{2}$ per cent.
Over $1 million	3 per cent.

Overall the effective increase in revenue terms will be some 25 per cent of present revenue.

4. *Mortgages.*

Stamp duty on mortgages is now at the rate of $4 flat on mortgages up to $8,000 and this will remain unchanged. Above that figure it is now $4 plus ·25 per cent on the excess over $8,000. The new rates will be—

Mortgages over $8,000 to $10,000:	$4 plus ·30 per cent on the excess over $8,000.
Mortgages over $10,000:	$10 plus ·35 per cent on the excess over $10,000.

In revenue terms the over-all effective increase will be of the order of 20 per cent.

5. *Leases.*

Stamp duty is now charged on leases at the rate of $1 per $100 of the premium plus 50 cents per $100 of the rental element of the consideration. The new rates will be $1·20 per $100 of the premium and 60 cents per $100 on the rental element.

6. *Insurance Licences.*

Companies operating in insurance pay stamp duty in the form of an annual licence assessed at 5 per cent of the premium income other than on life and third-party motor car insurance. This rate will become 6 per cent.

7. *Instalment Purchase and Credit and Rental Business.*

Stamp duty now applies in this field at the rate of 1·5 per cent of the amounts financed in an instalment purchase transaction, e.g., hire purchase, and credit business and 1·5 per cent on the rent charged in rental arrangements. The new rate of duty in these cases will be 1·8 per cent.

8. *Stamp Duty on Certificate of Registration and Transfer of Registration of Motor Vehicles.*

Under this heading the present rate of stamp duty is 1 per cent on the value of the motor vehicle. The new rate of duty will be 1·5 per cent.

The increase in revenue in 1971-72 from these proposals in the field of stamp duty will depend on the time from which the new rates will operate, and this in turn will depend on the passage of the enabling legislation which will be introduced today. For Budget purposes estimates have been based on operation from not later than 1st January next and the elements of the expected increase in revenue to be derived in 1971-72 are as follows:—

Stamp duty on—	$
Cheques	700,000
Transfers of marketable securities	1,000,000
Transfers of land	2,500,000
Mortgages	200,000
Leases	100,000
Insurance licences	2,400,000
Instalment purchase agreements and credit and rental business	800,000
Certificate of registration or transfer of registration of motor vehicles	1,900,000
TOTAL	9,600,000

Public Authorities (Contributions) Act.

The payments by the State Electricity Commission and the Gas and Fuel Corporation under the Public Authorities (Contributions) Act will be increased from 3 per cent to 4 per cent of total revenue. The gain to the 1971-72 Budget will be $2·7 million.

Gift Duty.

A new Gift Duty Act will be introduced to supplement the present provisions in the Stamps Act relating to stamp duty on gifts. At present stamp duty is payable on the document evidencing a gift. Gifts such as cash gifts are not dutiable. The new Act will apply to all gifts whether evidenced by a document or not.

Mr. DOUBE.—How will the Goverment police the payment of duty on cash gifts?

Sir HENRY BOLTE.—How does the Commonwealth Government police it?

Mr. DOUBE.—Does the Commonwealth police stamp duty on cash gifts?

Sir HENRY BOLTE.—Yes.

Mr. WILKES.—If I gave you $100, who would know?

Sir HENRY BOLTE.—I would know if the honorable member for Broadmeadows gave me $100. It will be based largely on the provisions of the present South Australian Act. It is difficult to estimate the likely benefit to revenue in 1971-72, but a nominal amount of $200,000 has been included in the Budget.

All of the foregoing proposals provide for additional revenue to be derived from increases in existing charges. In looking over the field of existing charges, and having taken the decision along with all other States to lift the rate of pay-roll tax, the lack of elbow room to obtain essential revenue from existing revenue sources became very obvious. The need to expand State revenue sources is a matter bound up intrinsically with the whole problem of Commonwealth–State financial relations—which still awaits a solution—and the problem of Constitutional review. In the meantime government must proceed, education and hospitals must be kept going, and where useful fields of revenue can be found the Government must be ready to use them. Such a field exists in the nature of a tax in relation to transient accommodation provided by establishments such as hotels and motels. It is a tax to be found already in many countries. Examples are France, Germany, Austria, Italy, Netherlands, Switzerland, Spain, Japan, Singapore, Thailand, Taiwan, and Jamaica. It also exists in many of the Provinces of Canada and most States of the United States of America. The Government proposes to introduce a similar tax here to be levied on persons providing transient accommodation, such as at hotels and motels. The rate will be 10 per cent of the amount received for the provision of such accommodation. Surveys indicate that this tax could have a revenue potential of the order of $5 million to $6 million a year. This is a useful amount, and the Budget includes an expectation of $2 million this year. The legislation will be introduced today.

From all these revenue measures combined, as I indicated previously, the total gain to the Budget in 1971-72 is estimated at $14·5 million, and the enabling Bills are to be introduced today. It has always seemed to me that, if possible, the whole package should be on the table when the Budget is brought in so that all members, and particularly party leaders, can have the opportunity to understand the detailed outworking of what in Budget speech terms can be covered only briefly and in general principles. There are practical problems of course in the formulation and preparation of legislation in time, but these have been overcome this year, and the Government is in a position to put the whole package to the House on the same day. This will give time for consideration of all aspects of the Budget proposals as they will emerge in operative form, and for informed discussion of them to take place in the Budget debate.

Just to sum up the position before I turn to some specific observations on various matters which are customarily referred to in the Budget speech, the result of the decisions which I have outlined will be to keep the Consolidated Fund in balance for 1971-72 with an expected amount of $8·5 million on current account to be met from loan raisings.

EDUCATION.

The total provision made for expenditure from the Consolidated Fund on education during the current financial year is $416 million—an increase of $58·5 million over actual expenditure in 1970-71. This increase in itself is the same as the total provision for expenditure on education in the first Budget I presented to the House in 1955.

The substantial increase in education expenditure this year results very largely from salary increases for the Teaching Service. The salary bill for teachers this year will rise by $36 million to $217 million, or by 20 per cent. This covers the appointment during 1971-72 of 2,000 additional teachers and 1,900 more teachers in training as well as the additional cost of salary awards.

Last year I announced the introduction of a new system of annual direct grants to schools, not subject to any matching requirements from local sources, and which replaced the previous complex system of subsidies and allowances. The aim was to give advisory councils and school committees greater responsibility and flexibility in their school improvement and maintenance programmes, and to start the new system off the Government added $1 million to the previous level of the funds available for these purposes. The scheme has proved very successful, and a total provision of $3·2 million will be available for grants to the schools in 1971-72.

The allocation from the works and services programme for all education in 1971-72 will be $55·4 million. This includes a special allocation of $6 million in the general school building programme in accordance with the undertaking given in our policy speech to accelerate the building of schools and the provision of staff accommodation at schools by a total of at least $17 million over the three-year period commencing 1st July, 1970.

I find it interesting to recall that in my first Budget in 1955 the total provision for the education building programme was $11·6 million, and the figure of $55·4 million for 1971-72 which I have just mentioned is a clear demonstration of the result of the top priority which the Government has consistently given to education in the allocation of available funds.

For the 1972 school year total enrolments at State schools are expected to exceed 600,000. Primary school enrolments are now growing at a rate of only 1 per cent per annum, which is the lowest rate of increase for more than 20 years, and this situation will continue for the next year or two. However, the number of primary school teachers is increasing by more than 650 or 3½ per cent per annum. Increases in enrolments in the secondary and technical field are expected to be of the order of 8,000 in 1972, and in these schools over 1,000 additional teachers will be available for the new school year.

The following figures illustrate in a dramatic way the growth of our high schools over recent years, and the significant improvements which have been and are being made in the staffing position in these schools. In 1963 there were 3,139 classes in high schools throughout the State and 39 per cent of these classes had more than 37 pupils in them. This year there are 5,098 high school classes and in only 17 per cent of this much larger number of classes are there more than 37 pupils. In regard to staffing I should draw attention to the fact that $1 million has been provided to cover the expenditure involved in the second year of the international teaching fellowships scheme. These fellowships have

proved a great success in bringing overseas teachers with high qualifications and differing backgrounds and experience into contact with both students and teachers in our schools. The Government has also approved of the recruitment of further teachers from overseas to improve the over-all staffing position in secondary and technical schools, and also to secure the benefits flowing from the availability of overseas training and experience in our schools.

A total amount of $58·7 million has to be found by the State this year for the three universities and the nineteen colleges of advanced education. This is an increase of $6·3 million over the corresponding expenditure in 1970-71.

The Government has again reviewed the range and amount of assistance which is made available for the registered school sytem, and has decided that as from 1st July, 1971, the *per capita* payments to approved registered schools for pupils at primary level will be doubled from $20 to $40. The total provision by the State Government in 1971-72 by way of assistance for the benefit of pupils in registered schools is estimated at $12 million.

The new Teacher Housing Authority, which was the subject of legislation passed in the previous session, has been appointed and is now taking over responsibility for the control and development of teacher housing. The necessary financial arrangements for the authority's operations are currently being settled.

SOCIAL WELFARE.

Special consideration has been given in the preparation of the Estimates of the Consolidated Fund to the requirements of the new Ministry of Social Welfare.

The total provision for expenditure by the Ministry in 1971-72 is $19·9 million—an increase of $3·3 million over the corresponding figure for last year.

The Ministry is currently giving consideration to the working out of its long-term objectives, but it is appropriate that I should mention here one or two aspects of the action which has already been taken. Approval has been given for the first steps in the regionalization of the full range of the department's services, and for the co-ordination of these services with the activities of other departments, and with local government and voluntary services. The first of these regional offices will be at Geelong and Preston.

The Ministry is paying special regard to the role of voluntary agencies in the administration of community welfare services. Provision has been made in the Budget for the creation of a fund of $250,000 to enable the Minister for Social Welfare to make special grants to these organizations.

The Government has reviewed the assistance which has been made available to date by the Hospitals and Charities Commission and the Social Welfare Department to children's homes which are caring for wards of the State. Following this review the Social Welfare Department has taken over the major responsibility in this field and as from 1st July last assistance towards running costs in appropriate cases will be based on maximum payments of $20 per week for children who are wards of the State and $10 per week for non-wards.

Expenditure from the Works and Services Account for the purposes of the Social Welfare Department during 1971-72 is estimated at $2·3 million or $700,000 higher than last year. The approved works programme includes the construction of further family group homes in both metropolitan and country centres, additional accommodation at Winlaton and Malmsbury youth training centres, new kitchen facilities at Turana and extensions of education facilities at Langi Kal Kal and Allambie.

Provision has been made for a start on new office accommodation to cost $250,000 for probation officers at the Children's Court and a total allocation of $525,000 has been made for improvements and additions at prisons.

The contribution to the Youth Organizations Assistance Fund for 1971-72 has been increased by $40,000.

HOSPITALS.

In presenting the Budget for 1970-71 I indicated that the Government had provided for increased grants of $9·5 million from the Hospitals and Charities Fund towards the running costs of hospitals and other registered institutions in that year. In the event the series of wage awards handed down during 1970-71 led to serious difficulties for the hospitals and institutions concerned, and the Government, despite its own difficult budgetary situation, made available further grants totalling $9 million, including $8 million to meet the cost of these awards.

In the two years from 1968-69 to 1970-71 the level of grants for hospitals and charities increased by over $28 million or 57 per cent, principally to assist in covering the cost of wage and salary awards. There are clearly limits to how far the community can be called upon to subsidize the running costs of hospitals in the face of wage increases of this order, and there was no alternative to the increases in hospital charges which were announced recently. The increased fee income will not be enough to cover the hospitals' requirements for the current financial year. It will, in fact, only cover about half of the cost in a full year of the 1970-71 wage awards.

For 1971-72 grants totalling $79·8 million will be available through the Hospitals and Charities Commission towards the running costs of hospitals and other registered institutions. This amount will be provided as to $77·6 million from the Consolidated Fund and $2·2 million in respect of motor car hospital payments. Allowing for the estimated additional revenue from fees, hospitals should have available for expenditure in 1971-72, $10·1 million more than last year. The increased level of funds allows for the full year effect of the awards handed down during 1970-71 as well as for the cost of new beds being brought into operation and for some improvement and expansion of services generally.

An amount of $13·5 million has been allocated from the Works and Services Account for expenditure during 1971-72 on buildings and equipment for hospitals, homes for the aged, and other charitable institutions.

Bush nursing hospitals will receive grants totalling $800,000 by way of assistance towards their running costs and approved capital projects and equipment.

Funds have also been provided to meet the expenses of two consultative councils which have been appointed by the Minister of Health to inquire into educational services for the pre-school child and the problem of road traffic deaths and the measures required to achieve a reduction of injuries and deaths arising from road accidents.

POLICE.

Funds available to the Police Department in 1971-72 will be $44 million. This is an increase of $9 million over expenditure during last financial year.

Provision for police salaries this year is $30 million and this figure allows for the recruitment of an additional 300 members by 30th June, 1972 as a first step in the plan to lift the authorized strength of the force in line with the recommendations of the St. Johnston report. A more vigorous recruiting campaign aided by the publicity from this report, and the combination of recent salary increases and better promotion prospects, have more than doubled the number of applicants desirous of joining the force. Legislation will be introduced during the current session of Parliament to amend the Police Regulation Act to cover the introduction of the recommended new rank structure for the force. The Estimates provide for an additional number of motor vehicles and improvements to the radio network as a further contribution to the development of police mobility and communications.

The police works programme has been expanded for the current financial year and expenditure from the Works and Services Account is expected to be $1·6 million compared with $1 million in 1970-71. Major projects which will be well under way this year include the new 24-hour police station and district headquarters at Nunawading, and a 24-hour station at Greensborough. Expenditure on these two projects this year is expected to be $400,000. Work will also be proceeding on the construction of seven other new police stations as well as on an expanded programme of extensions and renovation works.

PROTECTION OF THE ENVIRONMENT.

The community is becoming more and more concerned with the vital question of the control of pollution and the protection of the environment. This is not a new question and it is one which has been a concern of most of our departments and authorities over the years and is interwoven with their operations and responsibilities. The Department of Health, State Rivers and Water Supply Commission, Forests Commission, Public Works Department, Soil Conservation Authority, Melbourne and Metropolitan Board of Works, Fisheries and Wildlife Branch, National Parks Authority and other bodies have all been playing a part in the control and solution of this problem.

However, more must be done and the sooner that some aspects of the matter are tackled the better. The Government's programme on environmental protection in relation to water, air, soil, noise and litter is now being centred on the Environment Protection Authority and the provisions of the Environment Protection Act. The authority has now been appointed and provision has been made for the appointment of technical and administrative staff to assist the authority in planning for the implementation of the Act.

Additional staff and funds will be available to the Fisheries and Wildlife Branch to enable it to proceed with two new environmental studies. One study will be concerned with Westernport Bay and the need to provide a scientific basis for the rational development of that area. This programme will be carried out under the direction of a committee consisting of representatives of both industry and government. The other new study is concerned with thermal pollution. The special problem of waste heat is a significant one which needs to be studied with particular reference to Australian conditions.

For the past two years the Fisheries and Wildlife Branch, in conjunction with the Board of Works, has been carrying out a broadly based study of the environment of Port Phillip Bay. To date the emphasis has been on the collection of information on the chemical and physical condition of the bay but from now on the programme will be directed more specifically to a study of the biology of the bay.

As recently announced by the Minister of Water Supply the Government has made a special borrowing allocation of $500,000 this year to the Frankston Sewerage Authority to be applied specifically towards a speeding up of the house connection programme in Frankston in an endeavour to reduce the pollution problems in that rapidly growing area.

LIBRARY SERVICES.

Provision has been made in the Budget for the expenditure of $2·8 million on the running costs of the State Library and for assistance to library services generally throughout the State.

Last year the Government increased to 80 cents the *per capita* ceiling which applies to the library grants paid to rural and outer metropolitan municipalities. The Budget allocations for regional library services were also substantially increased and funds were provided to enable the Library Council to provide special additional assistance to newly developing library services in outer metropolitan areas.

For 1971-72 the increased provision which has been made includes $100,000 to meet the cost of opening the State Library on Sundays and an allocation of $215,000 to the Library Council for the purchase of books.

TRANSPORT.

Railway earnings in 1970-71 totalled $108 million which was $2 million more than the amount estimated in the Budget. Increased earnings resulted from a substantially greater movement of wheat than was originally expected, and from the collection from 17th January last of the levy on suburban passenger journeys which is collected by the commissioners and paid over to the Melbourne Underground Rail Loop Authority. Apart from these factors general goods, passenger and parcels traffic showed a downward trend.

The operating costs of the railways last year, quite apart from debt charges, were $129·2 million, or $7·7 million more than the figure estimated in the Budget. The full year effect of the large wage increases granted in 1969-70, coupled with even larger wage increases in 1970-71, led inevitably to a widening of the gap between railway earnings and expenditure. On a straight operating basis this gap was $21·2 million last year. Incidentally, the last award, which was made as this speech was written, will cost the railways an additional $6 million.

For 1971-72 the gap between operating earnings and costs is estimated to be $21·7 million—slightly higher than last year, notwithstanding the effect of the recently increased fares and freights and an increased subsidy covering fare concessions for pensioners and scholars. This position results in the main from the full year effect of the substantial wage increases awarded to railway employees last year, together with awards which have been made so far this year. In addition, wheat tonnage is not expected to reach last year's level. In my Budget speech last year I spoke of the problem for the State of the trend in the finances of both the railways and the Melbourne and Metropolitan Tramways Board.

So far as the railways are concerned, I would like to make an observation at this point on the relationship of the form of the railway accounts to the Budget. I speak here only of this relationship in terms of accounting presentation. In earlier times, before the turn of the century, the railways were controlled by the politician—the Government and the Parliament. In due course administrative control was vested in the Railways Commissioners, but railway income still formed part of the Consolidated Revenue—now the Consolidated Fund—and railway working expenses continued to be a matter for Parliamentary appropriation. I have long felt that these very accounting arrangements have given no worth-while form of control by the Parliament in the sense that the Parliament exercises control through the power of appropriation, that they diminish the real powers of the Railways Commissioners in financial matters, and that they provide a blurred picture of railway finances. In short the arrangements belong to the 19th century and create confusion. It seems to me that it is the community subsidy to the railway system that should be the concern of the Parliament, and not detailed accounting arrangements. The presentation given now is by no means clear, and the elements of subsidy are blurred. The commissioners themselves have indicated in recent times what they believe to be the elements of subsidy hidden in the present system, though on examination the figures sometimes quoted lack reasoned justification. I think the time has arrived when these things should be sorted out, and because they are the concern of the Parliament I welcome the attention which the Committee of Public Accounts is giving to this matter. Perhaps I could observe in passing that I believe similar considerations apply in relation to the State Rivers and Water Supply Commission and the Forests Commission.

