nominee of the Minister of Education, it is deplorable that a senior administrative officer of the department should be acting in a political way. If, however, he was not acting as a representative of the Government but was present in the role of a volunteer——

The SPEAKER.—The honorable member is now debating the matter.

Mr. JONES.—I ask the Minister of Education to comment on this situation because it involves great issues.

Mr. THOMPSON (Minister of Education).—Last week, at my request, the Director of Secondary Education attended a meeting at the Bonbeach High School to discuss an alleged shortage of staff. As honorable members will have gathered from my remarks from time to time, the investigation to determine whether a staff shortage exists is highly complex, and this seemed to be an appropriate meeting for the director to attend. Mr. Schruhm is, as the honorable member for Melbourne has said, a competent and highly respected administrator. I know that he has a great enthusiasm for the State system of education, and particularly for the State high school system. No accusations or charges which warrant an answer have been made at this stage. The director attended a meeting and, to the best of my knowledge, defended the high school system and the administration of the Secondary Division.

The motion was agreed to.

The House adjourned at 5.54 p.m., until Tuesday, April 3.

Legislative Council.

Tuesday, April 3, 1973.

The PRESIDENT **(the Hon. R. W. Garrett)** took the chair at 4.27 p.m., and read the prayer.

GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES.

SOCIAL WORKERS.

The Hon. B. P. DUNN (North-Western Province) asked the Minister of Housing, for the Minister for Social Welfare—

(*a*) What is the total number of social workers employed by the Government and where are they located?

(*b*) How many of them are fully qualified social workers (eligible for membership of the Australian Association of Social Workers)?

(*c*) What is the estimated number of social workers necessary to meet needs in this State?

(*d*) How many positions, requiring qualified social workers, are staffed by unqualified personnel, and at what locations?

(*e*) What number of social workers are at present in training, and what number have graduated in each of the years from 1962-63 to 1972-73?

The Hon. V. O. DICKIE (Minister of Housing).—The answer supplied by the Minister for Social Welfare is—

(*a*) 219—Social Welfare Department: 152
—Mental Health Authority: 55
—Ministry of Aboriginal Affairs: 12

(*b*) 185.

(*c*) The current establishment figure is: 271

(*d*) 34—Social Welfare Department: 30
—Ministry of Aboriginal Affairs: 4

(*e*) I have ascertained from the University of Melbourne and the Preston Institute of Technology that—

(i) the number at present in training is: 417

(ii) the numbers of graduates are as follows:

1962-63	33
1963-64	52
1964-65	61
1965-66	65
1966-67	66
1967-68	76
1968-69	78
1969-70	73
1970-71	66
1971-72	73
1972-73	84

VICTORIAN RAILWAYS.

LINES CLOSED: NEW LINES CONSTRUCTED.

The Hon. J. M. TRIPOVICH (Doutta Galla Province) asked the Minister for Local Government, for the Minister of Transport—

(*a*) Concerning railway lines closed for general goods and passenger traffic, respectively, since 1956—(i) when and why

were the services withdrawn; and (ii) were the withdrawals reported to Parliament; if so, on what dates?

(*b*) What new mileage of rail extensions has been built since 1st January, 1956, and what are the details?

For **the Hon. A. J. HUNT** (Minister for Local Government), the Hon. Murray Byrne (Minister for State Development and Decentralization).—The answer supplied by the Minister of Transport is rather lengthy and, with the concurrence of Mr. Tripovich and the House, I seek leave for its incorporation in *Hansard*, without being read.

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

(*a*) Excluding the Hernes Oak–Yallourn line, which was replaced by a deviation from Moe, all the under-mentioned services were withdrawn because they were uneconomic and a less costly alternative was available where required.

Line	Reported to Parliament	Type of service withdrawn	Date withdrawn
Clarkefield–Lancefield	1956–57 annual report	Goods ..	11th August, 1956
		Passenger ..	13th August, 1956
Maldon–Shelbourne	1969–70 annual report	Goods ..	8th January, 1969
Kooloonong–Yungera	1957–58 annual report	Goods ..	5th August, 1957
Waubra Junction–Waubra line beyond 81M.50C. (Ballarat Racecourse)	1967–68 annual report	Goods ..	31st January, 1968
Ballarat racecourse	1971–72 annual report	Passenger ..	19th March, 1970
Kerang–Murrabit	1961–62 annual report	Goods ..	20th April, 1961
Ouyen–Pinnaroo	No	Passenger ..	1st November, 1968
Meringur–Morkalla	No	Goods ..	19th March, 1964
Baxter–Mornington	No	Goods ..	1st February, 1972
Lilydale–Warburton	1964–65 annual report	Passenger ..	13th December, 1964
	1965–66 annual report	Goods ..	29th July, 1965
Hawthorn–Kew	1956–57 annual report	Passenger ..	13th May, 1957
Fawkner–Somerton	1955–56 annual report..	Passenger ..	5th May, 1956
Lalor–Whittlesea	1959–60 annual report	Passenger ..	28th November, 1959
Warragul–Nayook	1958–59 annual report	Goods ..	30th September, 1958
Ararat–Avoca–Maryborough ..	1956–57 annual report	Passenger ..	4th May, 1957
Benalla-oil siding (remaining 20 ch. of Tatong line and now part of the Benalla station yard)	No	Goods ..	1st September, 1970
Moe–Thorpdale	1958–59 annual report	Goods ..	3rd December, 1958
Hernes Oak–Yallourn (replaced by Moe–Yallourn deviation)	Authorized by Parliament Act 5352	Goods ..	30th March, 1957
Koo-Wee-Rup–Bayles	1958–59 annual report	Goods ..	4th February, 1959
Morwell–Mirboo North ..	No	Passenger ..	7th September, 1968
Colac–Weeaproinah	1962–63 annual report	Goods ..	1st July, 1962
Horsham–Goroke	1964–65 annual report	Passenger ..	19th April, 1965
Birregurra–Forrest	1956–57 annual report	Goods ..	4th March, 1957
Heathcote Junction–Heathcote ..	1964–65 annual report	Passenger ..	20th June, 1965
Murchison East–Rushworth ..	No	Passenger ..	14th January, 1956
North Fitzroy–Northcote loop ..	1964–65 annual report	Goods ..	4th May, 1965

Location	Miles	Cost	Reason
		$	
Barry Beach railway	2·57	285,570	To cater for natural gas development.
Tyabb–Long Island	1·35	187,420	To cater for Westernport development.
Spencer Street–Albury.. ..	195·60	32,262,000	To facilitate traffic between States by dispensing with change of gauge at Albury.
Upper Fern Tree Gully–Belgrave	2·87	1,838,367	To cater for residential development in area.
Moe–Yallourn	4·26	760,614	Deviation of Hernes Oak–Yallourn line.
Tottenham–Brooklyn	1·00	736,104	To provide a direct link between Tottenham yard and the Newport–Sunshine loop line.

EDUCATION DEPARTMENT.

TOTTENHAM TECHNICAL SCHOOL.

The Hon. A. W. KNIGHT (Melbourne West Province) asked the Minister for State Development and Decentralization, for the Minister of Education—

Will the Minister of Education have a Commonwealth-financed science block built at the Tottenham Technical School, to replace the science rooms which were destroyed by fire on 23rd March, 1973; if not —(i) why; and (ii) will he make further representations to the Commonwealth Government for financial assistance for the building of such a science block, in view of the urgent needs at the school?

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization).—The answer supplied by the Minister of Education is—

(*a*) The science-art block to replace the fire destroyed section of the school will be built to Commonwealth science standards and will be financed from Commonwealth funds if these are available or from loan funds if the technical schools allocation of Commonwealth science funds is exhausted.

(i) See (*a*) above

(ii) The department has been advised by the previous Federal Government that Commonwealth science grants would terminate in June, 1975, and that subsequently it was expected that the science laboratory programme would be financed from Commonwealth funds made available under the capital assistance grant.

HAMILTON TECHNICAL SCHOOL.

The Hon. C. A. MITCHELL (Western Province) asked the Minister for State Development and Decentralization, for the Minister of Education—

What action will the Government take to relieve the critical accommodation problems existing at the Hamilton Technical School?

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization).—The answer supplied by the Minister of Education is—

One home economics portable is currently being provided to meet the schools most urgent need.

The school's claims for additional accommodation will be reviewed together with all similar claims in the light of confirmed 1973 enrolments and if necessary an allocation of portable units will be made as these become available for redistribution.

SUNSHINE TECHNICAL SCHOOL.

The Hon. A. W. KNIGHT (Melbourne West Province) asked the Minister for State Development and Decentralization, for the Minister of Education—

(*a*) When is it proposed to build permanent class-rooms at the Sunshine Technical School?

(*b*) What are the reasons for the delay in constructing class-rooms to replace those destroyed by fire in 1965 and the additional class-rooms needed because of extra student enrolment?

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization).—The answer supplied by the Minister of Education is—

(*a*) This large project (new main classroom block) that will cost in excess of $2 million has been scheduled for commitment in 1974–75.

(*b*) The magnitude of the requirement that necessitates the erection of a large and costly building.

SENIOR HIGH SCHOOL FOR FRANKSTON.

The Hon. J. M. TRIPOVICH (Doutta Galla Province) asked the Minister for State Development and Decentralization, for the Minister of Education—

In view of the Minister of Education's refusal to establish a senior high school at Broadmeadows, is he considering a similar proposal to be sited at Frankston; if so, why?

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization).—The answer supplied by the Minister of Education is—

No.

MATHEMATICS TEACHERS.

The Hon. B. P. DUNN (North-Western Province) asked the Minister for State Development and Decentralization, for the Minister of Education—

(*a*) How many mathematics teachers are required to fill vacancies in high schools?

(*b*) What action is the Education Department taking to obtain teachers to fill these places?

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization).—The answer supplied by the Minister of Education is—

(*a*) As at 2nd April, 1973, and based on the increased target figure for 1973, 32 mathematics teachers were required to fill vacancies in high schools.

(*b*) At least four types of action are being taken to fill these places.

(i) Redistribution of mathematics teachers from schools with surplus to schools with vacancies.

(ii) Students who have been completing supplementary examinations satisfactorily are being placed.

(iii) Local recruitment continues to provide mathematics teachers each week.

(iv) The Victoria teacher selection programme has arranged at short notice a special airlift arriving 16th April which will include a number of mathematics teachers.

YARRAM HIGH SCHOOL.

The Hon. R. W. MAY (Gippsland Province) asked the Minister for State Development and Decentralization, for the Minister of Education—

When will tenders be called for the approved new block at the Yarram High School?

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization).—The answer supplied by the Minister of Education is—

The provision of additions at the Yarram High School will be considered in conjunction with the department's building programme which is currently under review.

I am unable to say when tenders will be invited for this project.

STATE FILM CENTRE.

STAFF VACANCIES.

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

(*a*) How many positions are vacant in the State Film Centre?

(*b*) When is it proposed that such vacancies will be filled?

(*c*) Have the vacancies been advertised in daily newspapers?

Sir GILBERT CHANDLER (Minister of Agriculture).—The answer supplied by the Minister of the Arts is—

(*a*) Four.

(*b*) Two will be filled within two weeks, and it is hoped that a third position will be filled within a month.

The fourth position is at present being redesignated.

(*c*) The first two positions have been advertised.

SUNBURY POP FESTIVAL.

DRUG OFFENCES.

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

How many drug offences were detected at the recent Sunbury pop festival?

The Hon. A. J. HUNT (Minister for Local Government).— The answer supplied by the Chief Secretary is—

Forty-nine.

HOUSING COMMISSION.

DEVELOPMENT OF PAISLEY SITE.

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

Further to question No. 19 asked in this House on 20th March, 1973, why were the local members of Parliament not consulted and brought into discussions on the envisaged housing plans for Paisley?

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

Although tentative plans for the development of a small section of the Paisley estate have been discussed with the council of the City of Altona, planning for the over-all development is still at an early stage. It was felt that discussion with local Members of Parliament should not be undertaken until such time as the commission's plans for the area had reached a more advanced stage.

TOWN AND COUNTRY PLANNING BOARD.

OVENS AND UPPER MURRAY PLANNING SCHEME: INCLUSION OF SHIRE OF RUTHERGLEN.

The Hon. A. K. BRADBURY (North-Eastern Province) asked the Minister of Agriculture, for the Premier—

In view of the Town and Country Planning Board having included the Shire of Rutherglen in the interim Ovens and Upper Murray planning scheme—

(*a*) Why has the Shire of Rutherglen not been invited to meetings of shires called by the Premier?

(*b*) Will the Premier give an undertaking that representatives of the Shire of Rutherglen will be invited to any future meeting?

Sir GILBERT CHANDLER (Minister of Agriculture).—The answer supplied by the Premier and Treasurer is—

(*a*) The Shire of Rutherglen was not invited to the only meeting called by the Premier at Wodonga on 24th January, 1973, because it was not thought at that time that the Albury–Wodonga project study area would include Rutherglen shire.

(*b*) Representatives of the Shire of Rutherglen will be invited to any future meetings which will be concerned with matters affecting the shire.

DEPARTMENT OF HEALTH.

PRE-SCHOOL AND WELFARE CENTRES: GRANTS AND SUBSIDIES.

The Hon. S. R. McDONALD (Northern Province) asked the Minister of Housing, for the Minister of Health—

(*a*) What grants and subsidies are available for the construction and operation of pre-school centres, kindergartens, infant welfare centres, and day centres for intellectually handicapped persons, respectively?

(*b*) What assistance is available to staff these centres?

The Hon. V. O. DICKIE (Minister of Housing).—As the answer supplied by the Minister of Health covers three pages of typescript, I seek leave of the House for it to be incorporated in *Hansard* without my reading it.

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

(*a*) The following grants and subsidies are available for pre-school centres (including kindergartens), infant welfare centres and day centres for intellectually handicapped persons:—

		Capital Grants	Maintenance Subsidies
		Pre-school Centres (which include kindergartens).	
Kindergartens ..	(i)	$6,000 on a $2 for $1 basis	Full award salary entitlement of kindergarten teacher
Play centres ..	(ii)	Double unit centre —maximum $10,000 being $6,000 on $2 for $1 basis. Plus $4,000 on $1 for $1 basis	80 per cent of award salary entitlement of play leader
Day nurseries ..	(iii)	Maximum $20,000 being $6,000 on $2 for $1 basis. Plus $14,000 on a $1 for $1 basis	80 per cent of award salaries payable to staff approved for subsidy purposes
		Infant Welfare Centres	
	(i)	Single unit centre—maximum $6,000 on a $2 for $1 basis	For each full time infant welfare sister $1,900 per annum ; plus where applicable
	(ii)	Double unit centre—maximum $10,000 being $6,000 on a $2 for $1 basis plus $4,000 on a $1 for $1 basis	Transport subsidy (mileage) to a maximum of $360 per annum ;
	(iii)	Special grant for infant welfare equipment $333 on a $2 for $1 basis	Vehicle subsidy $1,400 ; and vehicle depreciation $100 per annum
		Day Centres for the Intellectually Handicapped.	
		Up to four-fifths of the cost of new centres (including purchase of land and of existing buildings) and of extensions and alterations for day training centre purposes	Full award salary entitlement of teachers employed with the approval of the Mental Health Authority depending upon a minimum enrolment of twelve persons, plus transport subsidies equivalent to full cost of services approved by the Mental Health Authority

(*b*) The assistance given to staffing these centres is limited to the provision of scholarships to enable trained personnel to qualify as play leader, pre-school mothercraft nurse, kindergarten teacher, infant welfare sister and day centre teacher.

Details of scholarships are as follows:—

Play leader twelve months' course (5) ..	Metropolitan $436 allowance plus $36 fares. Country $484 allowance plus $36 fares
Mothercraft nurses' pre-school certificate twelve months' course (10)	$600 allowance plus $36 fares
Kindergarten Teachers College three-year course (50)	$1,475–$1,745 living at home allowance plus fees, $379.50 per annum
Kindergarten Teachers College three-year course (50)	$1,575–$1,845 living away allowance plus fees, $379.50 per annum
Infant welfare scholarship four months' course (12)	Living allowance of $240 plus registration fee
Day training centre teachers—ten months' course plus experience in a centre on salary. Twenty bursaries per year	Free board or, in the case of metropolitan students travelling expenses to St. Nicholas Hospital, Carlton, plus an allowance of $400 while at the hospital

FOOTSCRAY CITY COUNCIL.

HENRY TURNER RESERVE, FOOTSCRAY: DRILLING OPERATIONS.

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

Who is carrying out the drilling operations at the Henry Turner Reserve, Footscray, and areas adjacent to the reserve, under whose authority, for what purposes, and who will bear the costs?

The Hon. A. J. HUNT (Minister for Local Government).—The answer is—

The drilling at the Henry Turner Reserve, Footscray, and areas adjacent to it is being carried out by Messrs. Rankin and Hall, civil engineers, on behalf of consulting engineers engaged by the Footscray Institute of Technology with the permission of the City Engineer of the Footscray City Council.

The purpose of the drilling is to obtain information to assist in preliminary consideration of designs and cost estimates in respect of the possible re-routing of Farnsworth Avenue.

The costs involved will be borne by the institute.

I am informed that the drilling is of a minor nature, and would emphasize that there is no Government commitment whatever for the re-routing of Farnsworth Avenue, or for the acceptance of the institute's expansion proposals.

TOMATO INDUSTRY.

FLOOD LOSSES: COMPENSATION.

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

(*a*) What is the estimated financial loss incurred by the tomato industry in the Goulburn Valley as a result of floods and heavy rain earlier this year?

(*b*) Will financial assistance or compensation be made available to individual tomato producers; if so, what are the details of this assistance or compensation?

Sir GILBERT CHANDLER (Minister of Agriculture).—The answer is—

(*a*) The value of the tomatoes lost by growers in the Goulburn Valley as a result of floods and heavy rain earlier this year is estimated at $900,000. This is based on an assessment of losses on sample blocks and estimates by processors of the shortfall on expected deliveries overall with due allowance for the prior effects of the drought on potential production.

No estimate is available of the losses faced by processors as a result of the shortfall, which means that many may be obliged to import tomato paste at high prices occasioned by the current world shortage.

(*b*) Investigations are still proceeding—but it can be anticipated that assistance will follow the usual pattern in this type of scheme. In the case of extreme personal hardship limited emergency grants will be given by the Emergency Relief (Flood) Committee, and where growers are unable to finance their seasonal requirements for the production of the next season's crop loans at concessional interest rates will be made available through the Rural Finance and Settlement Commission.

RURAL UNEMPLOYMENT RELIEF.

IN DROUGHT AREAS.

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

Will rural unemployment relief in drought areas shortly be terminated; if so—(i) when; and (ii) what provision will be made for alternative assistance for those people currently employed on forestry and other relief work?

Sir GILBERT CHANDLER (Minister of Agriculture).—The answer supplied by the Premier and Treasurer is—

The Commonwealth Government has undertaken to continue its financial support for the non-metropolitan employment scheme until the end of June, 1973. No indication has yet been given by the Commonwealth as to its proposals beyond that date, but the matter will be reviewed well before then.

LAW ENFORCEMENT.

TERRORIST ACTIVITIES.

The Hon. J. W. GALBALLY (Melbourne North Province).—I wish to move the adjournment of the House for the purpose of discussing the failure of the Government to utilize the law enforcement agencies of the State to bring terrorists before the courts.

Approval of the proposed discussion was indicated by the required number of members rising in their places, as specified in Standing Order No. 53.

The PRESIDENT (the Hon. R. W. Garrett).—I notice, Mr. Galbally, that the accent is on the word "State", as I see it.

The Hon. J. W. GALBALLY.—Yes, Mr. President.

The PRESIDENT.—The debate would have to adhere to the State area.

The Hon. J. W. GALBALLY.—I appreciate that, Sir. It is a dastardly shame on the Government of the State that many migrants in Victoria fear the police and law enforcement authorities. It is no wonder. Many of these people are no strangers to war, brutality and oppression but they chose to leave their homelands to spend their lives and rear their families in a land of freedom and justice.

The Hon. H. M. HAMILTON.—They did not expect to be raided by the Commonwealth police, and now they are going to be tried here.

The Hon. J. W. GALBALLY.—Today many of these people believe, with justification, that they have been forsaken by the Government and exposed to many of the dangers from which they sought to escape.

The Hon. A. J. HUNT.—Is that in yesterday's raids?

The Hon. J. W. GALBALLY.—I hope I shall not omit anything. In short, the Government has abandoned the Yugoslav community to the mercies of a band of terrorists.

The Hon. G. J. NICOL.—I hope you can produce evidence of that.

The Hon. J. W. GALBALLY.—Yes, indeed, I shall do that. I am going to quote the former Prime Minister and other former Ministers of the Commonwealth Government. The Government has known for some years of the existence of an organization that will stop at nothing in its revolutionary plans.

The Hon. H. M. HAMILTON.—Has known?

The Hon. J. W. GALBALLY.—Yes. I am going to quote from the crime intelligence report of the Commonwealth police—that is my authority—dated 16th March, 1968. It was classified as secret, but honorable members need not be alarmed because it has now been declassified.

The Hon. A. J. HUNT.—Is this a document that has been laid on the table of the Senate?

The Hon. J. W. GALBALLY.—Yes, and available for all to see. I quote from the document—

To achieve the Croatian people's freedom and State independence. To use every possible means, including chemicals banned under international law. The end justifies the means. This must be our slogan too, because it is the only way to guarantee our revolutionary struggle a chance of success. We are better underground workers than the Communists. We must never allow them to get the better of us in that field. We must always maintain our advantage, and the victory of our sacred cause will be assured.

They are, in their own words, ready for anything.

The Hon. A. J. HUNT.—Mr. Galbally is purporting to quote from a document and the document in turn is quoting somebody else. Could Mr. Galbally tell us who that is?

The PRESIDENT (the Hon. R. W. Garrett).—I am not clear on that either. The report is quite clear, but it is not clear who the person being quoted is.

The Hon. J. W. GALBALLY.—This is the Croatian Revolutionary Brotherhood and these are statements no doubt relating to their so-called aims or rights, objectives or constitution.

The Hon. H. M. HAMILTON.—That is rather hearsay. Can you link this with Victoria?

The Hon. J. W. GALBALLY.—This is hearsay! It is in the crime intelligence report of the Commonwealth Police. Government supporters are not going to brush it off as lightly as that, are they?

The Hon. A. J. HUNT.—You have still failed to clarify the situation.

The Hon. J. W. GALBALLY.—I am not going to be put aside by the nonsense on the other side. Government supporters will get their chance to answer the serious allegations.

The Hon. A. J. HUNT (Minister for Local Government).—On a point of order, it is not a question of nonsense. Mr. Galbally is making a most serious allegation and the Government wants him to state the source of his facts and the source of any quotation.

The PRESIDENT (the Hon. R. W. Garrett).—Order! As I see the matter, Mr. Galbally is quoting a Commonwealth document. I have pointed out that this is a State matter but no doubt there will be matters in that report—I have not seen it—concerning the State. Mr. Galbally will need to adhere to the State section of the report. I was not clear also on who was supposed to have made the statement which Mr. Galbally read. The Minister for Local Government is within his rights in asking that.

The Hon. A. J. HUNT.—I raise a further point of order. Could Mr. Galbally be directed, when he quotes extracts attributed to be quotations from some third person, to make clear who is the third person or what is the document that is purported to be requoted in this document?

The PRESIDENT.—I will see that that is done.

The Hon. H. M. HAMILTON (Higinbotham Province).—I raise a further point of order. Honorable members are to be given quotations from a Commonwealth document. These must be linked to Victoria and not be just a general statement relating to Australia as a whole.

The PRESIDENT (the Hon. R. W. Garrett).—Order! There is no point of order. I have clarified that situation. Mr. Galbally is able to use only those portions of the report which concern the State. I am now waiting for Mr. Galbally to link that statement to Victoria.

The Hon. J. W. GALBALLY (Melbourne North Province).—I am about to do that, Mr. President. The Victorian Government——

The Hon. A. J. HUNT.—You have still not clarified who was the author of the statement you quoted.

The Hon. J. W. GALBALLY.—I quoted their aims. That is what I have been doing. Their aims are of a revolutionary, violent nature and they say in their own words that the end justifies the means; they will use poison and everything else.

The Hon. G. J. NICOL.—What is this document which spells that out?

The Hon. J. W. GALBALLY.—If we are going to have a debate——

The PRESIDENT (the Hon. R. W. Garrett).—Order! Mr. Galbally, the document you have quoted from is in the possession of a Commonwealth Department and must contain standing orders or the constitution or something of that nature of this undesirable body. I am not clear what it is.

The Hon. J. W. GALBALLY.—I should not like to go as far as you have suggested, Mr. President, and come to the conclusion that they have standing orders. These gentlemen, I

have been trying to inform the Chamber, are revolutionaries and they will stop at nothing.

The Hon. G. J. NICOL.—Will you table the document from which you are quoting?

The Hon. J. W. GALBALLY.—Yes, and Mr. Nicol can come out from his nap for a few minutes and read it.

The Hon. A. J. HUNT.—Precisely from what document was Mr. Galbally quoting?

The Hon. J. W. GALBALLY.—The Minister for Local Government can read it himself now.

The Hon. A. J. HUNT.—Would Mr. Galbally tell the House?

The Hon. J. W. GALBALLY.—I want to establish the existence of a revolutionary brotherhood here, which is menacing the Yugoslav community under the eyes of this Government.

The Hon. A. J. HUNT (Minister for Local Government).—I raise a further point of order, Mr. President. Mr. Galbally has quoted from one document, the source of which he clearly identified, and I accept its authenticity without question. However, in reading from that document the honorable member referred to an extract which purported to quote from another document. Mr. Galbally must identify what that second document is and not just rely on the first.

The PRESIDENT (the Hon. R. W. Garrett).—Order! I uphold the point of order. I have already asked Mr. Galbally whether what he quoted was from some document or standing orders or something of that nature. Standing orders could be the incorrect term, but the honorable member must have quoted from some document produced by this undesirable body.

The Hon. J. W. GALBALLY (Melbourne North Province).—It is headed "Use of Chemicals in Revolutions".

The Hon. A. J. HUNT.—Who is the author of the document?

The Hon. J. W. GALBALLY.—I do not know. I have said that five times. I do not know who the author is.

The PRESIDENT (the Hon. R. W. Garrett).—Order! If Mr. Galbally indicates that he does not know the authorship of the document in question, I must rule it out of order as not admissible.

The Hon. J. W. GALBALLY.—These are the rules under which they work. This is part of their constitution. How do I know who the author is?

The PRESIDENT.—Order! This is really a simple matter. A quotation has been made and there must be some indication of who wrote it.

The Hon. J. W. GALBALLY.—I do not want to be told that again; I am telling the House that it is the Croatian brotherhood.

The PRESIDENT.—I am telling the honorable member, that the House wishes to know the authenticity of that document and honorable members have not been informed on that. When that has been done the debate can proceed.

The Hon. J. W. GALBALLY.—I do not know. I am quoting from a crime intelligence report of the Commonwealth police. I will forget it. In all the years I have been in this House I have never heard such nonsense on what is quoted in a document.

The PRESIDENT (the Hon. R. W. Garrett).—Order! There was a suggestion of nonsense. Was that attributed to myself or to members in the Chamber?

The Hon. J. W. GALBALLY.—To other members of the Chamber, of course.

The Hon. D. G. ELLIOT (Melbourne Province).—On a point of order, Mr. President, my Leader has quoted a series of aims and objectives of an organization which has already been named in this Chamber. The request on your part, Mr. President, could be applied to the

aims and objectives of any organization or Government in the whole world, and that seems to me to be a little unreasonable.

The PRESIDENT (the Hon. R. W. Garrett).—Order! There is no point of order. The matter seems to be perfectly simple. Mr. Galbally is quoting from a document produced by a Commonwealth department. In that document a quotation is made from some other journal, paper, letter, or something of that description. The Chamber is entitled to know the authenticity of the second quotation. That is all I am asking to be brought forward and the Chamber has a right to know; otherwise the quotation cannot be used. If Mr. Galbally would like a few minutes in which to study that document, he would be welcome to it.

The Hon. J. W. GALBALLY (Melbourne North Province).—I shall not stop. I am just going to say that it is the revolutionary brotherhood. Its aims are concealed and that is plain from the document which I have read.

The Hon. A. J. HUNT.—What is the document?

The Hon. J. W. GALBALLY. You heard it.

The Hon. A. J. HUNT.—We still do not know. We wish we did.

The Hon. J. W. GALBALLY.—The document contains instructions to the brotherhood on how to justify the means. Members of the organization will stop at nothing to achieve their objectives. I regret to say the organization is not registered in the office of the Registrar of Titles or the Companies Office as an official organization—for obvious reasons. Its members endeavour to conceal their identity, as all terrorists do. That statement would be readily understood, even by Government supporters, because terrorists shun the light of day and, of necessity their actions are undercover and illegal. If they advertised themselves even this Government would have to do something about enforcing the law against them. The very essence of their constitution is secrecy and cloaking their movements.

The Victorian Government must have been aware of the various activities of certain Croatians. There is a Special Branch of the Victoria Police Force to which is attached an Australian Security Intelligence Organization officer. This branch was set up during the war—it is located in Fitzroy—to deal with alien elements in the community. It has a liaison with Australian Security Intelligence Organization and also with the Commonwealth police. There is an interchange of officers and knowledge and it must be assumed that all that was known to the security organization was known to the Special Branch of the Victoria Police Force in Fitzroy. Therefore, it cannot be claimed that the Government knew nothing of the activities of the terrorists in our midst. It knew of them but preferred, for reasons which I will advance, to do nothing about them.

In endeavouring to show that the Government knew of the activities of this terrorist organization, I shall read to the House letters from a former Prime Minister, who was then Minister for Foreign Affairs, to the Attorney-General. I shall quote the dates of the letters and read portions of them. If any honorable member would like me to read the whole letter, I shall do so. Originally, the letter was marked secret, but it has now been declassified. It is dated 16th December, 1969, and addressed by the then Minister for Foreign Affairs, Mr. William McMahon, to the then Attorney-General.

The Hon. HADDON STOREY.—Is this the Commonwealth or the State Attorney-General?

The Hon. J. W. GALBALLY.—Mr. Hughes. Mr. Storey ought to know.

The Hon. HADDON STOREY.—Mr. Galbally did not say whether it was the Commonwealth or the State Attorney-General.

The Hon. J. W. GALBALLY.—I beg Mr. Storey's pardon and withdraw my comment. I thought it was obvious that the Minister for Foreign Affairs would be writing to his own Attorney-General. However, I accept that it is a fair question. The letter states—

My dear Attorney-General,

In the last few years there have been a number of incidents, involving demonstrations or attacks by extremist groups of Yugoslav immigrants, especially against Yugoslav official missions in Australia. There have been two bombing attacks, one in Sydney and one in Canberra, in the last twelve months. Apart from the attacks on Yugoslav missions, there have been attacks on other missions by other individuals and/or groups; for example, there have been bomb and fire attacks on the Soviet Embassy.

Some time ago, a bomb being carried by a Croat extremist exploded prematurely and seriously injured the man carrying the bomb.

The Federal Minister then goes on to deal with an incident which occurred in Melbourne, and so on.

The PRESIDENT (the Hon. R. W. Garrett).—If this incident occurred in Melbourne, I think honorable members should hear about it.

The Hon. J. W. GALBALLY.—Very well. The letter continues—

At a reception in Melbourne about two years ago a young boy was seriously injured by a pencil bomb. Fortunately, these have so far been the only serious casualties. But it would be quite unrealistic to suppose that these bombing incidents can continue without there being casualties and even deaths, not only among the extremists themselves but also among Yugoslav diplomatic and consular officials and their families and even among innocent Australians.

During an incident outside the Yugoslav Consulate-General in November, 1968, a man climbed the office building of the Consulate-General and threw down into the street a Yugoslav flag which was then burnt. As a result, a man was arrested, convicted and fined $5 for the destruction of the flag.

The Hon. A. J. HUNT.—I do not know where the Victorian Government is concerned with that.

The Hon. J. W. GALBALLY.—I think we are tied a little too closely to what was said; that is why I did not propose to read the whole of the letter. It also states—

This has meant that the Yugoslav authorities have come to believe that the Australian Government acquiesces in attacks on Yugoslav missions,—

this is the former Prime Minister writing to the Attorney-General—

or in any event, is not prepared to take any decisive action to prevent them or to bring the perpetrators to justice.

That is a serious charge.

The Hon. A. J. HUNT.—A charge against the Australian Government.

The Hon. J. W. GALBALLY.—Exactly.

The Hon. O. G. JENKINS.—The Australian Federal Government.

The Hon. J. W. GALBALLY.—Of course, the Australian Government is the Federal Government. Does Mr. Jenkins think it is a State Government? The letter continues—

The extremists themselves may by now have come to believe that they can act with impunity and that they can therefore, without risk to themselves, step up the level and frequency of violence.

Violence is a State matter.

The Hon. H. R. WARD.—It is a personal matter.

The Hon. J. W. GALBALLY.—It is a personal matter, too. Mr. McMahon agrees that this is a most serious situation and that there are several aspects to it. He goes on to recite the Vienna Convention on Diplomatic Relations concerning diplomatic and consular missions in Australia. He continues—

One of the motives of the extremists is to damage relations between Australia and Yugoslavia and to bring about the severance of relations between the Yugoslav and Australian Governments.

They are strong words.

Political, trade and migration relations between Australia and Yugoslavia have developed well in recent years and we would certainly not want them damaged by a small group of extremists. The Yugoslav

authorities have found it difficult to understand our problems in dealing with the extremists, and they are becoming increasingly impatient about our failure to take decisive action.

There are other aspects which must cause concern. I have suggested above that the attacks are likely to damage our relations generally with Yugoslavia, and I have referred to the otherwise satisfactory manner in which our political, trade and migration relations have been developing with Yugoslavia. Yugoslavia is now one of our principal sources of migrants after Britain.

I am not certain that I need read the next paragraph.

The Hon. A. J. HUNT.—How is Mr. Galbally relating this to the State Government?

The Hon. J. W. GALBALLY.—Of course I am relating it to the State Government. Here is the former Prime Minister pointing out violence by these Croatian extremists. Is not that a matter for the States? Murder, attempted murder and all breaches of criminal law or any other criminal activity is a matter for each State.

The Hon. H. M. HAMILTON.—Mr. Galbally's righteous indignation could well have been applied when similar incidents occurred at the American embassy.

The Hon. J. W. GALBALLY.—I deplore any kind of violence by anybody, and Mr. Hamilton knows that.

The Hon. D. G. ELLIOT (to the Hon. H. M. Hamilton).—Why don't you get back to the ghetto?

The PRESIDENT (the Hon. R. W. Garrett).—Order! I ask Mr. Elliot, when he is making interjections, which are disorderly in any case, to refer to members by their proper names and to their homes in a proper manner.

The Hon. J. W. GALBALLY.—The letter continues—

Perhaps partly because the number of Yugoslavs coming to Australia has increased and because a migration agreement is now under course of negotiation and is almost ready for signature, the extremists may have become afraid that they will lose control of the much larger Yugoslav community in Australia and have therefore decided to step up their attacks and to direct them in a way which might reduce the migrant flow to Australia.

That is one reason why I suggest that this Government has played down the activities of these extremist groups. Mr. McMahon continues—

There is a grave danger in this for the whole of our migration programme, since public confidence in the programme might be damaged if it is seen to be introducing into Australia patterns of behaviour which are foreign to our normal way of life and inimical to the maintenance of law and order. No great damage has so far been done to public confidence because there has not yet, through good fortune, been a major tragedy; but this could easily have occurred already, if for example the bomb mentioned above which exploded prematurely had exploded a little later when the man would have boarded a crowded bus. It seems almost certain to happen at some time in the future unless the strongest action is taken, and taken quickly, to bring the series of incidents to an end.

I recognize that in conducting their investigations the Commonwealth and State police have acted energetically and have made a sustained effort after each incident to bring the culprits to justice.

The Hon. A. J. HUNT.—Is that not the answer to the whole of Mr. Galbally's case?

The Hon. J. W. GALBALLY.—No.

The Hon. A. J. HUNT.—Read it again.

The Hon. J. W. GALBALLY.—I am not going to read it again; the Minister heard it and the answer did not suit him. The letter continues—

We have had the assistance of Australian Security Intelligence Organization who have, in turn, consulted with the Yugoslav Ambassador to obtain from him any information which might be of value in tracing the culprits or preventing future incidents.

Unfortunately, on the only occasion when an offender (who was arrested at the time of committing the offence in the course of a public demonstration) was brought before a court, he was fined an amount which might have left an impression with the Yugoslav missions here, with the diplomatic and consular community generally and with the Yugoslav community in Australia that the Australian authorities did not take the matter seriously.

The Hon. W. V. HOUGHTON.—Was not that a reflection on the judiciary?

The Hon. J. W. GALBALLY.—I am pointing out that it is Mr. McMahon who is making the reflection, not I. I am reading a letter written by Mr. McMahon. He also stated—

I believe that the situation is now so serious that the Government must take whatever further action is within its power to put an end to these incidents. It may be that some additional Commonwealth legislation is required—to increase penalties, for example—and I suggest that departments should continue to look at this matter to see what recommendations can be placed before Cabinet in the very near future.

The PRESIDENT (the Hon. R. W. Garrett).—Order! This is still on Federal matters, is it not?

The Hon. J. W. GALBALLY.—Of course it is, and I have never attempted to disguise it. Mr. President, if you will just listen to the next sentence, it will be clear. That sentence reads—

But as a matter of immediacy I think that we should use all the agencies at our disposal, including the Commonwealth and State police and the Australian Security Intelligence Organization, to attempt to identify the offenders among the extremist groups and to bring them to justice. I find it hard to believe that it is not possible to penetrate these groups by one means or another.

So do I, and so does everybody except this Government.

It is most important that, when offenders are brought before a court, the full rigour of the law should be applied so that there can be no doubt as to the determination of the Australian authorities—

and that expression includes Victoria—

to put an end to this form of violence in the community.

Sir GILBERT CHANDLER.—What court was this, Mr. Galbally?

The Hon. J. W. GALBALLY.—The letter does not say. Mr. McMahon means all courts, State and Federal. He also said—

I think it is essential that we should act quickly and that we should act so that there will be no possible misunderstanding by anyone of our concern and our intentions.

In the latter connection, it may be desirable that some statement be made by the Government which would of course refer to acts of violence against all foreign missions and not only to those against Yugoslav missions. In 1964, a statement on "Yugoslav Immigrant Organization" was made in the House by the then Prime Minister, in which he said that the Government "will not tolerate any activities which constitute a breach of the law". The situation is a great deal more serious now; and it may be desirable for a further statement to be made in stronger terms than that of five years ago. You might consider that you yourself should make a statement of your determination to find the offenders and have them dealt with in the courts.

I bring this matter to your attention in this way because I think it is a matter of the utmost importance not only to individual Ministers but to the Government as a whole, and indeed to the reputation of this country.

I echo his words.

I should be grateful for your views and for an indication of the action which you think it might be appropriate to take. I am sending a copy of this letter to our colleague, the Minister for Immigration.

That is probably one of the best letters that Mr. McMahon has ever written. His view of the seriousness of the matter nearly four years ago was such that he suggested that the offenders must be brought to justice. He was not alone in this.

I also have a letter dated 3rd February, 1969, by Mr. McMahon's successor as Minister for Foreign Affairs, Mr. Phillip Lynch. This letter was also written to the same Attorney-General and it read—

My dear Attorney-General,

I feel it necessary to bring to your attention my concern at the likely serious consequences if Croat nationals in Australia are permitted to continue unchecked their terrorist activities and outrages against representatives of the Yugoslav Government and authority generally in this country.

My words? No, Mr. Lynch's words. It is incredible. These are the words of a Minister of the Crown writing to the Attorney-General—

I have reason to believe that the terrorists are endeavouring to create the impression among Yugoslav migrants that the Croatian extremists have the support of significant sections of Australian society and even the Government.

The Attorney-General is the law officer and a Minister wrote to him setting out his view that the terrorists are creating the impression that they have the support of significant sections of Australian society and even of the Government.

The Hon. HADDON STOREY.—Trying to create the impression.

The Hon. J. W. GALBALLY.—I read out the words; Mr. Storey can put his interpretation on them. The letter continues—

The bombing attack last week on the Yugoslav Embassy in Canberra (which was apparently intended to coincide with the Yugoslav National Day on 28 November), the evidence of a deliberate attempt to fire the Immigration Offices at Barton on the evening of 1 December, the bombing of the Yugoslav Consulate-General in Sydney earlier in the year are evidence of a pattern of extremist activity which should be capable of preventive measures by the law authorities.

The Prime Minister has recently approved a visit to Australia by Mr. Polajner a senior Minister in the Yugoslav Government in connection with the signing of the Migration Agreement with Yugoslavia on which agreement is expected shortly to be reached with the Yugoslav delegation at present in Canberra.

Publicity surrounding the visit of Mr. Polajner to Australia cannot be avoided and I believe it essential that every safeguard be taken to avoid serious incidents associated with his presence in Australia which could well have serious consequences.

Apart from this immediate issue and the inevitable involvement of human life, I am moreover concerned with the likely effect upon our relations with Yugoslavia, especially in terms of our migration arrangements with that country, of continued incidents of this kind and the apparent inability of the law authorities to apprehend offenders. The continued disquiet amongst the Yugoslav community generally in Australia must also have a deleterious effect upon their ability successfully to integrate in the Australian community which I have little doubt is the primary desire of the great majority of Yugoslavs in this country.

I endorse that; that is a fair and reasonable conclusion. The letter continues—

I think it is proper when next a suitable opportunity presents itself that consideration should be given to a strong statement by the Government that outrages of this kind will not be tolerated, and that there should perhaps be a further meeting at a senior level of the departments concerned to discuss ways and means of enforcing the law against terrorist activity of this kind.

Two Ministers have expressed their deep and grave concern to the law enforcement authority on the apparent inability to bring terrorists to justice and at what is happening in the Australian community. The attitude of the former Commonwealth Government which is reflected in this State can be seen in this letter written on 25th September, 1964—some years earlier.

The PRESIDENT (the Hon. R. W. Garrett).—From whom to whom?

The Hon. J. W. GALBALLY.—It relates to proposed prosecutions of Croatian immigrants. It is addressed to the Attorney-General and it is a minute in the Attorney-General's Department. It is signed by the secretary whose name I cannot decode. He refers to matters of prosecution and so on. On this minute is a note by Mr. Snedden, who was the then Attorney-General. It states—

There is a period of public quiescence at present. I would not want to see the whole issue revived by prosecutions——

The PRESIDENT.—Order! I must rule that this is still a Federal matter.

The Hon. J. W. GALBALLY.—How can you say that law enforcement is a Federal matter?

The PRESIDENT.—All the communications that Mr. Galbally has read are between Federal members. If there was any indication that they were passed on to the State, it would become a State matter, but Mr. Galbally is quoting letters from one Federal member to another Federal member.

The Hon. J. W. GALBALLY.—This is a minute of the Attorney-General. You are not aware of what I am saying. Where does this say that this is a letter from one Minister to another?

The PRESIDENT.—The one before was from one Federal member to another and this is a minute from one to another.

The Hon. J. W. GALBALLY.—This is an inter-departmental minute.

The Hon. A. J. HUNT (Minister for Local Government).—On a point of order, further to your ruling, Mr. President, correspondence between Federal Ministers might be perhaps of some evidentiary value to this House, and to this debate,

if it can be shown that the contents were known to the Victorian Government at the time. However, Mr. Galbally is referring to a minute by one Federal Minister on a Federal file and not on a State file. That certainly cannot help us in this debate or in this House to look at the action of the Victorian authority.

The PRESIDENT (the Hon. R. W. Garrett).—Order! I uphold the point of order. As I have pointed out to Mr. Galbally, I cannot see how the State would be aware of the contents of a minute from one section of the Commonwealth Government to another.

The Hon. J. M. TRIPOVICH (Doutta Galla Province).—With great respect, Mr. President, the point that you have just upheld may be in your terms correct. I do not want to challenge that but I want to point out that if Mr. Galbally is to make out a case in which this State is involved it is necessary to make certain statements in the House in preparation for the evidence which he will give. If Mr. Galbally does not substantiate the State's attachment to this statement, perhaps I can submit it at a later stage of the debate. It is essential to make this fact known, and Mr. Galbally ought to be allowed to make it. This is in the departmental minute.

The PRESIDENT (the Hon. R. W. Garrett).—Order! I have told Mr. Galbally that he cannot make quotations from one Federal member to another. I have no desire to stifle debate in this Chamber and I never have, but I cannot see how the contents of a Federal minute can be of concern to the State.

The Hon. J. W. GALBALLY (Melbourne North Province).—Weary and old with disservice, the Commonwealth Government abandoned any attempts to deal with terrorists. Now let us see what the Victorian Government did.

The Hon. A. J. HUNT.—That is what I thought Mr. Galbally was supposed to be talking about before.

The Hon. J. W. GALBALLY.—It is quite clear that the Special Branch of the Victoria Police Force knew that Australian Croats were involved with an international conspiracy directed against the Tito Government of Yugoslavia and was warned by the Australian Security Intelligence Organization that members of the Croatian Revolutionary Brotherhood would persist in their attempts to attack people and premises of the Yugoslav Government in Australia. In June, 1972, a new terrorist organization calling itself the Croatian Illegal Revolutionary Organization had been discovered in Victoria. Yugoslav migrants and Croatians who did not subscribe to the terrorist activities of these unlawful groups were left with the impression that the terrorists were supported by the Government of Victoria. Many of them were forced to make contributions to the terrorists. They were frightened to speak or complain, because they believed with some justification that the Government was not on their side. I am talking about the Victorian Government. Honorable members must remember that we are dealing in the main with people from another land, people sometimes suffering from language problems and without the full knowledge of the law resources and the law methods of this country. It was a reasonable assumption on their part to believe that they had been deserted or let down by the law enforcement authorities.

The Hon. HADDON STOREY.—Does Mr. Galbally intend to produce evidence of this?

The Hon. J. W. GALBALLY.—Certainly not. I am not an enforcement agent. I am not going to prejudice the trials of people by naming them here. I am not going to engage in a witch hunt. I am not going to do what the Premier said he would do last night. He said that the Government intended to ban these groups.

The Hon. G. J. NICOL.—No, he did not.

The Hon. J. W. GALBALLY.—Yes, he did. Mr. Nicol can make his speech later. The Premier said he

would ban the Nazi Party, the Yugoslav terrorists, and so on. To whom is the ban sent?

The Hon. H. R. WARD.—What about getting on with the facts; we are getting fiction at the moment.

The Hon. J. W. GALBALLY.—Does Mr. Ward want me to name them and try them here?

The Hon. H. M. HAMILTON (Higinbotham Province).—On a point of order, Mr. Galbally has said that it is quite clear that the Special Branch of the Victoria Police Force was aware of these allegations. He was asked if he could prove this and he said that he was not going to produce evidence. He has already told you that he was not going to prove these statements, Mr. President.

The PRESIDENT (the Hon. R. W. Garrett).—Order! That is not a point of order. Mr. Galbally is voicing his own opinions.

The Hon. J. W. GALBALLY (Melbourne North Province).—I have proved all these activities but I am not going to name the men concerned. The Government should get its police to do that. These people thought they had been let down by the Government so they decided to keep silent and pay up. That is a dreadful situation for them and for us. Many of them have suffered in their jobs. Their families have suffered in their social lives because the unjust and cruel stigma of "terrorist" was used against them and their race. The activities of a few have led to this smear of the many —a not unfamiliar human practice or policy. These people have been and still are suffering. With the lofty indifference of Nero watching Christians being fed to the lions, the Victorian Government has sat by and seen them suffer. Why has the Victorian Government been soft on terrorists?

The Hon. HADDON STOREY.—Mr. Galbally has produced no evidence that it has been soft.

The Hon. J. W. GALBALLY.—There are a number of reasons. It was part of a general policy of the Federal Government not to discourage intending migrants to Australia by talk of violent activities in Australia. I quoted the letter of the former Prime Minister of Australia in which he said, in effect, not to rock the boat. Another significant point is, in the words of Mr. Snedden, that public quiescence was not to be disturbed.

The Hon. A. J. HUNT (Minister for Local Government).—No. With great respect——

The Hon. J. W. GALBALLY.—Sit down.

The Hon. A. J. HUNT.—On a point of order——

The Hon. J. W. GALBALLY.—The Minister cannot get up and interrupt all the time.

The PRESIDENT (the Hon. R. W. Garrett).—Order! If the honorable gentleman is on a point of order, he is in order.

The Hon. A. J. HUNT.—On a point of order, Mr. President, you have already ruled that quoting from a minute from one Federal Minister within his department is out of order and Mr. Galbally is again endeavouring to use it against the State Government.

The PRESIDENT.—I have already ruled that out of order.

The Hon. J. W. GALBALLY (Melbourne North Province).—I can refer to what a Minister has said. I was saying that Mr. Snedden said that public quiescence was not to be disturbed—in other words, do not rock the boat. The Leader of the Opposition, Mr. Holding, drew the attention of Parliament in another place to the activities of this revolutionary group in 1967. He warned Mr. Rylah, the then Chief Secretary, of the existence of terrorists but the Government took no action.

In July, 1971, a young migrant was stabbed to death in Melbourne. He was wearing on his arm the tattoo

mark which represents the Croatian Ustasha symbol. It was never established who stabbed him.

The Hon. W. V. HOUGHTON.—What is the point of the statement?

The Hon. J. W. GALBALLY.—The point I am emphasizing is that a man was going around with the Ustasha symbol tattooed on his arm, and the Government has said that there was no terrorist organization here, because the role of the terrorists in Victoria—and I am dealing with Victoria—was to be concealed, not emphasized. The Commonwealth has certain powers under the Commonwealth Crimes Act, but the real crunch is with the States. It is the duty of the State of Victoria to unmask all criminal activities, including those of terrorists. The law enforcement agencies should bring them to the bar of justice by the accepted methods of arrest, trial and punishment according to law. The crimes range from murder to obtaining money by threats, and include robbery, because it has been established —although the offenders have not been brought to justice—that some large bank robberies are attributed to the work of terrorists.

The Hon. A. J. HUNT.—You said, "It has been established"; what is your evidence for that?

The Hon. J. W. GALBALLY.—I am not going to say. That is a matter for the law enforcement people. I have said that the offenders have not been apprehended.

The terrorists have no place in our society. We have been mercifully free from political violence. We will never accept that people—no matter how just they may think their cause —should use violence. It has been accepted and established that Australia is the headquarters of the Croatian revolutionaries and that Melbourne and Sydney are the focal points. As I have said, revolutionaries require money. Some has been obtained from the migrants by extortion methods that ought not to be tolerated. Other money has been provided from large-scale robberies. Members of the Labor Party do not want a witch hunt, nor do they seek to ban any organization. They seek justice according to law and the protection of thousands of hardworking and good people who are now part of the Australian community.

The Hon. W. M. CAMPBELL.—Mr. Galbally, what is your view on people who incite violence?

The Hon. J. W. GALBALLY.—We wish to bring before the Parliament of Victoria the Minister responsible for the enforcement of the law, but in Victoria the responsibility of Ministers to Parliament is dead. Ministerial responsibility is dead, but the Government lives on. We believe that the Victorian Government, like the Commonwealth Government of late lamented memory, is weary and old with disservice. It followed the lead given by its counterpart in Canberra, to let sleeping dogs lie and to lull public opinion into the belief that Australia had no terrorists and that anyone who said it did was a loud-mouthed agitator.

The Hon. W. M. CAMPBELL.—What is your view on persons who incite violence in the community?

The Hon. J. W. GALBALLY.—That is a criminal offence. I thought Mr. Campbell would have known that. Indeed, there is an offence known to the law as conspiracy — conspiring to do unlawful acts to overthrow Governments and so on. That is well within the province of the State. Sleeping dogs have a nasty habit of waking up and running amok and terrorizing the innocent. That has been happening in Victoria for many years. The people who are being terrorized by the activities of a few are the members of the Yugoslav community.

It is regrettable that in the Victorian Parliament, there is no means of bringing a Minister to the Bar of the House and saying to him, "You have neglected your duty. Why have you not done this? Why have you not brought these people to justice?" When the committees on the Little Desert and the Royal Botanic Gardens

were conducting their inquiries, they asked the Minister to explain his actions. I believe the honorable gentleman did not even have time to read the invitation. In the mechanism of a modern State it is time that the Victorian Parliament adopted the policy which operates in the United States of America whereby standing committees can summon members of the Executive to appear and can ask them to explain their actions. In the case of terrorist activities in Victoria, the Minister should explain his actions. The Victorian Government is supposed to be the servant of the people, not their tyrant.

The Hon. A. J. HUNT (Minister for Local Government).—The Australian public, the Victorian public and the community as a whole deplores extremism in every form. Our community and this Government further deplores violence in the pursuit of extremism and will not tolerate it. A number of other things ought to be deplored. Firstly, I refer to the fact that Mr. Galbally, who talked about smears, has pursued the smears undertaken in Canberra against a whole national group. The Croat national community as a whole has been under attack.

The Hon. J. W. GALBALLY (Melbourne North Province).—On a point of order, that is a misstatement. I shall not say that it is a lie, because I do not know that the honorable gentleman understands it. I said that a whole national group had been forsaken by the Government, and that is the opposite to the Minister's statement.

The PRESIDENT (the Hon. R. W. Garrett).—I see no point of order. It is a point of view, but not a point of order.

The Hon. A. J. HUNT (Minister for Local Government).—Furthermore, I believe it is to be deplored that the motion has been moved in this place in an endeavour to prop up an ailing Attorney-General, who is now in grave trouble because of his actions of recent date. Seldom have we seen a responsible Minister of the Crown——

The Hon. A. W. KNIGHT (Melbourne West Province).—Mr. President, I rise to a point of order. Earlier, when my Leader was speaking, you ruled that he was not allowed to refer to Federal matters.

The PRESIDENT (the Hon. R. W. Garrett).—There is no point of order. Mr. Galbally was permitted to refer to Commonwealth matters and the Minister is entitled to the same latitude.

The Hon. A. J. HUNT (Minister for Local Government).—Seldom have we seen such an undermining of the independence, the autonomy and the international standing of a security organization which is so vital to this country. Never before in a democratic nation of the Western World have we seen an Attorney-General or a responsible Minister of the Crown leading a raid on his own security organization. Never before have we seen a case where confidential documents have been produced to a House of Parliament in a highly selective form. Mr. Galbally quoted from one of the documents today. Some of them were produced to the Senate, but many others were hidden away—put under the carpet—because they did not suit the purpose of Mr. Galbally or Senator Murphy.

The purpose of Mr. Galbally's motion is quite obvious. I deplore Mr. Galbally's assumption of guilt without production of evidence against a whole group of people. I also deplore the fact that he has related a general resolution in relation to terrorism to only one small national group. Why did Mr. Galbally not refer to the other groups in this community which seek to use violence for political ends? Why did he not refer to groups such as the Worker-Student Alliance and the Nazi Party? They have been treated by the law and the police in the same way, and that is the complete answer to Mr. Galbally's motion.

I do not propose to do the sort of thing that Senator Murphy has done in undermining his own security organization, and I do not propose to outline to the House the precise structure of the Special Branch of the Victoria Police Force; but let me say this, that it is a branch which has operated most effectively, and it is a branch which, as was stated by Mr. Arthur Rylah, the then Chief Secretary, on behalf of Sir Henry Bolte, the former Premier, on 15th October, 1968, has as its primary objective the preservation of the peace and security of this State. Contrary to allegations which have sometimes been made, the honorable gentleman went on to say that there were no files on members of Parliament. That may occasion some relief to someone.

The function of the Special Branch is to provide security for this State, and it has a particular role in acting against political violence or threats of political violence wherever they may occur. I believe it has acted most effectively, although Mr. Galbally would have honorable members believe that nothing has been done. It has acted against violence by numerous members of the Nazi party who from time to time have been arrested, charged and convicted, and by members of the Worker–Student Alliance who have demonstrated against the Nazi party. A large number of members of that association have been arrested and convicted. These people also engage in violence. It is not only one group in the community.

The Hon. I. B. TRAYLING.—The House is not debating the activities of the Worker–Student Alliance.

The Hon. A. J. HUNT.—The worker–student alliance is a group which engages in activities in furtherance of political aims. It is a Peking-orientated group which was originally formed by Ted Hill in collaboration with an organization, which was then known as the Students for Democratic Action, and is now known as R.A.M., which is short for "Radical Action Movement". I might add that before me now I have a list of twelve individuals who were charged by the Special Branch. They are of Yugoslav origin, and the charges related to acts of violence or threatened acts of violence arising out of Yugoslav–Croatian affairs. A number of them have been convicted, and one of them has been deported. In respect of others, charges are pending and, in view of that, I do not propose to reveal their names or the details of the offences in respect of which charges have been laid.

The Hon. D. G. ELLIOT.—Are these Victorians?

The Hon. A. J. HUNT.—These cases were in Victoria.

The Hon. J. W. GALBALLY.—How long ago was the deportation?

The Hon. A. J. HUNT.—The deportation order was signed in 1970 and, in respect of that order, the person concerned was apprehended in September, 1972. My point is that the Special Branch makes no distinction between Croats, Yugoslavs, Greeks, Australians or anybody else. It makes no distinction between the nationalities of terrorist groups, extremist groups or any other groups which are likely or appear to be likely to use violence for political purposes. Members of the Nazi party are treated in the same way as Croatians are treated when they undertake acts of violence for political purposes, regardless of the politics or origin of the people involved. Members of the worker–student alliance who engage in violent activities are treated in the same way.

When members of the Nazi party set fire to two establishments because those establishments distributed left-wing literature, one of the members was apprehended and brought before the court. The use of political violence is to be equally deplored whatever its source.

As I have said, many Commonwealth documents have been suppressed and, to confirm that statement, I direct the attention of honorable members to an article which appeared in the *Melbourne Observer*

of 1st April, 1973, under the heading, "Report Will Shock Nation". It states—

In fact, it is the opinion of ASIO that most of the bomb incidents in Australia are the work of cranks or the Yugoslav secret police trying to build up Australian hysteria against Croatian nationalists.

The ASIO document the *Observer* has received concludes that the Croatian Nationalist Organizations—

Having identified the Australian Security Intelligence Organization document, the article in the *Melbourne Observer* quoted from it, as follows:—

—"as entities, are unlikely to be directly involved in such violence in Australia, and that a more probable explanation lies with the activities of individuals and small groups acting independently without organizational support."

That quotation is taken from the Australian Security Intelligence Organization report of 13th April, 1972. I point out that in reading a quotation which is contained within another quotation, I have identified both. I commend that practice to Mr. Galbally. When Mr. Galbally referred to a document mentioned in another document he did not deign to tell the House of its source; in fact, he did not know its source. I understand that the document to which I last referred is to be tabled in the Federal Parliament to complete the incomplete file from which certain documents were suppressed.

The PRESIDENT (the Hon. R. W. Garrett).—I do not think the Minister should go too far into the Federal aspects of this matter.

The Hon. A. J. HUNT.—No, Mr. President. I have referred to the matter because Mr. Galbally has made so much play on a report which has been tabled in the Commonwealth Parliament which the *Melbourne Observer* claims is extremely different from another report which is about to be tabled. The *Observer* goes on to say—

It is likely, then, that these bomb incidents have been largely "manufactured" incidents staged from within the Yugoslav consulates with the intention of putting strong public pressure on Croatian nationalists planning anti-Yugoslav Government action in Europe.

I emphasize that that is the conclusion of the *Melbourne Observer* and is not contained in the Australian Security Intelligence Organization document itself.

The Hon. J. W. GALBALLY.—Do you agree with that article?

The Hon. A. J. HUNT.—I do not purport to know what the facts are; but I suggest that Mr. Galbally and his party are contributing to the continuing hysteria which attends this matter.

I believe it is dangerous to act upon impressions—a word which Mr. Galbally used on a number of occasions. As a lawyer, Mr. Galbally knows that it is irresponsible to prosecute a man before the court unless there is adequate evidence; that it is irresponsible to make accusations against a whole community unless one has the strongest evidence to support the accusations. In the individual cases in which there has been sufficient evidence prosecutions have been launched and they have succeeded.

The new Government entirely rejects the charge that the Special Branch of the Victoria Police has acted in any way in dereliction or contravention of its duty. The Government deplores, and will not tolerate, political extremism or the use of violence for political ends in any shape or form whatever.

The Hon. D. G. ELLIOT (Melbourne Province).—I think all honorable members will agree that it is reasonable to say that everyone here hates extremism of any kind. The Government argues that in most societies we see an element of extremism, whether it emanates from the "left" or the "right", or anywhere else. It exists in this country; and for anyone to be so naïve as to suggest that it does not—particularly a person occupying a position of responsibility—is, to put it midly, to utterly denigrate our country.

On two or three occasions, the Minister for Local Government has used the word "impressions".

The Hon. A. J. HUNT.—I quoted Mr. Galbally when I said that.

The Hon. D. G. ELLIOT.—Yes. *Hansard* will show it quite clearly. One gathers by observation that most people who wish to support an argument ask other people for their impressions.

Tonight the House has heard what is almost a complete denial by the Government that there is such a thing as a Croatian movement in Australia, or that there is such a thing as terrorism in Australia. In contending that this is the true situation, the Government is doing nothing more than attempting to stifle argument in this Chamber and pouring oil on troubled waters; yet a denial of this assertion could easily have been obtained by anyone who watched a television programme entitled "This Day Tonight" last week between 7.30 p.m. and 8 p.m. It was a sound-on-film set-up carried out in an area in which there are thousands of Croatians and Yugoslavs. Fourteen or fifteen former Yugoslav nationals were questioned, and, almost without exception, they said that they would return to Croatia to fight to the death to liberate that part of Yugoslavia. But again, we have a statement from the Minister that there is nothing wrong about this movement. How hypocritical can one be?

The Hon. A. J. HUNT.—I did not say that.

The Hon. D. G. ELLIOT.—It might be conceded that it is difficult to pin this down, but I cannot accept that as incontrovertable evidence on a subject such as we are discussing. This is too serious a matter to deal with on hearsay evidence or on any evidence that would leave in doubt that there are such goings-on in Victoria. There is no doubt that, within the province which I represent, there is knowledge of these things. When one attempts to find the truth, one can occasionally persuade people to unbutton their lips. When they do, what they say is frightening.

These people have come to this country to get away from fear and to obtain security for themselves and their families. They want to banish fear from their lives. In too many cases, as Australian citizens, they have not been privileged to do that.

At some time or another, every honorable member has attended a naturalization ceremony where he has been given a seat at the table and asked to address those taking part. When one looks at that assemblage, one sees mirrored in the faces of these people all the hopes, fears, and anxieties which beset them in their early days in Australia. One says, "Thank God we have such groups to fortify this country in its search for a great and secure future without fear for any of its citizens". These migrants are an integral part of Australia and its future. My party does not want to be construed as in any way denigrating these groups. Its remarks concerning terrorism could apply to any group in Australia but, without any shadow of doubt, there is evidence of Croatian terrorism in this country. If any honorable member denies that, he has his head in the sand like the ostrich.

The Hon. G. J. NICOL.—Are you speaking of acts within Australia or aimed at the future of Yugoslavia?

The Hon. D. G. ELLIOT.—I am not concerned with the exact viewpoint of these people in relation to terrorism. It is obvious from those to whom I have spoken that there is an almost automatic fear among a number of Croatian families. Firstly, they are asked in a kindly fashion to help the cause. Then, if they are not co-operative, they are induced to help it by more forcible means, such as threats of physical violence. These threats extend to people they may have left at home. There is clear evidence from conversations I have had—no doubt Mr. Nicol has had similar conversations—that these things exist in our community.

But that is nothing new to human nature. In the 1920s and 1930s gangs were set up in America almost free from interference of any kind. The fact that terrorism exists means that we must not only be watchful, but that, as a community, we must have the guts to demand that something should be done about it.

The sooner the concept of migrants being part of the Australian family is adopted, the better. Many migrants have lived too much in isolation. Because of lack of knowledge of our language, they are inclined to group together, sometimes to their disadvantage. "Mumma" comes out with the family and never learns English. Because of this ignorance of our customs these people are not welcomed into the Australian family quickly enough and they tend to become isolationists and, because of that, they can be got at.

There is no doubt that a small but violent terrorist element in our community has got at Croatian or Yugoslavian migrants and compelled them to assist in terrorist activities in Australia. I am convinced of that. The Minister for Local Government asked from where the evidence will be produced. The same point has been put with monotonous regularity by Mr. Hamilton. It has gone on down the line. Perhaps the Leader of the House could be excepted from that comment.

The Hon. H. M. HAMILTON.—Would you bring them to court without the evidence?

The Hon. D. G. ELLIOT.—Of course no one can be presented in court without evidence. The Labor Party had been suggesting that it is up to the Police Force, particularly the Special Branch which operates in association with the Australian Security Intelligence Organization, to pursue these terrorists more vigorously so that they can be dealt with by the court. Then, if it were justified—as the Federal Minister for Immigration has suggested—they could be deported to where they came from. When I speak to people who should know, I am told that these things exist, not just in isolated cases but in many cases, and it is time that something was done about them. I have a nagging suspicion—which is reinforced by the nearly 5-ft. high mass of evidence at which I had a reasonably good look—that there has been a regular inclination to go soft on these matters. There is not much doubt about that. This rears its ugly head too often to be ignored. It can be argued that there is not strong enough evidence to justify action, but I believe there is.

The Hon. A. J. HUNT.—There is a Commonwealth report that it is not strong enough.

The Hon. D. G. ELLIOT.—The Minister for Local Government thinks there is such a report. The honorable gentleman referred to a report in last Sunday's *Melbourne Observer* which stated that there was. I know something of the journalistic world and, when a story cannot be found, it is easy for some elements to use their imagination. I have not seen this report in any other Australian newspaper.

The Hon. A. J. HUNT.—It purported to give a number of specific cases.

The Hon. D. G. ELLIOT.—Let us be frank about this. If the *Melbourne Observer* was the only newspaper to refer to this matter on Sunday, I would be suspicious that it was doing a little stirring. It is now Tuesday and there has been nothing about the matter in any other newspaper. The gentleman who runs that paper is probably the most notorious stirrer in the whole of Australia. He knows how far he can go without going over the brink. A check of the *Melbourne Observer* over the years it has been in operation would show that a high percentage of its news coverage is presented in exactly the same manner as the article in the issue of Sunday last. Mr. Hunt has used the word "purports". That about sums up the whole thing.

The Hon. V. T. HAUSER.—Why did Senator Murphy not prosecute?

The Hon. D. G. ELLIOT.—Why did Senator Greenwood not prosecute?

The Hon. J. M. TRIPOVICH.—Was he frightened or was he paid?

The Hon. D. G. ELLIOT.—Senator Greenwood is well known for his right-wing tendencies. I pay him the compliment that he is not a hypocrite. He openly admits them and always has. He is an able debater. On one occasion I saw him " do over " one of our blokes with the utmost efficiency.

The PRESIDENT (the Hon. R. W. Garrett).—" Bloke " is not a Parliamentary term. Mr. Elliot uses it too much.

The Hon. D. G. ELLIOT.—I do not know when I used the term before. You, Mr. President, should advise me when I have used it.

The PRESIDENT.—Not tonight, but you have used it before.

The Hon. D. G. ELLIOT.—I take umbrage at this. Since when has " bloke " not been a fine piece of Australiana?

The PRESIDENT.—It is not a Parliamentary term. I ask Mr. Elliot to complete his speech and not use it.

The Hon. D. G. ELLIOT.—I submit that it does not have to be.

The PRESIDENT.—It does have to be.

The Hon. D. G. ELLIOT.—You are setting up laws for our debate, which you should not do.

The PRESIDENT.—I ask Mr. Elliot to continue his speech and not to use the term.

The Hon. D. G. ELLIOT.—It is obvious that you want a namby-pamby sort of speech.

The PRESIDENT.—I take exception to that and ask Mr. Elliot to immediately withdraw and apologize to the House for his behaviour.

The Hon. D. G. ELLIOT.—I withdraw and I apologize to you, Mr. President.

The PRESIDENT.—I ask Mr. Elliot to apologize to the House.

The Hon. D. G. ELLIOT.—I apologize to you, Mr. President, but not to the House.

The PRESIDENT. — Mr. Elliot should include an apology to the House.

The Hon. D. G. ELLIOT.—I have nothing to apologize to the Chamber for. I refuse to do that. I have apologized to you, Sir, and you have every right to ask me to do that, but I am not going to apologize to the House. As far as the House is concerned I have nothing to apologize for.

The PRESIDENT.—Mr. Elliot used a term derogatory to me and unacceptable to the House.

The Hon. D. G. ELLIOT.—I refuse to do so. I think it is a natural and reasonable remark.

The PRESIDENT.—I name the honorable Mr. Elliot and I ask the Leader of the House to move the relevant motion.

The Hon. D. G. ELLIOT.—I will be proud to go out in this fashion.

Sir GILBERT CHANDLER (Minister of Agriculture).—Before I move the motion, I appeal to the honorable member. I think that term is a little undignified in the House. The honorable member used the term and I suggest to him that, on reflection, he might apologize to you, Mr. President, and to the House and that the matter then be closed.

The Hon. D. G. ELLIOT.—Does this require me to act on your suggestion and apologize to the House? Is that it, Mr. President?

Sir GILBERT CHANDLER.—I think that is the idea. If Mr. Elliot did that it would save me the embarrassment of moving that he be suspended.

The Hon. D. G. ELLIOT (Melbourne Province).—Mr. President, I withdraw and apologize to the House. Is that satisfactory?

The PRESIDENT (the Hon. R. W. Garrett).—Mr. Elliot should continue his speech.

The Hon. D. G. ELLIOT.—What I should like is some clarification on the words I can use in the Chamber.

The PRESIDENT.—What I took exception to was not only the use of the term but the manner in which Mr. Elliot abused me after I had hauled him up for using that term. That is the matter which I objected to.

The Hon. D. G. ELLIOT.—I respectfully submit, Sir, that, even as President, sometimes you must make allowances for the feelings of members.

The PRESIDENT.—I will hear Mr. Elliot on the motion. That matter is concluded.

The Hon. D. G. ELLIOT.—As I was saying a little earlier, it is important that one should try to find the truth for oneself. I suggest that, tonight, Mr. Hunt has presented a complete figment of the imagination in most of his contribution to this debate. Some of his statements may have an element of fact in them, but when he uses, as a "king hit", quotations from a nebulous front page article in the *Melbourne Observer* of Sunday last, he has a weak basis for any sort of summation in this debate. An honorable member interjects that I should wait for further proceedings in the Federal Parliament. It is only natural that arguments will be forthcoming from the able men who form the Opposition in the Federal Parliament, as Mr. Hunt will use an argument to suit him on a particular occasion.

I do not think any honorable member can argue against the fact that there is a disturbing amount of standover terrorism in the community and too much fear in the Croatian and Jugoslav communities of this country. Instances of violence have occurred over the past few years. To deny that fact is to deny the truth as it exists in the Commonwealth as well as in Victoria.

I suggest that the assertion by Mr. Galbally is worthy of a deep search by this Government. It is obvious that at times—perhaps it may be said because of lack of evidence—a soft approach has been adopted towards this whole problem. If that attitude is allowed to continue, these people will gain confidence to the extent that there will be loss of life on a grand scale in Australia. There is no doubt about that. If terrorism is not stamped out ruthlessly, the same line will be followed here in Australia that has been evident in many so-called "free" countries in other parts of the world. Surely none of us would want this to happen in Australia.

The Hon. A. J. HUNT.—Any violence, whether political or non-political, should be stamped out.

The Hon. D. G. ELLIOT.—That is so. Although I applaud what the Minister for Local Government has just said, there has been too much violence for which no prosecutions have been laid in Victoria and elsewhere in Australia. There is clear evidence of a strong tie-up between violence and terrorism and the Croatian movements that exist in this country.

The Hon. V. T. HAUSER.—Why has not the Federal Labor Government prosecuted?

The Hon. D. G. ELLIOT.—Sometimes Mr. Hauser's fatuousness astounds me.

The PRESIDENT (the Hon. R. W. Garrett).—I suggest that Mr. Elliot should ignore interjections and continue his speech.

The Hon. D. G. ELLIOT.—Thank you, Mr. President. The Federal Government is proceeding to take action now, for which it must be given full marks. Let us hope the present Commonwealth Government is backed up to the fullest extent by the responsible bodies in Victoria, and that means that the Government must have the courage to direct the activities of the appropriate organizations.

The Hon. R. J. EDDY (Doutta Galla Province).—This motion for the adjournment of the Council was moved because of the failure of the Government to utilize the law enforcement agencies of the State to bring terrorists before the courts. I am speaking about the State, although

much of the debate tonight, particularly the remarks of the Minister for Local Government, related to Federal matters.

The Hon. A. J. HUNT.—Do not misrepresent the position. Eighty per cent of what your Leader said was about the Federal Government.

The Hon. R. J. EDDY.—I am speaking of what the Minister said. The honorable gentleman said very little about why the Special Branch of the Victoria Police Force has not acted against Croatian terrorists within this State. There is plenty of evidence——

The Hon. H. R. WARD.—Where is it?

The Hon. R. J. EDDY.—It has appeared in the newspapers, and I will produce it. The Government has known for years of terrorist activities occurring in Victoria, but it has done nothing about them. The present Chief Secretary and a former Chief Secretary have allowed terrorists to carry on over the past ten years. No action against them has been taken by the Government or the Special Branch of the Police Force.

The Hon. A. J. HUNT.—You are a justice of the peace, are you not?

The Hon. R. J. EDDY.—That is so.

The Hon. A. J. HUNT.—What would you do if somebody charged with terrorism came before you?

The Hon. R. J. EDDY.—I would deal with him in a fit and proper manner. The responsible Ministers have failed to ensure that the Special Branch has carried out its duty of protecting the people of Victoria and bringing terrorists to justice. Plenty of evidence will be produced to support my contention.

Government supporters are ridiculing the Leader of the Labor Party and Mr. Elliot for their contributions in which they stated that the Government has failed to take action over a period of many years. Government supporters have been defending the actions of terrorists this evening.

The Hon. H. M. HAMILTON.—Who has been defending them?

The Hon. R. J. EDDY.—Mr. Hamilton has.

The Hon. D. G. ELLIOT (to Mr. Hamilton).—I reckon you are their advocate.

The Hon. H. M. HAMILTON (Higinbotham Province).—Mr. President, I take a point of order. I ask for a withdrawal of the statement that I am an advocate of terrorists.

The PRESIDENT (the Hon. R. W. Garrett).—If that was said, it should be withdrawn.

The Hon. D. G. ELLIOT (Melbourne Province).—I withdraw it, Mr. President.

The PRESIDENT.—I thought it was attributed to Mr. Eddy.

The Hon. D. G. ELLIOT.—No, I said it.

The Hon. R. J. EDDY (Doutta Galla Province).—I am a justice of the peace and a peaceful man. For many years, members of the Croatian movement who have carried on terrorist activities in this State have been allowed to do so without Government intervention. The *Australian* newspaper of 29th March, this year, contained a photograph which was taken in 1963 at a Croatian training camp at Wodonga. This Government was then in office, as it has been for the past eighteen years. It had evidence before it but failed to take any action. The photograph is of a training centre at Wodonga, which is an area represented by the Leader of the Country Party in this House. The Government took no action against these people who were carrying on their training activities.

I am referring to the failure of the Victorian Government to take action, because not much has been said so far in this debate about this aspect. Croatians are also active at Clifton Hill. Recently a member of the Federal Labor Government had to call the police to curb the actions of these persons who were holding meetings at various places in Clifton Hill.

The Hon. V. T. HAUSER.—Did members of the Special Branch turn up?

The Hon. R. J. EDDY.—They did. The Labor Party ensured that action was taken by the Special Branch. Our party does not wait for ten or fifteen years and then merely talk about taking action after the subject is raised by another party.

When premises at Clifton Hill were inspected the police found plenty of activity going on, but failed to search underneath the house. The Federal member concerned found a Croatian hiding there, called the police, and the man was apprehended. Last week-end a threat was made by Croatian terrorists against the lives of the Federal member, his wife and his family. The Government has permitted these persons to carry on their activities for many years.

In the *Age* of 7th July, 1972, it was stated that the police had launched a big push against the Ustasha. Mr. I. W. Smith, the Minister for Social Welfare, who was then Acting Chief Secretary, was reported to have said that he would ask police to step up investigations into terrorism in the Yugoslav community in Victoria. He also said that police had no evidence of the Ustasha having set up a training camp or having carried out training courses in Victoria. What a lot of rubbish! Another photograph appeared in the Melbourne *Truth* on 8th July, 1972. It depicted Croatians, wearing the Fascist emblem of the Ustasha, on an armoured vehicle of an Australian army unit at Wodonga. Nevertheless, the Acting Chief Secretary made the ridiculous statement that the police had no evidence of these activities.

The Hon. H. M. HAMILTON.—What year was that?

The Hon. R. J. EDDY.—The photograph was taken in 1963. This demonstrates the lack of interest displayed by the Government in the activities of these terrorists in Victoria.

The sitting was suspended at 6.28 *p.m. until* 8.4 *p.m.*

The Hon. R. J. EDDY.—Prior to the suspension of the sitting, I was telling the Government how it had failed dismally to ensure that the people of Victoria were protected by the Special Branch against the extreme terrorism of the Ustasha. On 7th July, 1972, the Acting Chief Secretary at the time, Mr. I. W. Smith, made a statement that the police had no evidence of the Ustasha having run training courses in Victoria. On two occasions, training courses were set up by the Ustasha, to the knowledge of the Government and the Special Branch of the Police Force, without any action being taken by them.

I produced a photograph from the Australian Security Intelligence Organization taken at a week-end camp at Wodonga of members of the Croatian Ustasha training with military weapons.

The Hon. H. R. WARD.—Are those fellows still here?

The Hon. R. J. EDDY.—The honorable member would be in a better position than I am to know that. I also produce another photograph from the Melbourne *Truth* of 8th July, 1972, of Croatians wearing a Fascist emblem of the Ustasha photographed at Wodonga, Victoria, in 1963, on an armoured vehicle of an Australian Army unit.

The Hon. H. M. HAMILTON.—That was ten years ago.

The Hon. R. J. EDDY.—Yes, and on that occasion the Government took no action and has no intention of doing anything. Also on the same page are the headlines, "Terrorist Bombs Will Blast Melbourne."

The Hon. H. M. HAMILTON.—When was that?

The Hon. R. J. EDDY.—I gave the honorable member the date.

The Hon. H. R. WARD.—That was ten years ago.

The Hon. R. J. EDDY.—It was not ten years ago. The date is 8th July, 1972. The article states—

> Terrorist bombings on a massive scale are feared in Melbourne and other Australian cities after the secret purchase of dynamite by Ustasha.

What did the Government do about the outrage that was taking place within Victoria? Tonight, the Minister referred only to Federal matters. He said nothing about what the Government of Victoria is doing to protect the lives of the people of Victoria. After Mr. Smith made his wonderful statement, the article in the *Age* of 7th July, 1972, stated—

> The Assistant Crime Commissioner (Mr. W. D. Crowley) said yesterday special branch police were investigating all complaints from Yugoslav residents in Victoria about violent Croatian demonstrations.

The Hon. H. R. WARD.—Mr. Eddy said that they were doing nothing.

The Hon. R. J. EDDY.—They were only investigating. What did they do about the matter?

The Hon. W. M. CAMPBELL.—What do you want them to do—hang these people without a fair trial?

The Hon. R. J. EDDY.—That is what you would do.

The PRESIDENT (the Hon. R. W. Garrett).—Order! Mr. Eddy should address the Chair.

The Hon. R. J. EDDY.—That is what I was endeavouring to do until I was rudely interrupted by the members of your Government.

The PRESIDENT.—Order! It is not my Government. I am impartial in this Chair.

The Hon. R. J. EDDY.—If you say you are impartial, Mr. President, I accept that, but members of the Government have been carrying on like larrikins all afternoon and are continuing to do so. The article continues—

> Mr. Crowley said seven Croatian nationals had been arrested and four had been sent for trial on charges of possessing explosives.

The Government had at least ten years in which to instruct the members of the Special Branch of the Police Force to take some action. On only a few occasions has anything been done. I have informed the Government of certain activities within a municipality in close proximity to this building.

Further information is contained in an article in the *Age* of 23rd September, 1972, as follows:—

> The defector from the Croatian militia claimed that training was done in "troikas", groups of three, headed by a senior officer.

I do not suppose that the Government or the Special Branch of the Police Force knew anything about that. The article continues—

> He said that between 50 and 60 of the troikas had been trained in all States in the use of explosives, firearms, and military manœuvres.

The Hon. H. R. WARD.—Who trained them?

The Hon. R. J. EDDY.—Probably some member of the Government.

The Hon. V. O. DICKIE.—Is this troika the restaurant in Brighton?

The Hon. R. J. EDDY.—The honorable gentleman would not know much about Brighton, he would only know about Bacchus Marsh. The article continues—

> The Melbourne Special Branch has seized a 41-page booklet called Kletva (The Vow) which outlined the nature and aims of these three-man guerilla teams.

This is something the Government knew little about. Apparently the Government does not read the daily newspapers because it has given no instructions to the Special Branch to investigate these three-man guerilla teams being trained within Victoria to make threats and carry out acts of terrorism, and these have been executed for some years without any interference from the Special Branch or from the Government. The report in the *Age* continues—

> It says: "The troika is mobile and can easily be placed among the people . . . it has in its ranks a troika—commander, informer—spy and research-contact man.

The Hon. V. T. HAUSER.—Could these people have been agents of the Yugoslav Government? Is that a possibility?

The Hon. R. J. EDDY.—They may have been agents of the Victorian State Government. The article proceeds—

All must have knowledge of guerilla warfare. In any action they must judge the danger, also the timing of the attack and the way the action should be taken."

The troikas train in camps near the city in which they are based. They are active around Melbourne, Geelong, and Albury-Wodonga.

The Hon. V. O. DICKIE.—They are the towns set aside for State development.

The Hon. R. J. EDDY.—The Government will probably house some of them and protect them as it has been protecting them over the past ten years.

The Hon. V. O. DICKIE.—Are they in the low income earning group?

The Hon. R. J. EDDY.—They could be, and if they were being paid by this Government they would be low income earners. I have endeavoured during the debate——

The Hon. V. O. DICKIE.—I am glad you said " endeavoured ".

The Hon. R. J. EDDY.—It has no significance in the honorable gentleman's head because there is nothing there to allow it to have significance. I have been informing the Government of a matter about which it has not instructed the Special Branch police within this State to carry out their duties in protecting the people of Victoria in the manner in which they should be protected. I may have been making implications, but I have been informing the Government of threats by these Croatian terrorists on the lives of people.

The Hon. H. M. HAMILTON.—Were they Croatian terrorists or Yugoslav Government agents?

The Hon. R. J. EDDY.—It could have been Mr. Hamilton on the telephone but it was a terrorist voice—Mr. Hamilton has a terrorist voice and because of the manner in which he yells out from the other side of the Chamber it takes us all our time to hear anything. The Premier made a statement, which appeared in today's *Sun News-Pictorial,* about one group of terrorists within the State of Victoria. At long last the Government has woken up to what is going on. Mr. Hamer is reported as having described the Croatian extremists as—

" evil cancers which must be eradicated. We don't want this foreign brand of extremism here at all ", he said. Mr. Hamer urged greater police action against incitement by extremist groups in Victoria.

I support the comments of the Premier—all honorable members support the comments—but why has it taken so long for the Government to act?

The Hon. J. M. WALTON.—He is only talking.

The Hon. R. J. EDDY.—As my colleague says, he is only talking, as usual. That is what the Government has been doing for eighteen years, talking and not acting. This evening it has been proved to the Government that within the State of Victoria there are extremists terrorizing people residing in this State. The Government of Victoria has failed to carry out its duties to ensure that the people of this State are protected as they are entitled to be protected by a band of police which has been appointed to carry out these duties but has failed dismally to do so. As the Minister for Local Government pointed out, I do not want to concern myself with what is happening in other States because from comments the honorable gentleman made——

The Hon. V. T. HAUSER.—The extremists are at which end, left or right, or only at one end?

The Hon. R. J. EDDY.—There are extremists sitting opposite.

The Hon. A. J. HUNT.—There are extremists on the Government side of the House—is that what Mr. Eddy means?

The Hon. R. J. EDDY.—There are one or two, anyhow.

The Hon. A. J. HUNT.—Mr. Eddy will find out who are left-wing extremists.

The Hon. R. J. EDDY.—I conclude by saying that the Minister responsible, in this instance the Chief Secretary, has failed dismally to carry out his duties to protect the people within the State. For those reasons the members of this Government stand condemned for their actions over a number of years in allowing these people to operate in the manner in which they have operated within Victorian for at least the past ten years.

The Hon. H. R. WARD (South-Eastern Province).—The significance of this debate cannot be under-estimated. There is no doubt that in all countries there exists some form of extremism. A few years ago Australia was really shocked when a person with some repute for being a radical actually fired a shot at the then Federal Leader of the Opposition. I believe Australians realized at that time more than ever that there could be "crackpots" within this country and that it did not matter whether the person fired at was a member of the Government or the Opposition, or the Leader of the Government or the Leader of the Opposition, he was entitled to be protected. One thing that the community fears in this country is that it will lose the Leader of the Government or the alternate Leader.

In this debate all that honorable members have heard is supposed evidence leading to one national group being condemned, which is a great shame. The Premier rightly pointed out today in the *Sun News-Pictorial* that in some instances there were extremists and Mr. Hamer did name two or three groups. Only last week it was my honour to be present at a function where a Croatian received life membership of the Returned Services League. This man can be claimed to be at the other end of the scale. He served this country well, and has been a very fine member of the community and as such was honoured. However, this debate will create fear in the minds of the public and among many members of Parliament.

The Minister for Local Government squelched all arguments advanced as statements of fiction and answered all comments made by members of the Labor Party. The statements made by Mr. Galbally were supported by no evidence whatsoever. In fact, the comments were pure fiction. On the other hand, Mr. Eddy stated quite clearly that last July the police did take action when evidence was brought to their notice of the existence of certain extremists in the State of Victoria.

The Hon. R. J. EDDY.—It had been happening for nine years.

The Hon. H. R. WARD.—That is another matter altogether. One cannot go out and arrest people or hold them in the belief that they might have caused some damage or might have been terrorists. This country and this State believe in justice; that before one can arrest a person there must be evidence. Evidence was produced last July and people were arrested and charged. When they go before the court, irrespective of the comments made, there must be a lack of bias because these people who have left another country and adopted this country expect justice. They expect to be treated fairly, and this is most important. Mr. Eddy's comments tonight were quite unfair and there was the suggestion that the police were a band which protected extremists. That statement was quite uncalled for.

The Hon. R. J. EDDY.—They are protecting you tonight.

The Hon. H. R. WARD.—And they are protecting Mr. Eddy, both within and outside this House, as he is entitled to be protected.

The Hon. R. J. EDDY.—What about the special police you had here?

The Hon. H. R. WARD.—The situation seems to be that the Labor Party fears the advice of the professional. It fears the intellectual, the person who makes an investigation and seems to be prepared to suppress the advice tendered by the

Public Service. Tonight the character of the Premier was questioned. It was remarked that the honorable gentleman was not prepared to act. Over the past two years we have witnessed people with arms locked marching through the streets of this city, and the Premier, then Chief Secretary of the day, said that there was to be no violence and that these people should be listened to and their views respected. There could well have been violence if the then Chief Secretary had said that they were acting irresponsibly and that the police were to charge the people who were marching and who believed they were doing the right thing. However, that did not happen and the marches were carried on peacefully.

Sir GILBERT CHANDLER.—Nothing was said about the march on the American Consulate.

The Hon. H. R. WARD.—No, that was not mentioned. That was another set of unfortunate happenings in this country. I have no doubt that if photographs had been taken the faces of prominent members of the Labor Party might have appeared in that area in Commercial Road. Honorable members saw them marching down the streets of Melbourne leading a great band of people. Once again the fictional "they" has been expressed in this House. On numerous occasions Mr. Galbally has condemned the fictional "they" but tonight he has charged that "they" have caused damage, "they" are extremists. Tonight during this debate members of the Labor Party have been using the fictional "they" as running around the country causing disturbances, being extremists and trying to cause fear. That phrase has been over-used by the Labor Party tonight.

The Premier made it very clear today just where the Hamer Government stands. It is the Hamer Government which has made it clear that it will not stand nonsense but will stand for justice. Honorable members might well take into consideration what the Premier said, as reported on page 2 of the *Sun News-Pictorial* today that—

> the Victorian Government took every possible and every necessary action to prevent violence in this State.

It was also contended by the Minister for Local Government that the Government was utterly opposed to violence of any kind. As I said earlier, the Premier named special groups where he believed this type of action could be happening. The honorable gentleman did not say that every person was an extremist, a terrorist, but these are the suggestions made in debate tonight by members of the Labor Party.

I believe a number of the points made by Mr. Hamer as Leader of the Government are worth mentioning, apart from the suggestions in the article postulated tonight by Mr. Eddy. The first point made by the Premier was that we should not under-estimate any organization in this State. Mr. Hamer stated that the Government must be most alert and ready to step in and deal with these people. That has happened, as evidenced by Mr. Eddy's remarks tonight about what occurred in July last.

The Hon. R. J. EDDY.—What about 1963?

The Hon. H. R. WARD.—I am talking about the present Hamer Government and when Mr. Hamer was Chief Secretary. Of course, Mr. Hamer will be Premier for a long time to come. The honorable gentleman also suggested in the *Sun News-Pictorial* that the Government would not ignore the signs of extremists, that the Government was very close in its watch over these people whether they were far to the right or far to the left. This has been accepted and I am grateful for the information supplied by Mr. Eddy because that is where this Government stands. It is utterly opposed to violence of any kind.

To present this motion this evening is absolutely ridiculous because all it is doing is wasting the time of the House. It arises because of foolish

action carried out by another person in another area of Government altogether and which will be properly debated somewhere else. The Government of Victoria is totally opposed to violence of any kind, and that is where it stands on this matter.

The Hon. J. M. WALTON (Melbourne North Province).—I am probably one of the few members of the Victorian Parliament who has been in a Parliament in one of the Commonwealth countries when someone intended to throw a bomb amongst the assembly. I was in the Canadian National Parliament at Ottawa when an extremist was on his way into the Canadian Parliament whilst the Prime Minister was speaking, and the galleries were filled with children and visitors. Fortunately, the bomb he was carrying went off before he got into the chamber and they had to scrape his remains from the walls. This sort of thing happens when extremist organizations exist and they carry on fighting over problems in their home country.

I applaud those who come to this country, give away their nationality and become Australian citizens. As I have said on a number of occasions at naturalization ceremonies, I wish them a long and happy life in this country where they do not need to fear some of the terrors that have existed in their own countries. The doubt now is: Are they in a country where they can be free of these fears? Evidence has shown that certain organizations are within our community. I do not intend to speak of the one which has been mentioned during the debate tonight because a number of terrorist organizations exist in this country. They range from religious groups down to outright criminals whose one desire is to disturb, if they can, our way of life. The recent bombing of a night club in Brisbane which killed about fifteen people is an indication that there is some Mafia-type organizations trying to take it out on one of the night clubs. That is not the sort of thing we want in this country. We do not want bombings almost daily from city to city.

The Australian people do not want this sort of activity and I suggest that 99·9 per cent of those who come from overseas want no part of it. They do not want this terrorism to take place in this country. What Mr. Galbally has said tonight is quite true. After a while, when the new arrivals observe what is going on around them, that people are not apprehended, that others are let off with impunity it is no wonder that they feel they are back in a situation similar to that which they left in their own countries.

Of course, such people experience fear and when these things happen they start to clam up and congregate in small groups of their own communities and even sections within their own communities. It is difficult enough trying to convince our new Australian friends to mix with old Australians, but when they are forced by these groups to mingle with their own people and one section of that particular nationality, that is a bad thing. However, the Government has allowed this to happen.

Of course, a person will have some feeling for his native country notwithstanding that in the past he has been asked, at a naturalization ceremony, to give away his allegiance to his former country and to take on an allegiance to a new Sovereign and another country, although this will not happen in the future. People will always have some feelings for the country of their birth. I do not blame them for that, and I do not even blame them for carrying on feuds which existed in their countries because some feuds have existed from time immemorial; they have not occurred in the past six months or ten years.

When I read about the Irish situation I could cry to think that people are being killed in such a senseless blood-bath over something which happened hundreds of years ago. A similar situation exists in relation to

the organization which has been mentioned this evening. Even the Mafia organization goes back for almost a century. The Australian community does not mind these people having their views but does not want the feuds carried on in this country. If they want to go back and fight to free their own country, for whichever side that might be, they are quite welcome to do so. However, they should not be permitted to come here, throw bombs and break the laws of this country. Whether their views are left, centre or right, I state unequivocally that I do not agree with violence. The Australian people do not like violence either.

The whole point is that the Government has allowed this to happen and to continue to happen. It has shown no interest in the matter. The most interest that the Government has ever shown in these activities is this evening when two members of the Special Branch were sitting in the Ministers' advisers' box. Who invited them along tonight? What were they here for? Were they taking notes of what honorable members were saying?

The PRESIDENT (the Hon. R. W. Garrett).—Order! It has always been permissible in this Chamber and in another place over many years for Ministers to have advisers in the box.

The Hon. J. M. WALTON.—Mr. President, you have beaten me to the gun. I agree that it is usual for advisers to be there, but the departmental head concerned is Mr. Dillon, the Under-Secretary, and he should have been there, not two members from the Special Branch. Somebody had to bring the police officers along or they must have received information from somebody on the Government side of the House that this motion would be discussed. We have police officers outside to protect us, but of course they are not from the Special Branch. Parliament is a democratic institution and honorable members ought to be able to speak freely without police being present to hear what is said and keeping an eye on proceedings. Throughout the debate, members of the Government party have kept asking how we know these people exist.

The Hon. H. M. HAMILTON.—Has Mr. Walton got proof of their existence?

The Hon. J. M. WALTON.—Mr. Galbally has already given proof but I will go through it again. The document that I have is the crime intelligence report from the Commonwealth Police, which is marked secret. Does any honorable member doubt that the words of the Commonwealth Police would be correct?

The Hon. H. R. WARD.—What cabinet was that document rifled from?

The Hon. J. M. WALTON.—This document was laid on the table of the Federal Parliament by a Federal Labor Government under the new policy of open government so that people in the community will know what is going on. It is difficult for members of the State Liberal Party Government who have kept their secrets locked up over the past fourteen or fifteen years from the eyes of the public. The opening words in the document indicate that it is an official document and members have not denied that this is so.

The Hon. A. J. HUNT.—We have said that it is one of a group of selected documents.

The Hon. J. M. WALTON.—This particular document is a report by the Commonwealth Police and I intend to use only the words that they have used.

The PRESIDENT (the Hon. R. W. Garrett).—Has this document been released?

The Hon. J. M. WALTON.—Yes, it is the document which was shown to the Minister for Local Government earlier this evening. It deals with the history of these two groups in their own country and indicates that the purpose of the paper is to acquaint the reader with what was known about the existence of the Croatian Revolutionary Brotherhood in Australia.

The Hon. H. R. WARD.—What was known?

The Hon. J. M. WALTON.—It is a large document, but I do not mind going through it if Mr. Ward desires.

The Hon. H. R. WARD.—I do not mind listening.

The PRESIDENT (the Hon. R. W. Garrett).—Order! I have had difficulty this evening in differentiating between Commonwealth and State matters. We have covered the Commonwealth side of the matter with reasonable patience, so I do not think Mr. Walton need go through that subject again as a Commonwealth document. It will be in order for him to take extracts from it.

The Hon. J. M. WALTON.—I am merely stating that extremist organizations exist in Victoria and that this Commonwealth document proves their existence.

The Hon. H. R. WARD.—Does it say that these organizations exist in Victoria?

The Hon. J. M. WALTON.—Yes, names and addresses are given in both Victoria and New South Wales. The document refers to information obtained by the Commonwealth Police as well as information supplied by State police forces and the Australian Security Intelligence Organization. It was collated at Commonwealth Police Headquarters in Canberra and relates to the existence of the Croatian Revolutionary Brotherhood in Australia. The report states that the organization was kept under surveillance and that steps were taken to prevent possible breaches of the Commonwealth Crimes Act, in particular advocating or encouraging the overthrow of a civilian Government by force.

The Hon. HADDON STOREY.—What is wrong with that?

The Hon. J. M. WALTON.—I am trying to establish that some of these people are operating and that the organizations exist in our community. Members of the Government will not even admit that the organizations exist.

The Hon. G. J. NICOL.—I do not deny it.

The Hon. J. M. WALTON.—After a couple of hours, at last the House is starting to get somewhere.

The Hon. A. J. HUNT.—What is the date of the document from which you are quoting?

The Hon. J. M. WALTON.—If it has a date, I will tell the honorable gentleman. It is a Crime Intelligence Report from the Commonwealth Police and is marked secret.

The Hon. G. J. NICOL.—There is a date on the document and it is 1968.

The Hon. J. M. WALTON.—I do not care whether it was 1965 or 1955. It is reasonable to assume that even if they existed in 1955, they still exist. All we are saying is that they exist and that the Government has done nothing about it.

When the Premier read that this matter would be raised in the House today, the honorable gentleman rushed out yesterday and made statements about banning swastika insignia on Nazi uniforms. What is that going to do? That will not stop them from existing.

The Hon. H. R. WARD.—The Premier did not say that; Mr. Walton should read exactly what he said.

The Hon. J. M. WALTON.—I have not the article with me. No doubt Mr. Ward was there although, no matter how hard members of the Labor Party tried, they could not find out where the statement was made. This is a serious matter, and it is not the first time that it has been brought to the attention of the Government. The Leader of the Opposition in another place raised the matter some years ago, but the same position exists today.