So far as the Tramways Board is concerned the board's finances have traditionally been completely separated from the State Budget, although over the years there have been payments flowing in one direction or the other. Honorable members will recall that in the earlier times the board, in line with statutory obligations stemming from its historical development, made annual contributions towards the costs of the Infectious Diseases Hospital and the Metropolitan Fire Brigades Board. The last of these statutory payments was abolished in 1954. The reason for these payments became blurred with the passage of time, but they originated as an offset to the transfer to the Government of certain loan liabilities of the early tramway trusts.

Since 1958 the Government has been making an annual payment to the Tramways Board towards the cost of fare concessions to pensioners and towards the board's cost of administering the pensioner fare scheme for both the railways and the tramways. I indicated in the Budget last year that the position had been reached where declining passenger numbers, combined with sharply increasing wage and cost levels, had placed the board in a position of critical financial difficulty, and that the Government was examining the board's problems in depth.

Over the years the board has been meeting most of the cost associated with two areas which are not directly related to tramway operations as such. These are the construction and maintenance of road surfaces, not only between the tram tracks but for a distance of 18 inches beyond the outside rails, and the cost of fare concessions to scholars and pensioners. Having regard to the board's current position the Government has taken action to assist the board in these fields.

In the Budget session last year provision was made in the Motor Car (Fees) Act 1970 for the Treasurer to approve payments to the board from the Drivers' Licence Suspense Account towards the cost to the board of debt charges on roadworks and of the maintenance of roads. The Government believes that the motorist has an obligation to contribute towards this expenditure, which is being carried by the board, but which is over and above the costs associated with the tram tracks proper. Last year I approved the payment of $300,000 to the board for these purposes. The intention for future years is that payments to the board will as nearly as possible cover the full cost.

The allocation of the cost of major track construction and reconstruction projects between the road-user and the tramway varies significantly according to circumstances. However, in recognition of the benefits accruing to the road-user, and having regard to an over-all assessment of the relative costs involved, the Government has decided that for the future the Country Roads Board will in general meet one-half of the cost of approved tram track construction projects. In addition, provision has been made in the Budget for a special grant to the Tramways Board of $2·05 million to cover the cost to the board of providing fare concessions to pensioners and to students using scholars' periodical concession tickets. The total subsidy to the board in 1971-72 from all of these decisions is estimated at just on $3 million.

As honorable members will be aware construction work has now commenced on the Melbourne underground rail loop, and Governor in Council approval has been given to a total estimated expenditure of $6·5 million on this project during 1971-72. $5·5 million of this amount will be financed from private borrowings raised against the authority's approved allocation in the semi-government borrowing programme. The balance will be met from the proceeds of the suburban rail fare levy and from payments of $20,000 each from the Melbourne City Council and the Melbourne and Metropolitan Board of Works in accordance with the provisions of the Melbourne Underground Rail Loop Act.

RURAL MATTERS.

When one speaks of rural matters today it is usually in terms of a crisis in export markets, of declining prices for primary products or the imposition of production quotas. These things are facts of life at the moment and they represent part of the challenge to the nation to face up to and adjust to fundamental changes which are occurring in our primary industries. I do not brush these problems aside. They are very real and very close to home. The Government has already shown in a practical way that it is prepared to do all in its power in the State field to assist in meeting these problems as well as being a partner in programmes initiated by the Commonwealth.

Over the past sixteen years the State Budgets which I have presented have featured many increased financial provisions to improve conditions for the man on the land, to improve the quality of our primary products and to improve facilities for country people generally. I see nothing in the present situation which requires the Government to take any different attitude on the great majority of things that are being done by and through our departments in country areas. Life must go on in the country, and the balanced development of the State requires that facilities for life in the country must go on being improved and expanded, albeit with some change

in emphasis here and there. Against this background I want to refer to a number of matters which have been covered in the estimated payments from the Consolidated Fund during this year.

Training in farm management will become more and more important in the immediate years ahead, and it is pleasing to report that following the completion of the first stage of the building programme the new Glenormiston Agricultural College enrolled its first students for its farm management course this year. Funds have been approved for the completion of the second stage of the college development in time for the start of the 1972 academic year.

Funds have also been approved for the commencement of the proposed new scheme for the financing of soil and water conservation projects on farms. This scheme will be administered by the Rural Finance and Settlement Commission in conjunction with the Soil Conservation Authority. A more generous basis of assistance will be available to farmers through the Soil Conservation Authority for soil conservation projects.

The Government has given special consideration to the problems facing municipalities and other local government bodies in East Gippsland in carrying out restoration work following the very heavy flooding which took place during last February. Despite strong representations by our Government the Commonwealth refused to give any assistance towards this restoration work. However, having regard to the special circumstances involved, the State Government is reimbursing municipalities in full for the expenditure which they incurred last financial year in the initial urgent work of restoring communications and ensuring public safety. For 1971-72 the Government has approved special allocations of funds to the Country Roads Board and to the State Rivers and Water Supply Commission, in addition to their normal programmes, in order to give special assistance to local governing bodies towards the cost of restoration works.

During last financial year the Rural Finance and Settlement Commission made advances totalling $9 million in broadly equal proportions to primary producers and to secondary industries in country towns. The commission has virtually completed its programme for the development of land at Rochester and Heytesbury, and pasture development on the Palpara project in the Western District should be completed this year. Pending a determination of the final land use at Rochester and Heytesbury the pastures are being grazed by commission cattle. In addition to the usual classes of work undertaken for the Government under the agency provisions of the Rural Finance Act, the commission is acting as the administrative agency under the agreements with the Commonwealth for both the rural reconstruction scheme and the marginal dairy farm reconstruction scheme. This is an exacting task, but it is also one which is of vital importance to the future of the State's primary producers, particularly wool-growers and dairy farmers.

WORKS AND SERVICES PROGRAMME.

The total Government works programme approved by the Loan Council for the current financial year is $860 million, including $209·8 million by way of interest-free grants to be applied by the States towards non-revenue producing works expenditure. Victoria's share of this programme is $219·4 million.

The above figures for the total works programme include provision for what would previously have been earmarked for housing under the Commonwealth–State Housing Agreement. The previous housing agreement expired on 30th June last and the Commonwealth Government has announced that it has decided not to renew the housing agreement, but that it is prepared to enter into a new system of arrangements with the States in regard to housing purposes. Details of these proposed new arrangements are currently under discussion with the Commonwealth, and the Minister of Housing will be giving further details on the new arrangements in due course. Honorable members will have heard the honorable gentleman answering questions on this matter today. It is still in a state of flux.

Expenditure of available funds from the Works and Services Account on the works programme will be covered by appropriations by Parliament and the usual series of works appropriation Bills will be introduced for the consideration of the House at an early date. At this stage I propose only to outline some of the major items which have received consideration in framing the 1971-72 works programme.

I have already referred to the increased allocations which have been made in the field of education, and which again represent the largest single item in the capital programme. I have also spoken of the significant increases in the police and social welfare works programmes. A special allocation of $18 million has been approved from the Works and Services Account for the Melbourne and Metropolitan Board of Works, representing the amount which the Government has undertaken to provide in 1971-72 towards the cost of the Cape Schanck outfall sewer project and the provision of sewerage facilities for the rapidly developing residential areas on the eastern fringe of the metropolis.

Funds allocated for water supply in the country will provide for the continuation of work on the new Rosslynne reservoir near Sunbury, on the South Otway pipeline to increase supplies to Warrnambool and on the augmentation of supplies to the rapidly developing Mornington Peninsula and Westernport areas. The West Moorabool Water Board is making good progress towards the completion of the Bungal dam.

In the semi-Government field, the new money borrowing programme to be raised by authorities in Victoria this year is $144·4 million. This programme will provide funds for a continuation of work on important community projects and services by statutory bodies, and the larger municipalities, in the fields of urban water supply, sewerage, drainage, electricity, gas, harbor facilities and roads. It is interesting to note that in the field of semi-Government borrowing, when I presented the Budget last year within two months of the start of the financial year $33 million was raised towards our allocation. During the same period this year, $53·5 million has been raised which, in two months, is an increase of over $20 million.

CONCLUSION.

Two things stand out in the Budget picture in terms of expenditure patterns. As to the increase in expenditure the dominant factor is the size of the increase in the wages bill arising from wage awards over the last twelve months. This is a reflection of a deep-seated feature of the national economy which it is outside the capacity of the State to influence in any material sense, and yet which has a profound effect on our Budget costs.

As to expenditure in total terms, again this year, as in the past years, education takes the lion's share of the cake. This is as it should be of course, and how it will continue to be. With a financial provision of $416 million, representing 36 per cent of total Budget outlays, and over $2 million a day for each school day in the year, education in 1971-72 is a high cost though a sound investment. The weight of education expenditure and its growth particularly when combined with health and hospital expenditure which this year will be $165 million, leaves small room for improvement in other services if the calls on the taxpayers' pocket are not to be ignored.

Yet the total responsibility of government, and the social conscience, demand that some emphasis be given to other things, and in particular that new concerns are recognized. The Budget has recognized this need in the provision for progressive implementation of selected improvements in police services, in the emphasis it places on a policy in social welfare of aid to proven voluntary organizations, and in the emphasis given to the protection of the environment. Above all we have sought to strike an appropriate balance between competitive demands in all fields, and to ensure the continued development of the State and the welfare of its people.

I thank the Committee for its patience. The Government is prepared to be generous in relation to the adjournment of the debate on the Budget. However, the sooner the taxing Bills are passed, the sooner revenue can be raised. I also point out that whoever the Treasurer may be, he will always have the problem of trying to make both ends meet, of having to determine the taxes that are to be imposed and how much is to be spent. How much is to be spent determines the amount of the taxes. I know that some honorable members will criticize this Budget, but I ask them to be constructive when they do so. If they consider that the taxes in this Budget are undesirable, honorable members should offer me an alternative which could be considered in the future. I am willing to listen to constructive suggestions for raising funds for the development of Victoria. I commend the Budget.

Progress was reported.

VOTES ON ACCOUNT.

The House went into Committee of Supply.

Sir HENRY BOLTE (Premier and Treasurer).—I move—

That a sum not exceeding $185,996,800 be granted to Her Majesty on account for or towards defraying the following services for the year 1971-72:—

Division No.		Sum Required for Three Months Ending 31st December, 1971.
		$
1.	Legislative Council—Expenses of Select Committees	1,000
2.	Legislative Assembly—Salaries, General Expenses, and Other Services	63,600
3.	Legislative Council and Legislative Assembly House Committee—Salaries, General Expenses, and Other Services	55,000
4.	Parliamentary Printing—Printing of *Hansard*, etc.	96,700
5.	Parliament Library—Salaries and General Expenses	15,400
6.	Parliamentary Debates—Salaries and General Expenses	30,900
7.	Governor's Office—Salaries, General Expenses, and Other Services	47,400

Division No.		Sum Required for Three Months Ending 31st December, 1971.
		$
8.	Premier's Office—Salaries, General Expenses, and Other Services	172,300
9.	State Film Centre—Salaries and General Expenses	43,000
10.	Soil Conservation Authority—Salaries, General Expenses, and Other Services	226,500
11.	Agent-General—Salaries and General Expenses	40,400
12.	Public Service Board—Salaries, General Expenses, and Other Services	182,700
13.	Public Service Board Electronic Data Processing Service Bureau—Salaries and General Expenses	111,600
14.	Audit Office—Salaries and General Expenses	159,900
15.	Chief Secretary's Office—Salaries, General Expenses, and Other Services	162,800
16.	Totalizator Administration—Salaries and General Expenses	17,000
17.	State Accident Insurance Office—Salaries	157,000
18.	State Motor Car Insurance Office—Salaries	201,000
19.	Workers Compensation Board—Salaries	22,000
20.	Fisheries and Wildlife—Salaries, General Expenses, and Other Services	428,700
21.	Government Shorthand Writer—Salaries and General Expenses	17,150
22.	Government Statist—Salaries, General Expenses, and Other Services	147,500
23.	Police—Salaries and General Expenses	10,636,000
24.	Police Service Board—Salaries and General Expenses	2,250
25.	State Library, National Museum and Science Museum Administration—Salaries and General Expenses	83,800
26.	State Library—Salaries, General Expenses, and Other Services	263,300
27.	National Museum—Salaries, General Expenses, and Other Services	47,000
28.	Science Museum—Salaries, General Expenses, and Other Services	28,300
29.	National Gallery—Salaries, General Expenses, and Other Services	237,000
30.	Social Welfare Administration and Research and Statistics—Salaries, General Expenses, and Other Services	251,800
31.	Family Welfare—Salaries, General Expenses, and Other Services	2,632,800
32.	Youth Welfare—Salaries, General Expenses, and Other Services	862,100
33.	Prisons—Salaries, General Expenses, and Other Services	1,201,700
34.	Training—Salaries, General Expenses, and Other Services	46,600
35.	Probation and Parole—Salaries, General Expenses, and Other Services	135,700
36.	Labour and Industry—Salaries, General Expenses, and Other Services	488,000
37.	Education—Salaries, General Expenses, and Other Services	63,700,000
38.	Teachers Tribunal—Salaries and General Expenses	20,000
39.	Attorney-General—Salaries, General Expenses, and Other Services	421,300
40.	Courts Administration—Salaries, General Expenses, and Other Services	1,410,100
41.	Registrar-General and Registrar of Titles—Salaries and General Expenses	467,900
42.	Registrar of Companies—Salaries, General Expenses, and Other Services	125,500
43.	Rent Control—Salaries and General Expenses	18,000
44.	Public Trustee—Salaries and General Expenses	205,600
45.	Treasury—Salaries, General Expenses, and Other Services	14,160,000
45A.	Advance to Treasurer	5,000,000
45B.	Pay-roll Tax—Payments on Account of State Departments	4,430,000
46.	Tender Board—Salaries and General Expenses	72,000
47.	State Superannuation Board—Salaries, General Expenses, and Other Services	117,000
48.	Registry of Co-operative Housing Societies and Co-operative Societies and Home Finance Administration—Salaries, General Expenses, and Other Services	57,000
49.	Taxation Office—Salaries, General Expenses, and Other Services	252,000
50.	Stamp Duties—Salaries, General Expenses, and Other Services	250,000
51.	Government Printer—Salaries and General Expenses	969,000
52.	Crown Lands Administration—Salaries, General Expenses, and Other Services	706,700
53.	Survey—Salaries, General Expenses, and Other Services	447,200
54.	Botanic and Domain Gardens and National Herbarium—Salaries and General Expenses	87,800
55.	Public Works—Salaries, General Expenses, and Other Services	2,400,000
56.	Ports and Harbors—Salaries, General Expenses, and Other Services	635,000
57.	Local Government—Salaries, General Expenses, and Other Services	136,600
58.	Valuer-General—Salaries, General Expenses, and Other Services	129,900
59.	Weights and Measures—Salaries and General Expenses	72,300
60.	Town and Country Planning Board—Salaries, General Expenses, and Other Services	91,700
61.	Mines—Salaries, General Expenses, and Other Services	357,400

Division No.		Sum Required for Three Months Ending 31st December, 1971.
		$
62.	Explosives—Salaries and General Expenses	44,200
63.	Gas Regulation—Salaries	14,200
64.	Agriculture Administration—Salaries, General Expenses, and Other Services	500,500
65.	Agricultural Education—Salaries, General Expenses, and Other Services	342,500
66.	Agriculture—Salaries, General Expenses, and Other Services	464,200
67.	Horticulture—Salaries, General Expenses, and Other Services	591,500
68.	Animal Health—Salaries, General Expenses, and Other Services	384,500
69.	Animal Industry—Salaries, General Expenses, and Other Services	236,500
70.	Dairying—Salaries, General Expenses, and Other Services	340,800
71.	Extension Services—Salaries, General Expenses, and Other Services	43,500
72.	Health Administration—Salaries, General Expenses, and Other Services	12,961,000
73.	General Health—Salaries, General Expenses, and Other Services	1,500,000
74.	Tuberculosis—Salaries, General Expenses, and Other Services	873,000
75.	Maternal and Child Welfare—Salaries, General Expenses, and Other Services	2,070,000
76.	Mental Hygiene—Salaries, General Expenses, and Other Services	8,000,000
77.	State Development—Salaries, General Expenses, and Other Services	229,600
78.	Immigration—Salaries and General Expenses	29,000
79.	Industrial Development—Salaries, General Expenses, and Other Services	51,300
80.	Ministry of Aboriginal Affairs—Contribution to Aboriginal Affairs Fund	112,000
81.	Ministry of Fuel and Power—Salaries and General Expenses	15,300
82.	Railway Construction Board—Salaries, General Expenses, and Other Services	19,300
83.	Ministry of Transport—Salaries and General Expenses	17,000
84.	Forests Commission—Salaries, General Expenses, and Other Services	1,142,000
85.	State Rivers and Water Supply Commission—Salaries, General Expenses, and Other Services	3,814,000
86.	Railways—Salaries, General Expenses, and Other Services	36,145,000
	Total	185,996,800

This is the normal Supply Bill providing for the expenditure requirements of departments for the months of October, November and December. The previous grant of Supply expires at the end of this month and a further sum of $185,996,800 is required to cover departmental spending until the end of 1971 at current rates.

When one considers that Show Week occurs in September, there is not a great deal of time for this Committee and another place to approve Supply. I am not saying that with the intention of speeding up the debate in any way; it is a straight-forward proposition.

Full particulars of the proposed expenditure under each of the divisions in the schedule, in respect of which Supply is now sought, are contained in the detailed Estimates of Receipts and Payments for 1971–72 which were earlier circulated to honorable members.

Progress was reported.

FINAL SUPPLEMENTARY ESTIMATES FOR 1970–71.

The House went into Committee of Supply.

Sir HENRY BOLTE (Premier and Treasurer).—I move—

That a sum not exceeding $5,105,318 be granted to Her Majesty on account for or towards defraying services for the year 1970–71, as printed in the Final Supplementary Estimates.

This is the third and final request to the Committee for its approval of supplementary provisions for the year 1970–71.

It is unique in my experience for three Supplementary Estimates to be presented in the one year. Supplementary Estimates in excess of $32

million were approved in the autumn sessional period to cover the cost of wage awards made after the 1970–71 Budget was introduced; yesterday Supplementary Estimates dealing in particular with pay-roll tax were passed; and now the Committee is asked to approve of a further sum of $5,105,318, all of which has been spent.

I will be happy to provide honorable members with any information required on any item. However, the bulk of the over-spending is confined to four items. They are—increased salaries and wages, including the cost of awards made since April, $871,000; increased expenditure through the Social Welfare Department, particularly payments made under the States Grants (Deserted Wives) Act and increased running costs of institutions, $924,000; additional contribution to the Hospitals and Charities Fund, $729,000; and additional railways expenditure, comprising the cost of earning additional income and payments of the suburban rail levy to the Melbourne Underground Rail Loop Authority, $1·347 million.

Progress was reported.

PUBLIC AUTHORITIES (CONTRIBUTIONS) (AMENDMENT) BILL.

The House went into Committee of Ways and Means.

Sir HENRY BOLTE (Premier and Treasurer).—I move—

That under and subject to the Public Authorities (Contributions) Act 1966 as proposed to be amended by the Public Authorities (Contributions) (Amendment) Bill there shall be paid in each financial year to and for the use of Her Majesty her heirs and successors by each public authority a contribution of an amount equal to four per centum of the total revenue of that authority in the last preceding financial year.

In this resolution "Public Authority" means—

(*a*) The Gas and Fuel Corporation of Victoria; and

(*b*) The State Electricity Commission of Victoria.

The motion was agreed to, and the resolution was reported to the House and adopted.

Leave was granted to Sir Henry Bolte (Premier and Treasurer) and Mr. Hamer (Chief Secretary) to bring in a Bill to carry out the resolution.

Sir HENRY BOLTE (Premier and Treasurer) brought in a Bill to amend the Public Authorities (Contributions) Act 1966, and moved that it be read a first time.

The motion was agreed to, and the Bill was read a first time.

Sir HENRY BOLTE (Premier and Treasurer).—I move—

That this Bill be now read a second time.

As I explained in the Budget speech, it is the intention of the Government to increase the payments made by the State Electricity Commission and the Gas and Fuel Corporation to the Consolidated Fund from 3 per cent to 4 per cent of total revenue. I do not think any further explanation is necessary at this stage.

Mr. DOUBE.—Does this mean a rise in the price of gas and electricity?

Sir HENRY BOLTE.—No, I can give an assurance on that point. This is one case in which the man in the street will not be directly affected.

Mr. HOLDING (Leader of the Opposition).—I move—

That the debate be now adjourned.

I make it clear that the Opposition does not intend to oppose this measure and wishes to facilitate the proceedings of the House, but it also wishes to reserve its rights to discuss the substance and principle of the Bill.

The motion for the adjournment of the debate was agreed to, and it was ordered that the debate be adjourned until Wednesday, September 8.

ACCOMMODATION TAX BILL.

The House went into Committee of Ways and Means.

Sir HENRY BOLTE (Premier and Treasurer).—I move—

That under and subject to the Accommodation Tax Bill proposed to be enacted there shall be charged levied and collected for the use of Her Majesty her heirs and successors a tax at the rate of 10 per cent upon the taxable receipts of a person who carries on or advertises or in any way holds himself out as carrying on the business of providing accommodation in Victoria.

In this resolution—

"Accommodation" means casual lodging, with or without board or other services, provided for guests in a hotel, motel, hostel, guest house, boarding house, lodging house, apartment house, club or similar establishment but does not include—

(*a*) casual lodging in an establishment in which casual lodging is not provided for more than four adult guests;

(*b*) casual lodging provided at a rate lower than a prescribed rate not exceeding $4 in respect of the occupation of the lodging over-night by one guest; or

(*c*) casual lodging provided by a person prescribed under the regulations as a person exempt from the Bill in respect of the provisions by him of casual lodging in connexion with a religious charitable or philanthropic object;

"Taxable receipts" means the total of the amounts received for or in respect of the provision of accommodation after deducting from each amount—

(*a*) amounts in respect of goods or services provided in addition to the provision of the accommodation in accordance with a specific request and in respect of which a separate charge was made; and

(*b*) where the amount entitled a person to be provided with a meal, such amount in respect of the meal as is prescribed or as the Comptroller directs in a particular case.

Where a person fails to make a return as prescribed by the Bill he shall subject to and in accordance with the Bill be liable to pay by way of additional tax double the amount of tax that was not paid because the return was not made as prescribed or the amount of $2 whichever is the greater.

Where tax is not paid within the time prescribed by the Bill additional tax shall be payable under and subject to the Bill at the rate of 10 per cent per annum upon the amount of tax unpaid.

This resolution does not apply to or with respect to—

(*a*) the provision of accommodation in an educational institution in connexion with a course of study provided by the institution or by another educational institution with which the first-mentioned institution is affiliated or associated;

(*b*) the provision of accommodation that is incidental to the provision of—

(i) medical surgical or dental services;

(ii) geriatric services; or

(iii) psychiatric treatment;

(*c*) the provision of accommodation for a person in an establishment in pursuance of an agreement whether or not in writing for a continuous period exceeding one month; or

(*d*) the provision of accommodation for a person in connexion with the practice of the profession or calling of that person being accommodation provided in an establishment under the control of a person with whom the first-mentioned person has a contract of service or employment.

The motion was agreed to, and the resolution was reported to the House and adopted.

Leave was given to Sir Henry Bolte (Premier and Treasurer) and Mr. Hamer (Chief Secretary) to bring in a Bill to carry out the resolution.

Sir HENRY BOLTE (Premier and Treasurer) brought in a Bill to make provision with respect to the imposition of a tax on and in relation to the business of providing casual accommodation and for other purposes, and moved that it be read a first time.

The motion was agreed to, and the Bill was read a first time.

Sir HENRY BOLTE (Premier and Treasurer).—I move—

That this Bill be now read a second time.

In the Budget speech I announced the proposal for a tax on transient accommodation. This Bill provides for the tax to be paid by persons in the business of providing casual accommodation in hotels, motels, guest houses, clubs and similar establishments.

The tax will not apply to permanent or semi-permanent lodging—that is, lodging for more than one

month, to holiday houses, to small establishments not capable of providing lodging for more than four adults, or to religious, charitable and educational institutions.

The rate of tax is 10 per cent of the amount paid for accommodation. Where an inclusive charge is made, for example, for bed and breakfast, the Bill provides for an amount representing the meal element in the charge to be deducted before calculating the tax.

The Bill requires any person in the business of providing casual accommodation to register with the Comptroller of Stamps and to pay tax on a periodic return system.

More details of the clauses of the Bill are contained in the explanatory memorandum which is attached to the Bill. I commend the measure to the House.

On the motion of Mr. HOLDING (Leader of the Opposition), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, September 8.

PAY-ROLL TAX BILL.

The House went into Committee of Ways and Means.

Sir HENRY BOLTE (Premier and Treasurer).—I move—

That under and subject to the Pay-roll Tax Bill proposed to be enacted there shall be charged, levied and collected for the use of Her Majesty, her heirs and successors, subject as hereinafter provided in this resolution, a tax at the rate of 3½ per centum on the taxable wages that are paid or payable by an employer.

1. (1) For the purposes of this resolution taxable wages are, subject to section 4 of this resolution, wages that are paid or payable by an employer after the month of August, 1971 (whether in respect of services performed or rendered before, during or after that month), and—

(*a*) are wages that are paid or payable in Victoria, (not being wages so paid or payable in respect of services performed or rendered wholly in one other State);

(*b*) are wages that are paid or payable elsewhere than in Victoria in respect of services performed or rendered wholly in Victoria; or

(*c*) are wages that are paid or payable elsewhere than in Australia in respect of services performed or rendered mainly in Victoria—

except wages that—

(*d*) are paid after the month of August, 1971 but were payable during or before that month; and

(*e*) have been included in a return made under the Commonwealth Act.

(2) For the purposes of paragraph (*a*) of sub-section (1) of this section wages that are payable to a person by his employer, but have not been paid (not being wages that under the terms of employment are payable in Victoria or in another State) shall be deemed—

(*a*) where those wages are payable in respect of services performed or rendered wholly in Victoria—to be wages payable to that person in Victoria;

(*b*) where those wages are not payable in respect of services performed or rendered wholly in Victoria or wholly in one other State and where the wages last paid or payable to that person by that employer were included or are required to be included in a return under the Bill—to be wages payable to that person in Victoria; and

(*c*) where those wages are not deemed by paragraph (*a*) or (*b*) of this sub-section or by any provision in a corresponding law of a State that corresponds to either of those paragraphs to be wages payable to that person in Victoria or in another State—to be wages payable to that person by that employer at the place where that person last performed or rendered any services for that employer before those wages became payable.

(3) For the purposes of this section, where a cheque, bill of exchange, promissory note, money order or postal order issued by a post office or any other instrument is sent or given by an employer to a person or his agent at a place in Australia in payment of wages, those wages shall be deemed to have been paid at that place and to have been paid when the instrument was so sent or given.

2. Pay-roll tax shall be paid by the employer by whom the taxable wages are paid or payable.

3. (1) For the purpose of ascertaining the pay-roll tax payable by an employer, there shall, subject to this section, be deducted from the amount of the taxable wages included in a return or assessment under the Bill—

(*a*) where the return or assessment relates to one month—the prescribed amount referred to in sub-section (3); or

(*b*) where the return or assessment relates to a period of more than one month—for each month included in that period, the prescribed amount referred to in sub-section (3).

(2) For the purpose of ascertaining the pay-roll tax payable by an employer who was an employer during part only of a month, the amount to be deducted for that month from the amount of the taxable wages included in a return or assessment relating to that month or a period that includes that month shall be the amount which bears to the prescribed amount referred to in sub-section (3) applicable to the employer the same proportion as the number of days in that month during which the employer was an employer bears to the total number of days in that month.

(3) For the purposes of sub-section (1) and (2), the prescribed amount is—

(*a*) where the employer is not entitled under this section to claim another amount—the amount of $1,733.33; or

(*b*) where the employer is so entitled—that other amount.

(4) Where an employer is or was required under a corresponding law of a State to include any wages in a return made under that law relating to a month or relating to any other period and he is or was also required to include any taxable wages in a return under the Bill relating to that month or any month included in that period, a deduction shall not be made under this section from those taxable wages unless he has notified the Commissioner in the prescribed manner of an amount calculated in the prescribed manner not exceeding $1,733.33 which he claims to be entitled to deduct for that month or for each month included in that period and for subsequent months or for each month included in subsequent periods, as the case may require.

(5) Where an employer has lodged with the Commissioner a notification in accordance with sub-section (4), he is, if a determination under sub-section (6) or (7) has not been made in respect of that employer, entitled, in any return relating to the month or period in which he served the notification on the Commissioner, or relating to a subsequent month or period to claim, as the prescribed amount, the amount specified in the notification.

(6) If an employer is entitled, in accordance with sub-section (5) to claim an amount as the prescribed amount and the Commissioner is of the opinion that that amount is unreasonably high, the Commissioner may make a determination specifying an amount, not exceeding $1,733.33, that may be claimed by the employer and the amount so specified shall, notwithstanding sub-section (5), be deemed to be the amount that that employer was or is entitled to claim as the prescribed amount in any return relating to a month or period—

(*a*) that ends in the financial year in which the determination is made and is specified in the determination (whether the month or period so specified is before or after, or is the month or period during which the determination is made); or

(*b*) that ends in any subsequent financial year.

(7) The Commissioner may, on an application made to him in writing by an employer, at any time make a determination specifying an amount, not exceeding $1,733.33, that may be claimed by that employer as the prescribed amount or may at any time make such a determination of his own motion, and the amount so specified shall, notwithstanding any other provision of this section, be deemed to be the amount that the employer is, in the return relating to the month or period in which the determination is made and to any subsequent month or period, entitled to claim at the prescribed amount.

(8) The Commissioner shall, as soon as practicable after making a determination under sub-section (6) or (7) serve notice of the determination on the employer concerned.

(9) Where the amount to be deducted in pursuance of this section from the amount of any taxable wages included in any return or assessment relating to a period included in any financial year exceeds the amount of the taxable wages included in that return or assessment, the amount of the excess shall be deducted from the taxable wages included in the return or assessment next made by or on the employer relating to a period included in that financial year.

4. "Taxable wages" do not include wages paid or payable—

(*a*) by the Governor of a State;

(*b*) by a religious or public benevolent institution, or a public hospital;

(*c*) by a hospital which is carried on by a society or association otherwise than for the purpose of profit or gain to the individual members of the society or association;

(*d*) by a school or college (other than a technical school or a technical college) which—

(i) is carried on by a body corporate, society or association otherwise than for the purpose of profit or gain to the individual members of the body corporate, society or

association and is not carried on by or on behalf of the State of Victoria; and

(ii) provides education at or below, but not above, the secondary level of education;

(*e*) by a municipality or by any union or partnership of which all the members are municipalities except to the extent that those wages are paid or payable—

(i) for or in connection with; or

(ii) for or in connection with the construction of any buildings or the construction of any works or the installation of plant, machinery or equipment for use in or in connection with—

the supply of electricity or gas, water supply, sewerage, the conduct of abattoirs, of public markets, of parking stations, of cemeteries, of crematoriums or of hostels or of any other activity that is a prescribed activity;

(*f*) to members of his official staff by—

(i) a consular or other representative (other than a diplomatic representative) in Australia of any other part of Her Majesty's Dominions or of any other country; or

(ii) a Trade Commissioner representing in Australia any other part of Her Majesty's Dominions;

(*g*) by a specialized agency as defined by section one of the Convention on the Privileges and Immunities of the Specialized Agencies which was adopted by the General Assembly of the United Nations on the 21st November, 1947;

(*h*) by the Commonwealth War Graves Commission;

(*i*) by the Australian-American Educational Foundation;

(*j*) to a person who is a member of the Defence Force of the Commonwealth or of the armed forces of any part of Her Majesty's Dominions, being wages paid or payable by the employer from whose employment the person is on leave by reason of his being such a member.

5. (1) Where the wages included or required to be included in returns relating to a financial year made or to be made by an employer under the Bill, or under the Bill and under a corresponding law of one or more States—

(*a*) in the case of an employer who was an employer in Australia during the whole of that financial year—do not exceed the amount prescribed in sub-section (4) in respect of that financial year; or

(*b*) in the case of an employer who was an employer in Australia during part only of that financial year—do not exceed an amount that bears to the amount prescribed in sub-section (4) in respect of that financial year the same proportion as that part of the financial year bears to that financial year—

the Commissioner shall, upon application by the employer made in accordance with sub-section (3), refund or rebate to that employer the amount of pay-roll tax paid or payable, as the case may be, by him to the Commissioner in respect of that financial year or part.

(2) Where the total deductions made, in accordance with section 3 or with a provision of a corresponding law, from the wages included or required to be included in returns relating to a financial year made or to be made by an employer under the Bill, or under the Bill and under a corresponding law of one or more States—

(*a*) in the case of an employer who was an employer in Australia during the whole of that financial year—are less than the amount prescribed in sub-section (4) in respect of that financial year; or

(*b*) in the case of an employer who was an employer in Australia during part only of that financial year—are less than an amount (that amount being referred to in paragraph (*b*) of sub-section (5) as "the proportionate amount") that bears to the amount prescribed in sub-section (4) in respect of that financial year the same proportion as that part of the financial year bears to that financial year—

the Commissioner shall, upon application by the employer made in accordance with sub-section (3)—

(*c*) where the employer has not included and is not required to include any wages paid or payable in respect of that financial year or that part of the financial year, as the case may be, in a return made under a corresponding law of a State, refund or rebate to the employer an amount equal to the pay-roll tax paid or payable, as the case may be, by him to the Commissioner upon the amount of the deficiency; or

(*d*) where the employer has included or is required to include wages paid or payable in respect of that financial year or that part of the financial year, as the case may be in a return made under a corresponding law of a State and in a return

made under the Bill, refund or rebate to the employer an amount equal to the pay-roll tax paid or payable, as the case may be, by him to the Commissioner upon—

(i) the amount of the deficiency referred to in paragraph (*a*) or (*b*), as the case may require; or

(ii) the amount, if any, by which the calculated deductions applicable to him in respect of that financial year exceed the total deductions actually made by him in accordance with section 3 in respect of that financial year or part—

whichever amount is the lesser.

(3) An application under sub-section (1) or (2) shall be made within the financial year next following the financial year in respect of which the refund or rebate is applied for.

(4) For the purposes of sub-sections (1) and (2)—

(*a*) the amount prescribed in respect of the first financial year after the commencement of this Act, is the amount of $17,333.33; and

(*b*) the amount prescribed in respect of any subsequent financial year is $20,800.

(5) For the purposes of sub-section (2) the calculated deductions applicable to an employer in respect of a financial year are an amount—

(*a*) where the employer was an employer (whether or not only in Victoria) during the whole of that financial year—that bears to the amount prescribed under sub-section (4) in respect of that financial year; or

(*b*) where the employer was an employer (whether or not only in Victoria) during part only of that financial year—that bears to the proportionate amount ascertained in accordance with paragraph (*b*) of sub-section (2) and applicable to that employer—

the same proportion as the total taxable wages included or required to be included in returns made by that employer under the Bill relating to months or other periods ending in that financial year bear to the total wages included or required to be included in returns made by that employer under the Bill and under a corresponding law of one or more States relating to months or other periods ending in that financial year.

(6) Where a person who, during any part of a financial year, did not pay and was not liable to pay, taxable wages satisfies the Commissioner that, by reason of the nature of his trade or business, the taxable wages paid or payable by him fluctuate with different periods of the financial year the Commissioner may treat him—

(*a*) if he has conducted that trade or business during the whole of the financial year—as an employer throughout the financial year; or

(*b*) if he has conducted that trade or business during part only of the financial year—as an employer during that part of the financial year.