The Hon. V. O. DICKIE.—Did you not tell the Government to ban scientology?

The Hon. J. M. WALTON.—No, I did not. The Government banned it. We said that they should be required to stop charging fees. We do not believe in banning anything.

The Hon. V. O. DICKIE.—Do you agree with Senator Murphy's action?

The Hon. J. M. WALTON.—We believe that people should act in accordance with the law.

The Hon. A. J. HUNT.—Mr. Walton should read the conclusion in the report that he is quoting.

The PRESIDENT (the Hon. R. W. Garrett).—Order! There are far too many interjections.

The Hon. V. O. DICKIE.—I could not get an answer. Does Mr. Walton agree with Senator Murphy's action on scientology? Mr. Walton was one of the leaders in the debate on that subject in this House.

The PRESIDENT.—Order! Scientology does not come into this debate.

The Hon. J. M. WALTON.—At the time I drew to the attention of the House the insidious nature of that organization. I do not believe it has changed its spots as rapidly as it is alleged to have done.

The Hon. A. J. HUNT.—I am sure that Mr. Walton would still draw attention to the same thing.

The Hon. J. M. WALTON.—I would. The scientologists have endeavoured to fit in with the climate about them. This debate is on a serious subject. The motion has been moved because of that seriousness of the subject and it is a Federal as well as a State matter. It involves State police, State laws and people who live in this State. One of these days there will be a dreadful catastrophe in Victoria and the Government will have difficulty in determining the cause of it.

Sir GILBERT CHANDLER.—Does that mean that the Labor Party will not be in power?

The Hon. J. M. WALTON.—After 19th May the Labor Party could be in power and there would then be a great deal of co-operation between the State and Federal Governments. There will be no frustrating tactics similar to those adopted by Ministers of this Government and particularly by the Minister of Housing. I ask honorable members to support the motion. It relates to a serious subject and all the people of Australia are behind the actions of the Federal Labor Government in this matter.

The Hon. H. M. HAMILTON (Higinbotham Province).—Honorable members have listened tonight to many airy-fairy statements. In my five or six years in this House I have never heard the Leader of the Labor Party present a more unconvincing and less documented case on any subject that he has brought to the attention of the House. He referred to a report in which it was alleged that there was an organization or a brotherhood which would stop at nothing and which would use any means to achieve its ends. He also said that the Victorian Government had been aware of the terrorist activities of this group and had done nothing about it. He said that it could not be denied that the Special Branch of the Victoria Police Force knew about this group's activities. He quoted incidents relating to Russian and Yugoslav embassies and referred to the burning of flags, all of which connote violence in its various forms.

When he was asked if he had proof of these activities he claimed to have irrefutable evidence of them, but in response to an interjection he said that he would name no one and would not table the proof in the House. He claimed that members of the Croatian community were being terrorized by the activities of these groups. One can understand Mr. Galbally's reluctance to name anyone because he did not want to prejudice any legal action that may eventuate, but I issue a challenge to

him. I challenge him in no uncertain terms that if he has this irrefutable evidence he has a duty as a citizen, quite apart from being the Leader of an apparently great political party, at least to disclose that evidence in confidence to the proper authorities and to ensure that the proper authorities take action to apprehend the offenders and to bring them to justice.

The Hon. I. B. TRAYLING.—What is your Government doing about the Australian Security Intelligence Organization?

The Hon. H. M. HAMILTON.—If Mr. Trayling read the report he would see that it concludes with the statement that there is insufficient evidence with which to launch prosecutions. I recently heard a woman being interviewed and in the interview she claimed that a group of Croats had tried to demand from her a contribution of $2 towards their funds. On being questioned on what she had done about it she said that she was not going to contribute, but that ultimately she did. She said that she was threatened, but later said she was not. She was asked if she had been to the police, and she said that she could not go to the police. Then she said that she regarded it not seriously but as trivial.

This is the sort of thing that is being played up out of proportion for political purposes by the Commonwealth Attorney-General to get himself off the hook for conducting a raid which has resulted in the discrediting and the complete destruction of the credibility of this country's security organization. Its usefulness and its ability to protect the Victorian community by its security operations and the gathering of information, which is its prime function, has now been considerably decreased. It cannot perform its function properly. I ask the responsible Minister to make representations to the Premier and to the Chief Secretary to increase the strength of the Special Branch of the Victoria Police Force to try to provide the degree of security we need in this State. For political purposes the Federal Attorney-General has destroyed the ability of the Australian Security Intelligence Organization to provide the people of Victoria with protection.

Mr. Eddy waved about extracts from newspapers which asserted that some of these Croat groups were trained by the Army in Australia. I recall when those articles and photographs appeared in the press. They created consternation in the Army and some consternation for a short time in political circles. The allegations were investigated. It is easy for a person to be photographed on a tank. Any honorable member who wants to have his photograph taken sitting on a tank can write to me in triplicate and I will try to arrange it for him tomorrow. I do not think there will be any difficulties.

The Government does not need to defend itself for its actions against extremism. All honorable members deplore extremism which results in violence, and more than half of the members of the Government party have shown the extent to which they deplore extremism by serving in the Armed Forces.

The Hon. A. W. KNIGHT.—As did members on this side of the House.

The Hon. H. M. HAMILTON.—I am not saying that they did not.

The Hon. A. W. KNIGHT.—Well, clear it up.

The Hon. H. M. HAMILTON.—I am not in any way belittling Mr. Knight's war service, but more than half of the Government supporters who have been accused of being indifferent to extremism have demonstrated in probably the most able way their objections to it by serving in the Armed Forces of the country. It is time to remind the House that at the time when most of us began serving—including Mr. Knight—the extremism involved was not only from the right but also from the left. In the early days of the second world war there was an alliance between the Communist forces of Russia and

the Nazi forces of Germany. Fortunately for us, brother turned against brother and stabbed him in the back and for the second half of the war we were allies with the Communist forces. That was a lucky chance of history that probably preserved democratic government in the world.

I have just been handed the concluding paragraph of the report which has been quoted so freely by the Labor Party. It is the report of 6th March, 1968, which concludes by stating—

> As a result of supervision by police in Australia and in Europe the H.R.B.'s activities in Australia appear to be dormant.

That is a quotation from the report on which the Labor Party largely rested its case. Members of that party berated the Government for taking no action against terrorists. They have attempted to censure the Chief Secretary and, through him, the Special Branch of the Victoria Police Force for taking no action against terrorist activities, yet they read statements that seven members of the groups had been charged and four were convicted. One of them has been deported. Mr. Eddy and Mr. Walton quoted from the report to the effect that the Special Branch of the Police Force was keeping the activities of these groups under special surveillance.

I have never yet heard a case so dismally and unconvincingly presented and so clearly at variance with the facts. Members on all sides of the House deplore violence in the community, whether it is the violence of the Communist, the Nazi or any other group for political purposes. I firmly believe it is time we reviewed our laws on capital punishment. Terrorist activities of any kind which endanger or bring at risk the lives of innocent citizens should be made an offence punishable by death. That is how strongly I feel on the subject. There is no excuse for any political group of any shade of opinion risking the lives of innocent citizens by terrorist activities. If they do, their actions justify the imposition of the extreme penalty of the law. We fall short of that, but it is worth consideration. If strong action is not taken there will be violence in this community as there is in most other communities of the world.

I repeat that I have never heard a case presented by the Labor Party that was so conflicting in its evidence, so utterly unconvincing in its presentation and so far from the truth.

The Hon. J. M. TRIPOVICH (Doutta Galla Province).—I am certain that Mr. Hamilton's knowledge of this subject is about as good as his knowledge of the Portland levy. He supports the attitude of the Government and uses any evidence to justify that point of view.

The Hon. H. M. HAMILTON.—I was the first to refer to the Portland levy.

The Hon. J. M. TRIPOVICH.—Mr. Hamilton did not display much knowledge of it.

The PRESIDENT (the Hon. R. W. Garrett).—Order! The Portland levy is not mentioned in the motion.

The Hon. J. M. TRIPOVICH.—I do not apologize for reminding Mr. Hamilton of it and it was a fair comparison. Mr. Hamilton quoted from a report which referred to an organization known as the H.R.B.

The Hon. A. J. HUNT.—That is the Croatian Revolutionary Brotherhood.

The Hon. J. M. TRIPOVICH.—I am assured from a feature article by Mr. Ben Hills in the *Age* of 23rd September, 1972, that at least ten Croatian organizations are operating in Australia. Some of the organizations are quite legitimate and are linked by State and Federal co-ordinating committees. The organizations include the H.O.P., H.N.O., which is the Croatian National Resistance Movement. SHUMS or the Croatian Youth Movement, and H.S.S.—the Croatian National Peasant Party, of which the total membership is claimed to be about 15,000. At present, the brotherhood does not get a mention.

The Hon. A. J. HUNT.—But the report from which your quotations were taken was on the H.R.B.

The Hon. J. M. TRIPOVICH.—The H.R.B. does not get much of a report in this statement. The Government, being a conservative Government, always notices the alleged vermin on the "left" but never sees the "fat cats on the right." I do not think Mr. Galbally attacked the Police Force in any way. The special branch of the Police Force acts directly under the Minister responsible for it, and when reports are made to the Minister he decides whether the Government will take action. That is why Senator Murphy had to get his own information from the Australian Security Intelligence Organization in Victoria. He could not get much by direct reports.

The Hon. O. G. JENKINS.—Why did he not ask for the information?

The Hon. J. M. TRIPOVICH.—Mr. Jenkins is demonstrating his *naïveté*. During the 1960s when it appeared that the Labor Party might win the election a fire occurred and all the files were burned. If Senator Murphy had asked for the files instead of coming down and moving in himself without any notification, there may have been another fire. The Government has never noticed the "fat cats on the right." The Labor Party has had experience of this.

The Hon. V. O. DICKIE.—Do not talk about your colleagues like that.

The Hon. J. M. TRIPOVICH.—I think the Minister of Housing was the bloke who described himself as a big "L" Liberal.

The PRESIDENT (the Hon. R. W. Garrett).—I have already frowned on the use of that expression tonight.

The Hon. J. M. TRIPOVICH.—I withdraw the word, Mr. President. The Minister said he was a big "L" Liberal. The Government is not concerned with anything on the "right"; it does not matter how right wing an organization is.

The Hon. A. J. HUNT.—I specifically drew attention to the Nazi party. Why do you deal with only one organization?

The Hon. J. M. TRIPOVICH.—The Minister was shamed into that. The Nazi party has been in operation in Victoria for a long time, and it was only because it burned down two "left wing" shops that the Government was forced to take action. When the Premier made a statement last night about banning the swastika he was speaking to an interested organization which has good reason to hate the swastika and everything it stands for. The Premier was looking for political votes; that is why he made the statement. The Government is never concerned with the "fat cats on the right", but Government supporters walk around with a magnifying glass looking for anything on the left.

For years Dr. Cairns was laughed at when he spoke about the threat of the Ustasha. I associate with the Yugoslav community in Victoria.

The Hon. H. R. WARD.—We do not want to arrest you on suspicion.

The Hon. J. M. TRIPOVICH.—My name is Tripovich and I am not ashamed of it. I have attended the Yugoslav ball since the inception of such functions in Victoria. The first Yugoslav community function ever held in Victoria was at the Yugoslav club at Fitzroy. Three days after the function vandals broke into the club and completely destroyed it. It was never discovered who did it.

The second function, which was held in the South Melbourne town hall, was also attended by Mr. Elliot, Dr. Cairns and Mr. Holding, who were also at the previous function at Fitzroy. On one side of the stage was a photograph of Her Majesty the Queen and on the other side a photograph of President Tito. During the night somebody stuck a fist through the photograph of Tito, and the game was on. Fortunately, the police were there—not the special police but the normal Police Force. It was most

difficult for the Yugoslav organization to hold any function that was not plagued by extremists of the left and right.

The Hon. H. R. WARD.—Some members of Parliament attended the functions.

The Hon. J. M. TRIPOVICH.—At my instigation the Liberal Party was represented at later functions. I do not know of any national group in this country, including the Australians, that is plagued to the same extent as the Yugoslav by the extreme right and the extreme left. This has been a matter of complete embarrassment to the majority of members of the Yugoslav community.

Thousands of Yugoslav migrants have come to Australia to find a new way of life and are finding it. They are proud to be here and do not want to be associated with any of these organizations, right or left. They want to be good citizens. Therefore, at least 150,000 of the 160,000 Yugoslavs living in Australia can be excluded from the subject of this debate. Madcap groups on the right form the H.R.B. and certain other organizations, some of which are legal and are performing a good service. On the other side are those who are completely the opposite. I wish to God that they would go back to Yugoslavia and fight it out there, and so do other Australians and at least 150,000 Yugoslavs who want to live in peace in this country. Yugoslavs ought to be able to live in the community without fear of being attacked or threatened by the organizations.

At one time I was State secretary of the Labor Party, and when I heard the story of this organization in 1962—Mr. Elliot will remember this —I completely disbelieved it. To me it was unbelievable to think that an organization like the Ustasha could exist and function in Victoria. I asked for an investigation of the organization and was assured by the police that it did not exist. I believed the police at that stage despite what had happened at the Yugoslav club in Fitzroy. On 16th February, 1965, a bomb was thrown into a crowded Yugoslav dance hall in West Geelong. A 27-year-old Croat was convicted on an explosives charge. From these events it appeared that there was an organization that was pledged to assist with the freeing of Yugoslavia by means of a revolution which some extremists hope will take place. An organization was training men in the You Yangs for terrorist activities. The Government held out until the last moment before it would admit that such an organization existed. No investigation was made and the public was not told whether the Government would act to stamp out the organization. The Government did not give the impression that it was doing anything about the organization.

The Hon. H. M. HAMILTON.—Is it usual to publish those things?

The Hon. J. M. TRIPOVICH.—Does Mr. Hamilton advocate a secret society? Justice should not only be done but should also appear to be done. In this case it is not a question of public information; the people must be assured that extremist organizations will not be tolerated, whether they are the Nazi party, the Ustasha, the Mafia or any other subversive organization in Australia. The public must be convinced that the Government will not tolerate such organizations. There have been meetings of right wing organizations in this country appealing against the Soviet occupation of their respective countries. I attended such a function in Heidelberg recently, and a number of Liberal Party members, Government members were there, as was the previous Prime Minister. The Prime Minister's comments about these people, the freedom they were seeking in this country and how they found freedom here, and the Minister's condemnation of the Communist countries overseas amounted to a completely right wing speech.

The Government has been noted for this type of activity, and that is why my Leader, Mr. Galbally, has

moved this motion. On 24th April, 1967, a petrol bomb was thrown into the home of the Australian Labor Party candidate for St. Kilda, Mr. Brian Zouch—he is now a St. Kilda councillor. The attack took place because Mr. Zouch had been writing articles for a Yugoslav journal. Mr. Zouch had received threatening telephone calls but when he complained about them no action was taken. A petrol bomb was later thrown into his home. Was the Government concerned that this activity had taken place? I do not think it was.

On 5th November, 1967, a fifteen-year-old Yugoslav youth was severely injured when a fountain pen bomb exploded in the Richmond town hall. There had been already indications that this organization was in existence. In fact, Dr. Cairns was then under threat because of his allegations concerning terrorist organizations. On 8th November, 1968, a station wagon owned by a Yugoslav was wrecked in a bomb blast at South Melbourne. Was any action taken about the incident? The Government asked for evidence to be produced before it would act. It is easy to ask for evidence. If the Government intends to suppress the activities of right and left wing extremists—and I do not hold the candle for either group—it must show a firm hand. It is not a question of dictatorship or establishing what action has been taken in Russia or Germany; it is a question of decency for the many people who want to go their own way and live their lives without fear in this country.

On October 22nd, 1970, a bomb was thrown from a car at the Yugoslav consulate in Lisson Grove, Hawthorn. The building was damaged but nobody was injured. I attended a function a fortnight before that at which I met the Consul for Yugoslavia and he told me that he was being threatened and that he expected something to happen although he did not know what it would be. I asked him whether he could obtain any protection, but the only advice the Government could suggest was to move the consulate from Hawthorn. The people concerned in the bombing were being taught at schools in this State in methods of carrying out terrorist attacks. They belonged to a particular organization. I remind the Government that no one was arrested following this incident, despite the fact that it was well known that the people who did it came from Sydney.

The Hon. H. M. HAMILTON.—What were the Sydney police doing?

The Hon. J. M. TRIPOVICH.—What could they do? If the organization wishes to bomb something in Sydney they send people from Melbourne; conversely, if they wish to bomb something in Melbourne, they send people from Sydney. They do not travel by aircraft or trains; they travel interstate in motor cars.

At 4 a.m., on 14th July, 1971, attack bombers wrecked the Free Orthodox Serbian Church in St. Albans, Melbourne, doing an estimated $3,000 worth of damage. Was anything done about that incident? Did the Government lose any sleep over it? I am sure the police did their best in the matter; and I should like to know the contents of their report. Did the Government see the report and simply say, "There is insufficient evidence?" The Labor Party wishes to know what the report contained, and it intends to ascertain that in the very near future when it becomes the Government of this State. The failure of the Government to take action encourages extremist groups to continue their activities.

On 6th April, 1972, a bomb exploded on the doorstep of the nineteenth floor Housing Commission flat occupied by anti-Ustasha campaigner Marjan Jurjevic, smashing windows and ripping a door off its hinges. It was Mr. Jurjevic who came to my office in 1962 and informed me of the existence of the Ustasha and provided prima facie evidence of it. I could not believe that an incident of this kind could take place in Melbourne or in this great, free country of Australia. One can understand the nervous condition of Mr. Jurjevic

and also that of his wife and daughter. They have suffered mental and physical harm.

Did the Government investigate that incident? Much publicity was given to it and it was featured on television, but, despite that, the Government refuses to believe that such terrorists have been operating in this State. The Government has treated the whole matter as a joke. The Minister of Housing indicated that tonight.

The Hon. V. O. DICKIE.—When did I indicate that?

The Hon. J. M. TRIPOVICH.—The Minister indicated that in his interjection when Mr. Elliot was speaking.

On 7th April, 1972, less than an hour later, an explosion ripped apart a Yugoslav display in the Australian and New Zealand Bank Migrant Advisory Centre in Elizabeth Street, Melbourne. The Minister for Local Government stated that in connection with these incidents most of the people had been arrested and that one of them had been deported, but I point out that most of the work involved in apprehending the people concerned was carried out by the ordinary section of the Police Force following ordinary methods of investigation. They were not apprehended by officers of the Special Branch with the co-operation of the Australian Security Intelligence Organization.

The Hon. H. M. HAMILTON.—Why do you say that?

The Hon. J. M. TRIPOVICH.—Because I believe it to be true.

The Hon. H. M. HAMILTON.—Then prove it.

The Hon. J. M. TRIPOVICH.—A bomb was thrown into a crowded Yugoslav dance hall in West Geelong and that crime was solved by the local police of West Geelong. It was not the result of any action by this Government.

The Hon. V. O. DICKIE.—What is wrong with that?

The Hon. J. M. TRIPOVICH.—Nothing. However, it seems that when there are cases which cannot be solved by local police, the Government is never concerned to do anything except protect the "fat cats on the right".

On 27th June, 1972, four Croatian youths had a cache of 60 lb. of gelignite with which they planned to destroy everything Yugoslavian in Australia. Nothing was published in connection with that offence. Mr. Hamilton says that the Government will not publish such details. Why not? The people want to know what is being done to eliminate extremist activities.

I point out that a few years ago this Government was prepared to run the Labor Party into the ground with its allegations that the party was left-wing and connected with Communist organizations. That accusation was made in the press every day, and the Government was elected not once but a number of times on the basis of the alleged connection of the Australian Labor Party with the Communist Party.

The Hon. V. O. DICKIE.—What do you say about the 26 breakaway unions?

The Hon. J. M. TRIPOVICH.—They have nothing to do with the Labor Party. They broke away from the Trades Hall Council.

The PRESIDENT (the Hon. R. W. Garrett).—This has nothing to do with the motion before the House.

The Hon. J. M. TRIPOVICH.—I am simply pointing out that the affiliation of unions with the Trades Hall Council has nothing to do with politics.

The Hon. V. O. DICKIE.—I was away with the secretary of the Trades Hall Council for two months and I learned something in that time.

The Hon. J. M. TRIPOVICH.—Did he tell the Minister that it was a matter of politics?

The Hon. V. O. DICKIE.—I think I became more informed.

The Hon. J. M. TRIPOVICH.—The argument with the Trades Hall officials is one over representation at the Trades Hall Council and not one of politics. The Government has brought very few terrorists before the courts and the allegation contained in the motion which is now being considered by the House is that they did not have sufficient evidence. The challenge of the motion is that a Labor Government will present evidence of terrorist activities.

The Hon. H. M. HAMILTON.—Do you say that the Government has the evidence?

The Hon. J. M. TRIPOVICH.—I have suggested that these activities have taken place and that the Government has done nothing about them. The Government controls the Special Branch of the Victoria Police; and, in view of the achievements of that branch, I laugh at the idea that it should be increased in numbers. That is the suggestion of the Government.

Terrorist organizations do exist and they mean what they say. I think it is perfectly true to say that in 1972 these people collected money —or allegedly collected it—from migrants at their place of employment. It has reached the point where not only is money collected from those who are prepared to pay, but physical encouragement is given to those who are not prepared to pay to do so.

The organization concerned also raises money by the sale of bogus Croatian passports to Australian Croats at $50 each. I wish to refer again to the report by Ben Hills. But I do not wish names to appear in *Hansard.*

The Hon. V. O. DICKIE.—Do you think it is not being recorded for *Hansard?*

The Hon. J. M. TRIPOVICH.—No. I am not talking of Mr. Ben Hills, who is the feature writer who wrote the article to which I have been referring. I am talking about the person who provided Mr. Hills with information concerning passports. The report said that this person stated that the money was sent to the world-wide headquarters of the Croatian Liberation Movement in Munich, and he thought that 200 passports had been sold in Australia. Honorable members must surely think that these Victorian secret police could have informed the Government about that. Perhaps they have, but the Government will not release the information because it is anxious to protect the "fat cats on the right".

The Hon. H. M. HAMILTON.—What does Mr. Tripovich say about terrorism and violence in the Ship Painters and Dockers Union?

The Hon. J. M. TRIPOVICH.—The Special Branch did not inquire into that matter.

The Hon. H. M. HAMILTON.—How do you know?

The Hon. J. M. TRIPOVICH.—The Government has not said anything about it. For some reason the Government appears to believe that information of this kind should not be released; in other words, the secret police should remain secret.

The Hon. H. M. HAMILTON.—What secret police?

The Hon. J. M. TRIPOVICH.—The Special Branch of the Victoria Police. It is all very well to talk of the Ship Painters and Dockers Union. It is not affiliated with the Labor Party. If it has committed an offence against the civil code, the Government should do something about it; shame on the Government if it has not taken any action.

The Government should take action against extremist groups, whether Australian or otherwise, in order that people may carry out their lawful activities without fear. However, it is apparent that the Government will do nothing to embarrass its friends on the right by saying anything about the activities of the Special Branch. One is left with the impression that the Special Branch does nothing.

The Government stands condemned. The motion moved by my Leader is true in fact and should be agreed to.

The House divided on the motion (the Hon. R. W. Garrett in the chair)—

Ayes	9
Noes	25
Majority against the motion	16

AYES.

Mr. Eddy	Mr. Thomas
Mr. Elliot	Mr. Tripovich.
Mr. Galbally	*Tellers:*
Mr. Kent	Mr. Trayling
Mr. Knight	Mr. Walton.

NOES.

Mr. Byrne	Mr. Hunt
Mr. Campbell	Mr. Jenkins
Sir Gilbert Chandler	Mr. McDonald
Mr. Clarke	Mr. Mansell
Mr. Dickie	Mr. May
Mr. Dunn	Mr. Mitchell
Mr. Fry	Mr. Nicol
Mr. Gleeson	Mr. Storey
Mr. Gross	Mr. Swinburne
Mr. Hamilton	Mr. Ward.
Mr. Hauser	*Tellers:*
Mr. Hider	Mr. Bradbury
Mr. Houghton	Mr. Granter.

PERSONAL EXPLANATION.

STATEMENT IN DEBATE.

The Hon. D. G. ELLIOT (Melbourne Province) (*By leave*).—Mr. President, I desire to make a personal explanation. During the debate which has just concluded, I used the word "bloke" when I referred to Senator Greenwood, "doing over one of our blokes in a most efficient manner." You, Sir, objected to my use of that word and from that ensued a further remark of mine which you asked me to withdraw. You also asked me to apologize to the House. I readily concede that that was an apology I should have made. However, as the argument was caused by your objection to the use of the word "bloke", during the suspension of the sitting I made copious references to the dictionaries in the Parliamentary Library and found that all of them contained the word "bloke". Generally they state that it refers to a guy, a fellow or a man.

I am a little mystified about this Sir, and that is why I ask whether you could, at some future time, indicate the type of expression which you object to my using in this Chamber. I do not understand how you could object to the use of that word. I referred to Webster's dictionary, the Random House dictionary and the Oxford dictionary and found that definition in all three. I respectfully point that out to you, Sir.

I also looked at copies of *Hansard* for two or three years back to see whether, in my contributions to the debates, I had used that word, and I could not find it. I freely acknowledge that you, Sir, have had every right to ask for my apology for using the words "namby-pamby" which refer to a soft and conciliatory type of attitude, and I apologized to you and to the House at your request. However, I fail to see how you, Sir, could object to the use of the word "bloke."

The PRESIDENT (the Hon. R. W. Garrett).—It is not for me to reply to a personal explanation but, if Mr. Elliot will call on me tomorrow, I shall be delighted to discuss the matter with him.

The Hon. D. G. ELLIOT.—I will accept that invitation.

BALLARAT (SOVEREIGN HILL) LAND BILL.

This Bill was received from the Assembly and, on the motion of the Hon. MURRAY BYRNE (Minister for State Development and Decentralization), was read a first time.

THE CONSTITUTION ACT AMENDMENT (PRESIDING OFFICERS) BILL.

This Bill was received from the Assembly and, on the motion of Sir GILBERT CHANDLER (Minister of Agriculture), was read a first time.

PATRIOTIC FUNDS (AMENDMENT) BILL.

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

JOINT SELECT COMMITTEE (OSTEOPATHY, CHIROPRACTIC AND NATUROPATHY) BILL.

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

MEDICAL PRACTITIONERS (AMENDMENT) BILL.

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

SUBORDINATE LEGISLATION COMMITTEE.

SUBORDINATE LEGISLATION INDEXING.

Sir GILBERT CHANDLER (Minister of Agriculture).—By leave, I move—

That the Subordinate Legislation Committee have power to report upon subordinate legislation indexing.

The motion was agreed to.

METRIC CONVERSION BILL.

The Hon. A. J. HUNT (Minister for Local Government), by leave, moved for leave to bring in a Bill to facilitate the conversion to the metric system of measurement of certain references to physical quantities.

The motion was agreed to.

The Bill was brought in and read a first time.

LOCAL GOVERNMENT (SUBDIVISION OF LAND) BILL.

The Hon. A. J. HUNT (Minister for Local Government), by leave, moved for leave to bring in a Bill to make provision with respect to sewerage drainage and water supply to subdivisions of land and to amend the Dandenong Valley Authority Act 1963, the Geelong Waterworks and Sewerage Act 1958, the Local Government Act 1958, the Melbourne and Metropolitan Board of Works Act 1958, the Mildura Irrigation and Water Trusts Act 1958, the Sewerage Districts Act 1958, the Transfer of Land Act 1958, and the Water Act 1958 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

PAPERS.

The following papers, pursuant to the directions of several Acts of Parliament, were laid upon the table by the Clerk:—

Constitution Act Amendment Act 1958—

- Electoral Rolls (Amending) Regulations 1973 (S.R. No. 53).
- Victorian Parliamentary Elections (Amending) Regulations 1973 (S.R. No. 52).

Fire Brigades—Report of the Metropolitan Fire Brigades Board for the year 1971–72.

Hospitals Superannuation Board—Report for the year 1971–72.

Metropolitan Fire Brigades Act 1958—Metropolitan Fire Brigades General (Amendment No. 1) Regulations 1973 (S.R. No. 54).

Public Service Act 1958—Public Service (Public Service Board) Regulations—Regulations amended (Nos. 392 to 395) (four papers).

River Murray Commission—Report for the year 1971–72.

Town and Country Planning Act 1961—

- City of Knox Planning Scheme 1965—Amendment No. 111, 1972.
- Melbourne Metropolitan Planning Scheme—Amendment No. 18A.
- Shire of Flinders Planning Scheme 1962—Amendment No. 49, 1972.

HOME FINANCE (AMENDMENT) BILL.

The debate (adjourned from March 27) on the motion of the Hon. V. O. Dickie (Minister of Housing) for the second reading of this Bill was resumed.

The Hon. J. M. TRIPOVICH (Doutta Galla Province).—This short Bill amends paragraph (*b*) of sub-section (2) of section 8 and paragraph (*b*) of sub-section (2) of section 11 of the principal Act by substituting the expression "$16,500" for the expression "$14,000".

The amendment will increase the valuation limits on land and improvements on which the Home Finance Trust may grant first or second mortgage loans. In his explanatory second-reading speech the Minister

provided details of previous amendments to the Act. I do not say this in a condemnatory manner, but this Bill does nothing to help the ordinary person to obtain a home apart from the fact that it makes provision to cope with inflation. The principal Act was introduced in 1955 and became operative in 1956. The idea was to assist a person to finance the purchase of a house in areas where no terminating co-operative housing societies were functioning or where the person was unable to obtain a normal bank loan.

The provisions of the Act have assisted many persons who otherwise could not have obtained homes. Mr. President, you will recall that in the electorate which you represent great developments were taking place in those years and it was practically impossible for a person to become a member of a terminating co-operative society. If he was unable to obtain a loan from a banking institution, he had considerable difficulty in financing the purchase of a house. Many of the homes which were built were advertised on the basis that the purchaser would be given a short-term loan for the first twelve months and that during that time a long-term loan would be arranged. Many persons bought houses under those conditions. However, when the twelve months' period had elapsed, no long-term loan was forthcoming.

Many persons lost their homes because they were unable to continue payments on short-term rates of interest or to renegotiate their loans on long terms. That is one reason why the Government in 1961 amended the principal Act to increase the maximum valuation from $9,000 to $10,000 and to amend the Home Finance Act to give the trust power to make second mortgage loans. I was able to obtain assistance from the Home Finance Trust for a number of my constituents and I pay tribute to Mr. Ted Ebbels, who I believe was one of the greatest chairmen of the Home Finance Trust and one of the greatest leaders of co-operative thinking in this State. He did a magnificent job, and it was he who provided the basis on which hundreds of persons, including some of my dear friends, were enabled to obtain long-term loans and to save their homes.

The Hon. MURRAY BYRNE.—What is he doing now?

The Hon. J. M. TRIPOVICH.—He is with the permanent building societies, but he was a magnificent public servant. I do not detract in any way from the present Chairman of the Home Finance Trust, Mr. Warren Jungwirth, who is also dedicated to the service of the persons whom he was appointed to serve.

As I said, in 1962, the maximum valuation was increased to $10,000 and provision was made for second mortgage loans. Within a period of six years it was necessary to increase the maximum by $1,000. In 1965 it was found necessary, by Act No. 7363, to increase the maximum valuation to $11,600. After a further period of five years, in 1970, the maximum valuation was increased by Act No. 7982 to $14,000, and under this Bill it is to be increased to $16,500.

Everyone would like to learn the solution to the problem of inflation or where it will end. The Bill will be of assistance to persons who are attempting to keep up with the problems of inflation. I point out that when a person obtains a loan, every time the economy is affected by inflation his loan is, in effect, reduced. Therefore, creeping inflation is not bad for persons who have loan obligations, although it is detrimental to people on fixed incomes or persons receiving pensions. Members of the Labor Party have no objection to the Bill. Irrespective of which party formed the Government this action would have been necessary, and we therefore give it our support.

The Hon. A. K. BRADBURY (North-Eastern Province). — Members of the Country Party support the Bill which, although it is not of world-shattering significance, is important to a large section of the community, particularly persons in the

middle and lower income groups. It will give them the opportunity of becoming home owners. The principal Act was introduced in 1956 and, as has been stated by the Minister and Mr. Tripovich, several amendments have since been found necessary to increase the amount of advances which may be made under first mortgage on the valuation of the land and improvements.

I, too, pay tribute to Mr. Ted Ebbels, who was the first Registrar of Co-operative Housing Societies and was also Chairman of the Home Finance Trust. He was a magnificent administrator and a real gentleman in the positions which he occupied. He is followed by Mr. Warren Jungwirth, who is likewise doing an excellent job with the funds at his disposal.

One point which concerns me in this legislation is that the Home Finance Trust has power to make first mortgage advances up to but not exceeding 95 per cent of the value of the land and improvements. In 1962, the Act was amended to give the trust power to make second mortgage loans. Of what benefit is a second mortgage to the person who is borrowing money? If he is in a position to qualify for a second mortgage, why should he not be eligible to qualify for a first mortgage? For the privilege of obtaining a second mortgage he has to pay an additional ·75 per cent a year compared with the interest rate on a first mortgage. This increases his indebtedness and the payments which he has to make from his weekly salary. The Act is designed to help persons in the middle and lower income groups to purchase homes, but in many cases they are loaded down with a second mortgage.

Even when the valuation of a property is increased to $16,500 as proposed in this Bill, a person will not be in a position to purchase a princely home. In many cases, particularly in the metropolitan area and in some country centres, a block of land costs anything from $3,000 to $5,000, or even more. If a young married couple wishes to build a home, with provision for rearing a family in the future, and if they borrow on the maximum valuation of $16,500, they will have difficulty in purchasing a block of land and obtaining a reasonable type of home. The situation should be further examined because a limited number of people will qualify to obtain a loan even under what might be considered by some persons to be a generous increase from $14,000 to $16,500. I am not criticizing the type of homes that the Housing Commission is building but today the average weatherboard commission home costs at least $10,000, and a brick veneer commission home costs from $11,000 to $12,000. This does not leave a great deal of margin to pay for land after building a three-bedroom house.

It is interesting that during the period that the Act has been in force, the trust has lent $31·2 million, of which $23·959 million is still outstanding. As against the amount of $31 million which has been granted as a first mortgage, $39·246 million has been lent on second mortgage. More money has been lent on second mortgage at 6¾ per cent than has been lent on first mortgage at 6 per cent. This adds a further burden on the young people of the community, particularly young married couples, who have to resort to a second mortgage to purchase a home and are forced to pay a higher interest rate on the second mortgage. The Country Party supports the Bill. Many people have benefited as a result of the home finance legislation but there is scope for a more realistic examination of the Bill in an attempt to assist young people to become home owners and to examine the type of home a couple can build for $16,500.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2, relating to the value of dwelling houses in respect of which loans can be made.

The Hon. V. O. DICKIE (Minister of Housing).—I thank Mr. Tripovich and Mr. Bradbury for their contributions to the debate. Admittedly, the Bill simply increases a figure from $14,000 to $16,500 which is the maximum valuation on which the Home Finance Trust can make loans to people in the low-income group who desire to buy a block of land and build a house of their own design in some part of Victoria.

The Hon. A. K. BRADBURY.—It is not the loan but the valuation that is being raised.

The Hon. V. O. DICKIE.—That is correct. I agree with Mr. Bradbury's remarks. One of the great problems is that concurrently with the increase in the valuation limits there should be an increase in the amount of funds available. This is the position not only in home finance, but also in co-operative housing. In this case, the valuation is increased but unless the amount of money available is raised the only result is that fewer people are being serviced. I agree with Mr. Bradbury that this is useless when the combined value of homes and land in most areas is well in excess of this amount. This is a real problem and I appreciate Mr. Bradbury's remarks.

The clause was agreed to.

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

METRIC CONVERSION BILL.

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

That this Bill be now read a second time.

I have circulated five pages of most scholarly second-reading notes to explain the background of metric conversion, together with four pages of detailed notes on the clauses. I do not propose to read these. The purpose and scope of the Bill is simply to facilitate the changeover to metric conversion. Metric conversion is well under way. Some aspects of industry have already changed over to the new system and building trades are in the course of changing over. Meat and most agricultural products will change over at 1st July. Other products will change later this year and others again next year and throughout that year.

Obviously, a vast range of Acts will need amendment. It has not yet been possible to ascertain all the amendments necessary to each individual Act. The Bill paves the way for conversion, some of which is urgent and will take place before Parliament meets again, and adopts the simple method—which I concede immediately is unusual—of converting by way of regulation. I abhor the principle of making substantive changes to statutes by regulation. No doubt the House will agree with me. This measure seeks not to make a substantive change to the law but to enable simple conversion of words or terms. It is envisaged that this simple omnibus measure will in due course be followed by other specific measures in relation to individual Acts. For that purpose, the period for which this Act is intended to operate is limited until 1st July of next year. Therefore, the Act will operate for approximately only one year.

Clause 3 expressly provides that any regulations providing for metric conversion shall be laid on the table of both Houses and that Parliament may disallow the statutory rule whether or not it has been adversely reported on by the Subordinate Legislation Committee.

The Bill allows for a small tolerance in conversion. Clearly it is impractical to convert pounds to precise metric figures, and one reaches three or four decimal places to obtain an exact equivalent. There are two types of conversion, namely, hard conversion and soft conversion. Soft conversion is simply when there is no change in the actual quantity. The manufacturer goes on manufacturing the goods in the same way, and the measurement in pounds, inches, or

whatever it may be is simply expressed in the nearest metric equivalent without any change in manufacture. Hard conversion involves a rounding off of figures and taking the conversion to a round metric or decimal figure. For that purpose, a tolerance of one-eighth or 12½ per cent is permitted, or for the conversion of degrees from Fahrenheit to Celsius, one degree is permitted. It is impossible to obtain exact conversion except where the amount being converted is a multiple of five. The sole purpose of the measure is to prevent the House from being saddled with a whole range of trivial little Bills at this stage.

The Hon. I. A. SWINBURNE.—There would be thousands of them.

The Hon. A. J. HUNT.—There would indeed. I am well aware of Mr. Swinburne's abhorrence of the use of regulations to effect changes in the law where the use of Parliament is the most appropriate process. Although I share that view, I believe this is the exception to that general rule. The measure facilitates a simple form of conversion to enable the Government to meet the programme agreed to between Commonwealth and States. I, therefore, commend the Bill to the House.

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

It was ordered that the debate be adjourned until Tuesday, April 10.

PATRIOTIC FUNDS (AMENDMENT) BILL.

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

That this Bill be now read a second time.

The Patriotic Funds Council of Victoria has drawn attention to two problems which arise in relation to patriotic funds. The first of these is that quite often the terms upon which a patriotic fund has been established restrict the amount, or the rate of application, of money payable from the fund. Sometimes the result is that, because of changes in the purchasing power of money, the fund cannot be put to the best use.

The second problem arises when the trustees of a patriotic fund desire to provide assistance for beneficiaries of the fund, but the funds available for the purpose are insufficient or it would otherwise be impracticable for the trustees to undertake the task. For example, the trustees may wish to ensure that elderly ex-servicemen or widows of ex-servicemen are placed in a hospital or an appropriate housing development, but are unable to undertake the construction and management of homes or hospitals. However, the desired result could be achieved if the trustees were empowered to transfer the patriotic fund or portion of it to a charitable organization which will accommodate the beneficiaries of the fund.

The purpose of the Bill, therefore, is to overcome these problems by the amendments of the Patriotic Funds Act 1958 that are contained in clauses 2 and 3.

Clause 2 proposes the insertion of a new sub-section (2A) in section 17 of the principal Act. The new sub-section provides that where the amounts of money which may be applied from a patriotic fund, or the rate at which money may be so applied, are too small to enable the fund to be put to the best use, the Governor in Council on the application of the administrators of the fund may redefine the purposes of the fund as regards any matter relating to the amounts or rate of payment of money for the purposes of the fund or to beneficiaries of the fund.

Clause 3 contains proposed section 12A of the principal Act. Sub-section (1) deals with the case where the administrators of a patriotic fund are of the opinion that the purposes of the fund would be more successfully accomplished if the fund or portion of it were transferred to the trustees of a charitable trust or to a corporation having charitable objects. In those circumstances, the administrators of the patriotic fund may, with

the sanction of the Governor in Council, transfer the fund or portion thereof to the trustees of the charitable trust or to the corporation to be applied to its charitable objects. The effect of the sub-section is that, unless the Governor in Council specifies trusts upon which the transferred fund or portion is to be held, the fund or portion transferred will be held for the purposes of the charitable trust or the charitable objects of the corporation.

Sub-section (2) of proposed section 12A is a provision in common form to enable the persons transferring a patriotic fund or portion thereof under the section to obtain a sufficient discharge in respect thereof. I commend the Bill to the House.

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

The Hon. R. J. EDDY (Doutta Galla Province).—I move—

That the debate be adjourned until Tuesday, April 10.

Sir GILBERT CHANDLER (Minister of Agriculture).—Might I suggest to the honorable member that, by leave, he amends his motion to seek adjournment of the debate until Thursday next. If the honorable member does not then want to proceed, the debate could be resumed on Tuesday next. I point out that next week is the last sitting week of the sessional period and it may help if the less important Bills could be dealt with on Thursday.

The Hon. R. J. EDDY (Doutta Galla Province).—I agree to the suggestion of the Minister of Agriculture.

By leave, the motion was withdrawn.

The Hon. R. J. EDDY (Doutta Galla Province).—I move—

That the debate be adjourned until Thursday next.

The motion was agreed to, and the debate was adjourned until Thursday, April 5.

BALLARAT (SOVEREIGN HILL) LAND BILL.

The Hon. V. O. DICKIE (Minister of Housing).—On behalf of my colleague, the Minister for State Development and Decentralization, I move—

That this Bill be now read a second time.

Its purpose is to add some 29 acres of Crown land to Sovereign Hill Reserve at Ballarat which is being developed as a park and museum to display significant aspects of Ballarat's history.

Under the provisions of the Ballarat (Sovereign Hill) Land Act 1970 an area of 36 acres was reserved for those purposes. The Act empowered the City of Ballarat as the reserve committee of management to grant leases to the Ballarat Historical Park Association, a company expressly incorporated with the object of developing the reserve.

The company has been granted a lease of the greater part of the reserve and has carried out major development projects. Since its official opening in November, 1970, more than half a million dollars have been expended on the park and 30 buildings depicted the gold mining period have been erected. Moreover, since its inception over 650,000 people have visited the park, the visitors coming not only from Victoria but from interstate and overseas.

Honorable members who have had the opportunity to visit the reserve will no doubt agree with the claim of the Ballarat Historical Park Association that it is a top-ranking tourist attraction, an authentic recreation of Australian history and a great State asset.

The additional lands are sought by the city council and the association and may be divided into two parts. The lands lying to the north of the original reserve are urgently needed for car parking space with provision for picnic and other facilities for tourists. The lands lying to the south of the original reserve are

proposed to be developed for such projects as the establishment of residential areas typical of the mining era, a Chinese diggings area, a mining exhibits area showing the various mining processes, as well as a native arboretum. The additional lands are, as was the original reserve, old mining diggings.

Clause 1 of the Bill cites the short title. Clause 2 sets out the interpretation of "Council" for the purpose of the Bill. Clause 3 permanently reserves the additional lands, as shown by hatching on the plans in the schedule, for the same purposes as the original reserve.

Clause 4 provides that the City of Ballaarat shall be the committee of management of the additional lands. It is already the committee of management of the original reserve. Clause 5 applies the power to lease to the Ballarat Historical Park Association, under the same conditions of leasing as are contained in the 1970 enactment, the additional lands.

Clause 6 extends the provision for the City of Ballarat to make developmental loans to the association to the additional lands. The Schedule shows the Crown lands the subject of the Bill. I commend the Bill to the House.

The Hon. H. A. THOMAS (Melbourne West Province).—I move—

That the debate be now adjourned.

I suggest that the debate be resumed next Tuesday.

The Hon. V. O. DICKIE (Minister of Housing).—Again this is not a controversial Bill. Could the debate be adjourned until Thursday and then if Mr. Thomas is not ready to proceed, it could be held over until next Tuesday.

The Hon. H. A. THOMAS (Melbourne West Province) (*By leave*).—I agree with the Minister's suggestion.

The motion for the adjournment of the debate was agreed to, and it was ordered that the debate be adjourned until Thursday, April 5.

ZOOLOGICAL GARDENS (AMENDMENT) BILL.

The debate (adjourned from March 21) on the motion of the Hon. A. J. Hunt (Minister for Local Government) for the second reading of this Bill was resumed.

The Hon. R. J. EDDY (Doutta Galla Province).—This short Bill amends the Zoological Gardens Act 1967 to permit the Zoological Board to borrow moneys for capital works and to change the title of one of the persons who is a member of the Zoological Board of Victoria. In the past ten years, the Government has co-operated with the Zoological Board of Victoria in improving facilities for the housing and display of animals at the Zoological Gardens.

The principal Act provides that the Director of Fisheries and Wildlife shall be a member of the Zoological Board. The Minister made the point that Parliament has enacted legislation to establish a Ministry for Conservation. The Fisheries and Wildlife Division now comes under the control of the new Ministry. However, it is possible that the current Director of Fisheries and Wildlife, who has had a long association with the Zoological Board of Victoria, could find himself holding a position other than that of Director of Fisheries and Wildlife. Mr. Butcher, the present Chairman of the Zoological Board has occupied that position for some years and the Labor Party appreciates the desire of the Government to retain Mr. Butcher on the board.

In this measure the Government proposes to substitute for the existing provision the words "a person appointed by the Governor in Council on the nomination of the Minister for Conservation." The Labor Party believes these words could mean anybody and considers that as the operations of the Zoological Gardens are closely related to conservation it is proper that a nomination to the board by the Minister for Conservation should be confined to persons within the Ministry for Conservation.

Now that the Zoological Board of Victoria is to have its own borrowing powers, I would hope the Government will not adopt the attitude that the board should not receive any more grants from the Treasury. That would be highly undesirable, especially if the board's total source of income is to be its own income, which falls short of operating costs and necessitates an annual straight-out grant of $20,000 from the Treasury to make up the difference. If the board is required to operate from its own funds, to carry out capital works and also to accept the total liability of loan commitments, it will have to make one of two decisions.

The board will be forced to either curtail capital works to within its own meagre financial resources or substantially increase admittance charges to the Zoological Gardens. The latter would be a retrograde step. The current admittance charges are $1 for adults and 30 cents for children, with no concession rates for families. A man with a wife and four children would be charged $3.20 for admittance which, with the high fares on public transport, means incurring a considerable expense to enable the family to enjoy a pleasant day or afternoon at the Zoological Gardens. Accordingly, any increase in the admittance charge would deprive many families of the opportunity of enjoying a day at the zoo and the children watching the antics of the animals.

The Labor Party believes that the continuance of State grants, the availability of loan funds on favourable terms, and an increase in the board's borrowing powers, will lead to spectacular progress being achieved and the Zoological Gardens becoming one of the leading establishments of its type in the world. At the appropriate stage, I intend to move an amendment to clause 2 concerning the representation on the board. Otherwise, the Labor Party supports the Bill.

The Hon. R. J. Eddy.

The Hon. C. A. MITCHELL (Western Province).—The Country Party supports the measure, and I endorse Mr. Eddy's remarks. When I visited the zoo many years ago and saw a fox it did not look like a fox. The difference in appearance resulted from the animal being caged at the zoo. City folk who have never seen a fox in its native surroundings would not know what a fox really looked like.

City people who visit national parks expect to see numerous kangaroos, foxes and emus. On a one day trip they might not see one of these animals or birds. Naturally, it is desired to keep the zoos in the capital cities. However, the animals should be kept as nearly as possible in their native state. This ideal is being achieved by spending a good deal of money. Accordingly, I am pleased to see that the board will be empowered to borrow up to $500,000 for capital works.

The Hon. W. G. FRY (Higinbotham Province).—I support the measure, as I have taken an interest in the Melbourne zoo since my old friend Mr. Fleay was in charge of it. At that time, I spent a good deal of time in Melbourne touring around with animals and lecturing to young people. Due to Mr. Fleay's influence and the subsequent influence of many people, the Melbourne Zoological Gardens have taken on a completely different shape. It is now a pleasure to take young children to see the animals which are not so restricted as they were in the past and are now living in a more natural state.

I also take an interest in the gardens because during the second world war I was stationed for some time at Wee Waa in New South Wales. At that place a soldier named Shugg kept a pet carpet snake called Wilfred. Wilfred would spend most of the time up a pine tree but when Shuggy tapped the tree Wilfred would come down. He would delicately take a raw egg in his mouth and then expel the uneaten shell. When the owner went on leave he brought the snake to Melbourne in a bag as no other soldier offered to feed Wilfred. When

he arrived he visited the Sarah Sands Hotel, which is well known to many Melbourne people. The bar of that establishment was cleared very quickly when he upended the bag and out fell Wilfred, the snake. Shuggy was most hurt when he was forcibly ejected, together with Wilfred, from the hotel. He sorrowfully took Wilfred to the Melbourne Zoo. Wilfred was a most virile carpet snake. Undoubtedly, some of his heirs and successors are now enjoying the amenities about which Mr. Mitchell spoke.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2—

For paragraph (*a*) of sub-section (1) of section 5 of the Principal Act there shall be substituted the following paragraph:—

" (*a*) a person appointed by the Governor in Council on the nomination of the Minister for Conservation; ".