(7) Notwithstanding anything contained in this section, the total amount refunded or rebated to any employer in pursuance of this section in respect of any financial year shall not exceed the amount of pay-roll tax paid or payable by him to the Commissioner in respect of that financial year.

6. Where an employer fails to make a return as prescribed by the Bill he shall subject to and in accordance with the Bill be liable to pay by way of additional tax double the amount of tax that was not paid because the return was not made as prescribed or the amount of $2 whichever is the greater.

7. Where tax is not paid within the time prescribed by the Bill additional tax shall be payable under and subject to the Bill at the rate of 10 per centum per annum upon the amount of tax unpaid.

8. (1) In this resolution, except in so far as the context or subject-matter otherwise indicates or requires—

"Australia" means the States of the Commonwealth;

"Commissioner" means the person holding office as Commissioner of Pay-roll Tax;

"Commonwealth Act" means the Pay-roll Tax Assessment Act 1941, as subsequently amended, of the Commonwealth;

"company" includes all bodies and associations (corporate and unincorporate) and partnerships;

"corresponding law", in relation to another State means a law in force in that State relating to the imposition upon employers of a tax on wages paid or payable by them and the assessment and collection of that tax, but does not include the Commonwealth Act;

"employer" means any person who pays or is liable to pay any wages and includes the Crown in right of the State of Victoria and any public, local or municipal body or authority constituted under the law of the Commonwealth or a State

unless, being an authority constituted under the law of the Commonwealth, it is immune from the operation of the Bill;

"financial year" means the period commencing on the 1st September, 1971, and ending on the 30th of June, 1972, and each year thereafter commencing on the first day of July;

"pay-roll tax" means pay-roll tax chargeable under the Bill;

"person" includes a body or association (corporate or unincorporate) and a partnership;

"wages" means any wages, salary, commission, bonuses or allowances paid or payable (whether at piece work rates or otherwise and whether paid or payable in cash or in kind) to an employé as such and, without limiting the generality of the foregoing, includes—

(*a*) any payment made by way of remuneration to a person holding an office under the Crown in right of the State of Victoria or in the service of the Crown in right of the State of Victoria;

(*b*) any payment made under any prescribed classes of contracts to the extent to which that payment is attributable to labour;

(*c*) any payment made by a company by way of remuneration to a director or member of the governing body of that company;

(*d*) any payment made by way of commission to an insurance or time-payment canvasser or collector; and

(*e*) the provision by the employer of meals or sustenance or the use of premises or quarters as consideration or part consideration for the employé's services.

(2) For the purposes of this resolution, meals or sustenance provided by an employer shall be deemed to have a value of One dollar fifty cents per week or, in any particular case or class of cases, such other value as is prescribed in respect of that case or class of cases, and the use of premises or quarters provided by an employer shall be deemed to have a value of fifty cents per week or, in any particular case or class of cases, such other value as is prescribed in respect of that case or class of cases.

(3) For the purposes of this resolution, the Australian Capital Territory (including the Jervis Bay Territory) and the Northern Territory of Australia are together deemed to be a State of the Commonwealth.

(4) Notwithstanding any other provision of this resolution, a reference in this resolution to taxable wages does not include a reference to wages that are subject to tax under the Pay-roll Tax Assessment Act 1941, as subsequently amended and the Pay-roll Tax Act 1941, as subsequently amended, of the Commonwealth, except wages that—

(*a*) are paid after the month of August, 1971, but were payable during or before that month; and

(*b*) have not been included in a return made under the Commonwealth Act.

The motion was agreed to, and the resolution was reported to the House and adopted.

Leave was given to Sir Henry Bolte (Premier and Treasurer) and Mr. Hamer (Chief Secretary) to bring in a Bill to carry out the resolution.

Sir HENRY BOLTE (Premier and Treasurer) brought in a Bill to impose a tax upon employers in respect of certain wages; to provide for the assessment and collection of the tax; and for purposes connected therewith, and moved that it be read a first time.

The motion was agreed to, and the Bill was read a first time.

Sir HENRY BOLTE (Premier and Treasurer).—I move—

That this Bill be now read a second time.

This Bill provides for the imposition of a State pay-roll tax to operate from 1st September, 1971, as foreshadowed in the Budget speech.

The Bill closely follows the present Commonwealth Pay-roll Tax Assessment Act and departs from it only where necessary to provide for a State basis of taxation. For taxpayers generally the change from a Commonwealth tax to a State tax will be a smooth transition, and employers who now pay tax to the Commonwealth will not be required to take

any action to register as taxpayers in Victoria because they will automatically be registered.

In addition, return forms will be only slightly different from those now in use. Employers will continue to get the existing level of concessional deductions from their annual pay-roll.

The Bill provides for municipalities to be exempt from tax except in respect of their business undertakings. This will effectively provide municipalities with additional funds amounting to about $1·75 million per annum. This is the only exemption additional to those contained in the present Commonwealth Act and the cost of the exemption will be borne by the Commonwealth.

The Bill has been drafted in close collaboration with other States and the Commonwealth to ensure uniformity of provisions.

The explanatory memorandum which is attached to the Bill provides details of the clauses. I commend the Bill to the House.

On the motion of Mr. HOLDING (Leader of the Opposition), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, September 8.

GIFT DUTY BILL.

The House went into Committee of Ways and Means.

Sir HENRY BOLTE (Premier and Treasurer).—I move—

1. That under and subject to the Gift Duty Bill proposed to be enacted there shall be charged, levied, collected, and paid for the use of Her Majesty as hereinafter provided in this resolution in respect of gifts, duty at the rates set forth in the Schedule to this resolution.

2. (1) In this resolution unless inconsistent with the context or subject-matter—

"Commissioner" means the Commissioner of Probate Duties under the Probate Duty Act 1962 and includes any deputy Commissioner of Probate Duties.

"Controlled company" means a corporation that is under the control of not more than five persons and that is neither a corporation in which the public are substantially interested nor a subsidiary of any corporation in which corporation the public are substantially interested.

"Corporation" means a corporation as defined in the Companies Act 1961.

"Disposition of property" means any conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, whether at law or in equity, and, without limiting the generality of the foregoing, includes—

(*a*) the allotment or issue of shares, in or debentures of a corporation;

(*b*) the creation of any trust in property;

(*c*) the grant or creation of any lease, mortgage, charge, encumbrance, easement, licence, partnership, power, option or other right, whether at law or in equity, or any interest in property;

(*d*) the release, discharge, surrender, forfeiture, renunciation, disclaimer, or abandonment at law or in equity of any debt, contract or chose in action, or of any interest in property;

(*e*) the exercise, whether solely or jointly with any other person or with or without the consent of any other person, of a general power of appointment in favour of any person other than the holder of the power;

(*f*) for the purposes only of subsection (12) and (13), the distribution by a controlled company of a dividend upon shares held in that company or of interest on money advanced to that company whether the dividend or interest be paid to the shareholder or creditor entitled thereto or accumulated or invested on his behalf or credited in his name to a loan account or fund however designated or otherwise held or dealt with on his behalf or as he may permit or direct;

(*g*) any thing or things done or omitted to be done by any person, or any thing or things done or omitted to be

done by two or more persons, either jointly or separately, as a result of which—

(i) the total property or the value of the total property of any person is diminished; and

(ii) the total property or the value of the total property of any other person is increased—

whether that result ensued from the doing of or the omission to do one or more of those things and whether or not the total property or the value of the total property of the person referred to in sub-paragraph (i) of this paragraph was diminished at the same time as the total property or the value of the total property of the person referred to in sub-paragraph (ii) of this paragraph was increased—

"Donee" means a person to whom a gift is made and, where the gift is made to a trustee for the benefit of another person, includes both the trustee and the beneficiary;

"Donor" means a person by whom a gift is made;

"General power of appointment" includes any power or authority which enables the donee, or would enable him if he were of full capacity, to make an appointment in relation to, or dispose of, any property, or to charge any sum of money upon any property, as he thinks fit for his own benefit, but does not include any power exercisable by any person, in a fiduciary capacity, for the benefit only of others arising under a disposition not made by himself, or as tenant for life, or as mortgagee;

"Gift" means any disposition of property which is made (whether with or without an instrument in writing) otherwise than by will, without consideration in money or money's worth passing from the person to whom or in whose favour the disposition is made to the person by whom the disposition is made, or with any such consideration so passing if the consideration is not fully adequate;

"Gift duty" means the duty chargeable under this resolution;

"Interest in property" means any estate, interest, right or power whatsoever, whether at law or in equity, in or over property;

"Property" includes real and personal property, any debt, any chose in action and any estate, interest, right or power whatsoever, whether at law or in equity, in or over property;

"Territory of the Commonwealth" includes a territory under the trusteeship of the Commonwealth;

"Voluntary contract" means a contract or agreement entered into (whether with or without an instrument in writing and whether such contract or agreement was made before or after the commencement of this Act) without fully adequate consideration in money or money's worth.

(2) For the purposes of the definition of "controlled company" in sub-section (1)—

(*a*) a corporation shall be deemed to be a subsidiary only if, by reason of the beneficial ownership of shares therein, the corporation is under the control of a corporation which is not a controlled company or of two or more corporations none of which is a controlled company;

(*b*) a corporation shall be deemed to be a corporation in which the public are substantially interested only if—

(i) shares of the corporation (not being shares in respect of which a fixed rate of dividend, whether with or without a further right to participate in profits, is payable) carrying more than twenty-five per centum of the voting power have been allotted to, or acquired by, and are at the relevant time beneficially owned by, the public, not including a controlled company;

(ii) the right to transfer those shares is not restricted; and

(iii) those shares are, in the opinion of the Commissioner, generally available for purchase by the public;

(*c*) a corporation shall be deemed to be under the control of not more than five persons—

(i) if any five or fewer persons together possess, or are entitled to acquire, more than one half of the share capital of the corporation;

(ii) if any five or fewer persons together possess the majority of the voting power at a general meeting of the corporation;

(iii) if any five or fewer persons together exercise, or are able to exercise, or are entitled to acquire, direct or indirect control of the affairs of the corporation and they cannot be deprived of that control by the exercise of the voting power of any other person or persons at any meeting of the corporation; or

(iv) if any five or fewer persons together possess, or are entitled to acquire, either more than half of the issued share capital of the company, or such part of that capital as would, if the whole of the income of the company were in fact distributed at the relevant time to the members, entitle them to receive more than half of the amount so distributed; and

(*d*) in determining whether a corporation is or is not under the control of not more than five persons, a person who is related to another person and that other person, a person who is a nominee of another person and that other person and any other nominees of that other person, persons in partnership, or persons interested in any shares or obligations of the corporation which are subject to any trust or are part of the estate of a deceased person, shall be treated as one person.

(3) For the purposes of paragraph (*d*) of sub-section (2)—

(*a*) a person shall be deemed to be related to another person if one of those persons is the lineal issue, brother, sister, lineal issue of a brother or sister, spouse, ancestor of the spouse, brother or sister of the spouse, spouse of the brother or sister of the spouse, lineal issue of the brother or sister of the spouse, spouse of the lineal issue, spouse of a brother or sister, spouse of the lineal issue of a brother or sister, or spouse of the lineal issue of a brother or sister of the spouse, of the other of those persons; and

(*b*) a corporation shall be deemed to be related—

(i) to a person—if the corporation is a controlled company and any of the persons by whom it is controlled is related, as mentioned in paragraph (*a*), to that person;
or

(ii) to another corporation—if those corporations are controlled companies and if any of the persons by whom either of those corporations is controlled are related, as mentioned in paragraph (*a*), to any of the persons by whom the other of those corporations is controlled.

(4) A reference in paragraph (*a*) of sub-section (3) to lineal issue includes a reference—

(*a*) to a step-child;

(*b*) to an adopted child; and

(*c*) to a natural child—

and a step-child shall, for the purposes of this section, be deemed to be related to any other person in the same manner as he would be if he were the child of both his step-parent and the spouse of his step-parent.

(5) For the purposes of paragraph (*d*) of sub-section (2), a person is deemed to be the nominee of another person if, whether directly or indirectly, he possesses on behalf of that other person or may be required to exercise on the direction of or on behalf of that other person any right or power in relation to a corporation.

(6) Where a debt, contract, chose in action or interest in property becomes irrecoverable or unenforceable by action or other process through lapse of time, it shall unless the Commissioner is satisfied that it was not rendered so irrecoverable or unenforceable for the purpose of evading or avoiding gift duty—

(*a*) for the purposes of paragraph (*d*) of the definition of "disposition of property" in sub-section (1), be deemed to have been released, discharged, surrendered, forfeited, renounced, disclaimed or abandoned; and

(*b*) for the purposes of this resolution, be deemed to have been released, discharged, surrendered, forfeited, renounced, disclaimed or abandoned at the time when it became so irrecoverable or unenforceable.

(7) Where, after any debt, contract, chose in action or interest in property has been released, discharged, surrendered, forfeited, renounced, disclaimed or abandoned as mentioned in sub-section (6) so as to constitute a gift, there passes from the donee to the donor any consideration that, had the debt, contract, chose in action or interest in property not become irrecoverable or unenforceable, would have been consideration to which the donor was entitled on account of the debt, contract, chose in action or interest in property, the passing of that consideration shall, for the purposes of this resolution, be deemed not to be a gift.

(8) Where any consideration in relation to a contract passes from one party to the contract to another party to the contract and that contract is void, the passing of the consideration shall, where the Commissioner is of the opinion that, having regard to the nature of the contract, to the circumstances in which the contract was entered into, to any relationship of one party to the contract to any other party to the contract and to any other circumstances that the Commissioner thinks relevant, the contract was bona fide entered into in the course of an ordinary commercial transaction and was not entered into for the purpose of evading or avoiding gift duty, be deemed, for the purposes of this resolution, not to be a gift.

(9) Where—

(*a*) any consideration in relation to a contract passes from one party to the contract to another party to the contract and that contract is void; and

(*b*) there passes from that other party to the first-mentioned party any consideration that, had the contract not been void, would have been consideration to which that first-mentioned party was entitled under the contract—

the passing of the consideration as mentioned in paragraph (*b*) shall, where the Commissioner is of the opinion that, having regard to the nature of the contract, to the circumstances in which the contract was entered into, to any relationship of one party to the contract to any other party to the contract and to any other circumstances that the Commissioner thinks relevant, the contract was bona fide entered into in the course of an ordinary commercial transaction and was not entered into for the purpose of evading or avoiding gift duty, be deemed, for the purposes of this resolution, not to be a gift.

(10) For the purposes of this resolution—

(*a*) a disposition of property referred to in paragraph (*g*) of the interpretation of "disposition of property" in sub-section (1) shall, notwithstanding any other provision of this Act, be deemed to take effect at the time when the total property or the value of the total property of the person referred to in sub-paragraph (ii) of that paragraph is increased;

(*b*) the value of the property in any such disposition shall, notwithstanding any other provision of this resolution, be deemed to be an amount that is equivalent to the amount by which the total property or the value of the total property of the person referred to in sub-paragraph (i) of that paragraph is diminished;

(*c*) notwithstanding any other provision of this resolution, the person referred to in sub-paragraph (i) of that paragraph shall be deemed to be the person by whom a disposition or gift is made and the person referred to in sub-paragraph (ii) of that paragraph shall be deemed to be the person in whose favour or to whom a disposition or gift is made;

(*d*) in determining whether or not an increase in the total property or the value of the total property of a person has occurred and, if so, the amount of the increase, no allowance shall be made in respect of any contingency affecting the interest of the person in whose favour or to whom a disposition or gift is made; and

(*e*) in determining whether or not a diminution in the total property or the value of the total property of a person has occurred and, if so, the amount of the diminution, no allowance shall be made in respect of any contingency affecting the interest of the person by whom a disposition or gift is made.

(11) Without limiting the generality of the interpretation of "disposition of property" in sub-section (1), where the total property or the value of the total property of a person is diminished as the result, directly or indirectly, of any thing or things done or omitted to be done by a controlled company of which that person is a director, shareholder or creditor or in which that person has a pecuniary interest, or by a person as a director, shareholder or creditor of a controlled company, whether such thing or things was or were done by the controlled company or that person alone or together with any other person or persons—

(*a*) that first-mentioned person shall, for the purposes of this resolution, be deemed to have made a disposition of property and to be, to the exclusion of any other person, the person by whom the disposition is made;

(*b*) a disposition of property referred to in paragraph (*a*) shall be deemed to take effect at the time when the diminution referred to in this sub-section takes place; and

(*c*) the value of the property in any such disposition shall be deemed to be an amount that is equivalent to the amount of that diminution, ascertained without any allowance being made in respect of any con-

tingency affecting the interests of the person by whom the disposition is made.

(12) Where—

(*a*) a disposition of property—

(i) (whether by way of dividend, interest or otherwise but not being an allotment or issue of shares) is made by a controlled company, either alone or together with any other person or persons, to one or more of its members or creditors; or

(ii) (being an allotment or issue of shares) is made by a controlled company whether or not to one of its members; and

(*b*) the resolution or other decision whereby the disposition was made or the obligation to make the disposition was created resulted, either wholly or partly and either directly or indirectly, from the exercise of a right or power that was possessed or, by the constitution of the controlled company expressed to be possessed, by any particular person, either alone or together with any other person or persons or by the exercise of a right or power that was possessed or, by the constitution of the controlled company expressed to be possessed, by him, a particular person, either alone or together with any other person or persons, could have prevented the passing of the resolution or the making of the other decision whereby the disposition was made or the obligation to make the disposition was created—

and that particular person, either alone or together with any other person or persons, could have exercised that or any other right or power whereby a disposition of that property or of property of equivalent value could have been made by the company to himself or themselves, that particular person or that particular person and that other or those other persons, as the case may be, shall for the purposes of this resolution, be deemed, to the exclusion of any other person, to have been the person or persons by whom the disposition of the property is made.