The Hon. R. J. EDDY (Doutta Galla Province).—I move—

That proposed new paragraph (*a*) of sub-section (1) of section 5 of the Principal Act be omitted with the view of inserting the following paragraph:—

" (*a*) an officer of the Ministry for Conservation appointed by the Governor in Council on the nomination of the Minister for Conservation."

The provision in the Bill does not make it clear who the appointee should be; it could be any person whatsoever.

The Hon. A. J. HUNT (Minister for Local Government).—In another place a similar amendment was moved and the Government explained its reasons for not accepting it. I do not propose to go into any detail but, quite frankly, the suggested rewording is no improvement on the original drafting.

The principal Act refers specifically to the Director of Fisheries and Wildlife. The Government now proposes to change the wording of the provision, firstly, because it wishes to retain the services of Mr. Butcher who, incidentally, is currently ill, and, secondly, because it wants to preserve the opportunity for the appointment of the best person available at the time. Merely to refer to an officer of the Ministry for Conservation affords no protection at all. It could be a most junior officer.

The Government cannot concede that the change in the wording suggested by Mr. Eddy would be any improvement. The Government wants to preserve its options to have the best appointee. Presumably, it would be, as it has always been, the person occupying for the time being the post of the Director of Fisheries and Wildlife. That is what Parliament would normally expect, and it is felt that the option should be kept open.

The amendment was negatived, and the clause was agreed to, as was the remaining clause.

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

ADJOURNMENT.

ROAD SAFETY AND TRAFFIC AUTHORITY: PEDESTRIAN OVERPASS FOR DANDENONG ROAD, WINDSOR.

Sir GILBERT CHANDLER (Minister of Agriculture).—I move—

That the House do now adjourn.

The Hon. D. G. ELLIOT (Melbourne Province).—I make a fervent plea on behalf of the parents, principals, teachers and students of six schools bordering Dandenong Road in the Windsor–East St. Kilda area. They are the annex of the Prahran Technical College, the old Windsor Primary School in Hornby Street, which was my first State school, the Presentation Convent, St. Mary's Catholic Church Schools, and the Christian Brothers College.

Protracted correspondence between the combined organizations representing the schools and the Minister for Local Government has ensued for some time. The first reply sent by the Minister to the organization stated many reasons why an overpass could not be erected to protect these children when crossing hazardous Dandenong Road. I sense that

the Minister has had a change of heart, for reasons best known to the honorable gentleman himself.

In any casual scrutiny of this area, honorable members will see that for children crossing Dandenong Road it is a matter of the quick or the dead. I refer to the children attending the Presentation Convent, the annex of the Prahran Technical College or the Windsor State School. It is a hazardous crossing for the children and it is situated between Westbury Street, The Avenue and Chapel Street. It is almost opposite Hornby Street, on the corner of which is the Presentation Convent. The Windsor State School and the annex of the Prahran Technical College are also in Hornby Street. There is a very heavy flow of traffic in this area at peak periods, particularly along Dandenong Road with traffic going towards the city and towards Gippsland. The traffic travelling along Westbury Street and crossing Dandenong Road into The Avenue is equally as heavy, and this makes it most dangerous for the students to get to their schools. There are many hazards in the area. The consistency of the fear which has been expressed by the combined organizations representing the parents of between 3,000 and 3,500 students is, in my humble opinion, well justified.

It might be easy for the Government to say that costs and priorities preclude it from doing anything. I do not know whether this is the present feeling of the Government. However, I do know that a crossing, whether underground or over ground—I think it should be a raised crossing —is fully justified at a carefully chosen point between Westbury Street, The Avenue and, perhaps, Hornby Street. It is an absolute necessity for the safety of the 3,500 children who attend these schools.

I have spoken to the principals of the schools and to many of the parents of the children, and I have watched the students trying to get across busy Dandenong Road. I am convinced that the construction of a crossing by the Government is fully justified in the interests of the safety of these children.

The Hon. A. J. HUNT (Minister for Local Government).—Mr. Elliot has referred to a casual scrutiny of the area. I assure him that I have given far more than a casual scrutiny not only to the documents but also to the intersection at Dandenong Road during peak hours. I have stood there when children have been coming from school and watched them use the crossing.

The Hon. D. G. ELLIOT.—It is not easy.

The Hon. A. J. HUNT.—It is an intersection with two wide median strips and the fact that the road is divided by these two median strips makes it a much safer road to cross at the lights than many other roads where children must cross against two-way traffic. At this intersection children do not have to cross against two-way traffic at any point. They cross one-way traffic to the median strip, cross the tramway track to the median strip and then make the further crossing. I have watched the children cross at the lights and I have seen even the smallest child go across in two phases. At Footscray, for example, in the area represented by Mr. Knight, there is a street where children may take up to five minutes to cross with four separate phases of the lights going from one narrow median strip to the other.

I have written to the Task Force, as the parent groups call themselves, and I have pointed out the difficulties with this crossing. I have also informed them that a crossing in the vicinity of the lights could create more hazards than it solves. Many children get off the trams and cross at ground level. Others find it easier to cross by not using the crossing. If I recall correctly I wrote a three-page foolscap letter to the parents' organization outlining the problems.

The Hon. I. B. TRAYLING.—It was a four-page letter.

The Hon. A. J. HUNT.—It contained 21 points and it was a letter which I dictated personally after examining the file of the site. I asked the parents to think about the problem dispassionately and not as a political gimmick. I have been assured, in a very careful reply from the Chairman of the Task Force, that members of the Task Force will give the matter further consideration. The chairman has asked for certain information which I have promised to obtain. I have assured him that I will give the matter further consideration upon receipt of his reply. The information I particularly asked him for is the location for a crossing which the parents from the six schools prefer, if indeed one is built. Whatever location is chosen it will be remote from a number of the schools.

The Hon. D. G. ELLIOT.—No.

The Hon. A. J. HUNT.—Mr. Elliot has spoken about children crossing at places in Westbury Street farther down towards Hornby Street. If the crossing is moved some distance from Westbury Street, the children who attend the schools near the corner of Westbury Street will still want to use the lights there.

The Hon. D. G. ELLIOT.—We can show the Minister a suggested point for a crossing.

The Hon. A. J. HUNT.—I have asked for that information and I have promised to supply certain further information myself. When this exchange of information has taken place the matter will receive further consideration. Mr. Loxton, of another place, has also raised this matter with me consistently and he has correspondence similar to that to which Mr. Elliot has referred.

The motion was agreed to.

The House adjourned at 10.53 *p.m.*

Legislative Assembly

Tuesday, April 3, 1973.

The SPEAKER **(Sir Vernon Christie)** took the chair at 2.35 p.m., and read the prayer.

QUESTIONS ON NOTICE.

The following answers to questions on notice were circulated:—

FISHERIES AND WILDLIFE DIVISION.

EXPENDITURE ON DUCK BREEDING.

(Question No. 989)

Mr. CURNOW (Kara Kara) asked the Minister for Conservation—

1. What amount was spent by the Fisheries and Wildlife Division on duck breeding programmes in 1971–72 and how much has been spent in this financial year?

2. For what specific purposes the moneys were spent?

3. What amount, if any, was spent on placing breeding boxes around lakes and streams?

4. Whether the division will consider placing breeding boxes around Lake Buloke in view of the likelihood of the present full level being maintained for many years?

Mr. BORTHWICK (Minister for Conservation).—The answer is—

1 and 2. Duck breeding programmes are an integral component of an over-all game management programme involving research and management of game and associated species, and the management of State game reserves and wetlands. For this reason it is not possible to give specific expenditure figures on duck breeding programmes.

3. Expenditure on the installation of breeding boxes was quite small, incurred mainly on the purchase of second-hand containers for the purpose.

As a continuing project, various branches of the Field and Game Association with the encouragement of the division construct and erect breeding boxes in wetlands which have few natural nest sites but are otherwise suitable for breeding.

4. The Fisheries and Wildlife Division has no plans to erect boxes at Lake Buloke in the near future as it considers there are sufficient natural nesting sites.

PRESERVATION OF GAME RESERVES IN WESTERN DISTRICT.

(Question No. 1110)

Mr. W. J. LEWIS (Portland) asked the Minister for Conservation—

1. Whether the Fisheries and Wildlife Division has any plans to keep Bryans Swamp at Dunkeld full for the purpose of a game reserve; if so, what funds are available to enable this plan to be carried out?

2. Whether the division has any plans to preserve any other swamps in the Western District as game reserves?

Mr. BORTHWICK (Minister for Conservation).—The answer is—

1. The most productive waterfowl swamps are those which have fluctuating water levels and therefore the Fisheries and Wildlife Division does not plan to keep Bryans Swamp, or any other swamp under its control, full of water for any prolonged period.

Normally, natural local run-off along Dwyers Creek supplies Bryans Swamp with sufficient water for management purposes.

2. There is a large number of swamps in the western sector of the State which the division wishes to conserve for wildlife purposes. Many of these have already been submitted for the consideration of the Land Conservation Council in those regions currently under study by that body. Other swamps will be submitted in due course as the council extends the areas to be studied.

COMMONWEALTH FINANCE.

ALLOCATIONS FOR ROAD CONSTRUCTION AND PUBLIC TRANSPORT.

(Question No. 1091)

Mr. TREZISE (Geelong North) asked the Treasurer—

1. What finance has been allocated towards road construction in Victoria over the past ten years, indicating—(*a*) the amount provided from Commonwealth sources; and (*b*) the amount of Commonwealth finance provided free of interest charges?

2. What Commonwealth finance has been allocated to Victoria to assist public transport operations over the past ten years, indicating the amount which has been provided free of interest charges?

Mr. HAMER (Premier and Treasurer).—The answer is—

The information sought by the honorable member involves an analysis of the records of certain Government departments and statutory authorities. Although I am arranging for this information to be collated it could be some time before the task is completed. I therefore will forward the material direct to the honorable member as soon as it is available.

MARINE RESEARCH INSTITUTE.

SUGGESTED ESTABLISHMENT AT PORTLAND.

(Question No. 1099)

Mr. W. J. LEWIS (Portland) asked the Minister for Conservation—

Whether, as the Government supports the establishment of a marine research institute in Victoria, he will give an assurance to have this institute established at Portland?

Mr. BORTHWICK (Minister for Conservation).—The answer is—

I am unable to give the honorable member the assurance that he is seeking.

The Royal Society, the three universities, the Victoria Institute of Colleges, the National Museum and the Fisheries and Wildlife Division are all interested in this project and it will be necessary to have a central location for the institute within a relatively short distance of Melbourne in order to provide ready access to facilities such as computers, libraries, biological supply houses etc., and to parent institutions.

These requirements, together with the other physical considerations needed of the site, preclude the location of the marine institute at Portland.

LAW DEPARTMENT.

SEA LAKE AND WYCHEPROOF COURT HOUSES.

(Question No. 1189)

Mr. BROAD (Swan Hill) asked the Attorney-General—

Whether he will ensure that repairs and repainting are undertaken at the Sea Lake and Wycheproof court houses, respectively?

Sir GEORGE REID (Attorney-General).—The answer is—

I have approved a requisition for the expenditure of an amount of $3,380 on the repair and repainting of the Sea Lake court house and a requisition for the expenditure of $13,000 on the renovation of the Wycheproof court house.

It is hoped that the work at Sea Lake will be commenced during this financial year but, at this stage, I am not able to say when funds will be made available to undertake the renovation of the Wycheproof court house. This may not be for some time having regard to the number of urgent projects in hand in relation to the erection, maintenance and repair of court buildings.

MAGISTRATES COURTS.

(Question No. 1204)

Mr. GINIFER (Deer Park) asked the Attorney-General—

Whether representations have been made by the Western Suburbs Law Association concerning the delays being experienced in Magistrates Courts in the western suburbs; if so, what was the outcome of such representations?

Sir GEORGE REID (Attorney-General).—The answer is—

Representations on behalf of the association were received by me on 28th March, 1973. Those representations are being examined at present.

(Question No. 1223)

Mr. LOVEGROVE (Sunshine) asked the Attorney-General—

1. How many Magistrates Courts are located in Melbourne and elsewhere in Victoria, respectively?

2. How many magistrates work in the courts in Melbourne and how many work on the circuits?

3. How many justices of the peace work in Victorian courts?

4. What increases in—(*a*) Magistrates Courts; and (*b*) magistrates, have occurred in the past four years?

Sir GEORGE REID (Attorney-General).—The answer is—

1. There are 45 Magistrates Courts located in the metropolitan area and 163 in the remainder of Victoria.

2. At the present time 34 Stipendiary Magistrates are allocated to Magistrates Courts within the metropolitan area and fifteen Stipendiary Magistrates are allocated to circuits of courts outside the metropolitan area.

3. During the period of twelve months ended 31st December, 1972, approximately 1,150 justices of the peace sat as members of properly constituted Magistrates Courts. At the majority of courts a roster system operates in relation to the services of honorary justices. The figure of 1,150 is the total number of justices who sat at Magistrates Courts during the period of twelve months. Information is not available as to the frequency of attendance of justices at Magistrates Courts.

4. (*a*) Nil.

(*b*) Five.

POLICE DEPARTMENT.

MOTOR VEHICLES FOR ESCORT DUTY.

(Question No. 1196)

Mr. WILKES (Northcote) asked the Chief Secretary—

1. How many police, police vehicles, and motor cycles, respectively, have been used on V.I.P. escort duty in each of the months from September, 1972, to March, 1973, inclusive?

2. Where these police are usually employed and vehicles and motor cycles are normally used, how their absence from other duties is covered during the time spent on escort duty and to what extent they are used for escort duty on Saturdays and Sundays?

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

1.

Month	Number of members	Number of motor cars	Number of motor cycles
1972			
September ..	19	2	15
October ..	18	..	18
November ..	26	..	26
December ..	18	..	18
1973			
January ..	14	..	14
February ..	397	54	288
March	16	..	16

2. General traffic patrols in the metropolitan area and their absence is covered by remaining patrols. There are escorts provided occasionally on Saturdays for Vice-Regal parties and international V.I.P.'s but such escorts are rarely provided on Sundays.

TELEPHONE FACILITIES AT DONALD.

(Question No. 1208)

Mr. CURNOW (Kara Kara) asked the Chief Secretary—

1. How many police can be serviced by the police telephone at Donald?

2. Whether he will consider arranging for installation of the telephone in other police residences at Donald?

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

1. A telephone exchange line is connected to the Donald police station with an extension to the residence of the officer in charge.

2. Funds will be sought in the 1973-74 Estimates of Expenditure to provide for the installation of a telephone service in the home of another member.

EGG AND EGG PULP MARKETING BOARD.

FEES: PAYMENTS TO AGENTS.

(Question No. 1201)

Mr. CURNOW (Kara Kara) asked the Minister for Conservation, for the Minister of Agriculture—

1. When agents of the Egg and Egg Pulp Marketing Board last requested an increase in their fee for grading and distributing eggs, what fee was asked for, what amount was granted, and how the board arrived at the figure paid to the agents?

2. Whether it is known that some agents may be forced to close certain branches because the fees paid by the board compare unfavourably with running costs; if so, what action will be taken to ensure that such branches remain open?

Mr. BORTHWICK (Minister for Conservation).—The answer supplied by the Minister of Agriculture is—

1. The agents of the Egg and Egg Pulp Marketing Board last requested an increase in their fee on 22nd June, 1972. The increase requested was 0·49 cents per dozen in grading remuneration. After several subsequent meetings with the agents, the board granted an increase of 0·06 cents per dozen in grading remuneration on 14th December, 1972, retrospective to 4th September, 1972. The board decided on this increase based on the agent's submissions and on the board's own costs of operation at its Ballarat and Melbourne grading floors.

2. It is the opinion of the board that the remuneration paid to its agents does not compare unfavourably with running costs. The remuneration is determined as stated in the answer to part 1 of this question and is reviewed from time to time in the light of prevailing costs of operation.

The board's agent who was operating the Castlemaine grading floor recently ceased grading operations at the floor because egg production in the area could not support a commercially viable grading floor.

Whether any other small grading floors are to be closed will be determined by the agents operating those floors after consultation with the board and having regard to the production trends in the areas serviced by them.

ROYAL VICTORIAN ASSOCIATION OF HONORARY JUSTICES.

OFFICE ACCOMMODATION.

(Question No. 1205)

Mr. GINIFER (Deer Park) asked the Attorney-General—

Whether representations have been made by the Royal Victorian Association of Honorary Justices seeking assistance in obtaining office accommodation; if so, what was the result of these representations?

Sir GEORGE REID (Attorney-General).—The answer is—

Representations were made to me by the association. After examination of the matter, I formed the view that it was not practicable to provide the association with direct assistance in obtaining new accommodation but that, having regard to the value of the functions which it performs, a grant should be made to help the association to meet its operating expenses particularly in relation to the arrangement of training courses for members. The Government has approved a grant of $1,500 to the association in the 1972-73 financial year and the registrar of the association was advised to this effect on 22nd March, 1973. The matter of an annual grant will be considered in due course.

RURAL EMPLOYMENT SCHEME.

ALLOCATION OF FUNDS TO DONALD.

(Question No. 1210)

Mr. CURNOW (Kara Kara) asked the Treasurer—

Whether he will make rural employment funds available to the Shire of Donald to employ for six weeks an additional fifteen men who have been stood down from the abattoirs at Donald while a beef chain is being installed?

Mr. HAMER (Premier and Treasurer).—The answer is—

I have approved an application from the Shire of Donald for additional funds under the rural employment scheme to enable the council to employ the men concerned.

FLOOD RELIEF.

ASSISTANCE FOR CHARLTON AND DONALD AREAS.

(Question No. 1212)

Mr. CURNOW (Kara Kara) asked the Premier—

How many applications for assistance as a result of floods have come from—(*a*) the Charlton area; and (*b*) the Donald area and when a decision will be given as to what assistance each applicant will receive?

Mr. HAMER (Premier and Treasurer).—The answer is—

Seven applications have been received from the Charlton area, and two from the Donald area.

A decision on assistance will be made by the Emergency Relief Committee as soon as possible after reports on the applications have been considered.

ROAD SAFETY AND TRAFFIC AUTHORITY.

TRAFFIC LIGHTS FOR DEER PARK INTERSECTION.

(Question No. 1215)

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

Whether the Road Safety and Traffic Authority will receive a deputation from the Deer Park Primary School committee for the purpose of discussing the urgent need for the proposed traffic lights at the intersection of Ballarat Road and Station Road, Deer Park?

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

The Road Safety and Traffic Authority would be pleased to receive a deputation from the Deer Park Primary School committee.

GOVERNMENT DEPARTMENTS.

OFFICES AT BENALLA.

(Question No. 1248)

Mr. TREWIN (Benalla) asked the Minister of Public Works—

Whether plans for new Government offices in Benalla have been completed; if so, when tenders are likely to be called?

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

There are no plans to construct new public offices in Benalla at the present time.

ENVIRONMENT PROTECTION AUTHORITY.

POLICY ON PORT PHILLIP BAY.

(Question No. 1250)

Mr. EDMUNDS (Moonee Ponds) asked the Minister for Conservation—

1. How many comments or submissions have been received by the Environment Protection Authority following the presentation of the draft environment policy on the waters of Port Phillip Bay, and what is the substance of these comments or submissions?

2. When the policy will be redrafted and when it is expected that the policy will be declared?

Mr. BORTHWICK (Minister for Conservation).—The answer is—

1. Fifty-one comments or submissions were received. The substance of the comments were as follows:—

Full suport or approval ..	10
Alterations to boundaries or beneficial uses	25
Standards too stringent ..	4
Standards too lenient	11
Suggestions for attainment of programme	22

The total number of these comments exceeds the total number of the submissions because some submissions contained more than one type of comment.

2. The Environment Protection Authority is currently preparing a draft protection policy for the Maribyrnong River and its tributaries which will be released shortly. The Port Phillip Bay protection policy will then be completed and submitted to the Governor in Council. It is not possible to give an estimated date of completion because the authority's professional staff are involved to a considerable extent in the introduction of the licensing of waste discharges and the hearing on the proposed power station at Newport.

MINES DEPARTMENT.

MINING OPERATIONS AT DERGHOLM.

(Question No. 1255)

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

1. What is the nature of mining operations at Dergholm near the Baillie's rocks reserve?

2. Whether green granite is being mined; if so, what is the name of the firm carrying on these operations?

3. What royalty per cubic yard is being charged?

4. Whether the royalty is based on solid material or on loose material measurement?

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

1. The extraction of granite under the terms of extractive industry lease no. 110.

2. Green granite has been quarried by B.A.M. and Associates Pty. Ltd. of Warrnambool.

3. The royalty charged is that prescribed in the relevant regulations. For dimension and decorative stone the rate is 35 cents per ton.

4. The royalty is based on the loose measurement of the product in the form as sold.

EDUCATION DEPARTMENT.

STAWELL HIGH SCHOOL.

(Question No. 1258)

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

Whether problems have arisen concerning the construction of an assembly hall at Stawell High School; if so, what is the nature of the problems and when they will be overcome?

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

Excess shrinkage of the timber floor has become a problem during the construction of the assembly hall.

Investigations are being conducted to arrive at the best solution. The contractor has submitted a proposal but more details are being sought before the proposal is accepted.

PORT OF GEELONG.

SHIPPING CHARGES.

(Question No. 1263)

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

Whether there is any provision requiring the port of Geelong to impose higher charges for shipping than the port of Westernport; if so—(*a*) what provision; (*b*) for what reason the provision is applied and what are the terms laid down; (*c*) when the requirement came into operation; and (*d*) what specific goods are affected?

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

The wharfage charges applicable to the port of Geelong are provided for in regulations gazetted under the Geelong Harbor Trust Act.

There is no requirement that the charges in Geelong should be higher than those applicable at Westernport at the present time. Westernport charges are provided for in the relevant port development Acts.

CAMBERWELL POTTERIES, BURWOOD.

CHIMNEY STACK.

(Question No. 1264)

Mr. JONES (Melbourne) asked the Minister of Health—

Whether the Commission of Public Health resolved on 22nd February, 1972, to direct Camberwell Potteries, Burwood, to erect and complete a 120 ft. chimney stack within six months; if so, as this decision was made thirteen months ago, why no action has been taken?

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

On 24th February, 1972, the Commission of Public Health served an order on Camberwell Potteries Pty. Ltd. requiring the company to install specified control equipment to industrial premises at 106 Highbury Road, Burwood, in connection with salt glazing operations and requiring that this work be carried out by 24th August, 1972.

The order required the company to raise to 120 feet the height of the stack serving the kilns used for the process known as salt glazing of pottery. The company did not take any action but subsequently made an application for an extension of time in which to meet this requirement. The application was refused by the Commission of Public Health on 5th September, 1972.

In refusing this application the commission warned the company that if at any time salt glazing operations were carried out at the premises and the specified control equipment had not been installed the commission would give consideration to the institution of legal proceedings. Subsequent investigation disclosed that salt glazing was no longer being carried out and while this was the case the requirement to install the special equipment no longer applied.

As the honorable member is no doubt aware, the administration of the Clean Air Act passed from the Commission of Public Health to the Environment Protection Authority on 5th December, 1972, and any further inquiries concerning emissions to the atmosphere arising from industrial premises at 106 Highbury Road, Burwood, in relation to the Clean Air Regulations should be directed to the Minister for Conservation.

ABSENCE OF MINISTER.

The SPEAKER (Sir Vernon Christie).—The Minister for Fuel and Power is ill and will not be here today.

QUESTIONS WITHOUT NOTICE.

TOWN PLANNING APPEALS TRIBUNAL.

Mr. WILKES (Northcote).—A fortnight ago I asked the Minister of Transport to ascertain from the Minister for Local Government information regarding a Mr. Evans, who on some occasions sits in the capacity of chairman of the Town Planning Appeals Tribunal and on other occasions acts on behalf of the appellant. I cannot see how this can continue and I should like to ask the Minister whether he has done anything about the matter.

Mr. WILCOX (Minister of Transport).—I directed the question which the Deputy Leader of the Opposition asked to the Minister for Local Government.

UNEMPLOYMENT AT DONALD.

Mr. CURNOW (Kara Kara).—Can the Premier inform me what has developed regarding the unemployment of men stood down from the Donald meat works?

Mr. HAMER (Premier and Treasurer).—The position at Donald is that fifteen men were stood down for six weeks while new machinery was being installed. I am glad the new equipment has been installed because it betokens confidence for the future and the expansion of the works. The men who were stood down did not immediately register for unemployment benefits, but I have now given instructions, as I informed the honorable member I would, that the rural employment relief scheme is to be extended to these men, if required, during the six weeks. They will find employment in a local area under the rural employment scheme.

BALLARAT DENTAL CLINIC.

Mr. A. T. EVANS (Ballaarat North).—Can the Minister of Health inform the House what has caused the delay in the opening of the dental clinic at the Ballarat Base Hospital, when it may now be expected, and what are the causes of the delay?

Mr. ROSSITER (Minister of Health).—In accordance with the Government's policy in establishing this type of dental clinic, the dental clinic in Ballarat will be operating before the end of this month.

HOUSING COMMISSION BUILDING PROGRAMME.

Mr. EDMUNDS (Moonee Ponds)—I direct a question to the Minister representing the Minister of Housing. In answer to a question on notice last week, the Government has stated that it intends to build 400 fewer Housing Commission homes this financial year than last year. Can the Minister explain to the House why this policy decision has been taken, as there are still 14,500 people on the list of those waiting for homes?

Mr. MEAGHER (Chief Secretary).—I am not aware of any such policy decision. I will make inquiries of the Minister of Housing.

PUPIL-TEACHER RATIO GRAPH.

Mr. WILKES (Northcote).—I ask the Minister of Education whether it is a fact that the staff within his department were asked last week to prepare a graph of pupil-teacher ratio. If so, what was the purpose of this direction to the staff and for what purposes was the graph used?

Mr. THOMPSON (Minister of Education).—The answer is, "Yes." The graph was used for the purpose of illustrating clearly to the parents of Victoria how the money is used, and to illustrate in effective form how in the past three years the rate of increase in the number of teachers has been approximately four times as great as the rate of increase in the number of pupils.

STATE SCHOOL FIRES.

Mr. McLAREN (Bennettswood).—Can the Minister of Education advise the House whether there have been any reports of fires in State schools in the past week?

Mr. THOMPSON (Minister of Education).—There have been reports of three different fires. One fire was at Oakleigh Primary School, where one room was damaged, and caused approximately $1,000 worth of damage. Another fire was at Oakleigh Technical School, where two Bristol units were damaged, but they are still being used. The third fire was at Williamstown North Technical School. At this stage it is not possible to say beyond doubt whether the fires were started deliberately, but in two cases there appear to be suspicious circumstances.

Mr. W. J. LEWIS (Portland).—Following the answer to the last question, can the Minister of Education

inform the House how often schools are examined for electrical faults because some of these fires apparently have been caused by electrical faults?

Mr. THOMPSON (Minister of Education). — Regular examinations are carried out. It seems strange that the rate of electrical faults in State schools would be so much higher than in private dwellings or business organizations.

FLUORIDE.

Mr. MUTTON (Coburg).—Can the Minister of Health inform the House what action the Government has taken in the provision of fluoride tablets for members of the public as an alternative to the infusion of sodium fluoride into the water supply systems of Victoria?

Mr. ROSSITER (Minister of Health).—The opening words of the question were something to do with fluoride.

Mr. MUTTON.—The provision of fluoride tablets.

Mr. ROSSITER.—In view of the fact that the honorable member is so keen to put his question again, and as I did not hear it the first time, would he repeat it?

The SPEAKER (Sir Vernon Christie).—The honorable member for Coburg may repeat the question.

Mr. MUTTON (Coburg).—Can the Minister of Health inform the House what action the Government has taken in the provision of fluoride tablets to members of the public as an alternative to the infusion of sodium fluoride into the water supply systems of the State?

Mr. ROSSITER (Minister of Health).—Thank you, Mr. Speaker, for allowing the honorable member to repeat his question, which I now understand. The addition of fluoride tablets to the public diet of the citizens of this State is a matter for the private individual. This has been encouraged by the Government and by the Department of Health. Individuals in the community who seek to safeguard the dental health of their children should every morning insist that the children take a tablet or two tablets according to prescription. The addition of sodium fluoride to the water supply systems of this State is a matter of Government policy and will be determined in due course.

EDUCATION DEPARTMENT SPECIAL SERVICES DIVISION.

Mr. BURGIN (Polwarth).—I direct my question to the Assistant Minister of Education. I ask whether the Education Department or the Minister gave instructions in March that the staff of the Special Services Division would have to pay their travelling expenses out of their own pockets.

Mr. SCANLAN (Minister without Portfolio).—I think the honorable member is referring to an article in today's *Age* newspaper. I suggest that the article in the *Age* is casting an inference concerning the ordinary budgetary allocation for travelling and other expenses. Normally, the estimates are submitted and approved by the Parliament, and in March of each year they are regularly reviewed so that the allocations of departments which have overexpended can be reviewed along with services which have not spent their full allocations. Last March was no different from March of any other year.

I suggest that at no stage was any instruction given to any members of the Education Department's Special Services Division or any other section which uses these subsidies that they would have to meet the expenses out of their own pockets; nor was any suggestion made that funds would be exhausted. It was a normal March review. The annual March review will continue to be made.

ACQUISITION OF PROPERTIES FOR FREEWAYS.

Mr. BORNSTEIN (Brunswick East).—I ask the Minister of Transport, for the Minister for Local Government: What action does the Government

contemplate in respect of the hundreds of shops, homes and factories which have been acquired by the Government along the routes of freeways which were proposed but which are not being proceeded with following the announcement of the Premier that the Government intends to terminate much of the proposed network?

Mr. WILCOX (Minister of Transport).—This is a very complex question. There are two aspects of the matter. The first relates to areas in which reservations have been made but acquisitions have not taken place, and the second relates to areas in which there have been reservations and acquisitions. In both situations —certainly, the latter—the whole situation will need to be examined because, whilst the Premier's statement was quite clear in regard to freeways, it was also quite clear that other studies would need to be undertaken concerning traffic problems in Melbourne. One of those studies to be given early consideration would most certainly be concerned with what should be done with reservations and acquisitions in areas in which, following a change of policy, freeways are not to be constructed.

ALBURY–WODONGA COMPLEX.

Mr. ROSS-EDWARDS (Leader of the Country Party). — Does the Government intend to take action to freeze land prices at Wodonga at prices prevailing there last October; also what action is proposed in relation to present spiralling land prices in that area?

Mr. HAMER (Premier and Treasurer).—At the conference in January in Wodonga and Albury it was agreed, and then announced, that a land price freeze would be imposed, in the sense that any land which had to be acquired to enable the development of the complex and the extension of settlements in the region would be fixed at the price as at October, 1972. That announcement has been made, and it will be adhered to.

Since then a study has been conducted within a radius of 55 kilometres from the Union Bridge at Wodonga to determine which areas will be required for future development. The report is not yet to hand, but when it is it will be necessary to implement this freeze—more particularly, in the areas which are required. The Government is opposed to applying a freeze over a large area which would simply impede all transactions in the area, even though in the long run the particular land was not involved.

Mr. ROSS-EDWARDS.—It could be a "dead hand".

Mr. HAMER.—It could be and what the Government intends to do, in conjunction with the New South Wales Government, is to ensure that the freeze operates only in the area which is ultimately required for development of the Albury–Wodonga complex.

SPECIFIC LEARNING DIFFICULTIES.

Mr. DIXON (St. Kilda).—Has the Assistant Minister of Education received representations from S.P.E.L.D., an organization concerned with special learning difficulties? If so, what were the representations, and what point did the Minister make concerning them?

Mr. SCANLAN (Minister without Portfolio).—I take it that the honorable member is alluding to the most recent dialogue that I have had with the organization. Briefly, S.P.E.L.D. desired to know what action, if any, the Government contemplated in the field of special learning difficulties. I informed the organization that the Government had already established a committee of inquiry and that it was competent for the committee to study the extent of specific learning difficulties in Australia. This inquiry is unique; it has not been done before. Every country is concerned about the level of specific learning difficulties within its indigenous population.

Secondly, I informed the organization that, from 1970 to 1974, we had continued and would continue to undertake research into the field of the longitudinal reading study with a view to better diagnosing the problems of those who were concerned with and those who suffer from specific reading difficulties. There are many other things I could say, but it would probably take the form of a statement.

QUEEN VICTORIA MARKET.

Mr. JONES (Melbourne).—Following a deputation from the Queen Victoria Market Committee and other related organizations, can the Minister for Conservation indicate the Government's present attitude to the Melbourne City Council's proposal dated April, 1971, to get rid of the Queen Victoria Market and redevelop the area?

Mr. BORTHWICK (Minister for Conservation).—I am not in a position to indicate the Government's attitude on this matter. The deputation raised some new aspects which need to be considered. I am currently examining the proposals that have been put before me.

FUNDS FOR EDUCATION.

Mr. STEPHEN (Ballaarat South).—What action has the Minister of Education taken in recent weeks to obtain from the Commonwealth Government further funds to be applied to the Victorian school building programme?

Mr. THOMPSON (Minister of Education).—Two sets of action have been taken. Following a survey by State Ministers of Education which indicated that an additional $14,402 million was needed in the next five years to be spent on State education systems, and an indication that the Prime Minister had given to teacher unions in January of this year that this money would be made available over a five-year period, and as the Public Works Department in Victoria was ahead of its spending programme on school buildings, I asked the Federal Minister for Education whether, in January, Victoria could receive a guarantee that at least an additional $15 million, as a minimum, would be made available in the forthcoming financial year so that we could advance our planning of important projects. I was staggered to receive a rejection of that request.

A second request was made following an indication in the press that additional money would be made available at some time in some way. To have this clarified, another communication—in the form of a telegram—was sent requesting details and also inviting the Federal Minister for Education to visit Victoria to inspect some of the older schools upon which the Government is anxious to spend money on rebuilding, renovations and site extensions.

POLICE SPECIAL BRANCH.

Mr. WILKES (Northcote).—Can the Chief Secretary advise the House why it is necessary that a representative of the Australian Security Intelligence Organization and a representative of the Commonwealth police should be attached to the Special Branch of the Victoria Police Force?

Mr. MEAGHER (Chief Secretary).—Very easily; to carry out necessary liaison which the honorable member is so anxious to see.

WORKS AND SERVICES.

Mr. B. J. EVANS (Gippsland East).—Can the Premier inform me whether, when consideration is being given to priorities for works and services to be undertaken throughout the State, the fact that a particular electorate is represented by a Government party member or not is taken into consideration?

The SPEAKER (Sir Vernon Christie).—I rule the question out of order.

POLICE RAIDS IN NEW SOUTH WALES.

Mr. TREZISE (Geelong North).—I ask the Chief Secretary whether the Victoria Police Force was consulted about or in any way took part in the

planning or carrying out of the pre-dawn raids by the Commonwealth and New South Wales police in New South Wales last week? In other words, were the Victoria Police connected in any way with the action which took place in New South Wales?

Mr. MEAGHER (Chief Secretary). —The answer is, " No."

STATE LIBRARY.

Mr. FORDHAM (Footscray).—Can the Chief Secretary advise the House whether he has yet received a report from his committee of advice on the future siting of the State Library? If so, will the honorable gentleman lay a copy of the report on the table of the Library, If not, can he give an indication of when he expects the report?

Mr. MEAGHER (Chief Secretary). —I will examine the question and give the honorable member an answer in due course.

BANK HOLIDAYS.

Mr. McLAREN (Bennettswood).—I direct a question to the Chief Secretary. As the banks will be closed from Friday, 20th April, until after Anzac Day, 25th April, what action will be taken to provide security over that period for both business premises and private householders?

Mr. MEAGHER (Chief Secretary). —The police are alert to the dangers of that period. Conferences have taken place between interested parties. I urge all business people, particularly, to ensure that they do not have large sums of money lying in their premises for any length of time and to take such precautions as they, themselves, may be able to take. It is not possible for the police to be everywhere at once.

BALMORAL HIGH SCHOOL.

Mr. E. W. LEWIS (Dundas).—Is the Minister of Public Works aware that site works have not yet commenced at the new Balmoral High School? Further, is he aware that, if the foundation is not laid soon, it will not be possible to lay it until the spring when the ground becomes firmer?

Mr. DUNSTAN (Minister of Public Works).—I shall be pleased to make inquiries into the matter raised by the honorable member and advise him of the result.

FLATS IN MELROSE STREET, NORTH MELBOURNE.

Mr. JONES (Melbourne).—I address a question to the Chief Secretary as the representative of the Minister of Housing. In September of last year, when the Chief Secretary was, himself, Minister of Housing, he undertook that glass screens would be placed in the flats at 159 Melrose Street. Will he inquire of his colleague, the Minister of Housing, why that has not yet been done?

Mr. MEAGHER (Chief Secretary). —The answer is, " Yes ".

ABORIGINAL AFFAIRS ADVISORY COUNCIL.

Mr. BORNSTEIN (Brunswick East). —I direct a question to the Minister representing the Minister for Aboriginal Affairs. Is the Government of the view that the Deputy Chairman of the Aboriginal Affairs Advisory Council is incapable of convening a meeting of that council? If the Government is not of that view, can the Minister explain why no meeting of that council will be convened between March and August during the absence of the Chairman, and whether the lack of meetings has anything to do with the fact that the Deputy Chairman happens to be an Aborigine?

The SPEAKER (Sir Vernon Christie).—The last part of the question relates to an opinion. Questions should be short.

Mr. MEAGHER (Chief Secretary). —I am not aware of what meetings of the Aboriginal Affairs Advisory Council are being held. Most certainly, the implication of the last part of the honorable member's remark is one which would not be tolerated in the Ministry.

MEAT PIES.

Mr. FELL (Greensborough).—Is the Minister of Health aware that the Australian national dish, the meat pie, is now suffering from a lack of meat content? Is any stated quantity of meat prescribed, and what action will his department take to ensure that an adequate proportion of meat is included in meat pies?

Mr. ROSSITER (Minister of Health).—I was not aware that I was the "Minister for Meat Pies."

Mr. DOUBE.—Custard pies are more in your line!

Mr. ROSSITER.—If I had a custard tart it would be smack-dab in the honorable member's "moosh".

Mr. DOUBE.—Would the Minister accept a custard tart challenge?

Mr. ROSSITER.—If it were a proper challenge, I would act as Laurel to your Hardy.

The SPEAKER (Sir Vernon Christie).—Order! It is traditional in this House that the Chair must intervene in challenges between members.

Mr. ROSSITER.—I should not want you, Mr. Speaker, to get in the way of a custard tart. The Ministry of Health is responsible, under the food standards legislation, for the quantity and quality of the contents of meat pies and for any other article of food offered for sale. I shall seek advice on the question asked by the honorable member and invite him to have a meat pie with me.

COMMONWEALTH–STATE LAND DEVELOPMENT COMMISSION.

Mr. EDMUNDS (Moonee Ponds).—Has the Commonwealth Government written to the Premier in regard to the establishment of a Commonwealth–State Land Development Commission for the purpose of acquiring land and retailing it to the public? If so, what action does the Government intend to take?

Mr. HAMER (Premier and Treasurer).—Yes, a letter has been received from the Prime Minister and is now receiving consideration.

SHORTAGE OF TEACHERS.

Mr. DOUBE (Albert Park).—Can the Minister of Education inform the House how many high schools in Victoria are still short of subject teachers and when it is likely that this shortage will be overcome?

Mr. THOMPSON (Minister of Education).—The number of high schools which are short of subject teachers depends largely on the method of assessing whether or not there is a teacher shortage. As the result of a survey which has been carried out, the Education Department has been authorized to recruit approximately 100 additional teachers from the United States of America. A progress report this morning indicates that about half of those teachers have already been recruited.

REFLECTIVE ROAD MARKERS.

Mr. MUTTON (Coburg).—Can the Chief Secretary inform me whether the Government has given any consideration to the installation of reflective markers on State highways to offset the existing high accident rate? I believe a company submitted a report to the Government in this regard.

Mr. MEAGHER (Chief Secretary).—A company has submitted to the Government some proposals for kerbside markers; they are currently under examination.

SHORTAGE OF TEACHERS.

Mr. DOUBE (Albert Park).—Following the answer given by the Minister of Education in regard to the recruiting of teachers overseas to overcome the existing shortage——

Mr. SCANLAN.—Alleged shortage.

Mr. DOUBE.—The shortage of subject teachers. Can it be taken that the whole of the first term will elapse with many children being without subject teachers?

Mr. THOMPSON (Minister of Education).—As I have indicated previously, shortages can readily arise in a school through unexpected resigna-

tions, deaths and sudden illnesses. In the past, these absences have always been readily covered by other teachers with much heavier teaching loads and much larger classes than at present. In nearly every case, absences of this kind could be effectively covered by existing staff with little sacrifice.

ABORIGINAL AFFAIRS ADVISORY COUNCIL.

Mr. BORNSTEIN (Brunswick East).—I wish to ask a supplementary question of the Minister representing the Minister for Aboriginal Affairs in view of the unsatisfactory nature of his previous reply.

The SPEAKER (Sir Vernon Christie).—Order! The honorable member knows very well that he should not make any comment of that nature. A question should be asked plainly, as a supplementary question if the honorable member wishes.

Mr. BORNSTEIN.—Will the Minister give the House an assurance that he will bring to the notice of the Minister for Aboriginal Affairs the lack of any meetings of the Aboriginal Affairs Advisory Council between the months of March and August with a view to securing a meeting of that council before the end of August?

Mr. MEAGHER (Chief Secretary).—I will confer with the Minister for Aboriginal Affairs to ascertain whether there has been an absence of meetings of the Aboriginal Affairs Advisory Council and the reasons for this if there have been no meetings. The council has the right to regulate its own meetings. If it is not holding meetings, I assume that is because it has decided not to have them.

DIRECTOR OF THE ARTS.

Mr. FORDHAM (Footscray).—Can the Minister of the Arts inform me whether any further progress has been made in the appointment of a Director of the Arts since the matter was last raised in Parliament?

Mr. HAMER (Minister of the Arts).—The position has in fact been readvertised with a different specification and with a higher salary. There were a number of applicants for the post but none of them quite met the requirements which the Government had in mind. Therefore the position has been readvertised.

PAPERS.

The following papers, pursuant to the directions of several Acts of Parliament, were laid upon the table by the Clerk:—

Hospitals Superannuation Board—Report for the year 1971-72.—Ordered to be printed.

Metropolitan Fire Brigades Board—Report for the year 1971-72.

Public Service Act 1958—Public Service (Public Service Board) Regulations—Regulations amended—Nos. 392 to 395 (four papers).

River Murray Commission—Report for the year 1971-72.

Shire of Flinders Planning Scheme 1962, Amendment No. 49, 1972.

Town and Country Planning Act 1961—Melbourne Metropolitan Planning Scheme Amendment No. 18A.

LEAVE OF ABSENCE.

Mr. THOMPSON (Minister of Education).—By leave, I move—

That leave of absence from Friday, 6th April inst, on account of absence overseas, be granted to Alexander William Taylor, E.D., the honorable member for Balwyn.

The motion was agreed to.

SUBORDINATE LEGISLATION COMMITTEE.

SUBORDINATE LEGISLATION INDEXING.

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

That the Subordinate Legislation Committee have power to report upon subordinate legislation indexing.

The motion was agreed to.

MOTOR CAR (AMENDMENT) BILL.

Mr. MEAGHER (Chief Secretary).—I move—

That this Bill be now read a second time.

The purposes of the Bill are—

(*a*) to make it compulsory for legally-qualified medical practitioners to take a blood sample from a person

over the age of fifteen years who is received in a hospital for examination or treatment as a result of an accident with a motor car;

(*b*) to provide statutory protection for legally-qualified medical practitioners who advise the Chief Commissioner of Police on the basis of information acquired in attending or treating a person that the ability of that person to drive a motor car has been impaired;

(*c*) to require the driver of a motor car, motor cycle or motor tractor who is a persistent or serious offender against certain specified traffic laws to pay a surcharge on the issue of a driving licence or on the renewal of his next driving licence;

(*d*) to provide that a conviction for driving under the influence of intoxicating liquor or drugs shall be deemed to be a prior conviction for the purposes of section 81A of the Motor Car Act which relates to driving a motor car with a percentage of alcohol in the blood of more than ·05 per cent.

(*e*) to require every motor car first registered in the period 1st October, 1964, to 31st December, 1968, to be fitted with a safety belt and to prohibit the sale of child seat restraints which have not been approved by the Chief Commissioner.

One of the most serious problems concerning Australian Governments today is the road toll and more particularly the extent to which alcohol is involved in road accidents.

Despite various amendments which have been enacted to strengthen the provisions of the Motor Car Act with respect to driving under the influence, driving with a percentage of alcohol in the blood of more than ·05 per cent, and being in charge of a motor car whilst under the influence of alcohol, the consumption of alcohol continues to be a major factor in road accidents involving motor cars.

Approximately 70 per cent of male drivers tested by means of a breath analyzing instrument have a percentage of alcohol in their blood of more than ·15 per cent, which is the equivalent to the consumption of sixteen 7-oz. glasses of beer in one hour. Recent autopsies carried out on drivers killed in road accidents show that about 60 per cent of them had blood alcohol levels of more than ·05 per cent. This is a very serious state of affairs from which it is logical to conclude that the already severe penalties provided in the law are not a sufficient deterrent to prevent some drivers drinking and driving.

The enormity of the road toll is particularly appreciated by doctors who treat the victims of road accidents in hospitals, in their surgeries and other places. The Road Trauma Committee of the Royal Australasian College of Surgeons has been considering the medical aspects of road casualty problems for some time as a result of which it has advised the Government that the incidence of alcohol in the blood of accident victims is so general and serious a problem as to warrant the introduction of legislation to compulsorily require doctors to take blood samples from all road accident victims.

This procedure will remove the present anomaly which enables a driver who has been drinking to leave the scene of an accident and find sanctuary in the casualty section of a hospital and it will furnish evidence where required by the police in connection with certain specified offences relating to drinking and driving. So strongly do doctors and surgeons feel in this matter that their representative bodies have informed the Government that they support sanctions against doctors who fail to take such blood samples without reasonable cause.

Accordingly, the Bill places a statutory duty upon a legally-qualified medical practitioner to take a blood sample with or without consent, from every person of or over the age of fifteen years who is received into a hospital for examination or treatment in consequence of an accident involving a motor car.

If the medical practitioner forms the opinion that the taking of the sample of the person's blood would be prejudicial to the proper care and treatment of that person, he is not required to take the sample. However, if he does form such an opinion and does not take the sample the practitioner is required, within three days, to make a statutory declaration in the prescribed form stating that he has formed the opinion and the grounds on which that opinion was formed.

It will be a defence in any proceedings for not taking a sample of blood for the medical practitioner to prove that he did not believe that the person concerned was of or over the age of fifteen years or that the person had been brought to the hospital in consequence of an accident involving a motor car.

On conviction for the offence of failing to carry out his statutory duty, a medical practitioner may be liable to a fine of up to $100. Originally, the Bill did not contain this penalty. The matter was discussed with the doctors, who insisted that that penalty should be inserted in the Bill, and I agreed.

The medical practitioner will be required in accordance with regulations to be made under this Bill to retain the sample for a prescribed period and a member of the Police Force will then be able to obtain the sample on request at any time within the prescribed period.

The taking of a compulsory blood test in accordance with these provisions will only be used in evidence in legal proceedings for alleged offences relating to—

(*a*) any trial for manslaughter or for negligently causing grievous bodily harm arising out of the driving of a motor car; or

(*b*) any trial or hearing for an offence against section 80A, section 80B, section 81A or section 82 of the Motor Car Act.

The Governor in Council is empowered to make regulations relating to persons responsible for the safe-keeping of samples of blood compulsorily taken by a medical practitioner, the storage of such samples and the delivery of portions of the sample to the person from whom the sample was taken or to members of the Police Force. Persons responsible for the safe-keeping of the sample will be required to provide certificates of the safe-keeping of the sample and its delivery to a member of the force. The certificate will be prima facie evidence of the matter stated thereon.

The Australian Medical Association has advised the Government that in its opinion it is necessary for a medical practitioner to inform the Chief Commissioner if a patient under his care is unfit for medical reasons to drive a motor car and it has advocated that doctors who do so should have a statutory protection.

Accordingly, the Bill provides that no action shall lie against any legally-qualified medical practitioner for expressing an opinion to the Chief Commissioner on the basis of information acquired in attending or treating any person to the effect that by reason of illness or bodily infirmity defect or incapacity or by reason of the effects of treatment for any illness, bodily infirmity, defect or incapacity it would be dangerous for the person to drive a motor car.