(13) Notwithstanding any other provisions of this resolution, a disposition of property referred to in sub-section (12) and deemed pursuant to that sub-section to have been made by a person other than the controlled company shall, for the purposes of this resolution, be deemed to have been made without consideration except to the extent that the consideration, if any, that passed from the person to whom the disposition is made to the person or persons by whom the disposition is made or to the controlled company was, in the opinion of the Commissioner, fully adequate having regard—

(*a*) to the nature and extent of the right or power that could have been exercised by the person or persons by whom the disposition is made, as referred to in that sub-section;

(*b*) to any increase in the total property or the value of the total property of the person to whom the disposition is made that resulted from the disposition;

(*c*) to the nature and extent of the respective shareholdings of the shareholders of the company; and

(*d*) to any other circumstances that he thinks relevant.

(14) For the purposes of sub-section (13), the disposition of property shall be deemed to have been made for adequate consideration—

(*a*) where the disposition (in the case of a distribution of dividend or an allotment or issue of shares) is made, and all such dispositions (if any) made during the previous three years were made, to all the shareholders of the company in proportion to their respective paid-up shareholdings (not being shareholdings entitled to a fixed rate of dividend); or

(*b*) to the extent that the person or persons deemed by sub-section (12) to be the person or persons by whom the disposition is made disposes or dispose of such property to himself or themselves.

(15) Nothing in sub-section (12) shall be construed so as to prevent any disposition of property made by a controlled company otherwise than as is mentioned in that sub-section from being a disposition of property for the purposes of this resolution.

(16) Where a gift is made by a controlled company that is incorporated under the law of a State other than this State or of a Territory of the Commonwealth, but is carrying on business in Victoria, and gift duty is payable in respect of the gift by reason of paragraph (*b*) of sub-section (1) of section 4 the gift shall, for the purposes of this resolution, be deemed to have been made to the donee by each member of the controlled company to the exclusion of any other person and the value of the gift made by each such member shall, for the purposes of this resolution, be deemed to be an amount that bears to the value of the property comprised in the gift the same proportion as the value of his paid-up shareholding in the controlled company bears to the value of the paid-up capital of the controlled company.

(17) Where a gift is deemed under sub-section (16) to have been made by a member (in this sub-section referred to as the "donor controlled company") of a controlled company that is itself a controlled company, a gift of the value deemed by that sub-section to have been made by the donor controlled company shall, for the purposes of this resolution, be deemed to have been made to the donee by each member of the donor controlled company to the exclusion of any other person and the value of the gift made by each member of the donor controlled company shall, for the purposes of this resolution, be deemed to be an amount that bears to that value the same proportion as the value of that member's paid-up shareholding in the donor controlled company bears to the value of the paid-up capital of the donor controlled company.

(18) Without limiting the generality of the interpretation of "gift" in sub-section (1), where a person has a right to recover any money which is due and payable to him and does not take all reasonable steps to enforce payment of that money during the period of twelve months commencing on the date upon which the money first became due and payable or during any subsequent period of twelve months, a gift shall, for the purposes of this resolution, be deemed to have been made at the expiration of each such period, and in respect of any such period the value of the gift shall be deemed to be the amount of interest that would have accrued at the expiration of that period if interest, calculated at the rate of seven per centum per annum or such other rate as is fixed from time to time by the Governor in Council by notice published in the *Government Gazette*, on the amount unpaid at the commencement of that period had been payable, or where any interest was actually paid or payable during that period, the amount of interest so calculated reduced by the interest actually paid or payable: Provided that this sub-section shall not apply in the case of a contract bona fide entered into in the course of an ordinary commercial transaction which is not entered into for the purpose of evading or avoiding gift duty. For the purposes of this sub-section a debt payable on demand in respect of which no demand has been made shall be deemed to be due on each anniversary of the day on which the debt was incurred.

(19) Where a gift of property is made by two or more persons jointly, the gift shall, for the purposes of this resolution, be deemed to have been made by each of them severally and the value of the gift made by each of them shall, for the purposes of this resolution, be deemed to be an amount that bears to the total value of the gift the same proportion as the value of his interest in the property immediately before the gift was made bears to the value of the property.

(20) Where the doing of or omission to do any two or more things constitutes a disposition of property within the meaning of this resolution, the fact that any one of those things itself constitutes such a disposition shall not prevent the doing of or omission to do those two or more things from constituting such a disposition or the doing of or omission to do that one thing from constituting such a disposition.

(21) Where a disposition of property arises by reason of the doing of or omission to do any two or more things and that disposition is a gift in respect of which gift duty is payable and any one or more of those things itself constitutes a disposition of property that is a gift in respect of which gift duty is payable the Commissioner may remit such part of that last-mentioned gift duty as he thinks fit.

(22) Notwithstanding any other provision of this resolution, where a gift that is a disposition of property referred to in sub-sections (11) to (18) inclusive has been made before the coming into operation of the Bill gift duty shall not be payable in respect thereof and it shall not be taken into account in ascertaining whether gift duty is payable in respect of any other gift made by the same donor or in ascertaining the amount of any gift duty so payable.

3. For the purpose of calculating the gift duty payable under this resolution in respect of a gift, a reference in the schedule to the value of all relevant gifts shall be construed as a reference to the sum of—

(*a*) the value of the gift in respect of which the calculation is being made; and

(*b*) the value of all other gifts made—

(i) at the same time as the gift referred to in paragraph (*a*), and within eighteen months previously (whether wholly or partly before the commencement of the Bill or not) and within eighteen months subsequently; and

(ii) by the same donor who made the gift referred to in paragraph (*a*) to the same or to any other donee.

4. (1) Subject to the provisions of the Bill gift duty shall be payable in respect of every gift made after the commencement of the Bill—

(*a*) where the property the subject of the gift is situated in Victoria at the time when the gift is made; and

(*b*) where the property the subject of the gift is personal property situated outside Victoria at the time when the gift is made if—

(i) either the donor or the donee, in either case not being a

corporation, is, at the time the gift is made, domiciled or resident in Victoria;

(ii) either the donor or the donee is a corporation incorporated or resident in Victoria; or

(iii) the donor—

(*a*) is a corporation incorporated under the law of a State other than this State or of any Territory of the Commonwealth;

(*b*) is, at the time when the gift is made, a controlled company; and

(*c*) is carrying on business in Victoria—

and gift duty would not, but for the provisions of this sub-paragraph, be payable under the provisions of this resolution in respect of the gift..

(2) Notwithstanding the provisions of paragraph (*b*) of sub-section (1), gift duty shall not be payable where—

(*a*) the property the subject of the gift is situated outside the limits of the Commonwealth;

(*b*) at the time the gift is made the donor is domiciled or resident outside the limits of the Commonwealth; and

(*c*) neither the situation of the property nor the domicile or residence of the donor had been removed from the limits of the Commonwealth with the object of avoiding or evading liability to gift duty.

(3) Where a gift is made by a corporation, being a donor referred to in sub-paragraph (iii) of paragraph (*b*) of sub-section (1) and the corporation also carries on business outside Victoria the gift shall, for the purposes of this resolution, be deemed to be an amount that bears to the value of the personal property the subject of the gift the same proportion as the value of the assets of the corporation that are situated in Victoria bears to the value of its total assets wherever situated.

5. The gift duty payable in respect of a gift shall be an amount calculated on the value of the gift at the rate per centum in the second column of the schedule opposite the value of all relevant gifts, specified in the first column of that schedule, made by the donor.

6. (1) Where the amount of gift duty payable in respect of a gift and calculated at the appropriate rate specified in the schedule is less than $5, no gift duty shall be assessed by the Commissioner or payable in respect of that gift.

(2) In ascertaining any remission of duty to be made in respect of a gift or any deduction to be made from the value of a gift, all other gifts made by the same donor to the same donee within eighteen months previously and within eighteen months subsequently shall, together with the gift, be regarded as one gift.

7. (1) A disposition of property made or taking effect in pursuance of or in performance or satisfaction, whether wholly or in part, of a voluntary contract shall, for the purposes of this resolution, be deemed to be a gift when and so far as the disposition has affected the property or any of the property to which the contract or agreement relates.

(2) For the purposes of this resolution, a gift shall be deemed to be made after the commencement of the Bill if the disposition of property comprised in the gift is made or takes effect on or after the day specified under the Bill to be the "prescribed day", notwithstanding that a contract or agreement or instrument of title which relates to the property or any part thereof was made or executed before the commencement of the Bill.

8. For the purposes of this resolution—

(*a*) shares in or debentures of a corporation incorporated in Victoria shall be deemed to be property situated in Victoria whether the shares or debentures are recorded in a register kept in Victoria or elsewhere;

(*b*) shares in or debentures of a corporation incorporated outside Victoria shall be deemed to be property situated in Victoria if they are recorded in a branch register of the company in Victoria;

(*c*) where the total property or the value of the total property of a person is diminished as mentioned in paragraph (*g*) of the interpretation of "disposition of property" in sub-section (1) of section 2 or in sub-section (11) of that section, the property the subject of the disposition shall be deemed to be personal property situated in Victoria in the case where the donor is domiciled or resident in Victoria and personal property situated outside Victoria in any other case; and

(*d*) property at sea in the course of transit to Victoria shall be deemed to be property situated in Victoria.

9. (1) Notwithstanding anything contained in the resolution but except as provided in sub-section (2) gift duty shall not be payable in respect of—

(*a*) a contribution by an employer to, or for the purpose of establishing, a bona fide scheme of superannuation, retirement benefit, or pension

for his employés, or any class or classes of his employés, or their dependants;

(*b*) a payment made by an employer, or by the trustees of a fund established by an employer for the purpose of making payments to an employé or the dependants of an employé, in consequence of the retirement of an employé from the service of the employer or in consequence of his death, where the payment is or payments are not excessive having regard to the remuneration of the employé at the time of his retirement or death, to his length of service with the employer and to any payments made to other employés in similar circumstances and such other relevant facts as may be submitted to or otherwise known to the Commissioner;

(*c*) any gratuity or bonus paid by an employer to an employé during the continuance of the employment where the gratuity or bonus is paid in recognition of special or faithful services rendered and is not excessive having regard to the remuneration of the employé, to his length of service with the employer and to any payments made to other employés in similar circumstances and such other relevant facts as may be submitted to or otherwise known to the Commissioner;

(*d*) any payments in lieu of wages or salary made by an employer to an employé during his illness or invalidity where the payments are not excessive having regard to the wages or salary to which the employé is ordinarily entitled and to any payments made to other employés in similar circumstances and such other relevant facts as may be submitted to or otherwise known to the Commissioner;

(*e*) any gift which would be allowed as a deduction under section 21 of the Probate Duty Act 1962 if it were otherwise subject to duty under that Act or for charitable purposes;

(*f*) any gift to or by the Commonwealth or a State of the Commonwealth;

(*g*) any gift where the Commissioner is satisfied—

(i) that the value of the gift together with all other gifts made by the same donor to the same donee, whether at the same time, within eighteen months previously (whether wholly or partly before the commencement of this Act or not) or within eighteen months subsequently, does not exceed in the aggregate $200 and that the gift is made as part of the normal expenditure of the donor; or

(ii) that the gift is made for or towards the maintenance of the wife, husband, child or other person dependent on the donor or for or towards the education or apprenticeship of a child or other person dependent on the donor and is not excessive in amount having regard to the legal or moral obligations of the donor to afford the maintenance, education or apprenticeship;

(*h*) any premiums, not exceeding $500 per annum, paid by a person on insurance policies effected by him on his own life and expressed to be for the benefit of his wife or any of his children; or

(*i*) any moneys paid by an employer to an employé who is a member of or attached to the Naval, Military or Air Forces of the Commonwealth for the purpose of augmenting the employé's pay as a member of any of those Forces.

(2) In this section "bona fide scheme of superannuation retirement benefit or pension" means a scheme of superannuation retirement benefit or pension—

(*a*) created or arranged by an employer for the benefit of his employés and operated under the terms of an instrument of trust executed by or on behalf of the employer; or

(*b*) created for the benefit of employés and approved by the Commissioner for the purposes of this resolution.

(3) Where any payment, gratuity or bonus referred to in paragraph (*a*), (*b*), (*c*) or (*d*) of sub-section (1) is found to be excessive within the meaning of that paragraph, gift duty shall be payable under this resolution only on the part of the payment, gratuity or bonus by which the payment, gratuity or bonus exceeds any part thereof that is found not to be excessive.

10. Where, by virtue of section 9 gift duty is not payable in respect of a gift, the value of the gift shall not be taken into account in ascertaining whether gift duty is payable in respect of any other gift made by the same donor or in ascertaining the amount of any gift duty so payable.

11. Where any disposition of property is made and consideration in money or money's worth passes from the person to whom the disposition is made to the person by whom it is made but the disposition constitutes a gift for the purposes of the Bill by reason

of the consideration not being fully adequate, the value of the gift shall, for the purposes of the Bill, be the extent of that inadequacy.

12. For the purpose of computing the value of a gift—

(*a*) no allowance shall be made in respect of any contingency affecting the interests of any donee;

(*b*) subject to the Bill, the value of the gift shall be taken to be its value at the time it is made; and

(*c*) no deduction shall be allowed in respect of any mortgage, charge, encumbrance or liability affecting or incident to the property comprised in the gift existing at the time it is made, if and so far as the donee is entitled as against the donor or any other person or as against any other property to any right of indemnity or contribution in respect of the mortgage, charge, encumbrance or liability.

13. (1) Where any disposition of property is made subject to a reservation of any benefit or advantage in favour of the person by whom the disposition is made, and the whole or any part of that benefit or advantage is subsequently made the subject of a gift from the person by whom the disposition is made to the person to whom it is made, the subsequent gift shall be deemed to have been made at the time of the earlier disposition or upon the commencement of the Bill, whichever is the later.

(2) Where a disposition of property is made—

(*a*) in consideration of a sum payable on demand or at a future date and upon terms agreed between the persons by whom and to whom the disposition is made; or

(*b*) in part as a gift and in part in consideration of a sum payable on demand or at a future date and upon terms agreed between the persons by whom and to whom the disposition is made—

that consideration shall be deemed not to be a reservation of benefit or advantage for the purposes of sub-section (1).

14. Where a person evades or attempts to evade the payment of any gift duty by failing to comply with the Bill he shall be liable to pay by way of additional gift duty doubled the amount of the gift duty that he evaded or attempted to evade by that failure.

15. Where gift duty is not paid within the time prescribed by the Bill additional tax shall be payable under and subject to the Bill at the rate of 10 per cent per annum.

SCHEDULE.

Where the value of all relevant gifts—	The rate per centum of duty on the value of the gift in question shall be—
Does not exceed $4,000	Nil
Exceeds $4,000 and does not exceed $10,000	3½
Exceeds $10,000 and does not exceed $20,000	4½
Exceeds $20,000 and does not exceed $30,000	5½
Exceeds $30,000 and does not exceed $40,000	6½
Exceeds $40,000 and does not exceed $50,000	7½
Exceeds $50,000 and does not exceed $60,000	8½
Exceeds $60,000 and does not exceed $70,000	9½
Exceeds $70,000 and does not exceed $80,000	10½
Exceeds $80,000 and does not exceed $100,000	11½
Exceeds $100,000 and does not exceed $150,000	14½
Exceeds $150,000 and does not exceed $200,000	19½
Exceeds $200,000	22

The motion was agreed to, and the resolution was reported to the House and adopted.

Leave was given to Sir Henry Bolte (Premier and Treasurer) and Mr. Hamer (Chief Secretary) to bring in a Bill to carry out the resolution.

Sir HENRY BOLTE (Premier and Treasurer) brought in a Bill to provide for the imposition, assessment and collection of a duty on certain gifts, to amend the Stamps Act 1958 and for other purposes, and moved that it be read a first time.

The motion was agreed to, and the Bill was read a first time.

Sir HENRY BOLTE (Premier and Treasurer).—I move—

That this Bill be now read a second time.

It implements the proposal outlined in the Budget speech relating to gift duty. The Bill supplements the long-standing provisions in the Stamps Act imposing stamp duty on documents evidencing a gift. The new gift duty will apply to all gifts where the aggregate of gifts made by a donor within eighteen months before and after making the gift exceeds $4,000.

The rates of gift duty proposed are the same as the existing rates of stamp duty that apply to gifts over $4,000 evidenced by documents. Gifts evidenced by documents will still be liable for stamp duty on the same basis as before, but where the aggregate of gifts exceeds $4,000 the Bill allows a rebate from gift duty of any such stamp duty paid. Charitable gifts are exempted from gift duty and other exemptions include employers' superannuation contributions, bonuses and payments in respect of employees in the armed forces.

Further details of the clauses are contained in the explanatory memorandum attached to the Bill. I commend it to the House.

On the motion of Mr. HOLDING (Leader of the Opposition), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, September 8.

STAMPS BILL.

The House went into Committee of Ways and Means.

Sir HENRY BOLTE (Premier and Treasurer).—I move—

That under and subject to the Stamps Act 1958 as proposed to be amended by the Stamps Bill there shall be charged and paid for the use of Her Majesty upon any instrument specified hereunder the duties specified hereunder:—

1. BILLS OF EXCHANGE AND PROMISSORY NOTES—

	$ c.
(1) BILL OF EXCHANGE payable on demand (*cheque* &c.)	0.06

Exemptions—The same exemptions as are specified under the heading "1. BILLS OF EXCHANGE AND PROMISSORY NOTES—" in the Third Schedule to the Stamps Act 1958.

2. IV. (A) TRANSFER OF MARKETABLE SECURITIES—

(*a*) With respect to sales and purchases included in a return under subsection (1) of section 60c of the Stamps Act 1958 duty calculated on the total consideration for each sale and purchase as follows:—

(i) Where the total consideration is less than $100 at the rate of 7 cents for every $25 and also for any fractional part of $25; and

(ii) Where the total consideration is $100 or more at the rate of 30 cents for every $100 and also for any fractional part of $100—

of the sale price or the purchase price as the case may be; and

(*b*) Upon the transfer of any marketable security or right in respect of shares of any corporation company or society which has a register in Victoria in which such marketable securities or rights are registered not being a transfer to perfect a sale or purchase to which subdivision (4A) of Division 3 of Part II. applies—

(*a*) where such transfer is made for a consideration in money or money's worth of not less than the unencumbered value of the marketable security or the right in respect of shares comprised in the transfer—

where the amount or value of the consideration for the transfer—

does not exceed $100—a stamp duty at the rate of 14 cents for every $25 and also for any fractional part of $25; exceeds $100—a stamp duty at the rate of 60 cents for every $100 and also for any fractional part of $100—

of the amount or value of that consideration;

(*aa*) where such transfer transfers the beneficial interest in a marketable security or right in respect of shares from one company to another company where one of such companies is the beneficial owner of not less than ninety per centum of the issued

share capital of the other company or where not less than ninety per centum of the issued share capital of each of the companies is beneficially owned by a third company and the transfer was not executed in pursuance of or in connection with an arrangement whereunder the consideration for the transfer was to be provided directly or indirectly by a person other than a company which at the time of the execution of the transfer was associated with either the transferor or the transferee or whereunder the beneficial interest transferred was previously transferred directly or indirectly by such a person as aforesaid.

For the purposes of this paragraph—

(i) "Company" includes corporation or society; and

(ii) a company shall be deemed to be associated with another company if, but not unless, one of them is the beneficial owner of not less than ninety per centum of the issued share capital of the other or not less than ninety per centum of the issued share capital of each of them is in the beneficial ownership of a third company—

where the value of the marketable security or right in respect of shares comprised in the transfer—

does not exceed $100—a stamp duty at the rate of 14 cents for every $25 and also for any fractional part of $25;

exceeds $100 — at the rate of 60 cents for every $100 and also for any fractional part of $100—

of that value;

(*b*) where such transfer is made for a consideration which is or includes a consideration in money or money's worth of less than the unencumbered value of the marketable security or the right in respect of shares comprised in the transfer—

(i) as to the amount of such consideration—

where such amount does not exceed $100 — a stamp duty at the rate of 14 cents for every $25 and also for any fractional part of $25;

where such an amount exceeds $100—at the rate of 60 cents for every $100 and also for any fractional part of $100;

(ii) as to the difference between such amount and such unencumbered value—

the same duty assessed in the same manner and with the same exemptions as on a deed of settlement or gift of property;

(c) in any other case—

the same duty assessed in the same manner and with the same exemptions as on a deed of settlement or gift of property.

Exemptions—The same exemptions as are specified under section 60B of the Stamps Act 1958 and under the heading "IV (A) TRANSFER OF MARKETABLE SECURITIES—" in the Third Schedule to the Stamps Act 1958.

3. VI. (A)—CONVEYANCE OR TRANSFER ON SALE OF ANY REAL PROPERTY OR ANY ESTATE OR INTEREST THEREIN—

Where the amount or value of the consideration for the sale exceeds $20 but does not exceed $7,000—

	$ c.
In respect of such consideration for every $100, and also for any fractional part of $100 ..	1.50

Where the amount or value of the consideration for the sale exceeds $7,000 but does not exceed $15,000—

In respect of such consideration for every $100, and also for any fractional part of $100	1.75

Where the amount or value of the considera-

	$ c.
tion for the sale exceeds $15,000 but does not exceed $100,000—	
In respect of such consideration for every $100, and also for any fractional part of $100	2.00
Where the amount or value of the consideration for the sale exceeds $100,000 but does not exceed $500,000—	
In respect of such consideration for every $100, and also for any fractional part of $100	2.25
Where the amount or value of the consideration for the sale exceeds $500,000 but does exceed $1,000,000—	
In respect of such consideration for every $100, and also for any fractional part of $100	2.50
Where the amount or value of the consideration for the sale exceeds $1,000,000—	
In respect of such consideration for every $100, and also for any fractional part of $100	3.00

Exemptions—The same exemptions as are specified under the heading "VI. (A) CONVEYANCE OR TRANSFER ON SALE OF ANY REAL PROPERTY OR ANY ESTATE OR INTEREST THEREIN—" in the Third Schedule to the Stamps Act 1958.

4. VI. (B)—LAND TRANSFER—Under the Transfer of Land Act 1958—or any corresponding previous enactment—

	$ c.
(1) Upon every direction under Division one of Part II. or Division five or six of Part IV. of the Transfer of Land Act 1958 for the certificate of title to issue to any person other than the applicant on a sale of the land mentioned or referred to in the direction	
Where the amount or value of the consideration for the sale exceeds $20 but does not exceed $7,000—	
In respect of such consideration for every $100, and also for any fractional part of $100 ..	1.50
Where the amount or value of the consideration for the sale exceeds $7,000 but does not exceed $15,000—	
In respect of such consideration for every $100, and also for any fractional part of $100 ..	1.75
Where the amount or value of the consideration for the sale exceeds $15,000 but does not exceed $100,000—	
In respect of such consideration for every $100, and also for any fractional part of $100 ..	2.00
Where the amount or value of the consideration for the sale exceeds $100,000 but does not exceed $500,000—	
In respect of such consideration for every $100, and also for any fractional part of $100 ..	2.25
Where the amount or value of the consideration for the sale exceeds $500,000 but does not exceed $1,000,000—	
In respect of such consideration for every $100, and also for any fractional part of $100 ..	2.50
Where the amount or value of the consideration for the sale exceeds $1,000,000—	
In respect of such consideration for every $100, and also for any fractional part of $100 ..	3.00
(2) Upon every consent to an application whereby the consenting party relinquishes any estate or interest for valuable consideration ..	
(3) Upon every application to bring land under the Act by any person who has purchased such land without having paid the duty in respect of a conveyance or transfer thereof to him ..	
(4) Upon every transfer of land on a sale thereof ..	

Exemptions—The same exemptions as on conveyance or transfer on sale of any real property or any estate or interest therein.

5. VII. PARTITION or division of any real property or any estate or interest therein where any consideration is given for equality: Instruments for effecting same—

	$ c.
Where the amount or value of the consideration paid or given or agreed to be paid or given for equality exceeds $20 but does not exceed $7,000—	
In respect of such consideration for every $100, and also for any fractional part of $100	1.50
Where the amount or value of the consideration paid or given or agreed to be paid or given for equality exceeds $7,000 but does not exceed $15,000—	
In respect of such consideration for every $100, and also for any fractional part of $100 ..	1.75
Where the amount or value of the consideration paid or given or agreed to be paid or given for equality exceeds $15,000 but does not exceed $100,000—	
In respect of such consideration for every $100, and also for any fractional part of $100	2.00
Where the amount or value of the consideration paid or given or agreed to be paid or given for equality exceeds $100,000 but does not exceed $500,000—	
In respect of such consideration for every $100, and also for any fractional part of $100	2.25
Where the amount or value of the consideration paid or given or agreed to be paid or given for equality exceeds $500,000 but does not exceed $1,000,000—	
In respect of such consideration for every $100, and also for any fractional part of $100	2.50
Where the amount or value of the consideration paid or given or agreed to be paid or given for equality exceeds $1,000,000—	
In respect of such consideration for every $100, and also for any fractional part of $100	3.00

6. VIII. LEASE or agreement for a lease of any lands or tenements for any definite or indefinite term—

	$ c.
(1) Where the consideration or any part of the consideration not being by way of rent moving either to the lessor or to any other person consists of any money or marketable security—	
in respect of such consideration for every $100, and also for any fractional part of $100 ..	1.20
(2) Where the consideration or any part of the consideration is any rent—	
(*a*) in respect of a lease for any definite term of less than twelve months, exceeding in the aggregate $130—	
in respect of such consideration for every $100, and also for any fractional part of $100 ..	0.60
(*b*) in respect of a lease for any definite term of not less than twelve months, at a rate exceeding $130 per annum—	
in respect of the total of such consideration for the full term of the lease, for every $100, and also for every fractional part of $100	0.60
(*c*) in respect of a lease for any indefinite term, at a rate exceeding $130 per annum—	
in respect of such consideration whether reserved as a yearly rent or otherwise, for every $100, and	

$ c.

also for every fractional part of $100 per annum 1.20

(3) Partition or division of the interest of a lessee under a lease of lands or tenements, where any consideration is given for equality: Instrument for effecting same—

where the amount or value of the consideration paid or given or agreed to be paid or given for equality exceeds $20—

in respect of such consideration for every $100, and also for any fractional part of $100 .. $1.20

(4) For every transfer or assignment (otherwise than by way of gift) of any lease where the consideration or any part of the consideration for such lease is any rent at a rate exceeding $130 per annum—

(*a*) where the lease is for a definite term—

in respect of each year and fractional part of a year of the unexpired portion of the term, $0.60, and in addition in respect of each $100 and fractional part of $100 of the yearly rent payable at the date of the transfer or assignment whether reserved as a yearly rent or otherwise, $0.60;

(*b*) where the lease is for an indefinite term—

$3.00, and in addition in respect of each $100 and fractional part of $100 of the yearly rent payable at the date of the transfer or assignment whether reserved as a yearly rent or otherwise, $0.60.

(5) For every transfer or assignment by way of gift of any lease—

the same duty assessed in the same manner and with the same exemptions as on a deed of settlement or gift of property.

Exemptions—The same exemptions as are specified under the heading—"LEASE or agreement for a lease of any lands or tenements for any definite or indefinite term—" in the Third Schedule to the Stamps Act 1958.

7. XI. ANNUAL LICENCE—

(*a*) To be taken out by any company person or firm of persons whether corporate or unincorporate carrying on in Victoria any assurance or insurance business, and whether the head office or principal place of business of such company person or firm of persons is in Victoria or elsewhere—

$12 for every $200 or part of $200 of premiums of any kind whatsoever received or in any manner charged in account by any such company person or firm or by its his or their agents during the twelve months preceding the year for which such licence is taken out. Such premiums shall be the gross premiums and be counted so as to include any commission or discount, but to exclude the gross amount of premiums, including commission and discount, in respect of re-insurance effected in Victoria with any other such company person or firm if such re-insurance was not made pursuant to any prior obligatory agreement in writing between the insurer and the re-insurer for the acceptance of risks by way of re-insurance and the duty in respect of any one annual licence shall not in any case be less than $200.

Exemptions—The same exemptions as are specified under the heading—"XI.—ANNUAL LICENCE—" in the Third Schedule to the Stamps Act 1958.

(*b*) Return of insurance or assurance business under section 110A of the Stamps Act 1958—stamp duty at the rate of 6 per centum of the amount of any premium paid or payable.

8. XIX. INSTALMENT PURCHASE AGREEMENT—

(*a*) A stamp duty equal to $1.80 per centum of the purchase price.

Exemptions—The same exemptions as are specified under the heading—"XIX.—INSTALMENT PURCHASE AGREEMENT—" in the Third Schedule to the Stamps Act 1958.

(*b*) Statement under section 131AC of the Stamps Act 1958 by a registered person with respect

to credit business or rental business—duty under sub-section (1) as if any reference therein to "one and one-half per centum" were a reference to "$1.80 per centum" and any reference to "one-eighth of one per centum" were a reference to "$0.15 per centum".

(*c*) Note or memorandum under sub-section (1) of section 131AF of the Stamps Act 1958 with respect to credit business or rental business carried on by an unregistered person—duty under sub-section (2) as if any reference therein to "one and one-half per centum" were a reference to "one and eight-tenths per centum".

9. XXI. APPLICATIONS FOR REGISTRATION OF AND NOTICES OF ACQUISITION IN RESPECT OF MOTOR CARS AND COMMERCIAL TRAILERS—

On every application for registration of a motor car or commercial trailer—

	$ c.
for every $200 of the market value of the motor car or commercial trailer in respect of which the application is made and also for any fractional part of $200 or such market value	3.00

On every notice of acquisition of a motor car or commercial trailer—

for every $200 of the market value of the motor car or commercial trailer at the date that the person giving the notice of the acquisition acquired possession of the motor car and also for any fractional part of $200 of such market value ..	3.00

Exemptions—The same exemptions as are specified under the heading—"XXI.—APPLICATIONS FOR REGISTRATION OF AND NOTICES OF ACQUISITION IN RESPECT OF MOTOR CARS AND COMMERCIAL TRAILERS—" in the Third Schedule to the Stamps Act 1958.

10. XXII. MORTGAGE, BOND, DEBENTURE, OR COVENANT—

	$ c.
(*a*) Upon every mortgage, bond, debenture or covenant and upon every foreign security—	
where the amount secured thereby does not exceed $8,000	4 00
where the amount secured thereby exceeds $8,000 but does not exceed $10,000—$4 for the first $8,000 secured thereby and for every additional $200 and also for any fractional part of $200 in excess of $8,000	0.60
where the amount secured thereby exceeds $10,000—$10 for the first $10,000 secured thereby and for every additional $200 and also for any fractional part of $200 in excess of $10,000	0.70

Exemptions—The same exemptions as are specified under the heading—"XXII.—MORTGAGE, BOND, DEBENTURE, OR COVENANT—" in the Third Schedule to the Stamps Act 1958.

(*b*) Security for the payment or repayment of money to be lent advanced or paid or which may become due, where the security has *ad valorem* duty denoted thereon—

(i) if the amount covered by the duty is less than $10,000 and that amount together with the amount of the excess does not exceed $10,000—60 cents for every $200 or fractional part of $200 of the amount of the excess;

(ii) if the amount covered by the duty is less than $10,000 and that amount together with the amount of the excess exceeds $10,000—

(*a*) on the difference between the amount covered by the duty and $10,000—60 cents for every $200 or fractional part of $200 of such difference; and

(*b*) on the amount of the excess that exceeds $10,000—70 cents for every $200 or fractional part of $200 thereof; and

(iii) if the amount covered by the duty is $10,000 or more than $10,000—70 cents for every $200 or fractional part of $200 of the amount of the excess.

(c) Subsequent mortgage within the meaning of section 137LA of the Stamps Act 1958—duty at the rate of 60 cents for every $200 or fractional part of $200 where the amount of such payment does not exceed $10,000 and, where the amount of such payment exceeds $10,000, $30 for the first $10,000 and 70 cents for every $200 or fractional part of $200 by which the amount of such payment exceeds $10,000.

(d) Statutory declaration under section 137M of the Stamps Act 1958—duty under sub-section (2) as if the reference in that sub-section to "Fifty cents" were a reference to "70 cents" and the reference to "Twenty-five cents" were a reference to "35 cents".

The motion was agreed to, and the resolution was reported to the House and adopted.

Leave was given to Sir Henry Bolte (Premier and Treasurer) and Mr. Hamer (Chief Secretary) to bring in a Bill to carry out the resolution.

Sir HENRY BOLTE (Premier and Treasurer) brought in a Bill to amend the Stamps Act 1958 and for purposes connected therewith, and moved that it be read a first time.

The motion was agreed to, and the Bill was read a first time.

Sir HENRY BOLTE (Premier and Treasurer).—I move—

That this Bill be now read a second time.

It implements the increases which are proposed in the rates of certain stamp duties and which were outlined in the Budget. It also provides for the closing of some loopholes in the existing provisions of the Stamps Act.

Following the decision in a case in the House of Lords known as Cory's case, provision is necessary to cover cases where property is transferred, mainly between related parties, without any dutiable instrument being executed. This matter is covered by clause 11 of the Bill.

In the field of credit and rental business a practice has developed where the owner of hired goods assigns his rights to another person for a consideration equal to the value of rentals payable and thus avoids rental duty. Similar avoidance has occurred with short-term credit business and provision is made in clause 12 to overcome the avoidance of duty in such cases. In some instances an exemption in the existing Act enables rental agreements to escape any rental duty where they were entered into before 1st February, 1967, and continued after the first year on a month by month basis. This was originally a transitional provision and the exemption will be repealed by this measure from 1st February, 1972.

The Bill also includes an exemption from duty on loans at rates of interest not exceeding 10 per cent per annum. This provision was inadvertently omitted from the Stamps (Credit Business) Act 1971.

Details of the clauses are contained in the explanatory memorandum attached to the Bill. I commend the measure to the House.

On the motion of Mr. HOLDING (Leader of the Opposition), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, September 8.

The sitting was suspended at 6.17 *p.m. until* 8.4 *p.m.*

LOTTERIES GAMING AND BETTING (PRE-POST BETTING) BILL.

Mr. I. W. SMITH (Minister for Social Welfare).—I move—

That this Bill be now read a second time.

More than twenty years ago it was the practice at the Victorian Club, on Melbourne Cup eve, to conduct what was colloquially known as the calling of the card, which is a system of auctioning betting odds on acceptors in the Melbourne Cup. The event took place in a part of the

club premises set aside for the purpose and attendance was confined to members and special guests invited by the club.

The practice was for a master of ceremonies, who was experienced in betting and appointed by the club for the occasion, to begin by calling the name of the horse with the lowest saddle-cloth number and asking bookmakers present what odds they were prepared to lay. Bookmakers would indicate the odds available and a bettor or bettors would then state the amount for which they wished to back the horse. Bookmakers would then state their willingness to accept bets up to a stated amount at the specified odds.

If the amount for which bettors wished to back horses was greater than the amount which bookmakers wished to lay, bettors would be invited to accept lower odds. If the odds offered were not acceptable to bettors, bookmakers would be invited to offer longer odds. When the wagering on the horse was complete, the master of ceremonies would read out the bets made. These bets would then be confirmed by both bookmakers and bettors. The same procedure was then followed for each acceptor in the Melbourne Cup.

However, as this practice was contrary to the provisions of the then Police Offences Act 1958, it was terminated. The Bookmakers and Bookmakers Clerks Registration Committee constituted under the Racing Act 1958 has recommended that the practice of calling of the card be reintroduced and legalized.

In the view of the committee, pre-post betting on the Melbourne Cup by doubles bookmakers financing their books and by bettors does take place on a large scale prior to Cup Day and it is desirable to devise a suitable method of ensuring that such pre-post betting is properly recorded and subject to the statutory turnover tax.

I am advised that many wagers are made in circumstances which result in the Government being deprived of turnover tax which would be payable if those wagers were made on a Government licensed racecourse. The amount of revenue being lost to the Government in this way is substantial and since there is no doubt that the betting takes place it is considered proper to legalize it and to obtain the lost revenue.

It is not considered necessary to legislate for pre-post betting in regard to any event other than the Melbourne Cup because this is the one event which attracts pre-post betting on a large scale.

This Bill inserts a new section 66A into the Lotteries Gaming and Betting Act 1966. The section empowers the Chief Secretary to issue a club betting permit to the secretary of the Victorian Club authorizing pre-post betting on the Melbourne Cup to take place on a specified part of the premises of the club during such period and on such day as is stated in the permit. Such betting must be conducted in accordance with the conditions set down in sub-clause (3) of the new section 66A.