It is apparent from studies carried out on persons convicted of drunk driving that a significant proportion of them have a drink problem, and irrespective of whether they have been convicted or have lost their licences for a period they continue to drink and drive.

There are also the drivers who are persistent offenders against traffic laws, those who have been convicted of grave offences with a motor car such as culpable driving and those who have been convicted more than once for such offences as reckless driving, driving at a speed or in a manner dangerous, and so on. Drivers of those types substantially contribute to the road toll.

The Bill provides that the holder of a licence to drive a motor car, motor cycle or motor tractor will be required to pay a surcharge on the issue or renewal of his licence if, within a period of three years immediately before the issue or renewal, he has—

(*a*) been convicted of—

(i) manslaughter in relation to the use of a motor car;

(ii) culpable driving of a motor car causing death to another person;

(iii) negligently causing grievous bodily injury by the use of a motor car;

(*b*) been convicted of a second or subsequent offence of—

(i) driving a motor car on a highway recklessly or at a speed in a manner dangerous;

(ii) driving a motor car under the influence of intoxicating liquor or drugs;

(iii) driving a motor car while the percentage of alcohol in his blood is more than ·05 per cent;

(iv) being in charge of a motor car while under the influence of intoxicating liquor or of any drug; or

(*c*) since the date of operation of this Bill, had recorded against his name in the demerits register nine or more demerit points. Any points in excess of six recorded against a driver at the commencement of the operation of this Act will not be taken into consideration for the purpose of calculating whether the person has reached or exceeded the nine demerit points.

The surcharge will be $60 for the issue or renewal of a driving licence for a motor car or a driving licence for a motor cycle both of which have a currency of three years. A tractor licence has a currency of one year and the surcharge will be $20. The amount of the surcharge collected will be paid to the Motor Accidents Board which is to be constituted under the Motor Accidents Bill, which is presently before the Parliament.

Delays at times in the recording of convictions and the recording of demerit points at the Motor Registration Branch may cause licences which should be issued or renewed subject to a surcharge to be issued or renewed at the normal fee. Provision is made in the Bill for the Chief Commissioner to obtain the surcharge in those cases where it should have been paid in accordance with the Act. Where any surcharge has been paid on the issue or renewal of a licence and a successful appeal has been made against a conviction for any of the specified offences or the result of the appeal has affected the total demerit points recorded against the driver, the amount of the surcharge will be refunded.

Two further safety measures are incorporated in the Bill. Firstly, an offence is created of selling, offering for sale or having in possession for or on sale a child seat restraint of a type not approved by the Chief Commissioner of Police. The purpose of the provision is to protect members of the public against the sale of unsatisfactory equipment for restraining small children in motor car seats. The approved child seat restraints will be notified in the *Government Gazette*. Clause 9 also requires any type or kind of equipment approved by the Chief Commissioner to be notified in the *Government Gazette*.

Secondly, the Bill requires all motor cars registered between 1st October, 1964, and December, 1968, to be fitted with safety belts of a type and standard prescribed for the use of the driver and for the passenger seated adjacent to the side of the motor car and beside the driver or on the same seat as the driver. The Government believes that this measure is justified having regard to the dramatic reduction in casualties since the introduction of legislation requiring the compulsory fitting and wearing of safety belts.

The effect of clause 3 of the Bill is that fees for appointments to take tests for drivers' licences will be paid to the Consolidated Fund rather than to the Drivers Licence Suspense Account as at present. I commend the Bill to the House.

On the motion of Mr. WILTON (Broadmeadows), the debate was adjourned.

Mr. MEAGHER (Chief Secretary).—I move—

That the debate be adjourned until Tuesday next.

Mr. WILTON (Broadmeadows).—I point out to the Government the difficult position of the Opposition and the Country Party when a measure of this nature is brought in at a late stage of the sessional period. The Minister may wish to make a strong argument for the importance of the legislation and the effect it will have on the appalling road toll, which obviously concerns everybody. However, the Bill introduces severe punitive measures, and it will be a difficult task for the Opposition to research the proposed legislation before next Tuesday. I realize that, because of the pending elections, the House must conclude its business before a certain date, but I ask the Minister whether he would be prepared to co-operate with the Opposition by granting additional time, if required?

Mr. MEAGHER (Chief Secretary).—Subject to the legislation being dealt with during the current session, I shall co-operate in every way with members of the Opposition and the corner party. I shall make available to honorable members officers of my department and any information that I have.

The motion was agreed to, and the debate was adjourned until Tuesday, April 10.

EGG INDUSTRY STABILIZATION BILL.

Mr. MEAGHER (Chief Secretary).—I move—

That this Bill be now read a second time.

There has been a significant expansion of the egg industry throughout Australia since the Commonwealth hen levy scheme was introduced in 1965. In the period between 1965-66 and 1971-72 the number of leviable hens in Australia increased by 37 per cent from 9·485 million to 13·014 million. The hen levy scheme was introduced to provide an Australian pool of levies for the equalization of domestic and export returns. One result of the scheme was that State egg marketing authorities were able to pay attractive prices to producers, and the pricing policies adopted by these authorities, combined with technological advances in management and production, gave rise to a period of high profitability within the industry which in turn engendered the expansion to which I have referred. This expansion persisted despite warnings given by the Australian Agricultural Council as early as 1967 and repeated on a number of subsequent occasions. The expansion of the industry led to a dramatic rise of 59 per cent in recorded production between 1965-66 and 1971-72 from 132·7 million dozen to 211·4 million dozen eggs.

The mounting surplus of egg production was processed into egg pulp, and when it became impossible to sell all of the surplus egg pulp because of the contraction of overseas markets, the State egg marketing authorities experienced acute financial problems. Increasingly large quantities of pulp had to be held for extended periods thus incurring considerable storage costs. To meet this situation, prices to producers had to be sharply reduced and eventually reached levels which were uneconomic for many, particularly those with small flocks and those who had borrowed heavily to expand. These developments gave rise to strong representations from the relevant industry organizations throughout Australia for the introduction of egg production controls. Legislation to implement such controls was enacted in Western Australia in 1970, and

became operative in 1971. Egg production control legislation was enacted in New South Wales at the end of 1971, and is expected to come into operation this year. Subsequently the principle of controlled production in the egg industry was accepted by the Governments of South Australia and Queensland, and the necessary legislation is under consideration in those States.

Representations for the introduction of controls in this State were made by various poultry industry bodies. The Government was not prepared to accede to these requests because it believes that imposition of production controls in a primary industry can have the undesirable consequences of creating a closed industry and encouraging inefficiencies in farm management and production practices. However, having regard to the continued increase in egg production and the mounting costs associated with the processing and storage of the surplus, and in view of the fact that the other mainland States had agreed to implement production controls and such controls could only operate effectively on an Australia-wide basis, the Government felt that it could no longer maintain its stand. Another factor that influenced the Government's approach was the decision of the Commonwealth Government to provide finance to assist in the disposal of surplus egg pulp on condition that all States agreed to implement egg production controls.

The Government decided, therefore, that it would introduce the necessary legislation, but on the basis that its operation would be limited to a three-year period. The Government's announcement to that effect was made on 29th June last and at the same time it was announced that the "cut-off" date for the purpose of assessment of quotas would be 2nd March, 1972.

The Bill proposes the implementation of an egg production control scheme in this State, and follows the broad general principles adopted in the New South Wales legislation. The Bill has been prepared after consideration of submissions made by all of the relevant poultry industry bodies. The essential features of the Bill are a licence-quota scheme based on a State hen quota which will be fixed annually for this and other States by the Australian Agricultural Council. Licences will be issued and individual quotas allocated by the licensing committee, which consists of the members for the time being of the Egg and Egg Pulp Marketing Board. Provision is made for appeals against decisions of the licensing committee, and these will be considered and determined by a completely independent body designated the review committee.

With regard to the Egg and Egg Pulp Marketing Board, I should indicate that the Government is examining the composition of that board in the light of the recommendations made by Mr. H. K. Cartledge in his report on the finances and financial policies of the board. The Government will be looking also at the situation in South Australia where the composition of that State's egg board was altered by legislation enacted recently. The new composition of the South Australian board is six members, three elected by producers and three appointed by the Government, with both the chairman and deputy chairman being selected from the Government appointees.

Following its considerations, the Government may introduce legislation later to change the composition of the Victorian board. For the information of honorable members, I shall now outline the principal provisions contained in the Bill.

Part I. provides for the operation of the legislation for a period of three years from the day on which the first licensing season commences. That day will be a day appointed by the Minister and notified by publication in the *Government Gazette*.

It is envisaged that various provisions of the Bill will be brought into operation progressively to enable the production stabilization scheme to be implemented in stages so that the necessary preliminary administrative arrangements can be completed prior to the implementation of each stage.

As well as providing the necessary interpretations for the Bill, Part I. also gives power to the Governor in Council to declare, by order, that hens of a specified class are not broiler breeder hens for the purposes of the Act, and sets out the exemptions to the Act.

It is proposed that the provisions of the Act will not apply to a person who does not own or keep more than twenty hens, in conformity with the Commonwealth Poultry Industry Levy Act under which such persons are not required to pay levy. In addition, provision has been made whereby the Crown, a statutory body or an educational institution may apply in writing to the Minister for an exemption, and the Governor in Council may by order published in the *Government Gazette* grant an exemption from the operation of all or any of the provisions of the Act.

Part II. of the Bill provides for the Poultry Farmer Licensing Committee to consist of the persons for the time being holding office as members of the Egg and Egg Pulp Marketing Board, for the payment to members of such remuneration and allowances as the Governor in Council determines, and the appropriate administrative procedures for the licensing committee including the appointment of a secretary. Provision is made also for the dissolution of the licensing committee, the appointment of a liquidator and the termination of the legislation in the event of action being taken under the Marketing of Primary Products Act to wind up the affairs of the Egg and Egg Pulp Marketing Board. This provision is necessary because, under that Act, a poll for dissolution of the board could be sought, and if the required percentage of eligible producers voted in favour of dissolution, the winding up of the board's affairs, and consequently those of the licensing committee, would be mandatory.

Part III. sets out the powers of inspectors who will be officers or servants of the board authorized by the licensing committee as inspectors for the purposes of the Act. The powers are virtually identical with those contained in the New South Wales legislation and, although wide, are considered to be essential for the effective administration of the scheme.

Part IV. deals with the licensing of poultry farmers. As in the New South Wales Act, two categories of poultry farmers are specified for licensing purposes. However, the qualifications proposed in Division 1 for classification as a group I. poultry farmer have been altered to require submission of at least twenty Commonwealth levy notices, during each year of the period of two years ended on 2nd March, 1972, and the period of one year ended on 7th December, 1972, the levy count date nearest to the introduction of the Bill in another place, and payment of all levy amounts due. These requirements are considered reasonable, as a group I. poultry farmer will be entitled to automatic allocation of a base quota in accordance with the formula, whereas the base quota of a group II. poultry farmer will be determined by the licensing committee having regard to certain specified factors.

A further requirement for classification in the group I. category has been included. This is that the average number of hens owned by the person concerned during the period of one year ended on 7th December, 1972, and in respect of which he was liable to pay the Commonwealth levy was at least 50 per cent of the average number of such hens owned by him during the relevant period of two years ended 2nd March, 1972. The purpose of this

provision is to exclude from the group I. classification persons who have virtually left the industry, but who may be paying a minimal levy in order to secure a quota. Such persons will come within the group II. category.

Division 2 of Part IV. of the Bill makes it an offence to keep hens other than in accordance with the provisions of the Act and provides a penalty for contravention of the licensing requirements of $1,000 and $2 per 100 hens or part thereof for every day during which the offence continues. It is considered that a penalty of this order is necessary to provide a stiff deterrent, because strict compliance with the licensing requirements will be fundamental to the effective operation of the scheme.

The administrative procedures for the application and issue of a licence subject to prescribed conditions and restrictions are also contained in Division 2, including provision for the payment of a prescribed annual licence fee which is expected to be only a nominal amount. Finally, Division 2, sets out the circumstances under which the licensing committee may cancel a licence or may reduce the hen quota of a licensee, and provides that an appeal may be made to the review committee against any such cancellation or reduction other than a cancellation at the request of the licensee.

Division 3 of Part IV. specifies the formula for the allocation of a base quota to a group I. poultry farmer. This is based on the average of two of his hen levy returns, these being the highest hen levy returns in each year of the two years ended 2nd March, 1972. Provision is made for the licensing committee, in determining the base quota for a group II. poultry farmer, to take into account the average number of leviable hens owned by him during the period of one year immediately preceding the day on which the legislation receives the Royal assent as compared with the average number of such hens owned by him during the period of two years prior to 2nd March, 1972. The purpose of this provision is to enable the determination to be made on a more equitable basis.

In determining a group II. base quota, the committee will have regard also to circumstances in which the ownership or lease of a place, the previous owner of which would have qualified as a group I. poultry farmer, has changed during the qualifying periods and, as a result, the present owner or lessee has been classified in the group II. category.

Other factors that the committee will take into account are the number of pullets, if any, owned during the six months ended on 2nd March, 1972, and the number of hens and pullets owned, and the capital investment in plant and equipment, in the period from 3rd March, 1972, to 29th June, 1972, that is, the date of the announcement of the Government's intention to introduce egg production controls.

Division 4 of Part IV. provides for the Governor in Council to determine the State hen quota on the recommendation of the Minister. The State hen quota for any licensing year will be as determined by the Australian Agricultural Council, which will fix the Australian quota and the quota for each State. Division 4 also specifies the formula to be applied to determine the hen quota of a poultry farmer in the first licensing season. In the determination the first 1,000 hens are exempted and a maximum quota of 150,000 is specified. In the case of a poultry farmer whose base quota is 1,000 or less, there will be no reduction in his hen quota.

Where, in respect of any season subsequent to the first licensing season, the state hen quota is varied, individual hen quotas will be determined by another formula. This formula is related to the individual hen quota for the preceding season with the qualifications that—

(*a*) in no case shall the hen quota exceed 100,000 unless the base quota exceeded 100,000, in which case the

hen quota shall not exceed the base quota of 150,000, whichever is the least;

(*b*) the first 1,000 hens in a quota are exempt from the operation of the formula; and

(*c*) where the hen quota for the preceding season was 1,000 or less, the quota is not changed unless, in the event of an increase in the State hen quota, the application of the formula would give the farmer concerned a hen quota in excess of that allocated to him for the previous season. In such a case, the formula is to be applied so as to give him an increase calculated on the hen quota that would have been allocated to him in the preceding season if his base quota had not been exempted from reduction.

The purpose of the latter qualification is to ensure that any increase in the State hen quota is equitably distributed and that a person whose hen quota is exempt from reduction does not thereby receive the double benefit of securing a higher proportionate share of any increase.

Division 1 of Part V. of the Bill provides for the appointment of the Poultry Farmer Licensing Review Committee, which will consist of three members appointed by the Governor in Council. It is proposed that the chairman shall be a person with legal qualifications and experience, and the other two members shall be persons who have no direct or indirect pecuniary interest in the production, sale or processing of eggs or egg-products. Each member of the review committee is to receive such remuneration and allowances as the Governor in Council determines. As the operation of the legislation is restricted to three years, no term of office has been specified for the members of the review committee. Provision has been made for them to hold office during the pleasure of the Governor in Council.

Other provisions in Division 1 deal with the administrative procedures of the review committee and the appointment of a secretary who will be an officer of the Department of Agriculture, as is the case with the Tobacco Quota Appeals Tribunal and the Wheat Quota Review Committee.

Under Division 2 of Part V. the functions of the review committee will be to consider and determine applications for review of base quotas, applications for base quotas from persons not otherwise eligible to be issued a licence, and all appeals under the legislation. The grounds for review specified are substantially the same as in the New South Wales Act and include fire and localized adverse seasonal conditions, disease, national service, illness and incorrect calculation of the base quota.

A person who is not eligible to apply for a licence, but who believes there are special circumstances which warrant his being issued a licence may apply for a base quota. The review committee is empowered to consider such applications, and, where it is of the opinion that a base quota should be allocated, to make a determination accordingly. A person who has been allocated a base quota by the review committee may then apply for a licence.

Part VI. of the Bill makes provision for the surrender and reissue of licences. Approvals by the licensing committee for surrender and reissue of licences will be subject to the following restrictions:—

1. Surrender and reissue of part of a hen quota may only be made in multiples of 500.

2. No approval can be given where a quota or part of a quota would be transferred from that part of Victoria outside the area specified in the schedule to within that area. The purpose of this provision is to ensure that decentralization of the industry is maintained as far as is possible.

3. An approval can be given only to the extent that an individual quota, or the total of the quotas of a parnership corporation, and so on, does not exceed 100,000.

Approval may be refused where a person has been convicted of an offence against the relevant legislation or where the licensing committee has reasonable grounds for believing that the application is in furtherance of some agreement, arrangement or scheme to circumvent or take undue advantage of the requirement relating to the maximum quota. The latter provision is similar to that made in the Wheat Marketing Act.

Part VII. of the Bill provides that the licensing committee may, on application in the prescribed form and payment of the prescribed fee, grant a licensee a permit authorizing him to keep broiler breeder hens or hens other than hens used for the production of eggs for human consumption, subject to such conditions and restrictions as may be prescribed. The licensing committee may cancel a permit for a breach of a condition or restriction to which it is subject or where the licensing committee is satisfied that it has been issued on false or misleading information. The licensee may appeal to the review committee against any such cancellation.

Under Part VIII. of the Bill, provision is made for the appeals to be submitted to the review committee against decisions by the licensing committee in relation to cancellation of a licence, reduction of a hen quota, refusal of an application for surrender and reissue of a licence, and cancellation of or refusal to grant a permit to keep hens for special purposes.

The review committee is empowered to determine any such appeals, and to direct forfeiture of the deposit lodged—if provision for this is made in the regulations—where, in its opinion, the appeal was vexatious or frivolous. Where the appeal relates to the reduction of a hen quota the review committee may vary the hen quota by raising or further reducing the hen quota.

Part IX. of the Bill specifies clearly that all costs of the administration of the Act will be met from the funds of the Egg and Egg Pulp Marketing Board. A person who keeps more than twenty broiler breeder hens or owns or occupies any place on, at or in which hen eggs from more than twenty hens are hatched is required in the prescribed manner to make and keep for a period of two years records of such particulars and matters as are prescribed.

The licensing committee and the review committee are empowered to refuse an application where the person concerned fails to furnish additional information within the time specified or any extended period granted. Both the licensing committee and the review committee will be required to submit to the Minister a report on their activities and operations at the end of each licensing season, and the reports are to be laid before Parliament.

In order to cover an emergency situation, such as a widespread disease outbreak, power has been included for suspension of any or all of the provisions of the legislation by the Governor in Council on the recommendation of the Minister.

By Part X. of the Bill an amendment has been included to bring the Marketing of Primary Products Act 1958 into line with the Commonwealth levy legislation and this Bill. The latter measures are applicable to persons who own more than twenty hens, whereas the relevant provisions of the Marketing of Primary Products Act, including the vesting requirements, currently apply only to producers with more than 40 hens. I commend the Bill to the House.

Mr. SHILTON (Midlands).—This is a very important Bill. For many years the egg industry has been anxious to have a measure such as this passed by Parliament to achieve stabilization. For that reason the Opposition is prepared to proceed with the second-reading debate now.

It is fair to say that the introduction of this measure was precipitated primarily by the Opposition's

introduction of a Bill in another place. The egg industry is suffering, as are so many industries, from overproduction caused by the intrusion into the industry of the larger feed companies and large monopolies.

The 1972 annual report of the Egg and Egg Pulp Marketing Board indicates that egg production in 1967-68 totalled 38 million dozen, and in 1971-72 it had increased to 55 million dozen. In the same period, the demand for eggs showed a steady increase of 5 million dozen, whilst there was an enormous increase in surplus eggs—about 13 million dozen. It is also important to note that the price paid to the producer in 1967-68 was 39·16 cents a dozen and in 1971-72 the price was down to 32·35 cents a dozen. I suppose one should be heartened that the price of at least one food commodity was reduced, but unfortunately the reduction in this instance applied only to the producers and was not passed on to the consumer. Someone in between received the advantage.

The Chief Secretary stated that egg-producing authorities were in favour of the measure, but it is fair to say that the egg-producing authorities are more inclined to accept this measure as a last resort following a long wait for the Government to take some action to stop the inroads into the industry by the large feed companies which I mentioned earlier. The industry has been brought almost to its knees. I instance the situation that part of my electorate and of the electorate represented by the honorable member for Bendigo until a few years ago produced approximately 50 per cent of the total egg production in this State. Currently the same area produces only 25 per cent of the total Victorian production. The situation concerns the honorable member for Bendigo and myself, and it should also concern all honorable members.

The firm of Hutmill Stock and Poultry Food Company has approximately 300,000 to 400,000 hens and, accepting the table that each bird produces approximately 200 eggs a year with the improved breeding and improved stock available today, that company alone would be responsible for at least 6 million dozen of the surplus eggs currently being produced in Victoria.

As most honorable members know, surplus eggs are pulped. Unfortunately, the storage of the egg pulp costs far more than the pulp is worth. It was suggested in another debate or during question time that perhaps it would be more economical to dump the egg pulp in Port Phillip Bay. It is tragic that in this day and age we should contemplate disposing in this way foodstuffs of such a high calorific value as eggs.

When explaining the Bill, the Chief Secretary said that another factor which influenced the Government's approach was a decision by the Commonwealth Government to provide finance to assist in the disposal of surplus egg pulp. It would be truer to say that what has made the Government act is the increasingly powerful lobby of the egg producers, which they have forced to develop, and the action of the Labor Party—supported, I understand, by the Country Party in another place—in introducing a Bill to get the Government off its tail and force it to take the necessary action, just prior to an election to placate the egg industry.

I do not favour the way in which the Government has acted on this occasion, but the Opposition is forced to support the Bill. It supports the principle of the measure, but not the principles of the Government in introducing it just before the State elections. It is important to point out that the Bill was introduced in another place on 12th December last year and allowed to remain on the Notice Paper in the hope that it would be forgotten.

In explaining the measure, the Chief Secretary also said that the Bill followed the broad general principles of the New South Wales

legislation. In its broadest context that may be so, but in one or two important areas the measure does not follow the broad principles, or indeed the main principles, of the New South Wales legislation. On the matter of quotas, the Bill suggests the unreal figure of 1,000 birds; a more realistic figure would be 3,000 birds. Further, the date upon which the quotas will be fixed is 3rd March, 1972, whereas it should be in line with the New South Wales legislation and be March, 1969. When the Bill is being considered in Committee, I will move an amendment on that point.

I have received from the Commercial Egg Producers Association of Victoria a letter signed by Mr. N. Hudson, Honorary Secretary. In line with a statement which was made in another place, it is correct to point out that this organization is composed of egg producers largely in and around the Bendigo area. Its activities cover Bendigo, South Bendigo, Eaglehawk, Castlemaine, Shepparton and Wedderburn. The letter states—

> Our President, Mr. Dennis Oakes, has been in touch with you concerning the legislation now before State Parliament on control of egg production.
>
> As he has explained to you we believe it is essential in the interests of rural procedures that amendments be made to the legislation, and enclosed is a copy of a letter we have sent to the Minister requesting such amendments.

That letter was dated 6th February, 1973.

> The legislation at present provides for quotas to be based on only one year preceding 2nd March 1972. This was the year of great expansion in the industry when new procedures entered and others expanded—against the advice of the board which warned of the hopeless over-production position.

I reiterate that it was in this period, with the intrusion into the industry of a firm such as Hutmill Stock and Poultry Feed Company, that the industry was brought virtually to its knees, when egg production increased from 1969 until 1971 by 11 million dozen eggs, although the industry was already faced in 1969 with a production surplus to domestic sales of approximately 9·8 million dozen eggs.

At that time, egg producers were forming deputations to the Minister of Agriculture and waiting on their local members of Parliament urging that production controls similiar to those which existed in other States such as New South Wales and Western Australia should be introduced here.

Victoria was holding up the implementation of a Commonwealth-wide quota system. The letter went on to say that it was generally acknowledged, even by officers of the Department of Agriculture that, to be a viable unit, an egg-producing farm must run a minimum of 4,000 to 5,000 birds and that, therefore, it was only logical and economically just that farms with that number or fewer birds should not be subject to any reduction, but that the exemption level in this Bill was a ludicrous 1,000 birds. That is what I intimated earlier.

Despite what the Minister said in his second-reading speech, whilst it wants a stabilization Bill and is prepared to accept this Bill because it is better than nothing, the industry wants amendments made to the Bill to make it sensible and workable. The Bill provides for the high upper limit of 150,000 birds for big producers, but there is this low limit of 1,000 birds which is being applied to the majority of producers. During the Committee stage, I will move to amend that figure to 3,000. That number of birds would be more in keeping with what the egg producers and the appropriate section of the Victorian Farmers Union want. The Minister indicated some of the Government's thinking on the Bill when he said—

> Other factors that the committee will take into account are the number of pullets, if any, owned during the six month ended on 2nd March, 1972, and the number of hens and pullets owned and the capital investment in plant and equipment in the period from 3rd March, 1972, to 29th June, 1972.

This type of statement militates against the smaller farmer. A large capital investment in equipment does not mean that a producer can make a decent living for a family unit from his hens.

Another matter on which I take issue with the Minister relates to the organization of the review committee. I believe that the Minister will accept what I put on this. The honorable gentleman said—

> It is proposed that the chairman shall be a person with legal qualifications and experience, and the other two members shall be persons who have no direct or indirect pecuniary interest in the production, sale or processing of eggs or egg products.

The words, "or poultry feeds" should be included. Some people connected with poultry feed companies should be excluded under the terms of the Bill. Although it is not spelt out and they are not exempted because of having a pecuniary interest, they would certainly have a real and pecuniary interest in the allocation of quotas. I particularly refer to feed companies which currently own large egg-producing units. It is not necessary for me to take the matter further now, except to repeat that the Opposition supports the introduction of this Bill for the stabilization of the egg industry but, at the Committee stage, it will move the amendments to which I have alluded.

Mr. WHITING (Mildura).—As the honorable member for Midlands has said, this Bill has had a chequered career, This is particularly true in the light of the fact that a private member's Bill was introduced by Mr. Kent in another place. The Bill virtually follows the same lines which were suggested then, although there have been considerable cuts in the proposed number of hens in various categories, particularly with regard to the maximum number of hens a producer may have without the number being subject to a percentage cut.

Mr. WILKES.—The Government has election jitters.

Mr. WHITING.—The Minister of Agriculture, who is not facing election, could have shown more concern for the great number of small egg producers who own flocks of fewer than 7,000 birds; they could have been given a better deal. It is important that some legislation should be implemented at the earliest opportunity to control the wholesale increase in egg production which has been taking place over the past two or three years. This has occurred in spite of the warning by the Egg and Egg Pulp Marketing Board in each of its annual reports since 1969. I know the calibre of the members of the board and I wonder whether some producers, anticipating the provision of quotas, built up their flocks prior to the cut-off date.

In line with the majority of the people in the egg-producing industry, the Country Party believes that the quota figure should be based on the number of birds reported in the annual returns in each of the three years, 1970, 1971 and 1972. Admittedly, the Minister of Agriculture agreed to a compromise so that the figures for two years would be used in the formula to decide the quota, instead of those for only one year, as the Bill originally provided.

If the three-year base were used, it would be fairer to those people who took notice of the warnings of the egg board on the building up of flocks. Some producers reduced their flocks in 1971 and 1972 and now they will pay the penalty when their final quotas are decided. If the 1970 figures were also used, the result would be a little better for these people as against those referred to in the industry as "Johnny-come-latelys" who entered the industry with a large infusion of capital and built up their flocks in 1971 and 1972 with the result that they will obtain higher quotas than they would if the figures for 1970 were also used as a base.

In Queensland, where the quota system will operate from the middle of this year, an egg producer will be

able to have up to 5,000 birds without suffering a cut-back; but this Bill provides for only 1,000 birds. In a case such as this when New South Wales, South Australia and Western Australia will have similar legislation, uniformity should be achieved. Although the industry felt that 5,000 was a satisfactory number of birds, if the other States adopted a figure of 3,000 or 4,000, that number could be accepted to achieve uniformity. If that were done, producers would have similar incentives, no matter in which State they were located.

On 15th November, 1972, I directed a question to the Minister of Agriculture with a view to establishing the number of birds the department considered to be the minimum necessary to provide a viable egg production farm. I appreciate that, throughout the industry, there are a number of mixed farms in which one part of the farm is devoted to egg production and another part to dairying, cattle, or pigs, but some poultry farmers rely solely on egg production. I asked the Minister—

> Whether the Department of Agriculture has a figure for the recommended minimum number of hens necessary for a viable egg production farm; if so, what is the figure, and why it is recommended?

The answer stated—

> With any flock size, viability is dependent on the efficiency of the producer. In the 1971-72 poultry farm management study conducted by the department, net farm income from egg production varied from 53 cents to $1.95 per layer. Of the eighteen farms in the study the net farm income of the five most profitable farms was above $1.40 per layer and that of the five least profitable farms was less than 90 cents per layer. With such a variation in net farm income per layer it is not possible to recommend a minimum nubber of hens necessary for a viable egg production farm.
>
> The Department of Agriculture has from time to time stated that one man should be able to handle at least 4,000 layers on a conventional farm and greater numbers where there is automation. This refers only to labour requirements not to economic viability.

It is obvious from the answer that it is difficult to decide the number of hens necessary to provide an economically viable egg farm. But the answer also indicates that 4,000 birds could be handled easily by one man without a great deal of automation. Because of this and because of the knowledge of many producers that the smaller producers are at least as competent and operate as economically as some of the large farms, this number could be accepted as an appropriate cut-off level.

In the 1970-71 report of the Victorian Egg and Egg Pulp Marketing Board, a comparison was made bebetween the net income per dozen eggs for various farms. It indicated that, on a farm of 31,000 birds, it was 3 cents a dozen eggs. On another farm of 7,000 birds, the net income was 12 cents a dozen eggs. Many people take the attitude. "You must get big or get out," but they are not supported by this section of the 1970-71 report.

There is a case for the smaller egg producers such as the man with between 6,000 and 7,000 birds who could handle this number with his own family, or, would employ a little labour, or do all the work himself. This sort of farm would make a satisfactory social unit within a country centre.

If the Government claims to support the idea of what is proposed decentralization of industry, of protection and of retaining people in rural areas, this idea gives complete vindiction of such a policy. A strong case can be made out to the Government that a quota of 1,000 birds before a cut-off point applies is too low; 4,000 should be the absolute allowable minimum before cut-off occurs. However, as the Bill has been debated in another place and an arrangement has been arrived at, the Country Party will agree to the proposal contained in the measure.

It is obvious that legislation of this kind should be implemented at the earliest possible opportunity. The review committee to be set up under the legislation probably will have a great deal of work to do in the early stages of its life but later, when the industry has settled down into a

reasonable smoothly running operation, there should not be much need for the committee to review licences and quotas. The history of the legislation under which quotas were introduced into the wheat industry indicates this. In the wheat industry the review committee was busy for the first two years of its life. In that time it dealt with many applications, but later the number of cases started to decline and the industry found there was no need for the review committee to operate. It was decided that the Wheat Quota Committee, which also had been set up under the legislation, could satisfactorily handle appeals against quotas. A similar situation will probably prevail in the egg industry.

Members of the Country Party are keen for this legislation to be implemented and strongly support it, except with the proviso to which I have referred. I hope at an early stage the Government will introduce an amendment to increase the minimum number of birds before the cut-off level occurs and will include a three-year averaging provision instead of a two-year period.

Mr. TRETHEWEY (Bendigo).—I support the Bill, the purpose of which is to bring about stabilization of the egg industry. It has been introduced because of pressure put on members representing the Bendigo district by the egg producers in that area. During the past couple of years over-production in the egg industry has been in the vicinity of 20 or 30 per cent and it has become necessary to stabilize the industry. In 1967 the Australian Agricultural Council warned the egg producers of the possibility of over-production, but apparently this warning was not heeded and the result in Bendigo was that eggs which could not be sold on the normal market had to be pulped. Then the egg pulp could not be sold overseas and the cost of its storage was more than the article was worth. Finally, pulping operations had to cease and this had a detrimental effect on egg producers in Bendigo and on the economy of Bendigo.

Some large firms started poultry farms with 100,000 to 150,000 birds and this militated against the small egg producers of Bendigo who were operating farms of 3,000 birds. A family man could make a reasonable living from a poultry farm with 3,000 birds, but his chances of success were seriously affected by the larger poultry farms which became established in the industry. Until a few years ago 40 per cent of the eggs produced in Victoria came from the Bendigo district. I agree with the honorable member for Midlands, who said production in Bendigo has now been reduced to 25 per cent of the State's total. This reduction has been brought about by large firms starting big poultry farms and using more up-to-date methods of production.

The Bill provides that a quota shall be determined by taking an average of production over two years, from 2nd March, 1972, instead of over one year as was originally intended. That is a desirable step because one year would not give a fair average for the establishing of a quota.

Mr. TREWIN.—Would not three years be better?

Mr. TRETHEWEY.—Perhaps that would be more consistent with the arrangements under which wheat quotas were determined, for which a six-year term was adopted. I have no doubt that the Bill is a step in the right direction, but I do not think it will be the beginning and the end of legislation on this subject. It is merely a start. I wish the Bill a speedy passage because if the hen quota is reduced to even 1,000 birds it will be a help to the Bendigo district. This would enable those who are doing their best to raise a family to be compensated for the ravages caused by the larger poultry farmers becoming established in the industry. I hope the Bill will have a speedy passage so that it may be implemented to the advantage of the people of Bendigo.

Mr. CURNOW (Kara Kara).—I should like to make some comments on the Bill, which, of course, has

been introduced many years too late. A number of relevant factors about the Bill and about the industry should be directed to the attention of the House. The main point of criticism of the Bill is that the 1,000 bird base minimum quota is much too low. It was adopted against the advice of the producers. Wedderburn in my electorate is a large egg-producing area and representatives of the Commercial Egg Producers Association from Wedderburn and the Maryborough egg producers have taken this matter up with the Minister of Agriculture on numerous occasions and have received no help from him. I have spoken to many poultry farmers on this subject and it is generally agreed that a minimum quota should be 5,000 birds. It is ridiculous for the Government to set the minimum quota of 1,000 birds.

I am reliably informed by one of the biggest egg grading floors in Victoria that there will be a shortage of eggs in Victoria within three months simply because of the implementation of the quota in this legislation. Many small producers have been forced out of the industry because the Government was not sufficiently farsighted to establish an acceptable minimum quota. People will not continue producing eggs in Victoria if they know that a quota of 1,000 birds will be forced upon them.

Mr. A. T. EVANS.—Which egg grading floor gave the honorable member that information?

Mr. CURNOW.—I obtained the information from one of the biggest grading floors in Victoria which is located in Bendigo.

Mr. A. T. EVANS.—What is its name?

Mr. CURNOW.—The Crystal Egg Floor. The egg industry will face a host of problems in the future, one of which is that the price of meat meal, the main poultry food, has increased considerably. The price of meat meal was approximately $80 a ton before Christmas and it is approximately $150 a ton now. However, the Government is doing nothing to control the price of meat meal. How can the poultry industry continue to produce eggs economically when the Government refuses to control the price of poultry food? The Government would do well to institute an inquiry into the price of meat meal. The price of meat meal has no relevance to the high price of meat because meat meal is manufactured from offal and other left overs which are not influenced by price fluctations.

The agents of the Egg and Egg Pulp Marketing Board who handle eggs in Victoria are on the verge of bankruptcy because of the policy of the board on an increase in handling charges. The agents are trying to do something to help the industry, but when they sought an increase in handling charges of ·49 cents a dozen the board approved an increase of only ·06 cents. No logical reason can be given for the difference between the increase sought and the increase granted.

In question No. 1201 I asked the Minister of Agriculture how the board had arrived at the figure to be paid to the agents, and the honorable gentleman said that the board based its decision for the increase on the submissions made by the agents and on the board's costs of operating grading floors in Ballarat and Melbourne. I know that the submissions made by the agents were soundly based and were related to increased costs in the egg-grading industry. On this basis the agents sought an increase of ·49 cents a dozen but the Minister of Agriculture, on the advice of the Egg and Egg Pulp Marketing Board, decided that the increase should be only ·06 cents. This will mean that many small agents in country areas will be phased out of the industry. It is about time the board gave the agents who are doing every thing possible to promote and protect egg marketing in this State the opportunity of making a reasonable living.

The egg producers have told the Government quite plainly what type of controls they want to stabilize the industry, but the Government has ignored those suggestions. The Commercial Egg Producers Association wrote a letter dated 10th March, 1973, to the honorable member for Midlands which states quite clearly—

> The legislation at present provides for quotas to be based on only one year preceding 2nd March, 1972. This was the year of great expansion in the industry when new producers entered and others expanded—against the advice of the board which warned of the hopeless over-production position. If this basis is used it simply means that these producers will be handed a maximum quota and the producer who continued on his normal way and did not expand will suffer.

Of course, that is right. A bona fide egg producer who has been producing eggs continually will suffer greatly. What does the Government intend to do about it? It will do nothing. The Government backed up the big companies which walked in and produced eggs. This caused over-production of eggs in Victoria. As I pointed out earlier, it has already had the effect of forcing many small producers out of the industry, and the reverse will happen —there will be a shortage of eggs.

The honorable member for Bendigo and the honorable members for Bendigo Province in another place acclaim this proposed legislation as magnificent. They will receive a shock on 19th May when the egg producers, who hold many votes in the City of Bendigo and in my electorate, record a vote for the Labor Party which has always supported them. If, as we suggest, a three-year average is used as the basis, the producers who heeded the call not to expand will not be adversely affected. On the other hand, the producers who created the problem by expanding will, quite rightly, be largely involved in providing the solution. These are the bona fide egg producers who are writing to us and pointing out quite clearly the problems of their industry and the despicable way in which the Government is treating them. The letter continues—

> It is generally acknowledged—even by Department of Agriculture officers—that to be a viable unit, an egg-production farm must now run a minimum of 4,000 to 5,000 birds.

This has been suggested by officers of the Department of Agriculture—the Minister's own officers—and it is beyond my comprehension why he refused to listen to them. The letter continues—

> Therefore it is only logical and economically just that farms with this number, or less, should not be subject to any reduction. The exemption level in the legislation now stands at a ludicrous 1,000 birds.

I quite agree with the egg producers, who describe the proposal as ludicrous.

For many years the Government has been saying, "You must be viable". This amazing word "viable" crops up on many occasions. The egg producers must be viable. Who determines viability? The Government has made such a mess of the industry in the past that it has no right to lay down a quota of 1,000 birds for an egg producer. How can a producer be viable when he has only 1,000 birds? Many egg producers are going to be forced to keep that number of birds. As I said before, it is beyond my comprehension that a quota of this type should be imposed. The letter from the Commercial Egg Producers Association of Victoria continues—

> We believe there are two reasons for "tying" a quota to a farm. Firstly it will ensure that value is put into the producer's farm and will deter the large operator with the greatest financial resource from buying all available licences.

That is a good thought.

> Secondly, and from a decentralization viewpoint the most significant, it will ensure that poultry forms, particularly in rural areas, remain operative as family units, keeping the maximum number of families involved in the industry.

This brings me to another point. The Labor Party wants the egg industry to remain in the rural areas, but the Egg and Egg Pulp Marketing Board deliberately moved its operations from Bendigo to Port Melbourne.

The Government did nothing to cure unemployment in the country. It allowed the board to say, "We are moving the operations of our head office to Port Melbourne". Men in Bendigo were thrown out of work without one word of protest from the honorable member for Bendigo or the honorable member representing the Bendigo Province in another place. Those honorable members did nothing to improve the situation. They do not want workers in the country because their seats are in danger. They want to see the men from Bendigo out of work and forced to move away from the area so that these men will not vote against them. Politics have crept into this Bill in a most undesirable way. The letter continues—

> If as the legislation now intends licences are up for open sale, many existing farms will close and the quotas integrated into large units.

This stands to reason. Big men who have come into the industry might have their hen quotas slightly clipped by this iniquitous Bill. If this occurs, they will seek the small men whom they can buy out and further family units will be forced to sell out and move way from the district to look for other employment. That is the decentralization policy of the Government which is in its dying hours. Luckily, after 19th May, the Opposition may be able to rescue the egg industry. The letter continues—

> There will be a limit on the number of hens permitted to be kept in each State. If the Review Committee which will hear appeals and allocate licences to those not automatically granted them is not restricted, it must mean that the quota of the "legitimate" producer will have to be cut accordingly.

This is also quite true. Quotas have been supplied to the wheat industry and no matter how strong a case can be submitted by a bona fide farmer for increasing his quota on the ground that he had previously been allowed to appeal, the quota remains. Even if a wheat farmer has a good case he will probably receive a special quota of only about 200 bushels. A similar situation will exist in the egg industry. If a producer can submit a legitimate case, the quota in Victoria will have been allotted and he will receive no consideration.

In Victoria, the egg industry—the production of eggs, the operations of the agents, the Egg and Egg Pulp Marketing Board and the suppliers of feed—leaves much to be desired. Unless the Government does something more than is proposed in the Bill to help the primary producers—the bona fide egg producers and the agents—and takes control of the operations of the Egg and Egg Pulp Marketing Board, the entire egg industry in Victoria will collapse within three months.

Mr. BIRRELL (Geelong).—As a consumer rather than a producer, I think the House should take note of what happens when the normal market place and the laws of supply and demand are upset. The House has repeatedly dealt with the artificiality created by the transgression of the basic laws of supply and demand. The Bill has been drafted along similar lines to legislation in many other fields. Because there is a ratio of about 100 consumers to one producer, it is time that the consumers had something to say. The primary reason for the Bill is because some time ago the industry was experiencing a cycle of relative overproduction. State Ministers met with the Federal Minister and as a result the Bill is now before the House. Peculiarly, at the time the Bill is being debated in Parliament, the laws of supply and demand have gone the other way and there is a shortage of eggs. When the Egg and Egg Pulp Marketing Board uses its powers of price fixation—the price weapon—the relationship between the production and consumption of eggs quickly becomes apparent. Obviously, this stage should have been reached two or three years ago. This would have prevented the dire situation which occurred some months ago.

A key factor is the basic exemption quota which will not be affected by the projected cut of 10 per cent. The key of the situation is to be found at the mathematical level. If one takes a quota of 5,000 hens as the figure below which there will not be any cut, producers with more than 5,000 hens will have to cut back by 45 per cent to bring the bird population to the norm. That is the simple mathematics of the situation. When considering a bird quota of 4,000 or 5,000, one should look at the other side of the equation. I shall state the position simply. With 5,000 birds as the exemption quota, all those with more than 5,000 hens will have to take a 45 per cent cut to reduce the quantum of birds to the required level. Therefore, it is at the level of an exemption of 1,000 hens that a realistic cut back over the whole field can be effected.

I invite honorable members to consider the farmer with 4,000 birds under this formula. The first 1,000 birds will be exempt in every case. A farmer must take a cut of over 300 on 4,000 birds and is left with 3,700, which represents a cut of approximately 8½ to 9 per cent. If one takes that as being fairer than taking a man with a quota of, say, 5,000, above which he loses 45 per cent of his birds, where is the equity? The quota of 1,000 birds seems to be most favourably distributed throughout the whole industry. The mathematics of the situation show that this Government and other State Governments have arrived at a figure of 1,000 birds or fewer in some cases. It is of no use to weep for the small producer. The same facts of life apply in the egg industry as with wheat quotas. If the wheat quota exemptions were reduced too much, the heads of about 50 per cent of wheat producers would be chopped off. About 4,000 or 5,000 birds would not be a desirable exemption level. There is nothing to indicate how the gains in living standards in this rest of the field will fare. All of our gains in living standards in this country and elsewhere have been obtained because people worked more efficiently with the outlay of more capital and produced a better product or an equally good product more cheaply. This is the basis of our rises in living standards. If a family can manage 20,000 birds and put eggs on the market more cheaply than a small producer, the consumer benefits. There are 100 or 1,000 to one of consumers against producers, and the 1,000 to one do not get a great deal of consideration.

It is regrettable that this type of legislation must be introduced. Even if it is passed, a situation may arise where it will not be necessary to impose a quota. I do not know what the Minister intends to do in this regard, but if there is to be a shortage of eggs, why is it necessary to introduce quotas? The situation seems to be the same as that which prevails in the wheat industry, but I do not intend to discuss that subject. It appears to me that if there are to be shortages it is of little use to introduce quotas. That is a situation which may arise in the egg industry. It appears that it is intended to leave this Act in a pigeon-hole and proclaim it later if such a situation should arise.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 and 2 were agreed to.

Clause 3, providing, *inter alia*—

(1) In this Act unless inconsistent with the context or subject-matter "Relevant period" means the period of two years that ended on the 2nd day of March, 1972.

Mr. SHILTON (Midlands).—I am somewhat surprised that what has been said by the Deputy Leader of the Country Party and the honorable member for Kara Kara and myself has not evoked a reply from the Minister for Conservation. Perhaps the honorable gentleman's silence is

indicative of the Government's attitude towards this measure. I move—

That, in sub-clause (1), in the definition of "Relevant period" the word "two" be omitted with the view of inserting the word "three".

This will have the effect of excluding from the provisions of the Bill the protection which is afforded to the large food companies which have entered this industry and brought about the problems that now confront small growers.

Mr. BORTHWICK (Minister for Conservation).—The matter raised by the honorable member for Midlands was the subject of discussion in another place. The Minister of Agriculture mentioned during that debate that he had called a conference of the Commercial Egg Producers Association, the Egg Producers Association of Victoria and the egg section of the Victorian Farmers Union. Anyone who is familiar with the debate that took place in another place will realize that it is extremely difficult to achieve unanimity of thinking within the egg industry. However, as a result of the conference, the compromise was reached that the one-year period should be extended to two years. The Egg Producers Association was adamant that the period should be one year. Parties to the conference differed concerning the period, one wanting one year and the other three years. A compromise of two years was finally reached, if reluctantly, to ensure that this proposed legislation would be enacted. The Minister of Agriculture rejected any further amendment than that, and the Government still holds that view.

Mr. WHITING (Mildura).—For reasons that I mentioned earlier in the debate, the Country Party would prefer the period to be three years. However, as the Minister pointed out, following discussions the Commercial Egg Producers Association indicated that it would accept a compromise of two years instead of three. In view of that, members of my party cannot support the amendment moved by the honorable member for Midlands. We consider that this proposal will assist people who took notice of the egg board's advice that there was a danger of surplus production. We realize, however, that the period was arrived at as a compromise, and that it may not be as satisfactory as a three-year period.

The amendment was negatived, and the clause was agreed to, as were clauses 4 to 21.

Clause 22, providing, *inter alia*—

(3) Where the number of hens in the poultry farmer's base quota exceeds 1,000, the formula specified in sub-section (1) shall be applied to the number in excess of 1,000 and his hen quota shall be established by adding 1,000 to the number so derived.

Mr. SHILTON (Midlands).—I move—

That, in sub-clause (3), the figure "1,000" wherever appearing be omitted with the view of inserting the figure "3,000".

This will have the effect of providing a base quota of 3,000 and, with the other 1,000 provided for in the Bill, it means that a farmer may have 4,000 birds. It is thought that a farm having fewer hens would not be viable. This is more realistic than the Government's proposal that there should be a 1,000-bird cut-off figure. A man cannot run a farm and earn a reasonable living with fewer than 4,000 birds.

Mr. BORTHWICK (Minister for Conservation).—This matter was also debated in another place. The problem in accepting the amendment advanced by the Opposition is the enormous cut in flocks. As the honorable member for Geelong pointed out, if the flock size was 5,000, rather than 3,000 or 1,000, and it was exempted, flocks above that size would be cut by about 45 per cent. That would be an extremely dire move for major and medium-sized producers. The figure of 1,000 was accepted in New South Wales, which was the first State to enact legislation of this type. It was

selected as being the most appropriate figure to ensure that the cut in the size of flocks would be equitable.

The Government realizes that there are many small producers and that they may need 4,000 or 5,000 birds to run a viable farm, but in the over-all interests of the industry the Government had to study every aspect of it and, having done so, it rejects this amendment.

Mr. WHITING (Mildura).—This proposal is very good. I query the statement of the honorable member for Geelong that if a figure of 5,000 was used there would be a reduction in flocks of 45 per cent. I cannot be convinced of that.

I realize that there are only two producers who have flocks in the vicinity of 50,000 birds. However, the point made by the producers is that the very large producers have entered the industry only in the last two and a half years, despite warnings from the egg board that surpluses would be created and that difficulties would be experienced in the storage of egg pulp. I know that sentiment cannot be allowed to intrude, but there are social aspects involved. There is the question of producers having to try to sell their farms, which is difficult, or simply leaving them and obtaining no return for the year which they have spent in the industry. If they do that they must find some other occupation.

My party sympathizes with the Opposition in the amendment which has been moved but, following a policy decision which was taken in another place, it cannot support the amendment. However, I give an assurance to the egg industry and to anybody else who is interested that, depending on the result of the elections, action will be taken on this issue by the next Parliament. The Country Party is confident that it will have some say in legislation which is introduced both here and in another place. The Country Party cannot support the amendment at this stage because of certain machinery considerations, but I give an undertaking that it will be examined in the near future because members of my party are very much in sympathy with the proposal.

The amendment was negatived, and the clause was agreed to, as were clauses 23 to 25.

Clause 26 (Membership of Review Committee).

Mr. SHILTON (Midlands).—I again direct attention to the constitution of the review committee. Paragraph (*b*) of sub-section (1) of the clause provides—

> Two shall be persons nominated by the Minister and who shall neither directly or indirectly have any pecuniary interests in the production, sale or processing of eggs, or egg products.

During the second-reading stage, I suggested that the Minister should consider the addition to that exclusion provision of the words "or poultry feed industry." People in that industry would have a pecuniary and real interest in the egg-producing industry. Poultry feed companies are already in egg production through their subsidiaries.

Mr. BORTHWICK (Minister for Conservation).—The honorable member for Midlands has already answered what he said by pointing out that persons engaged in the poultry feed industry would have a pecuniary interest in the egg industry. I agree with that interpretation. The word "indirectly" was purposely included in the provision to overcome the type of problem envisaged by the honorable member. I will direct his comments to the attention of the Minister of Agriculture although I am certain that the Minister will agree with my interpretation of the provision. In any case, I thank the honorable member for his pertinent remarks.

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

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

BALLARAT (SOVEREIGN HILL) LAND BILL.

The debate (adjourned from March 20) on the motion of Mr. Borthwick (Minister of Lands) for the second reading of this Bill was resumed.

Mr. WILTON (Broadmeadows).—The purpose of the Bill is to add 29 acres to a Crown reservation known as the Sovereign Hill reserve which, as all honorable members know, is situated in the fine City of Ballarat. In 1970 Parliament enacted legislation which brought the Sovereign Hill Historical Park into being. The Ballarat City Council, as committee of management of the Crown reservation, was empowered to enter into leasing arrangements with the Ballarat Historical Park Association. That organization was formed expressly to develop the reserve by creating a historical museum. It had been successful in its operations and the museum depicts that period of the history of Victoria when Ballarat was developed rapidly as a result of the discovery of gold.

Communities are becoming aware of the tremendous value of establishing historical parks of this kind which attract many members of the community who spend pleasant days there.

Arrangements similar to those under the earlier legislation will again apply. The Ballarat City Council, as the committee of management, will be permitted to enter into similar leasing arrangements with the Ballarat Historical Park Association. The Opposition does not oppose the measure. It wishes the association every success. It hopes that it is as successful with this venture as it has been with the original venture.

In time to come, parks of this kind will attract a large tourist trade. All honorable members know the value of tourism, the effect it can have on a community, and the sort of money it can inject into a community. With tourists coming to a community, particularly one of the size of Ballarat, business benefits and so does the community as a whole.

A certain amount of friendly rivalry will develop between the various centres. There is already friendly rivalry between Ballarat and Bendigo, but this is to the detriment of neither. Swan Hill is another rival and it widely publicizes its exhibition with the view of attracting tourists.

Victoria is becoming accepted as a State which offers some unique attractions. The history of its early settlement is colourful. All honorable members know that one of the most prominent figures in Ballarat at the time of the turbulence, which related particularly to those people who lived and worked in the area now occupied by Sovereign Hill Park, was Peter Lalor, who served a period in this Parliament and occupied the high office of Speaker. The history of Victoria and exhibitions relating to it can become popular and I wish the association every success. I have enjoyed visiting Ballarat and have spent a pleasant time at Sovereign Hill.

Mr. BROAD (Swan Hill).—I approve this Bill, which will add 29 acres of land to the Sovereign Hill reserve. In recent years Victoria has built up an excellent chain of country museums and the success of each adds something to the success of all, because, when planning a trip, tourists like to arrange interesting stopping places on the way.

Ballarat has its Sovereign Hill Park with its relics of the mining days. The museum at Kerang is rapidly increasing in popularity. The Swan Hill Pioneer Settlement, with the river and its depiction of rural history, is very successful. The exhibition at Mildura is based on the lovely Rio Vista. Jeparit and Warracknabeal have excellent machinery displays. I have seen all of these and many others. Each one is rich in pioneer history of the district and atmosphere and they are all intensely interesting.

Without a doubt, the Swan Hill Pioneer Settlement is best of all. It is in world class. It was built largely by local effort and enterprise and it was generously supported by the Government. I wish the Sovereign Hill Historical Park every success. These improvements and additions will make it an increasingly interesting stopping place on the way to Swan Hill.

Mr. STEPHEN (Ballaarat South).—This is a Bill to permanently reserve lands in the Parish of Ballarat for recreation and public purposes and to authorize the granting of a lease of the whole or any part of the lands to the Ballarat Historical Park Association, and for other purposes. This measure is closely allied to the original Act, the Ballarat (Sovereign Hill) Land Act 1970. Fortunately, most members of this House have visited Sovereign Hill Reserve in the past two years and, from their remarks, it is obvious that they appreciated what has been done on the site. The initial aim of the Ballarat Historical Park Association was to recreate a mining village as a worthwhile tourist attraction and memorial to the pioneers of gold mining. Under the provisions of the principal Act the City of Ballarat was given control as the committee of management over an area of 36 acres of land.

Part A of the schedule to the Bill relates to five small areas of land totalling slightly less than 6 acres, to the north of Sovereign Hill. This area will be used to provide facilities for car parking, picnicking and so on. All honorable members will view with favour the provision of extra car parking facilities at this location.

Part B of the schedule relates to an area of about 23 acres of land to the south of Sovereign Hill. Ultimately, that area will be fenced in, as is most of the existing area, and will be incorporated for ultimate development and extension of the park basically as it is proceeding at present.

Sovereign Hill is a magnificent project; it is a great tourist attraction and also an important educational facility. This is recognized by the Education Department which has seen fit to make available permanently a primary teacher whose responsibility it is to educate children on the finer points of the history which has been reproduced so diligently and expressively at Sovereign Hill.

To date, more than $650,000 has been spent on this project, and within the next eighteen months to two years it is planned to expend a further $300,000 to $340,000. Detailed plans are proceeding all the time, and much research and effort goes into their preparation. Honorable members are conversant with the various working exhibits—the blacksmith's shop, the pottery, the mine and the tinsmith's shop. In addition, visitors have the intriguing opportunity of panning for gold. I am sure the honorable member for Gippsland East, who is interjecting, would obtain some small specks of gold if he found the right payload.

Sovereign Hill has been open to the public since November, 1970. It is estimated that by early May this year about 1 million persons will have passed through the gates of the park. This fact speaks volumes for the success of the project which, to use a hackneyed phrase, is a viable proposition. However, it needs further Government assistance, and I am sure the Government will continue to give support to such a worthwhile project.

Mr. CURNOW.—How many people are working there?

Mr. STEPHEN.—More than 50 are permanent employees and about 50 persons work on a part-time basis. That, in itself, makes the park an industry worth mentioning. So far the State Government has committed itself to an expenditure of about $330,000, and the previous Federal Government made a grant of about $50,000 to the project. Members of the committee of management regret that the new Federal Government is

not interested, or appears at this stage to be not interested, in making further grants available to this worthy historical operation. I realize that members of the Opposition are interjecting good-humouredly and that they support this Bill, as they should. Members of the committee of management appreciate the support which members of all parties have given to the measure and also the backing it has received from Parliament in recognizing this outstanding educational and tourist project which has been established at Ballarat.

I look forward to the Sovereign Hill project's continued growth; it is a continuing and living operation which I consider will in the future grow to proportions far exceeding the wildest dreams of some members of the committee of management. The project originated when a group of about twenty persons formed a committee in 1966 with the view of putting their ideas into effect. On behalf of the electors of Ballaarat South, the citizens of the City of Ballarat and the people of Victoria and the nation, I thank Parliament for its support of this measure.

Mr. TREZISE (Geelong North).—I enter this debate briefly to pay a tribute to the men who were concerned in the establishment of the Sovereign Hill project, particularly Mr. John Trevenen, who was one of the persons responsible for getting this project off the ground some years ago. When the scheme was first mooted I believed it would be a success. A lot of "knockers" said that the project would never be started. However, the Sovereign Hill project as it exists today is a great credit to Ballarat and to Victoria. Visitors come not only from the Geelong area, Melbourne and other Victorian centres, but also from overseas. They are particularly interested in seeing the exhibits which demonstrate how gold, which made Victoria and Ballarat famous, was extracted. I only wish that Geelong people could show the same initiative and create a project which would become a tourist attraction in that city.

I entered this debate merely to commend John Trevenen and other persons who helped to get the Sovereign Hill project started; it is a great example of what can be done, and is a fine asset to Victoria.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2, relating to interpretations.

Mr. BORTHWICK (Minister of Lands).—I thank all honorable members who have spoken so generously about the magnificent Sovereign Hill project at Ballarat. Before legislation was contemplated, at the invitation of the honorable member for Ballaarat South and members of the committee, I visited the Sovereign Hill area. I was rather shocked, when walking down Main Street, to be suddenly confronted, outside the old Ballarat *Times* office at Sovereign Hill, with a newspaper poster which announced, "Borthwick Will Hang Today". I assure members of the Committee that this Bill has been introduced not because of threats or coercion of any kind, which might have been indicated by that rather facetious poster, which was later given to me, but because of the Government's keen appreciation of the success story which the Sovereign Hill project represents.

The committee of management has demonstrated to the people of Victoria and of Australia what enthusiastic men and women can do. The committee has expended about $200,000 and has carried out a magnificent task.

Mr. WILTON.—From where did the money come?

Mr. BORTHWICK.—A considerable amount of financial assistance was given by the State. The Sovereign Hill project has been outstanding. I just wished to indicate that my remarks about hanging were facetious and that this Bill was not introduced as the result of any coercion.

Mr. STEPHEN (Ballaarat South).—As the honorable member for Geelong North said, not only the people of Ballarat but also the people of Victoria and of Australia in general should be proud of this project. I omitted to say earlier that the committee raised the sum of $270,000 by donation to get this project off the ground. That is why Sovereign Hill got away to a flying start. compared with many other projects which members of the community have found it difficult to get started.

The clause was agreed to, as were clauses 3 to 5.

Clause 6, relating to payments from municipal fund.

Mr. WILTON (Broadmeadows).—This clause provides—

> The Council may out of the municipal fund make grants or loans to the Ballarat Historical Park Association for the purposes of erecting buildings on or otherwise improving the leased area or any part or parts thereof and upon such terms or conditions as the Council thinks fit.

In clause 2 "council" is defined to mean the corporation of the City of Ballaarat. I wish to rebut the erroneous statement of the honorable member for Ballaarat South who, in his second-reading speech, made some derogatory references to the Federal Government as being not interested in this project. The Federal Government is prepared to enter into arrangements with municipalities which desire to promote such projects. Instead of using derogatory terms the honorable member for Ballaarat South should use his energy in helping the City of Ballarat in the preparation of a case for submission to the Federal Government for financial assistance. I assure the honorable member that the matter will be seriously considered because the Government has gone on record as indicating that it is prepared to become involved with local government in projects of this type.

The clause was agreed to.

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

CONSTITUTIONAL CONVENTION (ALTERNATE MEMBERS) BILL.

Sir GEORGE 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 Constitutional Convention Act 1972 to make provision with respect to alternate members.

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

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

THE CONSTITUTION ACT AMENDMENT (PRESIDING OFFICERS) BILL.

The debate (adjourned from March 29) on the motion of Mr. Hamer (Premier and Treasurer) for the second reading of this Bill was resumed.

Mr. EDMUNDS (Moonee Ponds).—The provisions of this relatively simple measure were first placed before the House about twelve months ago in a constitution Bill which was not proceeded with. The purpose of this Bill is to ensure that at all times there is a person who is capable of exercising all the powers and functions of the Presiding Officer of either the Legislative Council or the Legislative Assembly—in other words, that the President of the Council and the Speaker of this House are able to call the Houses together at any time after an election has taken place. In his second-reading speech, the Premier stated—

> Should, for instance, the President of the Legislative Council die while that House is in recess, the Chairman of Committees does not have the necessary powers to assume the role of Presiding Officer. There would in fact be no person competent to call that House together in order to elect a new President.

I do not wish anyone any harm but in the light of our own policy this measure should not be considered necessary. Irrespective of that, the Opposition is not opposed to the Bill because it believes that for the best administration of all of the responsibilities of either the President or the Speaker, there ought to be continuity until the new President or Speaker is elected. The usual motion moved in this House at the end of the session is—

> That the House, at its rising, adjourn until a day and hour to be fixed by Mr. Speaker or, if Mr. Speaker is unable to act on account of illness or other cause, by the Chairman of Committees, which time of meeting shall be notified to each member of the House by telegram or letter.

I am assured that if the Speaker died, the motion does not empower the Chairman of Committees to act on his own behalf. It empowers him to act only on the instruction of the Speaker. Therefore, it is obvious that the measure is necessary for the better management of this place. It is already the standard procedure in a number of other Parliaments in the Commonwealth. The Opposition supports the measure.

Mr. WHITING (Mildura).—The honorable member for Moonee Ponds has capably outlined the provisions of the Bill. The Country Party believes there should be continuity of Presiding Officers in this Parliament. The Bill appears to provide for that in a most satisfactory manner. The Country Party, therefore, supports the measure.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (New Division 3.)

Sir GEORGE REID (Attorney-General).—Some slight verbal amendments will be necessary to the clause. Normally in legislation when the two Houses of Parliament are mentioned, the Legislative Council is given priority over the Legislative Assembly. In the Bill, as drafted, this practice has not been followed. Two verbal amendments will bring the Bill into line with the normal practice.

I am sure many member of this Committee will share my view that this printing error places the position of the Houses in true perspective, but we have to make the amendments in deference to the usual custom.

Mr EDMUNDS (Moonee Ponds).—I thank the Minister for his explanation of the need for the amendments. It seems that the printer was more astute than the draftsman in designating the priorities of this House and another place.

The clause was verbally amended, and, as amended, was adopted.

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

PATRIOTIC FUNDS (AMENDMENT) BILL.

The debate (adjourned from March 27) on the motion of Sir George Reid (Attorney-General) for the second reading of this Bill was resumed.

Mr. GINIFER (Deer Park).—The purpose of this measure is to enable funds which are controlled under the provisions of the Patriotic Funds Act 1958 to be applied more effectively in the interests of beneficiaries. The Bill enable those bodies administering funds to achieve these principles. The Opposition does not oppose the measure·

Mr. WHITING (Mildura).—The Bill has two purposes. The first is to insert into the principal Act a new section which will allow patriotic fund money to be used for purposes other than those for which the money was originally raised if, in the opinion of the trustees of the Patriotic Funds Council of Victoria, this is desirable. The Country Party is in favour of this provision.

The second purpose covers money used for charitable purposes and enables it to be transferred out of a

fund in which it has been held. This provision was requested by the Legacy Club in Bendigo. Members of that club were interested in providing geriatric services for Legacy widows. Unfortunately, under the provisions of the principal Act this was not possible. It was discovered that the Legacy Club could not stipulate that a certain number of beds must be reserved for widows under the jurisdiction of the Legacy Club. The Victorian branch of the Returned Services League has a similar project at Frankston for which it wishes to provide money but because of the provisions of the principal Act it is not able to make the money available to an organization which could not in the long term guarantee that it would be used for the purposes for which the money was originally raised.

Recently this House passed a Bill to amend the Melba Trust Fund deed. Under the measure now being debated any organization in a similar position will be able to make donations to charitable organizations and not breach the Patriotic Funds Act. The proposal will still have to receive the approval of the Patriotic Funds Council of Victoria. Honorable members will be aware of some of the members of the council. Mr. C. O. Harry is the chairman, and the members include Sir John Jungwirth, Sir William Hall and the Lord Mayor of Melbourne for the time being. Honorable members need have no worries about decisions of the Patriotic Funds Council of Victoria being in the interests of charitable organizations of the State.

The Country Party is pleased to support the Bill and trusts it will have the desired effect and will result in a long-term benefit for those people who are in need of assistance in Victoria.

The motion was agreed to.

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

JOINT SELECT COMMITTEE (OSTEOPATHY, CHIROPRATIC AND NATUROPATHY) BILL.

The debate (adjourned from March 28) on the motion of Mr. Rossiter (Minister of Health) for the second reading of this Bill was resumed.

Mr. LIND (Dandenong).—This small Bill provides for the appointment of a joint Select Committee to consider the rather thorny subjects of osteopathy, chiropractic and naturopathy, which have come before honorable members on many occasions. I have found, with many other members of the Opposition, that there has been consistent lobbying about these matters. The Minister of Health was more than mild in his statement when he said that some decried the others. There has been bitterness and backbiting for years between various organizations.

I have attended a number of their meetings and I have received deputations. On every occasion I have said that it would be good if the deputationists went away and put their own houses in order before they came to members of Parliament. In no instance can I recall agreement between the various sections. Some were more harsh than others. Some regarded others as almost charlatans or quacks, they themselves espousing the one true faith, so to speak.

The setting up of the proposed joint Select Committee will allow every section to be heard—those who are in favour, those who are opposed and those who believe they are just a harmless group. The joint Select Committee will be able to call before it people from all walks of life, particularly in the professional and academic field, to sift the facts. I imagine the Select Committee will have a lengthy job to perform because the Bill relates to a most important aspect of life—the health of the populace.

The only criticism that the Opposition has of the setting up of this joint Select Committee is that it is felt that this House will not be

sufficiently represented. I ask the Minister of Water Supply, who is at the table, to convey to the Minister of Health the views of the Opposition on this aspect. The Opposition considers that the committee should comprise six members from this House and three members from another place. This House has more than twice the number of members than the other place has and the Opposition believes this Chamber should have six representatives on the committee to delve into osteopathy, chiropractic and naturopathy, which the Minister referred to as arts in some way associated with the medical field.

Mr. DUNSTAN.—Would the Opposition like the Select Committee to consist of six members from the Legislative Assembly and three members from the Legislative Council?

Mr. LIND.—Yes. That is the basis on which other joint Select Committees of this Parliament are appointed. The Opposition believes a committee with only three from this House is out of balance. That is the only objection that members of the Opposition have to the Bill.

Mr. TREWIN (Benalla).—The Country Party supports this small Bill which is of immense significance and far-reaching import. For many years the claims by groups of people to be recognized in certain areas of medicine and other areas of health have been presented to members of this Parliament. The action of the Government in proposing the setting up a joint Select Committee is well justified. The move is designed not to take the pressure off the Government but to allow different groups and associations which desire recognition in this field to state their aims precisely. The Government has decided to examine the question with the aid of a joint Select Committee and the work of these people as individuals or associations can be scrutinized closely and considered.

As the honorable member for Dandenong mentioned, it is proposed that the committee should include only three members of this House. The Country Party joins the Opposition in its criticism on this score. Although my party does not intend to move an amendment, it supports the suggestion of the honorable member for Dandenong and appeals to the Government to consider it before the Bill is dealt with in another place.

The proposed joint Select Committee will justifiably have wide powers and functions. Medicine has developed rapidly over the past two decades. The work of osteopaths, chiropractors and naturopaths has been recognized favorably in some areas but has been criticized and even held up to ridicule by some members of the community. The Country Party supports the Bill and trusts that the Select Committee will carry out its work in the interests of the health of the nation.

Mr. TURNBULL (Brunswick West).—The Bill deals with a controversial subject-matter—that of medicine versus manipulation. I sincerely hope the Select Committee will fully investigate these matters.

I understand that in Victoria and in other Australian States few medical practitioners know anything about the science of manipulation. I can speak with some authority on this. In their university training, medical practitioners devote no time to the study of manipulation. In Great Britain, some leading medical practitioners understand the art and indeed one such practitioner visited this country some time ago.

Many people are disappointed when they visit the doctor with a backache or some type of muscular, spinal, or bone displacement and the doctor sends them away with a few aspirins and medication of that nature. In the main the doctor sends the patient to a physiotherapist.

Mr. DUNSTAN (Minister of Water Supply).—Mr. Deputy Speaker, I do not like to interrupt the interesting train of thought of the honorable member for Brunswick West, but I must rise to a point of order.

I believe the honorable member is going into the fields of these services. That is not the purpose of the Bill; that will be the purpose of the inquiry after the Select Committee has been appointed.

Mr. DOUBE (Albert Park).—On the point of order, clause 4 provides that the committee shall inquire into, report and make such recommendations as it considers necessary concerning the practice of osteopathy, chiropractic and naturopathy in Victoria. It will have to examine various aspects of these practices. I suggest that the honorable member for Brunswick West is in order in making references to the items listed in paragraphs (*a*) to (*f*) of sub-clause (1) of clause 4. Surely honorable members are entitled to consider the facilities and conditions of these practices.

Mr. DUNSTAN.—Does the honorable member not want the Select Committee to be constituted?

Mr. DOUBE.—When this House delegates to a committee an important matter such as this, it should be sure that it is doing the right thing. Government supporters approach these matters lightly, but members of the Opposition do not do so. Before entrusting this investigation to a committee, we have to be satisfied that it is the proper course to adopt.

Mr. DUNSTAN.—Is the honorable member making a second-reading speech or speaking to the point of order?

Mr. DOUBE.—At least I am not making inane interjections, which is what the Minister usually does. I can understand the honorable gentleman leaping to a point of order because he knows nothing about the speech or speaking to the point of order?

The DEPUTY SPEAKER (Sir Edgar Tanner).—The point of order is upheld. I ask the honorable member for Brunswick West to confine himself to the objects of the Bill.

Mr. TURNBULL (Brunswick West).—I wish the Bill a speedy passage. I have no doubt that the matters I have raised will be fully investigated by the committee, which I hope will produce a report that will encourage the art of manipulation.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2, providing, *inter alia*—

(1) During the present session of Parliament and in any subsequent session of Parliament until the functions set out in section 4 have been carried out there shall be appointed a Joint Committee of the Council and the Assembly constituted as hereinafter provided.

(2) The Committee shall consist of six members of whom three shall be members of and be appointed by the Legislative Council and three shall be members of and be appointed by the Legislative Assembly according to the practice of Parliament with reference to the appointment of members to serve on Joint Select Committees of the Council and the Assembly.

Mr. DUNSTAN (Minister of Water Supply).—I apologize for the unavoidable absence of the Minister of Health. The Government will accept in principle the suggestion by the honorable member for Dandenong. The suggestion was that the size of the committee should be increased from six to nine members—six from the Assembly and three from the Council. Unfortunately, that would require an increase in expenditure and a Governor's message would be necessary.

Rather than delay the passage of the Bill by going through this procedure the Government will agree to a reconstitution of the committee along the lines of four members from the Legislative Assembly and two from the Legislative Council. Thus the proposed membership will remain at six, and the principle of having two members from each of the three parties will not be upset.

I understand that both the Opposition and the Country Party agree with this proposal. I move—

That, in sub-clause (2), the word "three", where first occurring, be omitted with the view of inserting the word "two".

If the amendment and a consequential amendment are agreed to, four members of the Assembly and two members of the Council will constitute the Select Committee. The Government appreciates the suggestion made by the Opposition and supported by the Country Party.

The amendment was agreed to, as was a consequential amendment, and the clause, as amended, was adopted, as were the remaining clauses.

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

MEDICAL PRACTITIONERS (AMENDMENT) BILL.

The debate (adjourned from March 27) on the motion of Mr. Rossitor (Minister of Health) for the second reading of this Bill was resumed.

Mr. LIND (Dandenong).—The Opposition will not oppose the passage of the measure but will offer criticism of certain of its provisions. The Bill represents an important step and it is appalling that only a short time should have been allowed for its consideration. Much more information should have been sought from the hospitals. However, honorable members must make the best of the situation.

Everybody agrees that it is important that graduates in medicine should undergo an internship or, to use the commonly—accepted term, "walk the boards" for the sake of the hospitals and for their own sake. in paragraph (c) of clause 3, in the interpretation of "resident medical officer", reference is made to the holder of a certificate of provisional registration as a medical practitioner. This certificate is new in the medical world and it will be compulsory for an undergraduate to have completed his university course before obtaining the certificate.

One of my criticisms of the Bill is that it does not indicate how undergraduates in Victoria are to be assisted, and how they are to be disciplined if they break their agreements. A severe penalty is to be imposed on anyone who attempts to practise outside an approved hospital or institution in his first year. Perhaps more thought could have been given to the actual disciplinary action to be taken against a graduate in these circumstances. There should be strict control and the Bill makes no provision for this. My comments may be of interest to other honorable members because I am sure the point will be made by the medical superintendents of the hospitals.

A Board of Graduate Studies is to be instituted and will be appointed by an approved institution. The Medical Board of Victoria will have to approve of the institution and the Board of Graduate Studies will have to supervise the courses of study conducted by the institution. That is important. In addition, there must be approval by the Hospitals Accreditation Committee. It would be of no use if a resident medical officer were appointed to a hospital where he could not receive sufficient training in the required range of subjects. Such an appointment might be in order if he intended to specialize in one subject, but as a rule a young doctor does not specialize in his early years.

The Hospitals Accreditation Committee will have an important job to perform, and members of the Opposition are satisfied with its constitution. We note with satisfaction that professional and academic men from the major medical fields will be members of that committee, and we trust that it will work well. However, we are somewhat concerned that it may be necessary to bring the legislation before Parliament again in the not-too-distant future to amend it because sufficient consideration has not

been given to what is proposed. However, the Labor Party does not intend to oppose the measure.

There are two other aspects of the Bill on which I wish to comment. One relates to the amendment of the Poisons Act and the other to the Specialist Practitioners Qualification Committee. Both proposals have the approval of the Labor Party.

Mr. WHITING (Mildura).—Members of the Country Party support the Bill and fully approve of the proposals that medical graduates should be compelled to spend their first year of internship in a hospital —that is the first year after they formally graduate as Bachelors of Medicine. A proposal which has been put to the Country Party is that after a year of internship these doctors should be directed to medical practices in country centres and that they should practise as general practitioners in those areas.

Mr. FORDHAM.—That is a Socialist measure.

Mr. WHITING.—It is difficult to induce medical practitioners to go to these areas. Far from its being a Socialistic measure, it would be of benefit to the young medical practitioner because he would get experience of the conditions that prevail in country areas. He would learn many aspects of his profession from family counselling upwards, and he would be providing a service to a community which has difficulty in obtaining medical services. In addition, he would be paid on a salary.

Mr. CURNOW.—Is the honorable member saying that doctors should go to the country under compulsion?

Mr. WHITING.— In addition to spending twelve months in an approved hospital, a sufficient number of these young doctors should be required to spend twelve months as general practitioners in country centres.

Mr. DOUBE.—Why not offer him an inducement instead of dragooning him?

Mr. WHITING.—If the honorable member for Albert Park contacts the Hospitals and Charities Commission or the Department of Health he will be told by officers of both organizations of unsuccessful guarantees of $11,500 a year. In one case this was not sufficiently attractive to induce a medical officer to a country centre.

Mr. DOUBE.—What sort of service will a doctor give if he is conscripted?

Mr. WHITING.—In my opinion the suggestion has a great deal of merit and although it is not included in the Bill it is worthy of consideration by the Minister of Health and the Government. It would be of assistance to the medical officers concerned and to the country hospitals.

Under the terms of the Bill the Medical Board of Victoria will have the duty of approving of an institution as one suitable for post-graduate internships and one wonders whether there is a need for a Hospitals Accreditation Committee for that purpose. Not many hospitals will be approved under this proposal and one should have hoped that the Medical Board would have had sufficient knowledge of those hospitals to be in a position to approve them. If an inspection were necessary it would be merely to enable members of the Medical Board to satisfy themselves that a base hospital in a country centre was a suitable institution for approval. Therefore, it does not seem necessary to establish a Hospitals Accreditation Committee consisting of not more than eight members. As the members of the proposed committee will be leading members of their own professions it is difficult to imagine that they would have a great deal of time or even the inclination to travel throughout the State ensuring that certain hospitals are institutions to which they will give their seal of approval. They will not have time to determine whether or not a hospital is of the standard required. If the Minister of Health had been in the Chamber he might have been able to remove some

of the doubts about this measure that are in the minds of members of the Country Party.

Other clauses of the Bill provide for the making of regulations relating to the duties of resident medical officers and they appear to be satisfactory. The only query I have is in line with the thoughts expressed by the honorable member for Dandenong. I should like to know the conditions that will apply to an exit student who is directed to a particular hospital. The Bill provides for a penalty if he practises outside the hospital in which he is receiving his residency training, but one wonders what the situation will be if he refuses to go to the country hospital to which he is allotted. A graduate may have a personal reason for not wishing to go to a particular hospital. I suppose the Medical Board could refuse to register him and he would be unable to practise anywhere. However, the penalty provided in the Bill for practising outside the institution is a fine of up to $200, and members of my party consider that the penalty should be higher. It is to be hoped that a person who does not want to go to a particular country hospital will not deliberately breach the law because his future hinges on his obtaining registration as a fully-qualified medical practitioner, and he would naturally want to obtain registration as early as possible.

Under the principal Act there is an anomaly where a doctor voluntarily leaves a State for a period of time and then seeks reregistration. This aspect is covered by the Bill and members of the Country Party consider that it is only fair that provision should be made for a person in that position to be able to obtain reregistration without having to go to a considerable amount of trouble. The Bill also contains a provision to safeguard the position of overseas and interstate medical practitioners who may not have served internships and who desire to be registered in Victoria. Members of the Country Party believe this is a worth-while provision.

The Country Party supports the Bill but makes the suggestion that consideration should be given to the proposal to send young medical practitioners to country centres that are having difficulty in obtaining these necessary services. I trust that the Government, if it has the opportunity in the future, will do something constructive about this suggestion.

The sitting was suspended at 6.29 *p.m. until* 8.7 *p.m.*

Mr. FORDHAM (Footscray).—I should like to express by concern at the lack of interest shown in this legislation by the Government. The lack of concern was highlighted by the tardiness of Government supporters in entering the Chamber following the suspension of the sitting. It was a poor reflection on the Government, which is responsible for supplying a quorum of members, and it was an insult to you, Mr. Deputy Speaker, and to the House that such a delay should occur.

I also express my concern at the haste with which the Government is endeavouring to push through this measure. From a brief reading of the Bill it is obvious that this is a major piece of legislation which will affect many aspects of health in the community. It will affect the hospital system and the medical profession. It is regrettable that members on both sides of the House have been forced to deal with an important matter in such a brief and perfunctory way. It is a reflection of the Government's lack of planning and concern for those who will obviously be affected by the legislation. Many people in my electorate are interested in the Bill, but I have been unable to confer with them properly because there has been insufficient time. In view of the time the Government has had in which to introduce this measure, it is ridiculous for the Minister to say that it is important that it should be passed so hurriedly.

Three aspects are worthy of comment. Firstly, I support wholeheartedly the comments of the honorable member for Dandenong, who is handling the Bill for the Labor Party. I should like to know whether the Bill deals adequately with the central issue of whether there will be sufficient doctors available in Victorian hospitals to meet the needs of the people. I am concerned whether persons, after completing their medical training, will still be able to go to hospitals in New South Wales or Queensland where they would receive a higher remuneration than in Victoria for the first year of post-graduate work. From my understanding of the Bill, this can still happen. Although the committees and boards to be set up would approve certain hospitals and institutions, the Bill does not provide that the medical graduates must go to these institutions. Under the proposed legislation they can still go to another State where they can receive extra remuneration. This has been the pattern in past years, and one of the problems that have confronted the State. The exodus of medical graduates from Victoria has reacted to the detriment of the public, the hospitals and the health system in general. In view of the investment that this State has poured into the medical graduates, I ask the Minister of Health to give an undertaking that this will not be allowed to happen. It should be a minimum requirement that graduates spend their first year within Victoria at an approved institution as outlined in the Bill.

Secondly, I should like to know what happens after the year of internship at a hospital in Victoria when a graduate does not prove to be satisfactory? This aspect is not covered in the Bill. Perhaps a legislative provision is not required if the matter can be dealt with by regulation. However, the procedure should enable the medical superintendent of the hospital concerned to make a report to the appropriate medical committee and say, "This man is not quite ready to go out. He has not finished his medical training in the sense that the legislation intends that he should, and there should be a further period of three, six or nine months' further training at the same hospital or at another institution." I hope the Minister will give consideration to this aspect.

Thirdly, I refer to a problem that has existed for many years at country hospitals. The problem, which was raised by the Deputy Leader of the Country Party, applies also to regional hospitals within the metropolitan area. Real difficulty has been experienced in having sufficient graduates to be able to induce them to go to country and certain metropolitan hospitals instead of to the major city hospitals. The Government must give consideration to ensuring that the supply of graduates is sufficient and that country and regional hospitals can obtain doctors in the future interests of these hospitals. I support the comments of the honorable member for Dandenong. In his reply in Committee, I hope the Minister for Health will mention the three points to which I have referred.

Mr. SHILTON (Midlands).—I support the suggestion of the Deputy Leader of the Country Party that medical graduates should spend twleve months at a country hospital. Under the Bill, they will be able to serve in an approved institution either inside or outside Victoria. Of course, the city-based Liberal Party interprets "outside Victoria" to mean 19 miles from the centre of Melbourne. Country hospitals, like many hospitals in the metropolitan area, have a serious shortage of doctors, but the shortage in country centres is more serious because their training and internship takes place in the city. Doctors are indoctrinated with the city way of life. However, if the suggestion put forward by the Deputy Leader of the Country Party were adopted and graduates were required to serve in a country area for twelve months, they would adopt the free and easy, desirable

way of life that exists in the country areas and would certainly settle there after they had finally graduated.

With those brief remarks I urge the Minister at the table to consider the adoption of the proposals put forward by the Deputy Leader of the Country Party.

The motion was agreed to.

The Bill was read a second time and committed, *pro forma*.

Mr. ROSSITER (Minister of Health) presented a message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Fund for the purposes of this Bill.

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

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

Clause 1 was agreed to.

Clause 2 (Division table).

Mr. ROSSITER (Minister of Health).—I appreciate the three points raised by the honorable member for Footscray. I assure him that sufficient doctors to cater for the needs of this State in the next decade will graduate from the medical faculties of the Melbourne and Monash universities. Almost 350 medical graduates will enter the service. The La Trobe University has a most important part to play in this field, and consultations are in progress to determine whether there should be a third medical faculty in Victoria. It is an involved procedure, because the Australian Universities Commission must receive a recommendation from the university before such a faculty can be established. The commission requires a submission to be made each triennium and, for that reason, it is necessary for the State to plan ahead.

This Bill amends the Medical Practitioners Act 1970 and provides that the 350 graduates to whom I have referred shall serve a year in an accredited hospital so that they may be trained in a practical way before engaging in general practice in the grey, hard, cold, cruel outside world. My answer to the question whether the doctors would be trained in Victoria is, "Yes"; and there is provision in the measure to allow graduates who have been trained in other States to have their qualifications examined by the accreditation committee.

Two or three years ago the rates paid to resident doctors were less than those provided by the wages board in Victoria and, consequently, there was an outflow of doctors from this State. That has changed, and it has been determined that resident medical doctors will receive salaries which are in line with those received by doctors in New South Wales and Queensland. Therefore, I do not expect that there will be an outflow of graduates from this State; they will complete their internships in Victoria.

The honorable member for Midlands supported the view of the Deputy Leader of the Country Party that the graduates should be sent to serve their twelve-month internships in country hospitals. The Liberal Party will never direct people into particular industrial spheres, although it appears that the Labor Party is prepared to do so. The accreditation committee will be responsible under the Act for advising the Medical Board.

Mr. TURNBULL (Brunswick West).—The Minister of Health has referred to the number of doctors who will be available to serve Victoria in the next decade, and in this regard I point out that last year 140 young gentlemen who received Commonwealth scholarships to enter various medical schools were refused admittance to the universities. I understand that the same thing is happening again. It is sad that people who have qualified for scholarship cannot be enrolled.

The clause was agreed to, as was clause 3.

Clause 4 was verbally amended, and, as amended, was adopted, as were clauses 5 to 7.

Clause 8 (New sections inserted).

Mr. FORDHAM (Footscray).—I thank the Minister for his reassurance concerning the future of medical graduates. I hope the flow of graduates will be as he has asserted. However, I am not convinced that if a graduate wishes to go to, say, Queensland, he can be prevented from doing so. The provisions of this measure are so broadly drawn that they cannot prevent any exodus of doctors from Victoria. Such doctors would obtain their registration in other States from approved hospitals, and hospitals in both country and metropolitan areas would be confronted with grave problems. I hope the Minister will assure the Committee that Victorians who graduate from Victorian universities will be required to spend their twelve months' internship in Victoria.

Mr. WHITING (Mildura).—I am surprised at the statement of the Minister, when speaking to clause 2, that a Liberal Government would not dream of directing post-graduate medical officers to country institutions. Under this clause, a post-graduate, who completes his six years of medical training at a university, will be provisionally registered. Then he must do twelve months' internship at an approved institution—presumably a base hospital in the country or a large metropolitan hospital or a clinic of some kind.

An approved hospital or centre is one which has been approved by the Hospitals Accreditation Committee. There is no doubt that there may be 150 to 200 plum positions open and that they will be rapidly filled. The other 100 graduates will have to find some institution in which they can serve their internship and receive full registration. The Country Party holds the view that these post-graduates should be directed to institutions in country areas.

They will learn to live in a small community and become part of it, and members of the Country Party believe that they will become better persons for that experience. The Minister says that the Government will not direct these people to approved institutions. Economic necessity may be all that influences a post-graduate doctor to go to one of these institutions in a country centre in that, if he did not, he would not move beyond his provisional registration —after the first twelve months, he would remain provisionally registered.

That would influence him to undertake one of these internships unless, as the honorable member for Footscray suggested he might, he immediately moved to another State and gained registration on the basis of having completed his six years of training. I can see real problems arising unless the Government or the Medical Board can convince these doctors that they should serve their twelve months' internship, either in the country or in the metropolitan area.

Mr. SHILTON (Midlands).—I ask the Minister whether this will solve the problem, which I directed to his attention some months ago, of a doctor who graduated in Capetown in South Africa some years ago, qualified as a member of the Royal College of Surgeons in Edinburgh and served as an honorary surgeon at the Edinburgh Hospital for three years. Because he had a foreign degree, this man was unacceptable as a medical practitioner in Victoria unless he undertook another twelve-months' course or passed an examination. If the provision does not cover that situation, I trust that the Minister will give consideration to its being altered so that it will.

Mr. ROSSITER (Minister of Health).—I first refer to the remarks of the honorable member for Mildura. The procedures envisaged by the Bill will allow graduates—not post-graduates—of a medical course to be registered by the Medical

Board of Victoria under an Act of Parliament. It is also envisaged that an accreditation committee will be formed. That committee will be responsible to the Medical Board to accredit hospitals within Victoria to accept these graduates for one year so that, before they are registered to practice, they will serve one year in one of those hospitals. Such a hospital may be in the city or in the country. Neither the accreditation committee nor the Medical Board will have power under the proposed Act to direct any of these people registered after that year to go anywhere. That will be their choice.

Mr. WILKES.—The board will have a choice with resident medical officers.

Mr. ROSSITER.—That is so, because this is still part of their training, but when they are registered they will be citizens with a qualification who can practise anywhere. This is something which touches the roots of choice within our community. There is no nationalized medical service in this State or in this country. The Bill goes a long way towards ensuring that country centres will have at least some medical services and that some medical practitioners will practise in the country.

I now refer to the remarks of the honorable member for Midlands, who spoke of those who could be called foreign practitioners. They are people who come here from outside the country. The honorable member will know that there is a Foreign Practitioners Qualifications Committee which examines their qualifications when they seek to be registered here.

Mr. WILKES.—Victoria has reciprocity in some cases.

Mr. ROSSITER.—Reciprocity did not apply in the case referred to by the honorable member for Midlands. But that is separate from the principles of this Bill. The honorable member has placed the matter before me, and the Medical Board is still examining the situation. I ask him to look at that separately from his consideration of this measure. That case relates to a man who became qualified in another country and who has done all the things which we want our students to do.

Mr. SHILTON.—He can practise in any other State.

Mr. ROSSITER.—That is not in question, but this Bill does not deal with that. The Bill seeks to make certain that the medically-qualified graduate has to do a further year's training before he is registered to practise.

Mr. WILKES (Northcote).—I thank the Minister for his explanation but he has not said which hospitals will be declared by the accreditation committee. If that were known, honorable members would know whether the Medical Board had any chance of ensuring that graduates did serve in country hospitals. But, at present, there is no guarantee that more graduates will be posted to the country. The Minister says that there is no shortage of medical officers in teaching hospitals, but there is a shortage outside Melbourne. As the Deputy Leader of the Country Party pointed out, the Government has done nothing to relieve the shortage, nor has the Medical Board, the Hospitals and Charities Commission or anyone else. I give the Minister a little advice. If he examined the policy outlined by the honorable member for Dandenong a week or two ago, perhaps he could solve many of the problems of his department. I am prepared to allow the people to make a careful distinction at the appropriate time.

Mr. ROSSITER.—So are we.

Mr. WILKES.—Suffice to say that the Minister has given no assurance that there will be any more graduate doctors or resident medical officers in the country. Until he can do that, there will be shortages and people waiting for operative treatment in cases which are not urgent. In the absence of Government planning, no one will know where the graduates will go. I expect that they

will go to teaching hospitals and that they will be involved in the system with the residential medical officers already there. The duties of the resident medical officers have not been explained, nor has it been explained how these people will be absorbed into the hospitals.

The Minister said that there was reciprocity between the States. There is reciprocity for fully-trained practitioners but I do not know whether it extends to graduates who will now be required to serve for twelve months in an accredited hospital.

The Government is making panic-stricken efforts to have legislation enacted in the dying hours of the Parliament. It expects the Opposition and the Country Party to evaluate the measure and offer proper criticism, not just on this measure but also on others which it intends to push through Parliament before it rises. There should be a careful examination of the Bill, not by the Opposition but by the Government, so that the Minister can inform the House of its real effects and where the graduates will be posted. The Minister says that a Liberal Party Government will not direct anyone. He cannot say that about directing troops to Vietnam as he supported the Federal Liberal Party Government.

Mr. ROSSITER (Minister of Health).—I ask for a withdrawal of that statement.

Mr. WILKES (Northcote).—If it is offensive——

Mr. ROSSITER.—Of course it is offensive.

Mr. WILKES.—If it is offensive to the Minister, of course I shall withdraw it, but his Government had no hesitation about that direction. It supported the Federal Government.

The ACTING CHAIRMAN (Mr. Trewin).—I ask the honorable member to restrict his remarks to the clause.

Mr. WILKES.—The Opposition wants a better explanation of what will happen to the graduate than that offered by the Minister. The suggestion that the accreditation committee will solve the problems of the Government does not satisfy the Country Party or the Opposition. The Minister should say whether there will be more resident medical officers available to train at country hospitals and in hospitals at places such as Preston, Northcote, Footscray and Williamstown.

Mr. WILCOX.—I thought you would mention them.

Mr. WILKES.—And so I should. The Minister of Transport knows even less about hospitals than he does about trains. If he understood the problem of hospitals on the periphery of Melbourne he would know that Government policies have forced them to restrict their services. What the Minister has said will not lead to a solution of these problems. They will be solved only when the Minister can produce relevant evidence of what will happen to graduates, how they will be posted, in what proportion, and to what regions, and what effect there will be on hospitals outside the metropolitan area.

Mr. WHITING (Mildura).—Quietly and calmly, I say at this stage that I am more confused than ever following the Minister's explanation. The honorable gentleman stated that these persons were not post-graduates and that they would be allowed to do one year's internship in an approved institution. That confused me a little, but I am even more confused when I read the first paragraph of his second-reading speech which he delivered on 27th March, 1973. At page 4456 of *Hansard*, the Minister is reported to have said—

> The Bill is introduced for the purpose of ensuring—

I emphasize the word "ensuring"—

> that all persons registered by the Medical Board of Victoria in future shall, after registration, undergo a period of twelve months' post-graduate internship in an institution, or institutions, approved suitable for giving this type of training.

I referred to this post-graduate internship, and the Minister has assured me that it was not post-graduate. The honorable gentleman also assured me that the Bill would allow graduates to undergo this internship. From his second-reading speech I take it that they will undertake the internship after registration. That means that, if they are not prepared to go to a country hospital for their internship, they will be required to apply to the Medical Board of Victoria, either by direction, or by the medical profession not granting them full registration following their first twelve months of provisional registration. Either the Minister's statement earlier tonight was correct, or the statement in his second-reading speech is correct, or certain institutions will be available for these graduates in which they may serve an internship if they so desire. If they do not, perhaps they will be able to talk the Medical Board of Victoria into granting them registration without their having done an internship.

This point must be cleared up before the Bill goes to another place because no doubt members of the medical profession will want to know whether they are to be conscripted to do this one year internship, no matter where it may be, or whether they are to be encouraged or allowed to do it if they so desire. This is a vital point in the career of any future medical practitioner in this State.

Mr. FORDHAM (Footscray).—I do not wish to be difficult with the Minister, but I have raised a question twice and he has still not answered it. Does the Minister acknowledge that graduates can in fact leave Victoria on the completion of their medical training and do their internship in another State? If that is so, does the honorable gentleman realize that, for financial reasons or otherwise, this could create a significant exodus of graduates to other States? Other States may not have the number of graduates who are being trained at the University of Melbourne and at Monash, and the Minister also foreshadowed that La Trobe University is a possible third alternative. Under this clause it is clear that graduates can go to another State and undertake their internship. Does the Minister acknowledge that this is a problem and that the Government has to do something about it because it is a weakness in the Bill?

Mr. ROSSITER (Minister of Health).—I shall reply to the last point first. There is no bar to any medical graduate in Victoria going to another State to conform to the other State's requirements for registration; nor is there any disqualification by any statute in a medical graduate in this State going to England and doing post-graduate studies there and applying for registration on his return to Victoria. However, once he returns to Victoria he must satisfy the Hospitals Accreditation Committee that his internship has been done in an appropriate area.

The Deputy Leader of the Country Party mentioned the term "post-graduate". I do not intend to enter into an argument with him about the definition. Post-graduate studies are carried on by a person after he has graduated if he wishes to proceed to a higher degree. The term "post-graduate" in the second-reading speech means after his graduation so that he can become a registered medical practitioner following that period after graduation.

Mr. WHITING.—Is this his sixth or seventh year?

Mr. ROSSITER.—He will be registered provisionally. He obtains his degree of bachelor of medicine. He then proceeds to become registered in the medical service of this State. That is as simply as I can explain the position.

Mr. SHILTON (Midlands).—The honorable member for Footscray having exhausted his opportunities to speak on this clause, I must raise this point again with the Minister

in the hope that on this occasion honorable members may obtain an answer. What the honorable member for Footscray, and I am sure other members, should like to learn is what the Minister proposes in order to retain these graduates in Victoria to serve Victorian hospitals for twelve months, because under the Bill they can graduate from university and immediately go interstate in return for an additional stipend or fee and not remain in Victoria. What does the Minister propose?

Mr. WILCOX (Minister of Transport).—I am interested in this debate. Clause 8 is simple and straightforward. It deals with persons who are first registered after 1st July, 1973.

Mr. WHITING.—1st October.

Mr. WILCOX.—The marginal note is incorrect because it mentions 1st July, 1973, although proposed new section 19A refers to 1st October, 1973. Honorable members should not take any notice of the marginal note, although it should be correct. The proposed new section states quite clearly that the registration of a person first registered after 1st October, 1973, shall be provisional until he has to the satisfaction of the Medical Board completed a period of twelve months' post-graduate internship in an approved institution or periods amounting in the aggregate to twelve months' post-graduate internship in approved institutions as a resident medical officer or as a resident medical officer or like officer in a comparable institution or comparable institutions elsewhere.

Mr. LIND.—He can go where he likes.

Mr. WILCOX.—That is so. If, for argument's sake, one of these graduates went to New South Wales, and on returning to Victoria satisfied the Hospitals Accreditation Committee that he had completed his year of internship in a hospital which was accepted by the Medical Board of Victoria as being a comparable institution, the graduate would have satisfied the provisions of the Bill. I do not see any difficulty about that. Members of the Opposition who want to make difficulties are doing so for some reason which I do not understand.

Mr. LIND (Dandenong).—I am reminded of Peter Sellers, who said, "It is as clear as mud, but it covers the ground". The Minister of Health referred to post-graduate studies in answer to the Deputy Leader of the Country Party, and he later changed what he said. The Minister of Transport, in an effort to answer the queries posed by the honorable members for Footscray and Midlands, completely missed the point. The question was: What provision is made to retain these people in Victoria? No answer has been given to that question by any Government supporter. That brings us back to the point I made earlier, that this Bill will require amendment before honorable members are much older because although it covers the present situation it has a lot of holes in it and will not meet the situation for any length of time.

Mr. WILKES (Northcote).—If the Minister is not prepared to answer the question asked, I am prepared to do so for him, although he has had plenty of opportunities. There is no way in which the Minister or this shoddy Bill can ensure that graduates will remain in Victoria. If this Bill were passed by the New South Wales Parliament, the honorable gentleman would have just as much chance of obtaining the same number of graduates as he will have under this measure. Surely the purpose of the Bill is to ensure that more graduates, more post-graduates and more resident medical officers will be available in Victoria. The Bill does not ensure that result.