Betting conducted on the specified part of the licensed premises subject to and in accordance with the permit will have the same status and effect as if the betting had been made on a racecourse during the holding of a race-meeting for horse races. This means that the amount of any bet made or of any money won as a result of a bet may be enforced in any court of law. In addition it will not constitute a contravention of the Liquor Control Act 1966 in regard to betting on licensed premises.

Likewise, such betting will not constitute an offence whether by common law or by statute and will not be grounds for the premises of the club or any part thereof to be deemed or declared to be a common gaming house or place or to be a

common nuisance. Pursuant to subsection (5) of proposed new section 66A bookmakers concerned will be required to furnish to the Comptroller of Stamps a bookmaker's statement and to pay stamp duty as if the bets had been made on the Flemington racecourse on Melbourne Cup Day. I commend the Bill to the House and offer the Opposition the good offices of the Chief Secretary's Department to clear up any queries.

On the motion of Mr. DOUBE (Albert Park), the debate was adjourned.

Mr. I. W. SMITH (Minister for Social Welfare).—I move—

That the debate be adjourned until Wednesday next.

Mr. DOUBE (Albert Park).—I trust that the Minister will not adopt a hard and fast line about this and that, if required, the period of the adjournment will be extended.

Mr. WILKES (Northcote).—The Government has introduced the Budget and four or five Budget Bills the debate on which the Opposition has been good enough to allow to be adjourned for one week. Discussion of those measures should occupy the time of the House next week without this pot-boiler which relates to betting in the Victorian Club. The Melbourne Cup is not run until November, and therefore I should have thought the Government would not consider the passing of this measure at this stage and would have agreed to an adjournment for two weeks so that the House could concentrate on the more important Bills next week.

Mr. I. W. SMITH (Minister for Social Welfare).—I do not wish to be harsh. Perhaps the debate could be adjourned for one week, and if the Opposition requires additional time an extension will be granted.

The motion was agreed to, and it was ordered that the debate be adjourned until Wednesday, September 8.

EXHIBITION (BORROWING POWERS) BILL.

Mr. I. W. SMITH (Minister for Social Welfare).—I move—

That this Bill be now read a second time.

This is a short Bill which proposes to increase the maximum permissible aggregate liability of the Exhibition Trust in respect of borrowed moneys from $700,000 to $800,000. Pursuant to the Exhibition Act 1957 the trustees, amongst other things, are vested with the power to do all things necessary or expedient for or in relation to the general control, administration and management of the Exhibition. It is also their statutory duty to maintain the Exhibition as a place for holding public exhibitions, for the assembly, instruction, maintenance or recreation of the public and for such other uses as the Governor in Council may direct. In accordance with those powers and duties the trustees over the past decade have embarked on a carefully considered programme of development and improvement of the existing buildings, including the erection of what is commonly referred to as the western annexe.

In continuation of that programme, the trustees have now put forward a proposal to redevelop portion of the Exhibition at a total estimated cost of $1,007,250. The proposals are—

(*a*) to demolish the stadium annexe and to replace it with a modern building along the lines and design of the western annexe;

(*b*) to incorporate into the proposed new annexe an air-conditioned convention centre in the form of a mezzanine floor; and

(*c*) to demolish the northern section of the old eastern annexe which was more widely known as the White Ensign Club and to convert the area into a car park to serve the convention centre.

The stadium annexe, which forms the major part of the redevelopment works, was taken over by the trustees after the Olympic Games in 1956.

This building, which was then used as the basketball stadium, is constructed of an arch-type truss with an igloo roof—high in the middle and low at the sides.

For various reasons that annexe is now considered to be unsuitable. The roof is made from aluminium and in the past has been the subject of considerable maintenance costs, principally due to the expansion and contraction of the metal. The roof is now fifteen years old and is in need of replacement at an estimated cost of $12,000. In the opinion of the architects, the roof when replaced may not be entirely satisfactory. The construction of the building itself makes it unsuitable for certain types of exhibitions in that the roof clearance at the sides is insufficient satisfactorily to house exhibits.

In addition, it is unsatisfactory as a venue for public examinations in the summer months because the low aluminium roof makes conditions therein unpleasant. Consequently, rather than expend moneys on maintenance of the existing building the trustees consider that it should be replaced by a modern structure which will afford greater facilities for tenants and the public generally.

Conventions and seminars are often held in conjunction with majority trade expositions at the Exhibition Building. At present these are held elsewhere because of lack of suitable accommodation. The introduction of a convention centre to accommodate 700 people will provide an additional facility for organizations sponsoring trade fairs, and so on. The trustees are confident that the redevelopment of this area with a new modern building will provide facilities of a high standard for regular tenants and will bring about additional tenancies resulting in greater occupancy and increased revenue.

The second part of the proposal is to demolish a portion of the eastern annexe. This section of the Exhibition was erected in 1879 and in its present state is unsuitable for exhibition, social or letting purposes. The trust's architects have estimated the cost of renovation in conformity with modern requirements at $400,000.

In the view of the trustees there is no requirement now or in the foreseeable future for additional exhibition space, other than that provided by the building proper and the proposed new annexe. They therefore propose to convert the site into a car park suitably landscaped with gardens. This would meet the anticipated requirements of parking space for the proposed convention centre and afford additional parking for the general public.

The trustees will be able to finance portions of the cost by an allocation of $237,250 from their own funds. Tentative inquiries indicate that the Commonwealth Bank and the State Savings Bank are prepared to finance the balance of $770,000. However sub-section (2) of section 14 of the Exhibition Act 1957 provides that the aggregate liability of the trustees in respect of borrowing shall not exceed $700,000. The trustees have therefore sought to have this limit increased to $800,000. The trustees have been undertaking major works in recent years and have been paying off their liabilities from income. They confidently expect that by mid-1972 they will have no commitments in respect of borrowed moneys.

Having regard to the healthy state of the trustees' finances in respect of borrowed moneys, the Government considers that the amendment sought is reasonable and should be agreed to. The Bill proposes to give effect to the request and I commend it to the House.

On the motion of Mr. CLAREY (Melbourne), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, September 15.

MOONEE PONDS (QUEENS PARK) LAND BILL.

Mr. BORTHWICK (Minister of Lands).—I move—

That this Bill be now read a second time.

Its purpose is to authorize the municipality of the City of Essendon to lease portion of the Queens Park reserve at Moonee Ponds to the Moonee Ponds Bowling Club. Queens Park, which occupies an area of 19 acres and 3 roods, is bounded by Mount Alexander Road, Kellaway Avenue, Pascoe Vale Road and The Strand. The land was permanently reserved in 1964 as a site for public park and public recreation. The reserve has been placed under the control of the municipality of the City of Essendon as a committee of management. The land had originally been reserved in 1884 for ornamental plantations.

The Moonee Ponds Bowling Club has occupied portion of the reserved land for about 80 years by agreement with the municipality as the committee of management. The area of the site presently occupied by the club is about 1 acre and 30 perches.

The club-house on the site is now of such age that the club proposes to proceed with a rebuilding programme. To carry out this programme it is necessary for the club to raise finance by way of loan. For this reason the club and the municipality have requested that the club obtain security of tenure of the site. The honorable member for Moonee Ponds and his colleagues in another place have indicated to me in writing that they support the proposal.

Clause 1 of the Bill cites the short title. Clause 2 interprets the "corporation" as referred to in the Bill as meaning the corporation of the City of Essendon.

Clause 3 provides—

(1) that the corporation as committee of management may from time to time lease that part of the reserve shown in the schedule for the purpose of a bowling club for amusement and recreation;

(2) that any lease shall be for a term not exceeding 21 years and be subject to approval by the Governor in Council;

(3) that moneys received by way of rent under any lease shall be applied to the maintenance and improvement of the part of Queens Park not leased to the bowling club; and

(4) the usual provision that no liability shall attach to the Crown.

The schedule contains a plan of the land which is presently occupied by the bowling club and which might be leased by the municipality. I commend the Bill to the House.

On the motion of Mr. EDMUNDS (Moonee Ponds), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, September 8.

GOVERNOR'S SPEECH.

ADDRESS-IN-REPLY.

The debate (adjourned from the previous day) on the motion of Mr. Crellin (Sandringham) for the adoption of an Address-in-Reply to the Governor's Speech was resumed.

Mr. TRETHEWEY (Bendigo).—I congratulate the honorable members for Sandringham and Polwarth for the manner in which they moved and seconded the motion for the adoption of an Address-in-Reply to the Governor's Speech. On behalf of the constituents of the Bendigo electorate I pledge their loyalty to Her Majesty the Queen through the Governor, Sir Rohan Delacombe. The people of Bendigo are always proud to have Sir Rohan and Lady Delacombe in their midst. They have visited Bendigo on

several occasions and they appear to enjoy their tours to country areas where there is less formality than in Melbourne.

The honorable member for Sandringham referred to loyalty. Members of this House swear their allegiance to Her Majesty the Queen and to the laws of our land. Therefore, we should set an example to the people of Victoria in showing our loyalty. I had the opportunity recently of undertaking an overseas tour and during my stay in England I was proud of the manner in which the British people are facing their problems. This made me proud to be a British subject. When one travels throughout other overseas countries one realizes that England and Australia are splendid places in which to reside.

Mr. WHITING.—What about Scotland?

Mr. TRETHEWEY.—The Scottish people are vain, proud and loyal to Her Majesty. During the debate reference has been made to the establishment of the Environment Protection Authority and the Environment Protection Council. These bodies have the responsibility of examining methods of preventing or curtailing air pollution in Victoria. This is a most important function because Melbourne is on the verge of serious air pollution and the quicker the problem is solved the better it will be for residents of the metropolitan area.

During my overseas tour I visited many countries and cities which have pollution problems. Los Angeles has a most depressing air pollution problem. When I was there I was unable to see blue sky on a fine day because of the haze. Only at night when the wind blows away the polluted air can the stars be seen. Los Angeles is a terrible place in which to live and if its pollution problems are not solved quickly it will become a dead city.

The Land Conservation Council has been established to examine public use of land. In the Bendigo district there is an area which extends from Eaglehawk to Rochester called the Whipstick. Portion of the area has been taken over by developers who have cleared the scrub and by the use of trace elements and cultivation have been successful in raising cereal crops. The conservationists have raised their voices. Development of all public land in Victoria exceeding in area 1 acre has been frozen until the council has made its report. It is hoped that after this council visits the electorate of Bendigo it will furnish a report that will respect the wishes of the conservationists to keep the area, which is rich in flora and fauna, for the people.

Education is a problem which is not confined to Victoria. Whilst all honorable members favour the establishment of new schools in the metropolitan area, the needs of older schools, particularly in the electorate of Bendigo, must not be forgotten. In the old mining areas, some schools have celebrated their centenary. They need to be modernized and brought to a standard comparable with newer schools in other areas.

The committee examining the need for a fourth university in Victoria has had presented to it evidence not only from my own electorate of Bendigo but also from other country areas. When it arrives at its decision, I hope the committee will consider that the facilities and the amenities available for students in our district, particularly those from areas north of Bendigo, are sufficient for it to recommend the establishment of this university at Bendigo, so that these students will not be required to go to the city for tertiary education. It is about time the Government considered decentralization in this respect and decided to establish the fourth university in a country area. As Bendigo is the centre of Victoria, I hope the committee will bring down a recommendation in its favour.

His Excellency the Governor referred to housing and pointed out that the Housing Commission is reclaiming land and building high-rise flats to provide accommodation for those in need. In providing these facilities, I hope the commission will give favourable consideration to the electorate of Bendigo, particularly as 150 people require accommodation in that city. Bendigo has been chosen as one of the cities for progressive development and if people are expected to go to it suitable accommodation must be provided. I hope the Housing Commission will play its part in this respect. The housing authority in England is engaged in the development of high-rise flats in an endeavour to alleviate the shortage of houses.

I read with considerable interest the suggestion that the Country Roads Board will undertake work on certain highways, including the Calder Highway which links Bendigo with the City of Mildura. This highway is extensively used. If the Calder Highway is improved to the standard of a four-lane highway, it will materially assist traffic going through Bendigo to areas beyond.

His Excellency also referred to natural gas, which has proved to be a wonderful asset to Victoria. Melbourne has been satisfied with the standard of domestic and industrial gas for some time. Provision has been made for the extension of the natural gas pipeline to Ballarat and Bendigo, and this is expected to be completed in 1973. This will be of great advantage to the industrialists of those areas, particularly as it is understood that the price of natural gas in the country areas will be comparable with the tariffs operating in the metropolitan area. It must be realized that the city people depend largely on the efforts of their country counterparts.

The Department of Agriculture has purchased 16 acres of land in the electorate of Bendigo for the purpose of establishing a diagnostic centre. It is hoped that the buildings will be erected and staffed in the near future so that livestock diagnostic facilities will be available to the farming community in northern Victoria. I trust that eventually Bendigo will progress to the extent envisaged, namely, to become a city with a population of 100,000 people. Then it would become self-generating and in a measure self-supporting. I have great pleasure in supporting the motion moved by my colleague, the honorable member for Sandringham.

Mr. BIRRELL (Geelong).—To some extent, my remarks will be similar to those uttered by the honorable member for Bendigo. I congratulate the mover and the seconder of the motion for the adoption of an Address-in-Reply to the Speech of His Excellency the Governor, and I compliment them on their contributions to the debate. I wish to convey my loyalty and that of the citizens of my electorate to the Throne, which means so much to all of us.

Several aspects of His Excellency's Speech impinged on my mind, particularly his remarks in the last few sentences, which are possibly outstanding coming from a person occupying such a distinguished position. The problem vaguely referred to as law and order has arisen. In fact, it is organized civil strife arising from the dark ideas in the minds of those who promote it. The time has come to back up His Excellency's remarks, which agree almost to the word with the comments, as recorded in *Hansard,* which I made at this time last year in the Address-in-Reply debate. His Excellency said—

> Although the right to express opinions and to protest is one which is inherent in any democratic society, it must be reconciled with the right of other citizens to freedom of movement and to protection from obstruction and violence in the pursuit of their activities at such times.
>
> . . . . . .
>
> All the efforts of the Government and people to improve conditions in this State will be of no avail if the people cannot be secure in their life and property.

In my opinion this subject is so important that I wish to emphasize it in this House as a matter of first priority in the Governor's Speech.

In his opening remarks, His Excellency stated that the most significant work that had been done while Parliament was in recess had been aimed at the preservation of our environment. I should like to comment on that point.

Mr. HOLDING.—The fish that come out of Corio Bay are not too good these days.

Mr. BIRRELL.—All honorable members can point to problems which exist in their electorates and which have a close relationship to them in their day-to-day living. No one can gainsay that fact. However, wherever one travels overseas—and no doubt it is of recent vintage—the same discussions ensue, particularly concerning governmental by-laws. Each day in the city of San Francisco there is a television programme during which a brief time slot is allocated to news on the environment and what is happening in this regard. In the United States of America particularly there is widespread discussion at all levels of the community on how to cope with this problem. Southern Germany is the most highly industrialized part of the world and there industralization is a major cause of pollution. Something can be done about it and London is the best illustration of the fact that we do not need to throw up our arms and say that it cannot be improved. Today the atmosphere and the sky in London are reminiscent of a village scene. Yet in 1952, at least some hundreds and possibly a thousand deaths were directly related to pollution of the atmosphere. Honorable members must not give up the ghost and say that nothing can be done about it. We can do something.

When the problems associated with the motor car and industry have been cleared up, one increasing cause of pollution will remain and this should be noted. I refer to the pollution which arises from the extension of oil heating in homes and factories. The fossil fuel that is used in oil heating is a major cause of pollution today. One of the first activities of any environmental control authority should be to give attention to this fact. It may be necessary to be somewhat ruthless and totally forbid the use of fossil fuel in any built-up areas. Action of this type was taken in London where the citizens have been given five years to get rid of fossil fuels totally—no exceptions have been allowed. This rather dramatic approach has brought the environment in that city to a high level of purity. This need not necessarily be a big problem if prompt action is taken. Of course, such action will tread on some toes as it is not nice to tell people that they are using a fuel that is polluting the atmosphere, but Parliament must take this problem by the throat in all its aspects. The use of oil in heating is a future threat to the environment.

In his Speech, the Governor also referred to the probable adoption by Victoria, and ultimately Australia, of daylight saving. The introduction of daylight saving for at least two or three years is worth a trial and should receive the support of every honorable member.

Mr. WHITING.—Why do you say that?

Mr. BIRRELL.—I know that Country Party members feel they have a righteous point to submit in this regard. This poor section of the community should no longer dominate the actions of the rich urban areas, and daylight saving should be given a fair trial for at least two or three years to see how the population as a whole like it. For some years past, the tail has been wagging the dog on the subject of daylight saving.

When I last visited Tasmania I had occasion to consult with members of both Government and Opposition parties on the effects of daylight saving. It is interesting to note that while various rural organizations were hostile to the introduction of the enabling legislation some

five or six years ago in Tasmania, within two years they had come around quite dramatically in support of it. I have in mind organizations representing dairy farmers and others in that State. This would indicate that many of the disadvantages that have been promoted by the rural sector are misleading to a manifold degree. In any case, Victoria should give daylight saving a trial for two or three years. The majority of honorable members will agree that it is beneficial in most countries overseas and has been retained more or less on a permanent basis.

I shall now refer briefly to matters of a local nature. I do not like talking about my own electorate in the Address-in-Reply debate because naturally comments of this type pall on those who do not have close associations with it. There was an omission from the Budget about which I have consulted departmental officers. It concerns the difficult matter of the finances of the Geelong Waterworks and Sewerage Trust. The trust still remains the only non-metropolitan water trust which is paying on capital works full interest of approximately 7.4 per cent. All other trusts, including those in such large cities as Ballarat and Bendigo, are subsidized on interest in excess of 3 per cent. In the accounts of the Geelong Waterworks and Sewerage Trust, 71 per cent of income is now devoted to interest payments and redemption of loans and the percentage is increasing each year. Not only the total sum but the percentage of revenue is increasing each year, and obviously a point of no return must be reached when the trust will no longer be able to undertake works because its income will be devoted to interest repayments. The trust cannot effect economies on the same scale as the Melbourne and Metropolitan Board of Works in relation to its works. It is approximately one-twentieth of the size of the Melbourne and Metropolitan Board of Works. I believe there is some justification for at least a partial response to the requests that have been made through local members that this position should be reviewed. The trust is not seeking a full subsidy, but it would like some consideration to enable it to come to grips with this matter. I regret that the Budget speech contained no reference to this subject.