Mr. WILCOX.—That is the way it will work out.

Mr. WILKES.—It will not, because if there is no way in which graduates can be induced to remain in Victoria or to prevent their doing their

twelve months' training in another State, other than certain special circumstances, there is no guarantee that they will remain here, Everyone is aware of the competition which exists in the medical field today. If specialists operating in teaching hospitals in Victoria can see opportunities in other States——

Mr. ROSSITER.—These persons are not specialists; they are provisional practitioners.

Mr. WILKES.—They will be registered by the Medical Board after they have completed their twelve months' internship. If the Minister wishes to ensure that Victoria will obtain the full benefit of the training period of these graduates and of their services in Victoria, the Bill will have to be amended because it does not provide that assurance. The position is as simple as that. The Minister should report progress, ask the draftsman to examine it, and return with a proposition which will enable graduates to undertake their training in Victoria, and not in other States, so that the Bill will have its impact where it should have.

Mr. ROSSITER (Minister of Health).—The Deputy Leader of the Opposition has said that the position is "as simple as that". That is the fundamental difference between the Liberal Party philosophy and the Labor Socialist philosophy. The honorable member would direct that these young men and women, as graduates and as registered doctors in Victoria and after the accreditation committee had given them credit for their time of one year in an approved hospital, should remain in Victoria. This idea is anathema to a Liberal Party Government and is in line with the Socialist dogma to direct the lives of people in this State. I reject that proposition.

Mr. JONA (Hawthorn).—I rise to support the Minister and the Government on this clause. I am amazed at the manner in which several members of the Opposition, particularly the honorable members for Footscray, Midlands and Dandenong, have pursued a point which is so obviously explained in a literal interpretation and understanding of the clause. Surely this is a question of supply and demand. In New South Wales and, if I am not mistaken, in all other States of Australia, there is a period of compulsory internship, and the hospitals in those State are already geared, in terms of the accommodation which is provided for interns and the facilities available in the hospitals in which those interns will work, to accommodate fully the graduates from the universities in those States. The Opposition has not produced figures to indicate how many graduates there will be in 1973 or 1974 over and above the facilities available to accommodate them in approved institutions in this State.

Mr. WHITING.—The honorable member should tell the Committee.

Mr. JONA.—I do not know what the figure is but I should say that it could not be assessed without a full investigation of the housing and accommodation facilities in every approved institution in Victoria. The position will probably be that between 35 and 40 graduates a year cannot be placed within approved institutions. The Minister has already clearly indicated in his second-reading speech that if every graduate, after completing six years' training at the university, is required to go to an approved institution, then the hospitals, if necessary financed by funds of this State, will have to make it possible.

The honorable member for Footscray and his colleagues are suggesting that there will be a mass exodus of doctors from this State to New South Wales and Queensland, but the approved institutions in those States will not have sufficient vacancies because they are already fully accommodating the graduates from their own medical schools. Within twelve months of the passing of this legislation, there will be sufficient facilities in the approved institutions in Victoria to house the interns who

will be required to undergo a year of compulsory training in those hospitals.

It is not necessary that they should serve twelve consecutive months in one institution. On completion of their university training, many of these graduates will spend a period of perhaps three months in a country or base hospital where there is a doctor shortage. In the following three months, they may move to the Royal Victorian Eye and Ear Hospital or another specialty hospital, and then complete their final six months of training in one of the general hospitals in Melbourne. This is a programme which will ultimately be determined, as is proposed in this measure, by the board.

Mr. WHITING.—It is the Medical Board of Victoria.

Mr. JONA.—Yes, by the Medical Board, having regard to the power it will have under this legislation, and by the Hospitals Accreditation Committee which will determine which of the approved institutions will be available for the graduates.

The Opposition is again employing delaying tactics in an attempt to embarrass the Government. It should have no worries because if it had its way in the next ten or twelve years there would be no more than 1·5 million people in Melbourne to worry about the situation.

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

The Bill was reported to the House with an amendment, and the amendment was adopted.

Mr. ROSSITER (Minister of Health).—I move—

That this Bill be now read a third time.

Mr. FORDHAM (Footscray).—I thank the two "Assistant Ministers of Health" for their clarification of the measure. They were more concise in their approach to the basic question than was the Minister at the table. We now know in fact that the Government agrees that this measure will not require medical graduates in Victoria to do their intern year in this State. That is important because honorable members are aware that the representations made to the Government leading up to the introduction of this measure insisted on such a requirement being in the Bill. I refer to the Minister's second-reading speech where the honorable gentleman stated on two or three occasions that this Bill will ensure that all persons registered by the Medical Board of Victoria, the graduates of the medical institutions of this State, shall do a year of internship in an approved institution.

The Bill defines approved institutions as institutions within Victoria. However, despite this the Bill provides an outlet in clause 8, on which honorable members spoke at length, which contains reference not only to approved institutions, but also to other institutions. This is contrary to the spirit of the submissions made to the Government, the spirit of the Minister's second-reading speech, and the spirit of the comments made by the Minister. The Minister of Transport and the honorable member for Hawthorn have put a new slant on the measure.

The Opposition, the medical profession, particularly the country and regional hospitals which have been unable to obtain sufficient graduates in the past, and the people of Victoria are now in a better position to make a judgment. Obviously the honorable member for Hawthorn knows nothing about the problem. There has been an exodus of Victorian graduates to New South Wales and Queensland where they are being paid considerably higher fees for their services. This will continue until the Government demands one year's internship in Victorian hospitals. I hope the people of Victoria will recognize this at the coming elections.

The motion was agreed to, and the Bill was read a third time.

MOTOR CAR TRADERS BILL.

The debate (adjourned from October 26) on the motion of Mr. Wilcox (Minister of Transport) for the second reading of this Bill was resumed.

Mr. SIMMONDS (Reservoir).—The second-reading speech of the Minister indicated that the Government at long last recognizes the need for legislation to cover the sale of motor cars and the relevant problems that have existed in Victoria for a considerable time.

The Opposition proposes to move a number of amendments to the measure, and I understand that the Minister also has a lengthy set of amendments. Therefore, a detailed analysis of the Bill may be preferable at the Committee stage. The Opposition is concerned that the measure does not cover those people who auction motor cars. In fact they will be exempt under the provisions of this measure. Devices are often found to circumvent legislation. Recently, crazy auction sales have been banned in Victoria and yet last week I walked into a crazy auction sale in Swanston Street in the same premises in which similar sales were operating twelve months ago. Obviously, legislation enacted by Parliament does not necessarily mean that the situation that the legislation seeks to correct is being eradicated.

Experience in Victoria has shown that Parliament is being inundated with all sorts of legislative procedures to license people and prevent malpractices. I instance the Lifts and Cranes Act as it applies to building construction in Victoria. It is two years since that Act was passed by Parliament. It is still not operative and there is still no provision for safety in the industry. Measures on consumer protection are in a similar position. The Government has expressed a great deal of concern for the consumer but little physical concern to afford protection in the field of sales. On the eve of an election, one would expect the Government to raise the issue of consumer protection. It has taken the place of the underground railway Bill.

This deals with the motor car industry. I refer to reports of the then Consumer Protection Council as far back as 1968, on the sale of motor cars. At page 13 of its report the council stated—

> MOTOR CAR SALES AND REPAIRS.
>
> During the past year, complaints about the selling and repairing of motor cars have more than doubled. Out of 123 complaints registered, 57 concerned repairs and the remainder were associated with the sale of second-hand motor cars.

The report refers to deficiencies in advertising and of some of the pitfalls of purchasing motor cars in Victoria as they existed in 1968. In 1969 the report of the Consumer Protection Council report at page 6 stated—

> *Sale of New Cars.*
>
> Complaints have also been received from new car purchasers about faults which have been found shortly after purchase. Motivational research in the U.S.A. claims that a new car can be an extension of a person's personality and when he finds that the vehicle which he has placed so much confidence and pride in, is suspect, he suffers from personal feelings of disillusionment.

There are plenty of opportunities for people to feel disillusionment on the purchase of a motor car. When a person purchases a motor car in this State the first six or seven weeks are largely taken up with finding out what is wrong with the vehicle, after which a considerable time is spent in trying to have the faults corrected. It is a fact that there is a warranty, and honorable members know of the matters which are supposed to be covered by it. The warranty is supposed to cover defects in a motor car, but the rectification of defects inevitably leads to inadequate servicing, time lost and inconvenience for the purchaser.

The 1970 report of the Consumer Protection Bureau stated—

> There have been complaints which indicate that second-hand vehicles have been sold as new and cars have been advertised which were not in the possession of the dealer.

The report refers to the sale of cars on consignment, the year of manufacture of the vehicle, the sale of sub-assemblies, the purchase of cars on credit, and problems which were discussed in the 1968 report. In the 1971 report reference is made to the winding back of mileage readings on odometers and to "faultless" cars which actually have many faults which prove expensive to repair. The 1972 report instances a couple of complaints about new cars. It summarizes a typical complaint as an example of what a consumer may encounter on the purchase of a new motor car. The report states—

1. *New Motor Cars.* A typical complaint received by the Consumer Protection Bureau in connection with the purchase of a new motor car is summarized as an example of what a consumer may encounter.

"After only 300 miles the motor car developed the following faults and was left at the dealer:—

(i) both back doors would not shut;

(ii) oil leaking from engine.

The dealer, however, could not rectify the doors without the guidance of the manufacturer. Hence an appointment was made for the following week.

On this date the motor car was back to the dealer with the additional complaint:—

Oil was still leaking from the engine.

The motor car was returned after two complete days with the two back doors out of line from the general shape of the body and still very hard to shut.

At the 2,000-mile service, the motor car was back to the deaer with these faults:—

(i) both back doors hard to shut and out of line;

(ii) oil leaking from engine and distributor shaft;

(iii) excessive vibration through steering box.

On this occasion the motor car was returned to the manufacturer where the central columns were forced back and the doors re-set.

After two days the motor car was returned but the doors were still hard to shut.

With only 3,000 miles on the clock the motor car was once again back to the dealer with another major fault:—

(i) the engine rear seal leaking;

(ii) the steering box leaking oil;

(iii) oil leaking from engine:

(iv) alternator faulty.

The motor car had to be returned on three consecutive days for the alternator to be repaired.

At the time of lodging the complaint the motor car was still suffering from these faults:—

(i) the doors were out of line and hard to close;

(ii) oil was leaking from engine rear seal;

(iii) excessive vibrations above 65 m.p.h."

The purchaser of a new motor car has no guarantee of satisfactory rectification of faults which become obvious a short time after purchase. The Government should place the responsibility on the car manufacturer and not on the trader, and that is what this Bill proposes. However, the Opposition has some reservations about this because it believes the car manufacturers have a responsibility to produce a product which will be roadworthy at the time of sale. The evidence over the years indicates that this is not the case.

Mr. A. T. EVANS.—Is the Opposition concerned more with new cars than with second-hand cars?

Mr. SIMMONDS.—The Opposition is concerned for people who purchase a motor car, whether new or second-hand, and do not get the benefit from it which can be expected. Unfortunately many purchasers become involved in long procedures in having defects rectified. Problems can be expected with second-hand cars; a person who buys a second-hand vehicle must expect to buy somebody else's problems. A person often sells a car because he is dissatisfied with it, so the purchaser must expect problems. However, the buyer of a new car which costs a considerable sum of money should receive reasonable service from it before it needs attention. However, this is not always the case in Victoria. The Opposition does not believe this measure will do a great deal to improve the situation.

In this State the car manufacturers control the rate and quality of production, and they will not produce a

satisfactory motor vehicle. Responsibility is not accepted by the manufacturers. The prime objective of the manufacturer is to produce a product as economically as possible and to get a return as quickly as possible. Defective cars are not the fault of the work force. The work force produces the vehicle at the factory under the terms and conditions regulated by the employer. The worker has no say in how his labour will be utilized. This is under the direction and control of the employer. If the worker in the car industry were to insist on a standard which he regarded as adequate, he would be in conflict with the policy of his employer and would not survive.

The Bill makes provision for the licensing of car dealers but does not provide for the licensing of auctioneers. The Government has left a loophole here, just as it has left many loopholes in consumer legislation over the years. This is because the Government has a philosophy which is opposed to the concept of regulation in an industry and frames proposed legislation inprecisely. This demonstrates that the Government is more concerned to protect the interests of the entrepreneurs in the industry than those of the purchasers of motor vehicles.

The Opposition has other views, one of which relates to back-yard trading. Back-yard traders operate under the cloak of private persons and sell motor cars at week-ends. I understand that 329 persons in the metropolitan area engage in this form of car trading. The Opposition is concerned that the proposed motor car traders committee does not have a consumers' representative, and in the Committee stage I will propose an amendment in an endeavour to have this omission rectified.

The Deputy Leader of the Opposition made available to me a copy of a Royal Automobile Club of Victoria report on what was supposed to be a new car. This answers the question whether the Opposition is concerned with new or second-hand cars. The car tested by the club was described as a Holden Premier. It had 136·1 miles on the odometer and had a number of defects. The hand lever brake had excessive travel. In the tie rods—the joints dealing with the steering—there was slackness and excessive movement could be observed even during idling. The steering was deficient to the extent that it needed early attention although it was not dangerous; it would be covered by the warranty. The headlights were severely defective. The warning horn was not functioning. The subframes of the bodywork had been welded and reducoed. The hood, boot, lock and catches had been displaced. The upholstery had been scratched and was described as having a couple of defects, as was the interior trim. The engine had all sorts of defects. It had oil leaks and there was noise in the valve gear and in the pistons. The engine was not idling properly. The electrical wiring was faulty and the starter motor was described as not being new. Honorable members should remember that this was a car with only 136 miles on the odometer. The starter motor was described as being second-hand. There were oil leaks in the rear axle. The car contained a total of nineteen defects which should not be present in a new motor vehicle.

The Opposition does not intend to delay the passage of this measure as there is ample evidence that there is need for it. However, the Opposition sees many defects in the measure and will seek to remedy them in the Committee stage. The Opposition will be pleased to hear the comments of the Chief Secretary, especially on the aspects of a loophole in the measure, and I refer particularly to what occurs in an auction room.

Mr. R. S. L. McDONALD (Rodney).—The Country Party supports this measure but intends to criticize some of the activities of the Consumer Protection Bureau, which is a

toothless tiger, and has been described as such in an article in the *Age* today under the heading "Consumer Protection Council".

Mr. RAFFERTY.—Two months ago it was stated that it was good.

Mr. R. S. L. McDONALD.—The Minister concerned with the administration interjects on behalf of the council, but it is a toothless tiger and no attempt has been made by the Minister to give it teeth. Honorable members read that the Consumer Protection Council assists people but as a council it has been remiss in many ways.

The Country Party supports this Bill. It is definitely required and its presentation is timely. I congratulate the honorable member for Reservoir on his explanation of the measure. Victoria was the first State in the world to make the wearing of seat belts compulsory. Unless the other States introduce legislation complementary to this measure, it will be ineffective. I live at Echuca, on the border of New South Wales, and this measure will not cover what happens in that State.

Mr. DIXON.—Has the honorable member read the South Australian legislation?

Mr. R. S. L. McDONALD.—If the honorable member for St. Kilda speaks about the South Australian legislation members of the Country Party will be happy to listen to him. I am speaking about the measure as it affects Victoria. People who sell from a New South Wales property will not be subject to this measure. This Bill is more or less a Committee Bill, and I shall advance my arguments on the various clauses in Committee.

The measure will sort out the dealers in motor cars. Many people who now deal in motor cars should not be engaged in the business because their primary purpose is to take others down. These dealers have done well financially by taking many people down. I would be more inclined to believe what the *Age* said than what the Minister has said concerning the former Consumers Protection Council. The Country Party supports the measure. It is timely and is wanted in this State and in other States. It will not be of much benefit to Victoria until similar legislation is introduced in neighbouring States.

Mr. A. T. EVANS (Ballaarat North).—I was rather disappointed that the spokesman for the Opposition, which has clamoured for months and complained about the Government's lack of interest in consumer legislation, should give such a deplorable exhibition during the debate. The honorable member for Reservoir spent most of his time talking about new motor cars, highlighting their faults, and about the Victorian Automobile Chamber of Commerce and other organizations, although the measure has been introduced to deal mainly with second-hand car dealers.

For years, the traders who have spent the most money on advertising have turned out to be the biggest rogues. The motor industry itself and the Victorian Automobile Chamber of Commerce realized that these activities were disgracing the motor industry. The organizations approached the Government and supported the representations which had already been made by a number of individuals who had been robbed by the motor car dealers. I agree with the honorable member for Rodney that these dealers made a lot of money in a short time by exploiting people, particularly young people.

I had a deplorable case concerning a so-called reputable and well-publicized dealer in Footscray when I tried to obtain some redress for an individual who had purchased a motor car. The car had a roadworthy certificate. The vehicle was driven to Ballarat although it had several faults. The new owner had the vehicle tested in Ballarat by the Royal Automobile Club of Victoria and about fourteen faults additional to those listed on the roadworthy certificate were

found. Until the issue of roadworthy certificates is tightened up, this measure will not achieve its real purpose. In the case to which I refer, the well-known dealer had an arrangement with a local firm which is authorized to issue roadworthy certificates.

Mr. FELL.—The honorable member should name the dealer.

Mr. A. T. EVANS.—I have already told the dealer. I am advised that other supposedly reputable firms work in with local mechanics who are authorized to issue roadworthy certificates.

This legislation is needed. It represents a step forward but adjustments will need to be made concerning the issue of roadworthy certificate so that greater protection will be afforded. The honorable member for Rodney referred to border problems which could arise unless similar legislation operated in the neighbouring States. The honorable member for St. Kilda reminded the honorable member that South Australia had had similar legislation for a number of years. I know that the New South Wales Government is already considering the introduction of similar legislation. If legislative uniformity can be achieved, that will probably satisfy the honorable member for Rodney.

Mr. R. S. L. MCDONALD.—It will not because uniform legislation should have been brought in at the one time in the different States.

Mr. A. T. EVANS.—The honorable member for Rodney should join the Labor Party because he seems to believe in centralization and that is what members of the Labor Party are endeavouring to bring about nowadays.

The honorable member for Reservoir complained that motor auctions will not be covered by the measure. I suggest that these establishments are worthy of being omitted from the provisions of the measure because honorable members do not hear of any complaints concerning the actions of motor car auctions. This measure emanated from the back-bench members of this House, including the honorable member for Morwell, who some time ago mentioned a case concerning one of the much-publicized dealers. The Deputy Leader of the Opposition has also spoken on this matter. This measure originated in a democratic manner from back-bench members on both sides of the House who had been inundated with complaints concerning the tactics used to entice prospective purchasers into the car yards to be met by snide salesmen using high pressure salesmanship to affect a sale.

Mr. B. J. EVANS.—What about the honorable member for Dromana?

Mr. A. T. EVANS.—Yes, that honorable member did raise one particular case. When I asked a purchaser why he did not back out of a deal he told me that the salesmen had crowded around him and told him that he had to sign some form. These circumstances have resulted in the introduction of the measure. However, I have not heard of one complaint about motor car auctions. A prospective purchaser can look at the car and he knows what he is buying. He is not coerced into a purchase at all. If auctioneers are brought into the measure, the whole trade will become a closed shop which is what unfortunately happens in many instances when Parliament tries to protect the consumer and licences the traders. This usually creates a closed shop in the industry.

Mr. DIXON.—If the measure is passed, what percentage of traders will move into auctions?

Mr. A. T. EVANS.—I do not think there will be an increase. I understand that about 80 per cent of vehicles put up for auction come through the dealers. If auctioneers were brought within the ambit of the Bill, it may be directed that certain things would have to be done to the car. This would in turn increase the cost of the motor vehicle. Undoubtedly, the implementation of the Bill will increase the cost of second-hand motor cars.

Mr. DIXON.—Even those put up for auction?

Mr. A. T. EVANS.—It will increase the cost in any case. The person who goes to an auction looks at the car and decides that he is prepared to do certain things to it to bring it up to scratch. To bring auctioneers within the ambit of the measure will be over-legislating. I ask the Minister to leave auctioneers out of these controls.

It has been suggested that if auctioneers are left out, the publicized and well-advertised dealers about whom honorable members have received complaints will then set themselves up as auctioneers.

Mr. WILKES.—Why not?

Mr. A. T. EVANS.—Because they will probably get up to the same tricks as they have before. Provision could be made for the auctioneers to be registered and the only ones who could extend in this field would be genuine auctioneers. I implore the Minister not to accept any amendment that will bring auctioneers within the ambit of the Bill. We do not want to increase any more than is necessary the cost of a second-hand motor vehicle to a person who needs it.

Mr. WILKES (Northcote).—I thank the honorable member for Reservoir for taking over this measure when I was not sure whether I could be present. I was interested to hear the honorable member for Ballaarat North air his knowledge of how the Bill came into being. Last October, the Minister of Transport introduced the measure whilst the Chief Secretary was overseas. When the Chief Secretary returned, he was not satisfied that the Bill would achieve what it set out to achieve because apparently the Liberal Party sub-committee on the Bill was incompetent. I agreed with the Minister's suggestion that he ought to further examine the measure before proceeding with it in this House. Members of the Opposition did not know whether a new Bill would be introduced or the present Bill amended. The Minister has provided the Opposition with notice of amendments that he proposes to move at the Committee stage.

The honorable member for Ballaarat North said that the Bill originated because back-bench members of Parliament had received complaints concerning motor car dealers. The Bill came about because of a multiplicity of complaints in the reports by the former Consumers Protection Council and the Consumer Protection Association. The Victorian Automobile Chamber of Commerce, which is a responsible and authoritative body in this State, decided to conduct a survey of some of the problems associated with the sale and disposal of new and used motor cars in Victoria and indeed examined the warranty systems and the terms under which new and used motor cars were sold. The Government ought to be particularly satisfied with the report of the Victorian Automobile Chamber of Commerce and congratulate that organization on the amount of work it has put into investigating the reasons why the Bill is necessary.

Mr. A. T. EVANS.—What about the Royal Automobile Club of Victoria?

Mr. WILKES.—If the Government wants to use the Royal Automobile Club of Victoria for its own measures, it may do so; I will not comment on that organization.

Mr. A. T. EVANS.—Would the honorable member not consider its views?

Mr. WILKES.—The Government ought to examine why a booklet which is prepared by the Royal Automobile Club of Victoria and is handed out at driving licence testing stations contains advertisements. I will not say any more about the Royal Automobile Club of Victoria. I am interested in the attitude of the Victorian Automobile Chamber of Commerce on this measure.

Mr. DIXON.—Does the Labor Party intend to produce a booklet?

Mr. WILKES.—No, but people in the community who were producing booklets have had their livelihoods taken away from them because the Government wants its name to appear on the booklets. Members of the Labor Party do not subscribe to that. The report on the sale of second-hand motor cars from residential premises was one of the main reports made by the Victorian Automobile Chamber of Commerce. It pointed out how backyard operators were able to break the law, disregard any warranty and accept no responsibility for the vehicles they sold, whether they were roadworthy or unroadworthy.

Mr. A. T. EVANS.— Does not the Bill cover that?

Mr. WILKES. — The honorable member for Ballaarat North does not know how the Bill got into the House. He does not know that the Victorian Automobile Chamber of Commerce carried out surveys and told the Government of the need for legislation. If one reads some of the findings of this inquiry by the Victorian Automobile Chamber of Commerce one will fully realize why the Bill was introduced. The major malpractice in the motor industry that should be stamped out is the selling of cars from backyards through misleading advertisements in the newspapers. The Bill attempts to do this because it proposes that people who sell new and used motor vehicles must be registered. Registration will go some of the way towards preventing malpractices, but members of the Opposition are particularly concerned about the illustration given by the honorable member for Reservoir who referred to a case in which a new car was purchased from a reputable firm. In the short space of time that it took to drive the vehicle from where it was purchased to the person's home, it was found to be defective in many ways. Members of the Opposition would like to know whether this Bill will prevent similar incidents from occurring and whether the public will be protected from that type of shoddy salesmanship and shoddy disposal of new motor cars. The purchase of a new motor car is one of the biggest purchases that many people make. If the manufacture of the vehicle is shoddy something should be done about this in the Bill by improving warranties. There is considerable difference of opinion between the Government and the Opposition on a suitable form of warranty. Members of the Opposition believe a much stiffer guarantee ought to replace the warranty system.

When I was a member of the Statute Law Revision Committee the committee got many car dealers to explain their warranties. At that time many of the warranties were questionable and I am sure they are no better today. I am also not certain that the Bill does anything to improve my misgivings about the order form that is used by second-hand car dealers. The use of the order form should be eliminated because people do not know what they are signing. In many cases the fact that a person has signed an order form takes away his rights to the vehicle that he has traded in. Fortunately, as was pointed out by the honorable member for Ballaarat North, when people have been misled in this way, members of this Parliament from all sides of the House have been able to take a stand and have the wrong corrected. I should much rather have legislation which dealt specifically with these cases.

Mr. BIRRELL.—Some people would not know whether they were ordering a burial.

Mr. WILKES.—The Victorian Automobile Chamber of Commerce and the Victorian Consumers Association made inquiries into the use of order forms and said that the forms used by most car dealers in Victoria are not order forms. They are in fact offers to the firm to purchase their cars. Once an order form

has been signed by an intending purchaser and accepted by the manager of the car firm it is a legally binding document.

Mr. TREWIN.—Small print and all.

Mr. WILKES.—I invite honorable members to examine some of the small print on forms used by reputable dealers. It is all very well for the backward back-bench members of the Government party to point out that people do not know what they are purchasing, but I defy them to read some of the clauses on some of these so-called order forms that are presented to purchasers by used-car and new-car firms. They give the dealer the power to hold a person to the sale or alternatively to face legal action.

Mr. BIRRELL.—What is the alternative?

Mr. WILKES.—The person has really no alternative to purchasing the vehicle, and some protection should be written into the Bill. Nobody wants to interfere with free trade in the motor industry but an attempt should be made to protect a person who is purchasing a new or a used car. Efforts should be made to ensure that the seller will stand by the claims that he makes. In the past the Government has introduced legislation to prevent the altering of odometers on motor vehicles. I do not know whether this legislation has been successful, but I am certain that few checks are made on odometers of cars in used-car yards in Victoria. The mileage must be placed on the form when the car is tendered for sale and shown on the order or purchase form after the vehicle has been tested for roadworthiness. In passing I point out that roadworthy tests leave a lot to be desired. My experience has led me to believe that a roadworthy test on a used vehicle is only a scant test. The braking system is inspected by removing only one wheel and that is not sufficient evidence that the brakes are in good order. All four wheels should be removed so that the person making the inspection will be in a position to state categorically that the braking system on the car is in reasonable order.

Mr. DIXON.—What would be a reasonable cost for that?

Mr. WILKES.—The honorable member for St. Kilda puts cost before safety. If he believes that it is more important to consider cost than to make a reliable test on a used car he is entitled to that opinion, but I take the view, as does the Opposition, that if a car is road tested the job ought to be done thoroughly to ensure that the car is safe to drive.

Mr. DIXON.—What cost would the honorable member put on that?

Mr. WILKES.—I am not concerned about the cost; I am concerned that the job ought to be done properly in the interests of road safety and in the interests of people who buy used cars. The honorable member for St. Kilda is getting hot under the collar about costs. He is more concerned about cost than he is about safety. Members of the Opposition are concerned about safety first. The honorable member for St. Kilda has not bothered to examine some of the order forms that are forced on unfortunate purchasers of used cars. He would not know what they entail. The Consumer Protection Association has said that dealers have started legal proceedings against persons who have paid small deposits for the purchase of motor cars and when they would not go on with the sale the dealers have agreed to withdraw the legal proceedings if the defendants would pay the dealers their legal costs. If the legislation is to do anything it should cover some of these anomalies.

The selling of used cars is big business in Victoria and some reputable people are engaged in it. That brings me to the point raised by the honorable member for Ballaarat North. Members of the Opposition do not believe auctioneers should be excluded from the provisions of the

Bill. I understand that the Minister has a proposal to put forward and we shall be pleased to accept it if it provides that auctioneers are to be included in certain circumstances. Why should not an auctioneer be covered by the provisions of the Bill? If he is not, the more undesirable people in the industry will be operating as auctioneers as soon as the legislation is passed. I know of no reason why auctioneers should not be covered by the Bill. Suffice to say that action should have been taken to protect purchasers of used cars and to make certain that purchasers of new cars get proper protection from the warranties that are given. If the Government does not want to change the warranty to a guarantee then the warranty ought to be the subject of approval by an authoritative body, whether it be the committee to be established under this Bill or some other organization. Certainly warranties should be examined for both new and used cars. The Victorian Automobile Chamber of Commerce has made a careful study of the need to protect the purchasers of new and used vehicles. The material is available to anybody; there is no political distinction. The material is worth examining if only to learn of some of the rackets that have existed under the administration of this Government in the sale of new and used cars in Victoria.

Members of the Opposition accept the Bill with open arms because we believe it will go some of the way towards stamping out some of the rackets that have existed in this field in Victoria. We do not want to delay the passage of the Bill but during the Committee stage we want to debate certain of its aspects and to consider the amendments that will be put forward by both the honorable member for Reservoir and the Chief Secretary.

The motion was agreed to.

The Bill was read a second time and committed, *pro forma.*

Mr. Wilkes.

Mr. MEAGHER (Chief Secretary) presented a message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Fund for the purposes of this Bill.

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

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

Clause 1 (Short title).

Mr. MEAGHER (Chief Secretary).—I thank honorable members on all sides of the Chamber for their support for this proposed legislation and assure them that it is intended to do what everyone wants it to do —that is, to see that a person who buys a car receives a fair deal. The Bill is designed to enable the trade to regulate its own procedures and code of ethics and to conduct its affairs with a minimum of direction from outside the trade; it also imposes certain minimum requirements for people who trade in motor cars to ensure that the buyer is given a reasonable deal.

The principal criticism of the honorable member for Reservoir was that auction sales were excluded from the ambit of the Bill. The honorable member regarded this as a loophole which would permit disreputable and dishonest traders to get rid of broken down and unroadworthy cars by the expedient of selling them at auction. I direct attention to the amendment proposed by the Government to clause 41, which would mean that a licensed trader who sells a car to an auctioneer would be required to provide a warranty to the buyer. This will overcome any loophole whereby a dishonest trader could get around the provisions of the Act by selling cars at auctions.

The honorable member for Rodney expressed concern about border problems. Problems will always be encountered close to borders where there is legislation in one State and no corresponding legislation in the

adjoining State. This is one of the problems that must be faced in the future. I have no doubt that in due course there will be complementary legislation in the other States to cover this situation. For various reasons which are peculiar to South Australia, the legislation which has been enacted in that State is not yet operative.

The honorable member for Ballaarat North suggested a tightening up of the system of roadworthiness certificates, and he was quite right in raising this aspect. The present system of roadworthiness has not been working satisfactorily because, as the Deputy Leader of the Opposition said, some of the people issuing the certificates are not carrying out an adequate inspection of the cars beforehand. A matter of this type can hardly be dealt with in this Bill. It needs attention at a subsequent date, and I undertake to give it that sort of attention. The Deputy Leader of the Opposition also suggested that the warranties for which the Bill provides should be the subject of approval by some authority. This is an interesting suggestion, which I am prepared to examine. The matter is not covered in the Bill at this stage, as it was considered sufficient to provide that warranties should be given.

The clause was verbally amended, and, as amended, was adopted.

Clause 2, providing, *inter alia*—

(1) In this Act, unless inconsistent with the context or 5 subject-matter—

"Trading in motor cars" means buying

. . . . . .

selling or exchanging motor cars, whether as principal or agent, and offering to buy sell or exchange motor cars, whether as principal or agent, but does not include—

. . . . . .

(c) buying selling or exchanging motor cars or offering to buy sell or exchange motor cars by a financier, except for the purpose of—

(ii) disposing of motor cars of which the financier has taken possession in the exercise of any rights conferred by contracts or agreements made between the financier and the persons formerly in possession of the motor cars, otherwise than by selling them to cash buyers whom those persons are entitled to introduce by virtue of the contracts or agreements;

(d) selling or offering to sell motor cars by any person to persons to whom the motor cars have been let or hired by the person for a continuous period of at least three months immediately before the sale or offer to sell in each case; or

(e) buying or selling or offering to buy or sell motor cars by any person at any genuine public auction.

Mr. SIMMONDS (Reservoir).—Three amendments to this clause have been circulated in the name of the honorable member for Northcote. Because each of the amendments relates to the exclusion from the legislation of vehicles sold at auction, I shall deal with the three amendments together. The first amendment, which is consequential upon the third amendment, simply envisages the addition of the word "or" at the end of sub-paragraph (ii) of paragraph (c) of the definition of "Trading in motor cars". The second amendment, which is also consequential upon the third amendment, proposes the deletion of the word "or" from the end of the same definition. The third amendment proposes the omission from the clause of paragraph (e) of the definition of "Trading in motor cars". This paragraph reads—

Buying or selling or offering to buy or sell motor cars by any person at any genuine public auction.

Under the clause, as drafted, vehicles sold at a genuine public auction would be excluded from the ambit of the legislation. The Opposition can see no reason why vehicles sold at public auction should not be covered by the legislation. Consequentially, I move—

That, in sub-clause (1), paragraph (e) of the definition of "Trading in motor cars" be omitted.

Mr. MEAGHER (Chief Secretary).—As I understand it, the amendments proposed by the Opposition to this clause are designed virtually to include within the ambit of the legislation vehicles which are sold at public auction. As I have

already indicated, the problem associated with the sale of vehicles at auction rooms will be dealt with by an amendment which I have foreshadowed to clause 41. The Government therefore cannot accept the amendment.

The amendment was negatived, and the clause was agreed to.

Clause 3—

For the purposes of this Act —

(*a*) where a motor car is made the subject of a hire-purchase agreement, it shall be deemed to have been sold to the hirer, and the sale shall be deemed to have been made at the time of the making of the offer to enter into the hire-purchase agreement: and

(*b*) where a motor car is bought sold or exchanged, the motor car shall be deemed to have been bought sold or exchanged at the time of the making of the offer to buy sell or exchange the motor car.

Mr. MEAGHER (Chief Secretary).—I move—

That paragraphs (*a*) and (*b*) be omitted with the view of inserting the following:—"where a motor car is made the subject of a hire-purchase agreement it shall be deemed to be sold to the hirer".

This Bill requires certain things to be done at the time of the sale of a motor car. Under a hire-purchase agreement the motor car remains the property of the owner and the person in possession of the motor car is only a hirer during the currency of the agreement. Only after the final instalment has been paid does the hirer become the owner of the vehicle. In these circumstances, it was necessary to provide in clause 3 of the Bill that where a motor car is subject to a hire-purchase agreement it shall be deemed to have been sold to the hirer, and the sale shall be deemed to have been at the time of the making of the offer to enter into the agreement. This is for the purpose of complying with the provisions of the Act.

It was also necessary to provide that where a motor car is bought, sold or exchanged, it shall be deemed to have been bought, sold or exchanged at the time of the making of the offer to buy, sell or exchange the motor car. It has now come to the notice of the Government that the provision deeming the time of sale to be the time of making of the offer could have unintended side effects. For example, clause 26 would require a motor car trader, immediately after receiving an offer to accept a trade-in, to enter certain specified particulars in his purchase book. Such a trade-in may be conditional upon another agreement for the purchase of another motor car, and the motor car trader may not receive an offer of purchase until some days later. This could mean that, under section 26, the trader has committed an offence by not entering the price of the trade-in in his purchase book at the time the offer of sale to him was made. Accordingly, it is proposed to amend clause 3 to provide that where a motor car is made the subject of a hire-purchase agreement it shall be deemed to be sold to the hirer without any reference to the time of sale. Various other clauses of the Bill will require consequential amendment. This is a tidying-up and clarification of the position.

Mr. MUTTON (Coburg).—This is a very important part of the Bill, and it centres around hire-purchase agreements entered into by persons buying motor cars. A disturbing feature of motor car transactions entered into with large sellers—say, Kevin Dennis Motors Pty. Ltd.—involves the trading-in of a car by a purchaser and encouragement to him to accept the value of his trade-in back in cash. This means that a purchaser, who trades in his own car for $500 on another car priced at $1,000 and takes cash, has to pay interest at a high rate on $1,000 instead of only $500.

I hope the amendment which has been moved by the Minister will overcome this problem. Clause 3 provides, *inter alia*—

For the purposes of this Act—

(*a*) where a motor car is made the subject of a hire-purchase agreement, it shall be deemed to have been sold to the hirer.

The ACTING CHAIRMAN (Mr. A. T. Evans).—I believe the comments of the honorable member for Coburg are far wide of the amendment. They should have been made during the second-reading debate. They can still be raised when the Bill is read a third time.

Mr. MUTTON.—I am concerned that the buyer of a car will find himself entering into a hire-purchase agreement which requires him to pay far more interest than he would have been called upon to pay in the absence of this cash-back trade-in amount.

I believe this is an anomalous situation, and I trust that if the Minister is not already aware of the position he will take steps to examine it and introduce a Bill to have the practice abolished. It is a most improper practice which is designed to exploit the people.

Mr. WILKES (Northcote).—Will the Chief Secretary inform the Committee whether, if a person makes an offer to trade-in his car, he is bound by that offer under the provisions of this measure? Is the dealer liable for anything that the salesman has said about the car he is selling? Will a dealer or salesman be obliged to quote the vehicle's year of manufacture and its mileage? If a purchaser takes a car on trial—and it is not uncommon for a car to be taken on trial for two or three days —and returns it because he is not satisfied, how does he get his own car back? Does the Minister's amendment affect the situation?

Mr. MEAGHER (Chief Secretary).—The amendment is not designed to deal with the transfer of one car for another. It is merely meant to sort out a possible complication which may be contained in clause 26. Virtually, it is a consequential amendment to make it clear that when a hire-purchase contract is entered into the car concerned will be deemed to have become the property of the hirer. The amendment has been moved with the express purpose of making the provision of clause 26 applicable.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 4 to 6.

Clause 7, providing, *inter alia*—

(1) For the purpose of this Act there shall be a Committee to be known as the "Motor Car Traders Committee"

. . . . . .

(3) The Committee shall consist of five members appointed by the Governor in Council of whom—

(*a*) one shall be a barrister and solicitor of the Supreme Court of Victoria of not less than five years' standing;

(*b*) one shall be a member of the police force of Victoria nominated by the Chief Commissioner of Police;

(*c*) one shall be appointed from a panel of three names submitted to the Minister by the Royal Automobile Club of Victoria; and

(*d*) two shall be appointed from a panel of six names submitted to the Minister by the Victorian Automobile Chamber of Commerce.

Mr. SIMMONDS (Reservoir).—I move—

That, in sub-clause (3), after the word "Commerce" the expression "; and (*e*) one shall be nominated for appointment by the Victorian Trades Hall Council" be inserted.

The Opposition is of the view that this additional appointment is necessary to give the committee a measure of consumer representation. An appointment from the Trades Hall Council would be most suitable The Opposition has adopted this attitude with other committees. I propose to move two verbal amendments to this sub-clause.

The ACTING CHAIRMAN (Mr. A. T. Evans).—I must rule the amendments of the honorable member out of order. Funds have already been allocated for this committee and the five members of it have been specified and agreed to.

Mr. WILKES (Northcote).—On that ruling, Mr. Acting Chairman, I take it that the honorable member for Reservoir will not be prevented from moving amendments to other parts of the measure?

The ACTING CHAIRMAN.—At the moment the Committee is discussing clause 7.

Mr. WILKES.—I remind you, Mr. Acting Chairman, that it is not possible for the Opposition to arrange for an appropriation message. I have argued about this before, because I think it restricts the rights of members. This matter should be referred to the Standing Orders Committee, and I believe the Premier and some of his Ministers agree with my view. However, if the Opposition is prevented from having its amendments considered, perhaps it may explain what it thinks should be done.

The Opposition has no objection to any of the nominees for appointment to the Motor Car Traders Committee who are mentioned in the Bill, but thinks it is desirable that there should be a consumer representative on the committee. This was done in the case of the Road Safety and Traffic Authority when the Trades Hall Council appointed the secretary of the Transport Workers Union of Australia (Victorian Branch) to that body. No one could suggest that Mr. Lindram has not been an acquisition as a member of the Committee.

If the Minister will agree to the appointment of a consumers' representative nominated by the Trades Hall Council, it will add greatly to the knowledge and expertise of the committee and enable it to act in the manner that the Minister desires. I ask the Minister to consider this proposal before the Bill is dealt with in another place. The Opposition has no objection to direct consumer representation, but thinks it would be better if consumers were represented by persons familiar with industrial committees. There may be something wrong with warranty systems and the system of inspection of motor vehicles when they do not ensure that such vehicles comply with the standards which the Minister, and the trade, would desire that they met before they were sold to the public. There is no simpler way of ensuring that vehicles comply with these standards than by having either or both of these representatives on the committee.

Earlier, the honorable member for Reservoir attempted to move an amendment which could not be accepted because of the peculiar Standing Orders of this Parliament. However, the Minister should consider what the honorable member has said and the suggestion I have made in the interests of the committee itself.

Sub-clause (2) provides that the functions of the committee shall be—

(*a*) to make reports and recommendations to the Governor in Council of its own motion on any matter relating to trading in motor cars in Victoria;

(*b*) to report upon any particular matter relating to trading in motor cars in Victoria referred to it for investigation and report by the Minister; and

(*c*) generally to give effect to this Act by exercising such powers and performing such duties as are conferred or imposed on it by or under this Act.

I strongly urge the Minister to consider this proposal in the spirit in which it has been offered to him. The Labor Party believes it will help to strengthen the committee in its endeavours.

Mr. R. S. L. McDONALD (Rodney).—I ask the Minister whether it is proposed that the committee will sit continuously. Judging by what has been said tonight, it will have a full-time job.

Mr. MEAGHER (Chief Secretary).—I first deal with the point raised by the honorable member for Rodney. I should imagine that the committee would have to sit for extensive periods—virtually continuously—in the early stages of its operations. What happens later will depend on the results it obtains and the efficiency with which it deals with these problems.

It is a matter of great regret that the forms of the House did not permit the honorable member for Reservoir to proceed with the motion

he wished to move. I agree with the Deputy Leader of the Opposition that perhaps these forms should be examined to determine whether they can be improved upon. The honorable member suggested that a representative of the Victorian Trades Hall Council should be added to the committee, and that this proposal should be included in the Bill in another place, on the ground that that would give consumer representation.

However, in this day and age, every member of the committee will most certainly be a consumer. The representative of the Royal Automobile Club of Victoria will most definitely represent the consumer. Other members will be appointed because they have particular skills. The barrister and solicitor would have an interest in the warranty problems to which the honorable member referred. The representative of the Chief Commissioner of Police would be greatly concerned with roadworthiness and similar matters. The Victorian Automobile Chamber of Commerce representative would have a great deal of expertise on similar subjects and on the industry side of problems.

For these reasons I would hesitate to suggest that a representative of the Trades Hall Council should be added to the committee. This is not because I object to that council, but because the moment the committee was extended in that way there would be demands from many other bodies which felt they had a right to representation. In the end, the committee could grow to unmanageable proportions. The honorable member should not expect me, while the Bill is between here and another place, to make that suggestion. I believe the committee will do all that is expected of it.

The clause was agreed to, as were clauses 8 to 12.

Clause 13 was verbally amended and, as amended, was adopted, as were clauses 14 to 20.

Clause 21 was verbally amended and, as amended, was adopted, as were clauses 22 to 25.

Clause 26 (Purchases book).

Mr. R. S. L. McDONALD (Rodney). —Paragraph (*d*) of sub-clause (2) provides that the particulars to be recorded shall include the date and hour of the day of the transaction or receipt. I understand why the date is necessary, but why must the hour be recorded?

Mr. MEAGHER (Chief Secretary). —It was included because, in an earlier clause, the hour of sale was referred to in relation to the making of a hire-purchase agreement. Following the amendment to clause 3, I do not know whether it still is necessary. Before the Bill is dealt with in another place, I shall examine the position to determine whether or not it is.

Mr. MUTTON (Coburg).—This clause relates to a subject which I attempted to raise on clause 3. Is the Minister prepared to condone the activities of some retail houses which use the system of "cash back" for trade-ins? This borders on illegal activity. Unscrupulous operators use this system to exploit customers.

Mr. MEAGHER (Chief Secretary). —This matter properly relates to the hire purchase Acts which are currently under examination by the Attorney-General with a view to their amendment.

The clause was agreed to.

Clause 27 (Giving false information an offence).

Mr. WILKES (Northcote).—This clause provides—

> Every person who wilfully gives false information to a motor car trader with respect to any matter in respect of which the motor car trader is required by this Act or the regulations to make an entry in any records required to be kept by the motor car trader shall be guilty of an offence.

How is it intended that this provision shall be policed? During the second-reading debate I said that the regulations controlling odometer readings and interference with them had not

operated as successfully as the Parliament had hoped. That leads me to wonder whether the Minister knows of any way to ensure that offences are detected.

Mr. MEAGHER (Chief Secretary). —This points to one of the difficult problems which arise when legislation is enacted. The purpose of the clause is to give the motor trader some protection if he is wilfully misled by a person with whom he is trading. If someone who trades in a motor car falsified the odometer or some other instrument, or gave the trader false information about ownership or other matters, it would hardly be just if the trader had no opportunity of defending himself against any charge made against him. The only way in which a dispute could be determined would be by reference to a court. There is no way to police the possibility of false information being given, but this clause could provide a defence against any charge.

The clause was agreed to, as were clauses 28 and 29.

Clause 30, providing, *inter alia*—

(1) Every agreement for the sale of a motor car (not being an agreement all the parties to which are motor car traders or special traders) shall—

. . . . . .

(*d*) in the case of a second-hand motor car, contain a description of the motor car sufficient to identify it;

(*e*) specify the price and any other charges to be paid and the time and manner in which the price and any other charges are to be paid;

(*f*) state the mileage recorded on the instrument or device installed in the motor car for recording mileage at the time of the making of the offer which resulted in the agreement; and

(*g*) state whether or not the vendor or, where a motor car trader acts on behalf of the motor car trader in the making of the sale, the motor car trader believes the mileage so recorded to be true.

(2) Where a motor car is sold otherwise than by an agreement that complies with sub-section (1), the vendor and any motor car trader who acts on behalf of the vendor in the making of the sale shall be guilty of an offence against this Act.

Mr. MEAGHER (Chief Secretary). —I move—

That, in paragraph (*d*) of sub-clause (1), after the word "it" the words "and record its engine number" be inserted.

The paragraph refers to second-hand cars, and obviously the engine number should be recorded.

The amendment was agreed to.

Mr. MEAGHER (Chief Secretary). —I move—

That, in paragraph (*e*) of sub-clause (1), after the word "paid", where second occurring, the words "and, where a motor car or other goods are to be accepted as part payment of the price or other charges, the amount agreed to be represented by the motor car or other goods" be inserted.

This has some relation to the remarks of the honorable member for Coburg on the question of trade-ins. It requires that the actual value of the trade-in applied to the motor car shall be recorded in the document.

The amendment was agreed to.

Mr. MEAGHER (Chief Secretary). —I move—

That, in paragraph (*f*) of sub-clause (1), the words "at the time of the making of the offer which resulted in the agreement" be omitted with the view of inserting the words "either at the time when the purchaser signs the agreement or at an earlier time at which the purchaser takes delivery of the motor car."

This makes it certain, whether the agreement is signed or not, that the moment at which delivery of the car is taken is the time at which the sale is deemed to be made.

The amendment was agreed to.

Mr. MEAGHER (Chief Secretary). I move—

That, in paragraph (*g*) of sub-clause (1), the words "motor car trader", where last occurring, be omitted with the view of inserting the word "vendor".

Clearly, the person selling the car would not necessarily be a motor trader in all these transactions, and this amendment makes it clear that the provision applies to all of them.

The amendment was agreed to

Mr. MEAGHER (Chief Secretary). I move—

That sub-clause (2) be omitted with the view of inserting the following sub-clause:—

"(2) Where—

(*a*) a motor car is sold otherwise than by an agreement that complies with sub-section (1); or

(*b*) in a case where a car is sold by an agreement that complies with sub-section (1)—the purchaser is not supplied with a copy of the agreement at the time of the sale—

the vendor and any motor car trader who acts on behalf of the vendor in the making of the sale shall be guilty of an offence against this Act."

The intention of the amendment is obvious.

The amendment was agreed to, as were consequential amendments, and the clause, as amended, was adopted, as were clauses 31 to 39.

Clause 40, providing, *inter alia*—

(3) For the purposes of this section the required particulars are—

(*a*) the name and business address of the owner of the motor car;

(*b*) if the owner of the motor car is a motor car trader or a special trader, the name of the last owner of the motor car who was neither a motor car trader nor a special trader;

Mr. MEAGHER (Chief Secretary). —I move—

That, in paragraph (*b*) of sub-clause (3), after the word "trader", where last occurring, the words "or, if those particulars are not known to the motor car trader, the name of the last person registered as the owner of the motor car under the provisions of any Act or law, whether of Victoria or of any other place, relating to the registration of motor cars who was neither a motor car trader nor a special trader" be inserted.