When I returned to Geelong last week I became aware of a matter which caused me some concern. It relates to the future of the Geelong Harbor Trust when oil, which provides 70 per cent of the trust's revenue, is no longer handled upon completion of the laying of pipelines from the oilfields. The trust will then receive little revenue from oil wharfage charges. The trust is alert to what is happening, and is trimming its sails and endeavouring to obtain new business to overcome this future loss of revenue.

Recently, coarse grains and a substantial tonnage of rice from the Murrumbidgee irrigation area were exported from Geelong, and it was thought that this would be an export avenue which would prove to be of substantial benefit to the trust. Unfortunately, as a result of circumstances with which I have not yet come to grips, since I am not familiar with the processes involved, this question has been referred to the State Development Committee, and I believe that within seven days the whole of this trade will cease to flow, and that Victoria will miss out on the dividends it could have expected to receive from the export of these grains. I believe there will be a meeting of exporters from Griffith in Geelong today or tomorrow, but the trust can do nothing about the situation because its hands are tied. Victorian railway revenues are also affected.

I ask the State Development Committee to come to grips with this problem and reach a solution as soon as possible. The export terminal at Geelong is highly sophisticated, and the people connected with it have wide experience. The terminal is

working at only half of its capacity and it is a pity that the present situation should have arisen. The Murrumbidgee irrigation area probably will again turn to Newcastle for a large part of its exports, and this will be to the detriment of Geelong and Victoria. I should like the State Development Committee to carefully examine this situation as quickly as possible.

In travelling overseas in recent months, I have noticed that most countries are faced with similar problems, one of the principal ones being the increased incidence of car ownership, which is causing considerable trouble in all developed countries. A leading citizen of Madrid, whom I met accidentally, remarked that the population had passed 3 million, but that the city was faced with 30 million problems, of which 27 million were associated with motor cars. In America consideration is being given to the closing of city areas to motor cars, and I foresee a day when, of necessity, similar action may be taken in Melbourne. I think a situation will arise in which only taxis and other business vehicles will circulate within the city because no one will put up with the inconvenience and trouble of driving motor cars in large urban areas. The time will come when Parliament will have to decide what part is to be played by the motor car in our cities, and that will not be an easy decision to reach.

As in Australia, the financing of local government is causing concern overseas. In England, the Government published the results of an inquiry into local government at its highest level. I could have written it myself, because the situation in Victoria is so similar, in that rising costs of local government are far outstripping the revenue that local government bodies can collect. It seems impossible to bridge the gap between revenue and expenditure. In the United Kingdom it seems likely that cash grants will be made to local government by Westminster, and it is obvious that local government here will either perish or flourish depending upon its ability to meet its responsibilities from the revenue it is able to obtain. This is a problem in most overseas countries.

One learns a great deal when travelling, but I think the main impression with which one returns to Australia is that ours is a remarkably fine country, with widespread services which, too often, are taken for granted. One is not being merely patriotic in saying that Victoria and the Commonwealth have a magnificent future. The general outlook adopted by Australians is advantageous, and we have fewer problems than other countries. We should be thankful that our country is large and that it has a small population. It may be all right to pack 60 million people into this country and to sit back and regard ourselves as big fellows, but I remind honorable members that quality will always beat quantity. I do not think that to fill the country with mouths to feed denotes development in its finest sense. If we keep our standards high, we shall prosper. At no level can we afford to let our standards fall; and I remind the House that the honorable member for Sandringham referred to this during his contribution to the debate.

On the motion of Mr. WILKES (Northcote), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, September 7.

ADJOURNMENT.

PROBATIONARY DRIVERS EXCEEDING SPEED LIMIT—MOUNT HOTHAM ALPINE RESERVE COMMITTEE OF MANAGEMENT—POLLUTION: NONFERRAL PTY. LTD., KEON PARK—PROPOSED ETHANE PIPELINE ACROSS PORT PHILLIP BAY.

Mr. REID (Attorney-General).—I move—

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

The motion was agreed to.

Mr. REID (Attorney-General).—I move—

That the House do now adjourn.

Mr. EDMUNDS (Moonee Ponds).—I wish to draw to the attention of the Chief Secretary a matter of some urgency. It is in reference to the danger caused to average motorists by probationary drivers who exceed the speed limit of 50 miles an hour. The two roads on which this is so obvious are the Geelong road and the Tullamarine Freeway. Whenever I have travelled on these highways during the past few days I have observed drivers of cars bearing "P" plates exceeding, in my opinion, 50 miles an hour. It would appear that a fair amount of latitude is being given by the police to this type of driver, and it would be in the interests of public safety, and motorists in particular, if the mobile police squad were to institute an educational programme directed towards the probationary driver.

I ask the Chief Secretary to examine this suggestion, as such an educational programme directed towards probationary drivers would instill into them the necessity to restrict their speed to the limit of 50 miles an hour on public highways. If statistics were readily available I am sure that they would show a high incidence of probationary drivers exceeding the speed limit. Therefore, in the interest of the safety of the public, and particularly of motorists, I suggest that the Government treat as urgent the establishment of such an educational programme for probationary drivers.

Mr. HOLDING (Leader of the Opposition).—I desire to direct the attention of the Minister of Lands to an exchange of correspondence between myself and the Minister concerning requests made to the honorable gentleman by the Shire of Omeo for representation on the Mount Hotham Alpine Reserve Committee of Management. I shall put the issue simply. The Omeo Shire Council considers, rightly I believe, that it has an interest in this area, and that as it has been prepared to expend funds on the provision of certain public facilities it is entitled to representation on the committee of management.

The Minister is aware of these representations and I shall not canvass them further. What disturbs me is that the Minister gives as his reason for not supporting the request the fact that he is relying almost exclusively upon the recommendations of the Alpine Resorts Development Advisory Committee. What disturbs me about that is that apart from representatives of the Victorian Ski Association, the committee consists of public servants. I have no objection either to the members of the Victorian Ski Association or to the public servants, but it seems to me on examining the report with which they provided the Minister—he was good enough to give me a copy—that it is unfortunate that the Minister is prepared to act simply on a recommendation without a reason being advanced for it. The Alpine Resorts Development Advisory Committee was of the opinion that the lift companies should have one representative on the committee of management. It may well be that the lift companies should, or should not, have a representative on the committee. However, no reason is advanced. More importantly, nowhere in this recommendation is the view of a body which, after all, makes its claim on the basis that members are elected to the council by the community. I should have thought that on any such committee it would be a good thing to have someone appointed in a community representative capacity. In the existing structure of the committee are representatives of skiers—which is proper—representatives of various departments—and that is fair enough—and representatives of commercial interests. That also may be fair enough, but I find it difficult to see how the representative of commercial interests whose sole interest on the mountain is to advance his own pecuniary interests should have precedence over someone who has been

elected to the council of the shire on the basis of actively carrying out an important community service in the interests of the community. I assure the Minister that it is the feeling of a number of councillors in the Shire of Omeo that their representative was excluded simply because he was prepared to take certain stands and express attitudes which were contrary to attitudes of commercial interests.

The SPEAKER (the Hon. Vernon Christie).—The Leader of the Opposition has half a minute.

Mr. HOLDING.—An important matter of principle is involved. I should have thought that on a body required to make decisions upon the development of an area such as an alpine resort it would be considered important to include those men who have a wide range of interests. People who live in the area might be expected to have a substantial interest in the development of these areas, quite apart from skiers and public servants. I suggest that the Minister should reconsider his position in this matter and meet the legitimate and proper demands of the Shire of Omeo.

Mr. WILTON (Broadmeadows).—I wish to raise a matter with the Minister of Health on behalf of the council of the Shire of Whittlesea. I have received a letter from the secretary of the shire informing me that apparently the Clean Air Section of the Department of Health dealt with an application from a company located in the Shire of Whittlesea and with which the Minister is familiar—Nonferral Pty. Ltd.—seeking a permit to install a particular type of chimney stack at its works. It appears that the Clean Air Section dealt with the matter without consulting with the municipality concerned and granted the permit, and only at this stage has the municipality been advised.

As the Minister is aware, this municipality is joined with the City of Preston in launching prosecutions against this company because of the nuisance and inconvenience it has caused to residents in the area. The Minister is also aware that the municipality has had to fight this issue alone without any support from his department. I therefore ask the Minister to take up this matter with his department to determine why the municipality was not consulted about the granting of the permit, and in due course to inform me of the result of his inquiries. I should also like the honorable gentleman to indicate to the House whether he will take steps to ensure that in future the Clean Air Section will confer with the municipality concerned when dealing with matters of this nature.

Mr. FLOYD (Williamstown).—My remarks relate to the administration of the Minister for Fuel and Power with some slight side issues concerning the Chief Secretary. A considerable amount of heat has been generated over the proposed ethane pipeline to go under Port Phillip Bay from Brighton to Williamstown. Although many people are getting on the bandwagon because it is fashionable, our consideration of any genuine attempt to prevent something which may be harmful to the bay must not be impeded. Today I asked whether the Fisheries and Wildlife Branch had been conducting a survey of Port Phillip Bay. This matter has been shrouded in mystery and nobody seems to know anything about it although, coincidentally, in his Budget speech this afternoon, the Premier and Treasurer mentioned that the branch was studying the chemical contents of the bay and that, in a couple of years, it was proposed to study the ecology of the bay.

I make a plea to the Minister for Fuel and Power not to agree to the construction of the pipeline before a report is received from the Fisheries and Wildlife Branch indicating whether the scheme is right or wrong. It is useless for the Minister for Fuel and Power to be in direct opposition to the Deputy Premier, who is taking a keen interest in ensuring that the

bay is not polluted. The ecologists and the ultra-conservationists seem to get their way, but just because many people are jumping on the bandwagon our vision should not be obscured in considering the views of people who genuinely do not want this pipeline. I ask the Minister for Fuel and Power to give some consideration to the genuine objections.

The survey has been going on for two years and these genuine people must have some reason to believe there is something wrong with the proposal. I do not now why they are objecting, but they are entitled to the privilege of waiting for the results of the survey by the Fisheries and Wildlife Branch to see whether the project can proceed without detriment to the bay. Instead of one Minister loving the bay with reverent affection and ensuring that it is not harmed, and the other Minister rushing in and doing something about which he knows nothing, I trust that the two Ministers will co-operate.

Mr. SIMMONDS (Reservoir).—Further to the matter raised by the honorable member for Broadmeadows, I have received from the Shire of Whittlesea a request to further its protest against the action of the Clean Air Section of the Department of Health.

The SPEAKER (the Hon. Vernon Christie).—Order! On the motion for the adjournment of the House, it is not competent for one subject to be canvassed more than once.

Mr. SIMMONDS.—The matter I wish to raise is that when I telephoned the Clean Air Section to ascertain whether the correspondence I had received was factual, I was told that I would have to ask the Minister about any matters concerning Nonferral Pty. Ltd.

The SPEAKER.—Order! It is permissible to bring up a subject only once. Therefore, it is out of order to extend the debate on the matter of Nonferral Pty. Ltd. and the Clean Air Section.

Mr. SIMMONDS.—I wish to ascertain whether the Minister has informed his department that any inquiries of this nature must be channelled through the honorable gentleman rather than through the department.

Mr. HAMER (Chief Secretary).—I shall be glad to consider the suggestion made by the honorable member for Moonee Ponds. Most people are concerned at the number of probationary drivers who exceed the speed limit of 50 miles an hour on the roads. Whether an educational campaign would be effective is a matter for speculation. However, I shall consider the suggestion to see whether something along those lines might be instituted. Meanwhile, I propose to ask the Police Force to be particularly vigilant against this practice because I believe it is prevalent.

Mr. BORTHWICK (Minister of Lands).—On the question of the composition of the committee of management at Mount Hotham, I point out to the Leader of the Opposition and to the House generally that the situation at that snow resort caused me a great deal of concern when I first became Minister of Lands. It is in the most remote area of the State from a ski-ing point of view, and the boundaries of two municipalities—Omeo and Bright—divide the village. On the former committee of management, which received a great deal of criticism, both municipalities were represented. When I first became Minister, I was under considerable pressure to restructure the committee along the lines recommended by the Alpine Resorts Development Advisory Committee because the administration of the resort was considered to be far from good. I agreed to the request, and as a result I met members of the Omeo Shire Council at Bairnsdale, I think after the Leader of the Opposition met them.

Mr. HOLDING.—The day before.

Mr. BORTHWICK.—It was about the same time as the Leader of the Opposition had discussions with those representatives. My discussions were lengthy.

Mr. ROSSITER.—Was the local member present?

Mr. BORTHWICK.—Yes, the representatives were introduced to me by the local member. I was able to resolve a number of the points raised with me by a representative from the Omeo Shire Council previously on the committee. I felt that our discussions ended amicably. At this time last year, I was inundated with letters of complaints, but this year I have received letters of thanks and congratulations on the activities of the committee of management.

One of the problems facing the committee is the difficulty of getting all parties together in an area of administration which last year demonstrated a need for quick decision. Later in this session, I hope to present legislation relating to Mount Hotham, and I shall then certainly consider the point of view expressed by the Leader of the Opposition and by the honorable member for Gippsland East. I might add that the committee as now structured on the recommendation of the Alpine Resorts Development Advisory Committee is operating very well.

Throughout the State, there are some 10,000 committees of management of Crown reserves and municipalities are not represented on all of them. On the ski fields, for instance, there is no municipal representative on the Falls Creek Committee of Management although there is on the Mount Buller and Mount Baw Baw committees of management.

Mr. BALFOUR (Minister for Fuel and Power).—I assure the honorable member for Williamstown that there is no variance between the Chief Secretary and myself about the construction of a pipeline across Port Phillip Bay from Mordialloc to Altona. Many inquiries were made by the Government when this matter was under consideration and, naturally, they included inquiries of the Fisheries and Wildlife Branch. Mr. Butcher, the head of that branch, assured the Government that the construction of an ethane pipeline across Port Phillip Bay would do no harm to the bay. The Government has always been interested in Port Phillip Bay and, for some time, the Fisheries and Wildlife Branch has been carrying out investigations into various problems associated with the bay.

Mr. DOUBE.—You allowed the scallops to be fished out.

Mr. BALFOUR.—That may be so, but the branch was responsible for the discovery of the scallops and every endeavour is being made to locate other scallop beds. As the State Electricity Commission is contemplating the erection of a new power station at Newport and the possible piping of some warm water into the bay, it will contribute $250,000 towards the cost of the experiments being conducted by the Fisheries and Wildlife Branch. The investigation will be of continuing importance in determining what happens in the bay and what are the effects of various drains, the Yarra river itself, and everything else that enters the bay.

The Government has adequate evidence to suggest that the construction of the trench and the laying of the pipeline will have absolutely no effect on the ecology of Port Phillip Bay.

Mr. ROSSITER (Minister of Health).—The point made by the honorable member of Broadmeadows is well taken. There has possibly been a lack of communication between the Clean Air Section of the Department of Health and the local municipalities in the continuing story, the Peyton Place epic, of Nonferral. However, I will make certain that there is a further continuation of this intriguing and magnificently absorbing story.

The honorable member for Reservoir displayed remarkably "ept" mental gymnastics by changing his point from one he was not allowed to make to one he was allowed to make. However, the honorable member should be aware that, if representations are made to a department, the department answers through the regular channels and, if there are communications from areas in the community to the Minister, the Minister answers. If the honorable member finds, and tells me, that there have been communications from areas of the community to the Minister which have been answered by the department, I shall do my best to rectify the matter.

The motion was agreed to.

The House adjourned at 9.25 p.m., until Tuesday, September 7.

Legislative Council.

Tuesday, September 7, 1971.

The PRESIDENT **(the Hon. R. W. Garrett)** took the chair at 4.53 p.m., and read the prayer.

TAPE RECORDING OF PARLIAMENTARY PROCEEDINGS.

The PRESIDENT (the Hon. R. W. Garrett).—Honorable members will remember that towards the end of the last session I carried out a test of tape recording the debates in this Chamber, and the test proved very successful. I wish to advise the House that the experiment is being continued during the current sessional period, and will resume from today. For obvious reasons, I point out to honorable members that the microphone is very sensitive. I consulted the Leaders of the various parties concerning this experiment but I believe honorable members also should know that it is being carried out.

MELBOURNE AND METROPOLITAN BOARD OF WORKS.

SPECIAL ROAD PROJECTS.

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

(*a*) How much Melbourne and Metropolitan Board of Works revenue has been spent on special road projects since their inception?

(*b*) At what locations have these moneys been spent?

(*c*) What is the order of priorities for future projects?

The Hon. A. J. HUNT (Minister for Local Government).—As the answers to these questions are somewhat detailed, I seek leave of the House to have them incorporated in *Hansard* without my reading them.

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

(*a*) The total amount expended through the Melbourne and Metropolitan Board of Works on special road projects from their inception to 30th June, 1971, has been $52,707,545, of which the State Government has provided the board with $37,649,038 (or over 71 per cent) from the Roads (Special Projects) Fund.

(*b*) These moneys have been spent at the following locations:—

Location.	Special Road Project.
St. Kilda ..	No. 1 .. St. Kilda junction improvements
Burnley to Tooronga	No. 3 .. South-Eastern Freeway section 2
Flemington to Strathmore	No. 4 .. Tullamarine Freeway
Melbourne ..	No. 23 .. St. Kilda Road underpass
Collingwood to Bulleen	No. 24 .. Eastern Freeway, section 1 (Including Hoddle Street widening)
South Melbourne	No. 25 .. Yarra River bridge, Johnson Street
East Melbourne ..	No. 26 .. City Ring Road, eastern section
Richmond ..	No. 34 .. Median guard, South-Eastern Freeway, section 1

(*c*) The current programme for future special road projects is as follows:—

Eastern Freeway—construction commenced 1971.

Hoddle Street widening—property acquisition 1971.