The purpose of the amendment is to make it clear that, so far as practicable, the last owner of the vehicle is identified.

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

Clause 41, providing, *inter alia*—

(4) This section does not apply to or in relation to—

. . . . .

(*d*) The sale of a motor car at a genuine public auction.

Mr. MEAGHER (Chief Secretary). —I move—

That paragraph (*d*) of sub-clause (4) be omitted.

This amendment has the effect of making the motor car trader responsible to the buyer where he sells through an auction room.

The amendment was agreed to, as were consequential and verbal amendments.

Mr. R. S. L. McDONALD (Rodney). —In paragraph (*b*) of sub-clause (1) reference is made to a "reasonable condition", but this expression is not defined in the Act. Paragraph (*c*) of sub-clause (3) refers to any defect arising from misuse or negligence on the part of a driver of a motor car that occurred after the sale. I consider that in many respects these provisions are related, and that the expression "reasonable condition" should be defined.

Mr. MEAGHER (Chief Secretary). —I should like to define the expression "reasonable condition", but I do not think anyone on this Earth could show me how to do it. Reasonable condition is a value judgment which would have to be argued out before the committee or court or whatever body was determining the argument. For the life of me I cannot see how it is possible to define in legislation what would be the reasonable condition of a motor car having regard to its age. One can imagine a vintage car which has been well cared for being in magnificent condition, but a car of much lesser age being in appalling condition because of the way it has been handled. I would not know how to define the two things in relation to each other. For that reason the Bill must rely on the interpretation of the bodies which will be determining any disputes.

The question of misuse or negligence on the part of a driver is in a portion of the Bill which provides that where defects occur the trader will not be held responsible if it can be shown—again before the judicial body—that the defects were due to

misuse or negligence on the part of the driver rather than to any negligence on the trader's part. Again, it is a value judgment which can be determined only in argument before a tribunal.

Mr. R. S. L. McDONALD (Rodney). —I accept the Chief Secretary's explanation, but if the expression "reasonable condition" cannot be defined it should not be included in the Bill. I say that advisedly, because the Chief Secretary is relying on the Motor Car Traders Committee although he has not defined, for the committee's clarification, what the expression "reasonable condition" means. For the sake of the motor car dealers who are good fellows—there are a lot of them—I consider that this expression should be defined.

The clause, as amended, was adopted, as were clauses 42 to 58.

Clause 59 (Attempted contracting out of Act ineffective).

Mr. R. S. L. McDONALD (Rodney). —The Motor Car Traders Act will have effect in relation to every activity relating to the sale of a motor car. Surely, some of the expressions used in the measure should be defined.

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

Mr. MEAGHER (Chief Secretary). —I propose the following new clause to follow clause 62:—

AA. In paragraph (*a*) of sub-section (2) of section 8 and in sub-sections (4) (4AA) (4A) and (4F) of section 21B of the Motor Car Act 1958 before the words "second-hand dealer" there shall be inserted the words "motor car trader or".

This proposed new clause is to bring the motor car trader into compliance with those sections of the Motor Car Act which provide, among other things, for concessions available under the Stamps Act, and so on.

The new clause was agreed to.

Mr. MEAGHER (Chief Secretary). —I propose the following new clause to follow clause 63:—

BB. In paragraph 1 of the exemptions 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 before the words "second-hand dealer" there shall be inserted the words "motor car trader or".

The purpose of this proposed new clause is similar to that of the previous one, to provide appropriate exemptions.

The new clause was agreed to.

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

ADJOURNMENT.

LOCAL GOVERNMENT DEPARTMENT: TOWN PLANNING APPEALS TRIBUNAL —EDUCATION DEPARTMENT: KANGAROO FLAT SPECIAL SCHOOL: BROADMEADOWS TECHNICAL SCHOOL: PRESTON NORTH EAST PRIMARY SCHOOL: MOONEE PONDS CENTRAL SCHOOL: PRINCES HILL PRIMARY SCHOOL: DISMISSAL OF TEACHER — PORT OF PORTLAND: SHIPPING LEVY—PYRAMID SELLING: "DARE TO BE GREAT" ORGANIZATION.

Mr. THOMPSON (Minister of Education).—I move—

That the House, at its rising, adjourn until tomorrow, at half-past Two o'clock.

The motion was agreed to.

Mr. THOMPSON (Minister of Education).—I move—

That the House do now adjourn.

Mr. WILKES (Northcote).—Earlier today I asked a question of the Minister for Local Government, and I draw the Government's attention to a serious matter pertaining to that question. The Town Planning Appeals Tribunal, which operates in the best interests of the people of Victoria, has a number of chairmen. An unusual situation has occurred in that on no fewer than half a dozen occasions a gentleman whose name I shall

not mention acted as chairman of the tribunal, and on another occasion appeared before the tribunal on behalf of an appellant. This is most irregular. The Government should investigate why a person who is appointed as chairman of a tribunal can in one instance act as chairman and in another instance act as an advocate for an appellant. This situation, which puts in question the whole concept of the appeals tribunal, should be corrected. There ought to be no doubt that a chairman of a tribunal will not be permitted to appear on behalf of an appellant. The present position tends to destroy the faith that people have in the tribunal. The Government should take remedial action as soon as possible.

Mr. SHILTON (Midlands).—I direct the attention of the Minister of Education to the urgent need for accommodation at the Kangaroo Flat Special School. Recently the enrolment at the school has increased to 62, and because of lack of accommodation the sick-bay is now being utilized as a class-room. Without going into the details of a sick bay in a special school, as the Minister fully understands the situation, I ask him to arrange urgently for the transportation of a portable classroom to the special school at Kangaroo Flat.

Mr. W. J. LEWIS (Portland).—Over the past few weeks honorable members have been hearing what the Government intends to do on behalf of the port of Portland, but to date nothing has been done. All that has happened is that a lot of words have passed between Ministers and Canberra and statements have been published in the press. However, tonight I had the privilege of hearing the Federal Minister for Labour in Canberra say that the situation at the port of Portland concerning the shipping levy imposed by the Association of Employers of Waterside Labour on 5th March had been solved. The levy of $1.15 a man-hour at Portland has been reduced to a uniform payment throughout the Commonwealth of 3 cents.

The Government has said that this levy was the main worry at Portland and that it was preventing cargo from going through the port. The Minister of State Development and Decentralization and another Minister in this place said that if the levy were fixed the Government would legislate to ensure that cargo would go through the port. In the light of the happenings today, I ask the Government whether the necessary legislation will be enacted to ensure that cargo from the western part of the State goes through the port of Portland and is not centralized at the port of Melbourne.

Mr. FELL (Greensborough).—I bring to the attention of the Government, and in particular to the attention of the Minister of Labour and Industry, a problem which is not only State-wide but world-wide. The Minister should exercise his prerogative to investigate what I claim is a pyramid selling organization known as "Dare to be Great". This organization is run by a Mr. Eugene Rumley, an American who has come here with another import which is certainly a pyramid selling organization. On many occasions I have reported to the House on the problems associated with this type of pyramid selling. I believe this is the type of organization about which the Government has said it will take action, but it has in fact done little. Many people are being induced to pay between $300 and $3,000 for special courses in self-confidence, which are the terms used by the promoter. This organization is fundamentally identical to Golden Chemical Products Pty. Ltd.

The SPEAKER (Sir Vernon Christie).—Order! I think the honorable member is making rather a speech.

Mr. FELL.—I ask the Minister to conduct an examination into the similarities between this and other types of pyramid organizations and to investigate whether the statements I am making here and which have been reported in the daily press are correct. People are being "hooked in" without any means of redress. I ask whether this lazy Government intends to take action on this organization despite the fact that it has refused to take action on three other similar organizations which have been brought to its notice. People want protection. Will the Minister offer the protection that is being demanded by the community?

Mr. WILTON (Broadmeadows).—Last week in the Grievance Day debate, I referred to the prolonged delay in the completion of renovation works at the Broadmeadows Technical School. Correspondence on the school council's file indicates that the Minister of Education advised that the work would be completed early in 1972. Work has not even been started, but we have been told on numerous occasions that funds have been allocated for it. I ask the Minister whether the preparation of the plans for the work at the Broadmeadows Technical School was stopped and the staff were directed to complete certain works at the Knox Technical School. If that is so, can the Minister tell me why the Knox Technical School was given preference over the Broadmeadows Technical School, particularly in view of the fact that the Minister informed the school council that the work would be completed early in 1972?

Mr. KIRKWOOD (Preston).—I wish to direct a matter to the attention of the Minister for Education. I have been approached by members of the school committee of the Preston North-east Primary School who are desirous of obtaining the services of a trained social worker for the school. Because of the large number of parents of children attending the school, peculiar problems have been encountered. The same types of parents have children attending the Preston East High School. No one is unfamiliar with the problem and the Minister is aware that there is a social problem which his Government——

The SPEAKER (Sir Vernon Christie).—I think that the honorable member is making a speech. Is it a question of urging action?

Mr. KIRKWOOD.—Yes, I am urging action, Mr. Speaker. The Minister is concerned with the problem and I am trying to outline it so that the honorable gentleman can investigate my report. If investigations were carried out to ascertain the lack of communication between the parents, children and the school, the Minister would as a matter of necessity and urgency appoint a social worker for the Preston East High School and for Preston North-east Primary School, and I hope he will do so.

Mr. EDMUNDS (Moonee Ponds).—I should like the Minister of Education to re-examine a matter which I raised as a matter of urgency in September of last year. For the past three years the school committee of the Moonee Ponds Central School has been requesting assistance for the building of a school library. A central school is not eligible for the Commonwealth library grant because it was ruled by the previous Federal Liberal Government that a central school was a primary school. I understand that this opinion was supported by the State Government. The school committee is determined to obtain a library under the existing circumstances, but more assistance is needed.

Last year the committee obtained a quote of $16,809 for the provision of a library system. The special grant of $9,000 on the two-for-one basis from the State Government was the best that could be done for a primary school. Consequently, the parents would be required to raise $7,809, which is almost impossible because of the special circumstances relating to this area. Many migrant families

are living in the area and it is difficult to make the parents interested in raising money for a school library. When I raised the matter on the motion for the adjournment of the sitting on 26th September, 1972, the Minister of Education was sympathetic. The honorable gentleman said—

> I have some sympathy with the honorable member concerning this matter because I appreciate that central schools are in a different position from primary schools. I will see what can be done to ensure that a reasonable library is erected at the school because it is the Government's intention to retain that school and other existing central schools.

Four months later I received a letter from the Assistant Minister of Education, Mr. A. H. Scanlan, which stated—

> The special grant made available towards the cost of the provision of libraries at primary schools has now been increased to $11,000 on a two-for-one basis as at 1st January, 1973.

On the basis of the quote which the school committee had from the Public Works Department for a library costing more than $16,000, instead of the committee having to raise $7,000 it now has to raise only $5,809. The task is almost as difficult as it was last year and, because of inflation, the cost of building such a library will obviously increase. I ask the Minister of Education to raise the matter with the new Federal Government, which is more sympathetic than the previous Government to central schools. Perhaps the new Federal Government will raise its grant for school libraries.

Mr. BORNSTEIN (Brunswick East).—I ask the Minister of Education to explain what I regard as the inexcusable delay by his department and the Public Works Department in providing vital equipment for the art and crafts centre of the Princes Hill Primary School. The centre was completed in the middle of February, when children at the school began to use it. Last November the mothers' club and the school committee applied to the Public Works Department for furniture for the art and crafts centre and to the Education Department for tools for the centre. The value of tools required is only $250. As yet, neither the furniture nor the tools have materialized.

As the school committee and the mothers' club were informed that the equipment would be provided quickly —probably within six weeks—it is extremely regrettable that it has not yet arrived. As the Minister would be aware, that art and crafts centre represents a partnership between the Government and the parents of children at the school. The total cost of the building and other expenses associated with its construction is approximately $16,000, of which the Government has contributed 50 per cent. In this State, where education is not free, the parents have been forced to contribute $8,000 towards the cost of the centre. It is not good enough that the furniture and tools have not been provided. The centre will be officially opened on 4th May, and it will certainly be embarrassing for the Government if the equipment is not installed by that date. I ask the Minister of Education to take urgent action to ensure that the equipment arrives at the school as soon as possible.

Mr. JONES (Melbourne).—I raise with some diffidence the question of Helen Garner and the circumstances surrounding her dismissal from the position of temporary teacher at Fitzroy High School. I had hoped that somebody else would raise the matter over the past few weeks, but since no one else has appeared anxious to do so, I have felt increasingly concerned about it.

The SPEAKER (Sir Vernon Christie).—Is the honorable member making a speech?

Mr. JONES.—I am calling for action and I want the Minister of Education to indicate before the end of this session of Parliament what will be done during the next few months. I am concerned about the principles in this case. The rights and wrongs of what the girl did in the past are open to argument and question, and it is certainly a matter for

investigation. That is one question, but there is a much broader issue involved, and that is the question of what the Americans would call due process. In Victoria we would simply call it the proper procedures. As long ago as 1966 the United Nations Educational, Scientific and Cultural Organization adopted a code of practice to be followed in dismissing a teacher.

The SPEAKER (Sir Vernon Christie).—I think the honorable member is inclined to be making a speech. It should be this occasion, this Government.

Mr. JONES.—What I am concerned about is that the Minister should, not necessarily tonight but before this Parliament rises, make a considered statement about the implications which arise out of the Helen Garner case. I also ask the honorable gentleman to consider the implication of the 1966 United Nations Educational, Scientific and Cultural Organization recommendation on the status of teachers and the procedures to be followed in getting rid of them. I further specifically ask the Minister whether, (*a*) he will receive a deputation from the Victorian Secondary Teachers Association or other concerned unions to discuss this problem, and (*b*) he will be prepared to at least discuss the matter at some length with me because there are very important philosophical problems involved.

Mr. WILCOX (Minister of Transport).—The Deputy Leader of the Opposition has raised on the motion for the adjournment of the sittings the same matter which he raised by way of question during questions without notice. I have already indicated that I will draw the matter to the attention of the Minister for Local Government, and I will do so first thing tomorrow.

Mr. THOMPSON (Minister of Education).—In reply to the honorable member for Midlands regarding the Kangaroo Flat Special School, I wish to say that I shall be pleased to call for a report.

This is the first I have heard of the complaint made by the honorable member for Brunswick East, and I shall be pleased to investigate it.

I have taken some pains to investigate the case mentioned by the honorable member for Moonee Ponds in regard to additional aid being given, to the Moonee Ponds Central School. I found that the type of library being built there was comparable with that being built in a primary school, and this would not result in the central school being given a greater degree of aid. In short, it was not providing any additional facilities because it was a central school. However, on the book side I would be pleased to consider an application for additional assistance in view of the fact that books have to be provided for grades 1 to 8 and not just grades 1 to 6.

I shall be pleased to investigate the points made by the honorable member for Preston about the needs of the Preston North-east Primary School and the Preston East High School. I know the difficulties of the area and will look at the suggestions he has made.

I assure the honorable member for Melbourne that, because of the very grave concern of many parents throughout the State—and many teachers, I might add—on the strange form of indoctrination indulged in by Mrs. Garner, I will certainly make a statement in the House before this Parliament rises.

Mr. RAFFERTY (Minister of Labour and Industry).—I read the article to which the honorable member for Greensborough adverted and to that extent I am able to say that he recited reasonably accurately the matters arising from the article. The other article which he apparently did not read was published recently following the conference of Attorneys-General. That article indicated that the Government of all the States of Australia

were presently examining proposals for legislation to outlaw pyramid selling.

Mr. W. J. LEWIS (Portland).—Can I call on the Premier to indicate whether the Government will legislate or not?

The SPEAKER (Sir Vernon Christie).—Order! The Chair does not call on any honorable member to reply.

Mr. THOMPSON (Minister of Education).—I apologize to the honorable member for Portland, but I will certainly refer to the Minister of Public Works, who is the Minister basically involved, the points raised by the honorable member for Portland tonight.

Mr. WILTON (Broadmeadows).—I am not sure whether this is a point of order or a personal explanation.

The SPEAKER (Sir Vernon Christie).—Order! A personal explanation would be out of order.

Mr. WILTON.—On a point of order, I directed a matter to the attention of the Minister of Education and I should like the Minister to indicate whether he intends to answer the question. If he does not, could he please say so?

The SPEAKER (Sir Vernon Christie).—Order! There is no point of order. It is a matter for the Ministers in this House to reply and the Chair cannot direct any honorable gentleman to reply.

Mr. WILTON.—If he does not want to answer, then he has only to say so.

Mr. THOMPSON (Minister of Education).—The honorable member for Broadmeadows is a quiet, unobtrusive looking member and I did miss answering his query. I will be pleased to see why work has not proceeded at Broadmeadows Technical School.

The motion was agreed to.

The House adjourned at 11.21 *p.m.*

Legislative Council.

Wednesday, April 4, 1973.

The PRESIDENT **(the Hon. R. W. Garrett)** took the chair at 2.28 p.m., and read the prayer.

MOTOR CAR TRADERS BILL.

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

VICTORIA INSTITUTE OF COLLEGES.

FOOTSCRAY INSTITUTE OF TECHNOLOGY.

For **the Hon. A. W. KNIGHT** (Melbourne West Province), the Hon. H. A. Thomas asked the Minister for State Development and Decentralization, for the Minister of Education—

Where will the metal fabrication and welding department of the Footscray Institute of Technology be temporarily located, whilst awaiting the erection of new buildings at Newport?

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization).—The answer supplied by the Minister of Education is—

Present planning is that the above department will be temporarily located in premises that are under the control of the Footscray Institute of Technology.

EDUCATION DEPARTMENT.

LEONGATHA TECHNICAL SCHOOL.

The Hon. R. W. MAY (Gippsland Province) asked the Minister for State Development and Decentralization, for the Minister of Education—

When will tenders be called for the additional section of the Leongatha Technical School provided for in the original plan?

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization).—The answer supplied by the Minister of Education is—

This project is not included in the current building programme for the Technical Schools Division.

The construction of the additional section will be given further consideration in a review of the department's building programme later this year.

PRAHRAN HIGH SCHOOL.

The Hon. I. B. TRAYLING (Melbourne Province) asked the Minister for State Development and Decentralization, for the Minister of Education—

What action will the Education Department take to overcome the accommodation crisis at Prahran High School this year, and in the years immediately ahead?

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization).—The answer supplied by the Minister of Education is—

The department proposes to meet the immediate accommodation needs at Prahran High School by the provision of portable class-rooms.

The department is also investigating the availability of a site for a new high school.

ROAD SAFETY AND TRAFFIC AUTHORITY.

PEDESTRIAN OVERPASS IN DANDENONG ROAD, WINDSOR.

The Hon. I. B. TRAYLING (Melbourne Province) asked the Minister for Local Government—

(*a*) What action does the Government propose to take in relation to the many requests by Prahran and St. Kilda city councils, school principals and parent bodies, to build a pedestrian overpass across Dandenong Road, between Chapel and Westbury streets, to provide a safe crossing for more than 3,500 children attending six schools?

(*b*) If the Government is considering building a pedestrian overpass, will work commence within the next twelve months; if not, when will work commence?

The Hon. A. J. HUNT (Minister for Local Government).—The answer is—

(*a*) and (*b*) The honorable member is referred to my remarks on the adjournment of the House last night, and to the extensive correspondence on the matter, which I understand he has seen. The task force representing parents in the area has agreed to re-examine the proposal in the light of the correspondence, and has sought further information to assist it in doing so, and this is being obtained. I have in turn undertaken to re-examine the situation in the light of further material and views then presented to me on behalf of parents.

DEPARTMENT OF HEALTH.

FLUORIDE TABLETS.

For **the Hon. C. A. MITCHELL** (Western Province), the Hon. I. A. Swinburne asked the Minister of Housing, for the Minister of Health—

Will the Government make fluoride tablets available free of charge to those who desire to use them?

The Hon. V. O. DICKIE (Minister of Housing).—The answer supplied by the Minister of Health is—

Medical officers of the Department of Health believe that the issue of fluoride tablets would be advantageous to children provided that the issue of the tablets is made under the supervision of a medical practitioner.

To be effective, tablets must be taken regularly, but the issue of such tablets cannot be regarded as the ideal answer to the whole question of the prevention of dental caries.

The question of the issue of such tablets by the Government has been considered on previous occasions, and it was decided that no action would be taken to provide such a free issue.

In regard to the question of the fluoridation of water supplies and whether the issue of tablets would protect the freedom of the individual and offset any compulsory use of fluoride, I think it should be clearly understood that fluoride is present as a natural element in almost all drinking waters and fluoridating a water supply simply means that this fluoride level should be maintained at the most effective concentration to prevent dental caries.

There can be little doubt that the fluoridation of water supplies is a more effective measure in this regard than the issue of fluoride tablets.

INFANT WELFARE CENTRES.

For **the Hon. C. A. MITCHELL** (Western Province), the Hon. I. A. Swinburne asked the Minister of Housing, for the Minister of Health—

Will the Government increase the present subsidy for full-time and part-time infant welfare sisters?

The Hon. V. O. DICKIE (Minister of Housing).—The answer supplied by the Minister of Health is—

In its consideration of the report of the Board of Inquiry into Local Government Finance in Victoria the Government is examining all subsidies paid to municipal councils, including that paid in respect of infant welfare nurses.

Any variations that may be made will undoubtedly be a matter for Budget consideration and therefore it is probable that they will not have any effect until the next financial year.

MELBA TRUST FUND BILL.

The debate (adjourned from March 27) on the motion of the Hon. V. O. Dickie (Minister of Housing) for the second reading of this Bill was resumed.

The Hon. H. A. THOMAS (Melbourne West Province).—The Bill relates to the welfare of limbless ex-servicemen and their dependants. The history of the Melba Trust Fund legislation dates back to a period shortly after the first world war. After the armistice was signed in 1918, the Limbless Soldiers Association of Victoria was formed to provide and promote the welfare of limbless ex-servicemen. In 1924 Dame Nellie Melba, a generous and charitable person, sponsored the raising of money to establish a trust fund to assist in the welfare of limbless soldiers and their dependants.

A trust deed in respect of a fund called the Melba Trust Fund was established in 1929. When Melba died in 1931 she left $200,000 for the further benefit of limbless ex-servicemen, who were close to her heart. Under the Act, some doubt existed whether the benefit could be given to limbless soldiers of the second world war. Consequently, in 1942 the Act was altered to enable benefits to be given to those ex-servicemen. The purpose of the Bill is to bring the Act into line in terms of money values with modern times. It will also correct a drafting error in paragraph (*c*) of section 2 of the 1942 legislation. The Labor Party supports the Bill.

The Hon. C. A. MITCHELL (Western Province).—It gives me great pleasure to support the Bill. I have recollections of the late Madame Melba from the time when I was a small boy. I can recall my grandfather playing Melba's records and telling me that she was my first cousin. All honorable members must admit that the late Madame Melba was a great Australian. I used to think that my mother, who had a lovely voice, was a good singer, but naturally she could not rival Madame Melba.

It is praiseworthy that the late Madame Melba was sympathetic towards soldiers who lost limbs in the service of their country and that she should have taken some action to assist them. The fact that the various amounts prescribed in the trust deed will be increased to five times the present amounts highlights the extent of inflation in this country since the original legislaton was enacted. As a relative of the late Madame Melba, I have much pleasure in supporting the Bill.

The motion was agreed to.

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

HOSPITALS AND CHARITIES (GUARANTEE) BILL.

The debate (adjourned from March 28) on the motion of the Hon. V. O. Dickie (Minister of Housing) for the second reading of this Bill was resumed.

The Hon. R. J. EDDY (Doutta Galla Province).—As the title of the Bill suggests, this is a Treasury Bill, the purpose of which is to enable the Treasurer to execute guarantees in respect of borrowings by public hospitals and charitable institutions which may be authorized by the Governor in Council after report by the Hospitals and Charities Commission pursuant to the provisions of the Hospital and Charities Act 1958. In other words, it will no longer be necessary for Parliamentary approval to be obtained for guarantees of this type. Honorable members will recall that in the past guarantees have been given on this basis for borrowings by the Cabrini Private Hospital, the Mercy Private Hospital and St. Vincent's Private Hospital.

I understand that at present borrowings by public hospitals are not subject to a Government guarantee. There is no reason why they should not be guaranteed, and because the general borrowing power already exists in the Hospitals and Charities Act, it is appropriate that a general guarantee power should also be included in that Act. It is comforting to know that guarantees will be given only when a viable proposition is submitted by an institution. It is envisaged that guarantees will issue only in respect of loans raised to carry out works which will generate sufficient revenue to make them self-supporting.

I am pleased that the Royal Women's Hospital has developed a proposition that will be self-supporting. The hospital considers that an economic structure can be built near the hospital and used for the purpose of staff flats, medical suites and car parking facilities, all of which are essential in a crowded city. On behalf of the Labor Party, I do not oppose the Bill.

The Hon. A. K. BRADBURY (North-Eastern Province). — The Country Party also supports the Bill. Provision has already been made in the Hospitals and Charities Act for certain private hospitals to raise loan moneys. As Mr. Eddy pointed out, the Bill will enable money to be raised without the matter having to be referred to Parliament; it will empower the Treasurer to give a Government guarantee. I believe many private hospitals are providing valuable services in the community for those who require urgent hospital attention. Members of the Country Party have nothing but commendation for the work that is performed by these institutions. The Country Party supports the Bill.

The motion was agreed to.

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

THE CONSTITUTION ACT AMENDMENT (PRESIDING OFFICERS) BILL.

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

That this Bill be now read a second time.

This is a simple, and in my opinion, long overdue measure which does two things. Firstly, it provides for the deputy to the Presiding Officer to take his place during his illness or absence or upon his death or resignation. Secondly, the Bill also provides for both the President of this House and the Speaker of another place, to continue in office until the day prior to the election of his successor.

The House will recognize the important functions which the Presiding Officers perform. They not only preside in the Chamber during sittings of the House but are the joint heads of Parliament, in the same way as Ministers of the Crown are heads of their departments. The Presiding Officers are responsible for the business of Parliament whether Parliament is sitting or not. They must make decisions from day to day and each Presiding Officer can act independently or conjointly on matters affecting the whole Parliament.

The Presiding Officers also speak for the Parliament and symbolize it in the eyes of the public. It is unfortunate that at a general election, after the writs are issued, the Speaker no longer exists. This is bad for administration and I believe it is bad for Parliament because there is no one capable of representing Parliament as such. Of course, at each second election for the Legislative Council, depending on whether or not it is a conjoint election, the same position might occur with the President. Continuity is vital in the performance of their functions by the President and the Speaker and that is what this measure provides.

Victoria is not taking a unique or unusual step in this, as the Commonwealth Parliament has long since had the provision which this Bill intro-

duces in Victoria. I do not recall from memory whether this applies in every State but I believe it does. It should be remembered that this is common practice throughout the English-speaking world. As I said, the measure is long overdue, and I commend the Bill to the House.

The Hon. J. M. WALTON (Melbourne North Province).—As the Minister for Local Government has explained, this is a simple Bill. No doubt it is long overdue as this situation could have occurred in the past. All that concerned me was the example used in the Minister's second-reading notes, to the effect that if the President of the Legislative Council died certain things would happen. On receiving the notes I immediately inquired about the health of the President and he said he was not feeling too well.

The PRESIDENT (the Hon. R. W. Garrett).—Only influenza, I hope.

The Hon. J. M. WALTON.—The Labor Party feels it is necessary to have continuity in these matters and it is hard to imagine why this position was not rectified many years ago. An awkward situation could arise very easily in either House of Parliament and therefore the Labor Party does not intend to delay the passage of the Bill.

The Hon. I. A. SWINBURNE (North-Eastern Province). — The Country Party supports the Bill. It is a necessary measure which has never been implemented in this House or the other place, but someone has foreseen the need for it. Honorable members received a warning a few years ago but did not heed it and no action was taken. Now the Government has decided that something must be done so that the Presiding Officers of both Houses will continue in office to discharge their functions in the Parliament. As the Minister for Local Government rightly said, those duties do not apply only in this Chamber. There are many other functions for which it is necessary to have somebody in charge.

There is only one matter which I wish to raise and I shall do so in Committee. It deals with sub-section (4) of proposed section 32 and covers the position of Chairman of Committees of a House. The Country Party wonders how far back it would be necessary for the Government to go before finding the appropriate person to carry out the relevant functions. My colleagues and I wonder whether the objective could be achieved in some other way. I shall discuss this aspect further in Committee. As I have said, the Country Party supports the measure.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (New Division 3).

The Hon. I. A. SWINBURNE (North-Eastern Province).—Last night the Leader of the House gave the Labor Party and the Country Party the opportunity of perusing the second-reading notes. Until the Bill was circulated I had not seen it but when I had an opportunity of quickly examining the measure during the brief speeches of the Minister for Local Government and Mr. Walton, I felt it was incumbent upon me to raise a query on sub-section (3) of proposed section 32 which places power with the Presiding Officer. If the Presiding Officer of this House or of the other House is for some reason unable to continue, the Chairman of Committees takes over. Sub-section (4) of proposed section 32 states, *inter alia*—

> Where there is no Chairman of Committees of a House, the person who last held office as Chairman of Committees of that House shall be deemed to continue to be Chairman of Committees of that House until a Chairman of Committees of that House is appointed by that House.

I am wondering how far back along the line it might be necessary to go to find the appropriate person. Perhaps the Minister for Local Government could inform the Committee what the measure actually entails.

However, the wording of the Bill appears to the Country Party to be ambiguous.

The Hon. A. J. HUNT (Minister for Local Government).—The intention is to ensure continuity by enabling the Government to go back, if both the President and Chairman of Committees are ill, to find someone who has normally been in the House and has held the office of Chairman of Committees at some stage or another. There were discussions on whether temporary chairmen ought to be considered—for instance, the last honorable member who acted as temporary chairman could be deemed to be Chairman of Committees until an appointment was made.

The Hon. I. A. SWINBURNE.—That is not what the Bill says.

The Hon. A. J. HUNT.—I agree. As honorable members realize, there are a number of temporary chairmen at any one time and if the President and the Chairman of Committees were both absent, it might be found necessary to go back a long way to find somebody who had held the confidence of the House by holding the permanent position of Chairman of Committees. In theory it could be necessary to go back a long way indeed but in practice that would be most unlikely.

The Hon. I. A. SWINBURNE (North-Eastern Province).—When the Government frames a Bill, it should ensure that what is intended is clearly set out. In this House at the moment there is no previous Chairman of Committees, and if the House found itself without a President or Chairman of Committees there would be no one capable of carrying out the functions. Consequently this House would not be able to comply with the Act. I cannot recall an honorable member in this Chamber who has been Chairman of Committees. It is possible that the same position could apply in the other place.

Honorable members know that the measure has been introduced to cover the resignation of the Speaker of another place when the writs for the election are issued. On his resignation the honorable gentleman will no longer be a member of Parliament. Before the present President was elected, and when the former president, Sir Ronald Mack, was ill, this Chamber could well have been in difficulty.

I raise this matter because the measure provides machinery procedures to go back to the last Chairman of Committees. If there is no one—and there is no one in this House—then honorable members might have to consider appointing one of the temporary chairmen irrespective of who he is. They have all been appointed to office and surely one of them would be the logical person to be called on to carry on the affairs of this Parliament.

Mr. Fry has just occupied the position of temporary Chairman of Committees. This would apply to any honorable member. It could be Mr. Gross, Mr. Knight or Mr. Bradbury. They are the four temporary Chairmen of Committees who have been appointed by this House and the Country Party suggests that perhaps provision should be made for one of those honorable members to be empowered to call Parliament together so that an election can take place. To go back to somebody who was a previous Chairman of Committees seems illogical. I am wondering whether the position could be put beyond doubt either here or in another place?

The Hon. A. J. HUNT (Minister for Local Government).—The House should express its gratitude to Mr. Swinburne for raising a serious point. The honorable member raised two criticisms which stand out quite clearly. The first is that in its present form the measure does not necessarily provide the continuity the Government is seeking. The second is the time involved in going back to someone who may have retired from membership and no longer be a member of the House. Honorable members do not want that type of situation to arise but desire the measure to be framed effectively. The Government is grateful that the two parties

are giving their immediate support to the principles contained in the measure.

I should further point out that as this was a Bill introduced in another place on a message from His Excellency the Governor, it will not be possible for this Chamber to move an amendment. As I understand it, this House can merely suggest an amendment to another place. I would therefore suggest that progress be reported to enable me to confer with the Attorney-General and Parliamentary Counsel and to prepare an amendment to meet what is clearly a valid criticism brought forward by Mr. Swinburne. I congratulate Mr. Swinburne for his perspicuity when he had just seen the Bill.

Progress was reported.

WATER (AMENDMENT) BILL.

The debate (adjourned from March 14) on the motion of the Hon. Murray Byrne (Minister for State Development and Decentralization) for the second reading of this Bill was resumed.

The Hon. D. E. KENT (Gippsland Province).—The Bill amends the principal Act for the purpose of enabling water and irrigation projects to be developed more extensively and efficiently and, as well, to benefit the economy of this State. It will meet the changed needs of water and sewerage authorities. The provisions of clause 3 simplify the existing categories of water rights, and provide for effective administration of irrigation in Victoria with adequate safeguards.

Problems which have arisen in the past concerning water supply and irrigation which were not then regarded as being of importance are now regarded as being very important. Much damage has been caused in some areas where there has been excessive watering of soil that has not been capable of absorbing the water. In such areas drainage works are of prime importance.

Clause 5 provides for the imposition of a drainage rate levy which is to be calculated upon the basis of the water rights. The control of private diversions—that is, where people use their own methods of diverting water from streams—is being made wider by the provisions of clause 8. That control will now extend to water being diverted from the southern bank of the River Murray.

Clause 10 of the Bill provides for the transfer of authority from one organization to another—for example, the Melbourne and Metropolitan Board of Works could become responsible for works which previously came within the jurisdiction of the State Rivers and Water Supply Commission. Clause 6 provides that instead of there being one Government representative on small waterworks trusts, three Government members can be appointed. This provision is specifically included to provide for an additional Government nominee to represent Churchill on the Morwell water authority. Because such an authority is dependent upon Government financial assistance, it is proper that there should be Government representation on it. The Labor Party does not oppose this Bill.

The Hon. S. R. McDONALD (Northern Province).—Generally speaking, the Country Party supports this measure. I listened with interest to what Mr. Kent said concerning the Labor Party's point of view in this matter. The Labor Party has been noticeably silent about the present water situation in metropolitan and country areas. Perhaps it is because of the beneficial rains which fell in January. I thought Mr. Kent would have enlarged upon Labor Party policy.

The Hon. J. M. WALTON.—Why don't you enlarge on your own policy, and leave the Labor Party to speak for itself?

The Hon. S. R. McDONALD.—If I am given time, I will do so. With many other residents of northern Victoria and Gippsland, where most

irrigation is carried out, I was interested to read in the *Sun News-Pictorial* of 24th January a statement by Mr. Clyde Holding, the Leader of the Opposition in another place. Mr. Holding was reported as saying—

> But we don't have to assume that Melbourne can't be given an adequate water supply. It can. It's a matter of ensuring that the state's water resources are properly developed and fairly shared.

To people who depend upon the Goulburn–Murray system, the phrase "fairly shared" has a hollow ring. It has given rise to apprehension on the part of people in northern Victoria concerning the Labor Party's intentions. In the north-western portion of the Goulburn–Murray Irrigation District, in the Kerang–Swan Hill area, the quality of the water which is supplied is poor, even though farmers are being charged the full rate. This is a matter which, in the view of the Country Party and of the people of northern Victoria, should be thoroughly examined by the Government and by the State Rivers and Water Supply Commission. The commission has an obligation to provide water of good quality; at present, it is charging full rates for water of poor quality. What I have said can be substantiated. In some areas which are supplied by the commission the water contains twelve or thirteen parts per million of totally dissolved solids. If the commission wishes to charge the full rate for the water it supplies, it should ensure that the water is of good quality.

Clause 3 of the Bill is important. It provides for a change in the present system of classification of water rates. It provides for a basic water rate for the Goulburn–Murray Irrigation District. Clause 5 embodies an important principle to which the Minister referred in his second-reading speech, namely, that the Government and the State Rivers and Water Supply Commission, will this year undertake a programme of groundwater control in the Murray and Goulburn valleys. It is intended that groundwater pumps will be installed within Victoria to lower the water table. Obviously, someone has to pay for the installation of these units and the cost of operation. The clause provides that the cost of operation will be shared by each irrigation district.

Clause 5 proposes to insert, *inter alia*, a new sub-section (2B) in section 93 of the principal Act in the following terms:—

> (2B) Where there are works for pumping and conveying groundwater (as defined in the Groundwater Act 1969) for drainage of lands in any irrigation district an additional drainage rate may be made and shall be based on the volume of water apportioned to lands within the district or which could be apportioned thereto in accordance with the provisions of section 65C and Schedule Three B and section 65D.

This clause extends the principle which was introduced when the principal Act was last amended—that is, that charges for drainage rates in irrigation districts were to be related to a water right instead of a municipal valuation. That change was supported by all parties. The Country Party is in favour of this proposal.

On 16th March, 1973, the Minister of Water Supply, referred to the average cost of groundwaters pumping in irrigation districts, and indicated that in the Goulburn–Murray Irrigation District, in the Numurkah–Cobram area, a person having a water right of 130 acre-feet would have to pay $8, but in the Cobram–Tongala–Rodney area, the charge would be only $3 for a property having the same water right.

The State Rivers and Water Supply Commission—I think correctly—decided that, as it was impossible to relate advantages to individual landowners, the charge should be spread over the whole irrigation district.

One matter which concerns me was raised by a former Chairman of Committees of this House, the Honorable Dudley Walters, who suggested that the drainage rate, originally should have been and, in this case, should be based on the actual water right rather than the ultimate water right. I have the benefit of an opinion from the Crown Solicitor, Mr. Murray, which indicates

that the present Act is valid and that what is being done is legal. Nevertheless, Mr. Walters and a number of landowners who are affected in the same way as he have raised this matter.

I have a letter from the Torrumbarry Irrigators Association pointing out that it believes that the drainage rate should be based on the actual right and not on the ultimate right, as it is only hypothetical that this usage may be achieved in the future. I direct this matter to the attention of the Minister in charge of the Bill and ask him to bring it to the attention of the Minister of Water Supply and the commission for thorough investigation. I understand that, on the commission's estimates, it will affect only about 2 per cent of irrigation farmers, but there is some merit in what has been put forward.

Clause 6 provides that the Governor in Council may appoint up to three commissioners, instead of one, of a waterworks trust. In his introductory speech, the Minister said that this clause was meant to cover a specific situation but he did not indicate where it existed. The Country Party would be grateful for information on which trust is involved and what necessitated the change.

I have referred to the substantive changes effected by the Bill. The other provisions could be described as procedural. The Country Party supports the measure.

The Hon. R. W. MAY (Gippsland Province).—Like my colleague, Mr. McDonald, I should be pleased if the Minister would explain why the provisions of clause 6 have been included in the Bill and whether cause 10 is a corollary of clause 6.

The PRESIDENT (the Hon. R. W. Garrett).—Perhaps it would be better to take that up at the Committee stage.

The Hon. R. W. MAY.—I wanted to give the Minister an opportunity to explain this when he spoke on clause 2. Clause 6 allows the Governor in Council to appoint a number of commissioners to a waterworks trust. This may indicate a desire to amalgamate some trusts, and the provisions of clause 10 appear to follow from this. I ask the Minister whether this will apply to a Gippsland authority where there has been some discussion and feeling about the matter.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 2 (Amendment of principal Act).

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization).—This is a technical Bill which is mainly related to the State Rivers and Water Supply Commission. I should disillusion some honorable members by pointing out that, although Ministers in this House deal with Bills on matters not under their jurisdiction, they are not experts in all fields. I understand that, basically, the Bill has the support of the people associated with the various trusts and those interested in irrigation matters. I thank honorable members for some of the comments they have made. It behoves me, on behalf of the House, to pay a tribute to the commission which, undoubtedly, is one of the most efficient instrumentalities in Victoria; it has a remarkable record of service.

I appreciate one honorable member mentioning to me earlier a point which concerns him. This is always of assistance to Ministers dealing with Bills which relate to subjects with which they are not familiar. It gives them an opportunity to consult the appropriate Minister or, if necessary, to make representations to the Government. If that is not done it is difficult, particularly late in a session, to give these points the attention to which they are entitled.

Mr. McDonald is much more knowledgeable than I will ever be on the practical application of this form of legislation. The honorable member referred to clause 5. As I understand the position, there is a new rating charge and there is a full water right and an ultimate water right. I understand from reading the provision that charges can be levied

against the ultimate water right. I emphasize that I can refer only to information provided to me.

Apparently, there are a limited number of water users in a privileged position who do not necessarily use their ultimate water rights. The provision allows the commission, or a trust, to levy rates against the ultimate water right and these people argue that they might not take up those rights and therefore, rates should not be levied on them.

The answer is obvious but I can understand the request that the matter be given the fullest consideration. The ultimate water right is attached to the land and, unless there is some disqualification, it transfers to the successor in title. Presumably, it has some financial value.

It is hard to argue that a man should have the best of two worlds. I am a simple sort of fellow and I am subject to correction on this but it seems to me that, if land has an ultimate water right, whether it was used or not, it would bring some benefit to the landowner if he sold the land, as the right would pass to the successor in title. Therefore, it is probably fair that he should be taxed on the right.

The State has spent substantial sums of money in this area. It has set a record of service unequalled by any other State. I suggest that there has been no unfairness in the rating on irrigation rights. I am sure that Mr. McDonald would agree that the Minister and the commission have been fair over many years.

Mr. May asked about the effect of clause 10. Again, I can only refer to the Bill. I should have thought that the clause was self-explanatory. It enables the transfer of works and the adjustment of liabilities. Reasons for the inclusion of the clause were given in my second-reading speech. It enables an authorized trust, in extending over a wider area, to take over works which may come under the jurisdiction of another trust. The clause is necessary to overcome some alleged technical problems.

The Hon. Murray Byrne.

Mr. May and Mr. McDonald raised another question in relation to clause 6. The question posed was whether I knew the trust affected. I do not. If honorable members look at the instructions I received they will see that the main point was not that a specific water trust had a particular problem. The experience of the Water Commission and the Minister led them to believe that it was desirable that there should be greater representation. I understand that this suggestion had the support of the various bodies associated with irrigation and water supply. Apparently a particular trust—again Mr. May may know more about it—made representations that there should be greater representation and for this reason the Bill proposes that three people be appointed. As a principle it seems to be a good one and I do not think there will be objections to it. However, I cannot give an instance of a particular trust which has problems.

The clause was agreed to, as were clauses 3 and 4.

Clause 5 (Additional drainage rate).

The Hon. S. R. McDONALD (Northern Province).—I have listened with a great deal of interest to the Minister's explanation of the reason behind the principle contained in clause 5. I am surprised that he should agree with the suggestion that some irrigation farmers are endeavouring to have the best of two worlds. The point I was endeavouring to make during the second-reading debate was that in assessing the drainage rate due regard should be paid to the actual benefit derived from having a drainage system. It seems to me and to the persons who put this point of view that the benefit to be derived from a drainage system must surely be related to the amount of water received and not to the amount that might be received in the future. That is the crux of my argument. I repeat it in the hope that I may make an impression on the Minister.

The clause was agreed to.

Clause 6 (Membership of waterworks trust).

The Hon. R. W. MAY (Gippsland Province).—Clause 6 provides for the appointment of other commissioners not exceeding three in number. That means that the number of commissioners of a trust could be increased by three. I should like to know whether this clause makes provision for the procedure to be followed as the result of the amalgamation of a number of trusts. Will the nominees of the other trusts also become the nominees of the Governor in Council on the amalgamated authority?

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization).—I do not know. I cannot read that into the provision. The clause provides that there shall be three other commissioners appointed and I suppose it could have the meaning that Mr. May ascribes to it.

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

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

THE CONSTITUTION ACT AMENDMENT (PRESIDING OFFICERS) BILL.

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

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

The Principal Act is hereby amended as follows:—

(*a*) For the expression "Division 3.—Parliamentary Salaries and Allowances" after section 31 there shall be inserted the following Division:—

"DIVISION 3.—PRESIDING OFFICERS OF THE COUNCIL AND ASSEMBLY.

32. (1) If the presiding officer of the Council or the Assembly resigns his office or his seat, he shall, for the purposes of the exercise of any powers or functions by the presiding officer of that House under this or any other Act or under the standing orders or the joint standing orders be deemed to continue to be the presiding officer of that House (whether or not that House is dissolved after he so resigns) until the day before a presiding officer is to be chosen by that House.

. . . . . .

(4) For the purposes of sub-section (3) where there is no Chairman of Committees of a House, the person who last held office as Chairman of Committees of that House shall be deemed to continue to be Chairman of Committees of that House until a Chairman of Committees of that House is appointed by that House.

The Hon. A. J. HUNT (Minister for Local Government).—I again thank Mr. Swinburne for his remarks on the difficulty he foresaw in sub-section (4) of proposed section 32. I have conferred with Parliamentary Counsel and we believe it is a fairly simple matter to meet in part the criticism raised by Mr. Swinburne. It does not appear reasonably practicable fully to meet his criticisms. I shall explain the reasons later. I move—

That it be a suggestion to the Assembly that they make the following amendment in sub-section (4) of proposed section 32:—After the words "of that House", where first occurring, the words "during the last Parliament" be inserted.

The purpose of sub-section (4) of proposed section 32 is to protect the situation in the event of the dissolution or prorogation of Parliament. A double dissolution is an unlikely event in Victoria under the present Constitution. The provision therefore primarily affects the prorogation of the Legislative Assembly. Honorable members will appreciate that under the existing law upon prorogation and the issue of writs for the election, both the Speaker and the Chairman of Committees go out of office, as do all members of Parliament. Other clauses of the Bill provide that the Speaker shall continue in office. Under the provision now being considered it is proposed that if the Speaker should die or should be unable to perform his duties, the Chairman of Committees shall continue in office. If the Chairman of Committees is already out of office it cannot be said that he continues in office. Sub-section (4) was designed to provide that for the limited purpose of standing in for the Speaker the person who was Chairman of Committees during the last Parliament should be deemed to have continued in office. What I

propose to add as a suggested amendment to the Assembly meets that situation and clarifies the proposed sub-section to that extent.

There still is, or there could be, a hiatus in the double event of the deaths of both the Speaker and the Chairman of Committees. That would be unlikely to occur in the Legislative Council during prorogation because there is no prorogation of the Legislative Council. The election takes place before the term of office expires and in any event half the House continues in office. However, there is always the remote possibility of two deaths of two senior members in quick succession in the Legislative Assembly.

Parliamentary Counsel and I examined various methods of overcoming this difficulty pointed out by Mr. Swinburne, recognizing that unless we did something we did not ensure the objective of continuity in all circumstances. One method we examined was to appoint the senior Temporary Chairman of Committees so to act. However, Temporary Chairmen of Committees are recognized only in Standing Orders and not under the Constitution and their recognition would require substantial further amendment.

A second possibility was to enable the Governor in Council to appoint some person to exercise the office of President or Speaker on a temporary basis. At first sight that appeared to be attractive but there is one doubt and that relates to the traditions of Parliamentary Government. At one time the King did appoint the Speaker but the House of Commons fought for the right to appoint the Speaker itself, and to give the Executive the power to appoint the presiding officer of either House in the unlikely event which we are envisaging would be to go contrary to the whole traditions of that long Parliamentary struggle, particularly for an event which we hope will never occur in Victoria. I am afraid, therefore, that we have not been able to meet Mr. Swinburne's criticism in full, but by the suggested amendment we are going as far as is reasonably practicable to meet it. I again thank Mr. Swinburne for his remarks and for directing attention to the matter.

The Hon. I. A. SWINBURNE (North-Eastern Province).—I thank the Minister for his courtesy. When I raised the matter I had seen the Bill for only two or three minutes and the point came clearly to my mind that the way in which the Bill was worded could lead to a farcical position if the Chairman of Committees from some previous Parliament were brought back into office. We can go back to the time of Mr. Dudley Walters, who was a former member of this Chamber and, so far as I am aware, is the last surviving former Chairman of Committees. It seems to be a farcical position and does not fill the gap created if there happens to be another person in another place. In this Chamber there is no past Chairman of Committees so the position is only partly covered. If anything happens to the President in the years ahead, I hope something does not also happen to the Chairman of Committees at the same time. It is a remote possibility, but I hope the position does not arise. The situation was brought about by a set of circumstances which occurs not in this House, but in another House.

The CHAIRMAN (the Hon. G. J. Nicol).—Mr. Swinburne, both the current President and the current Chairman of Committees can assure you that they have no intention of permitting that situation to rise.

The Hon. I. A. SWINBURNE.—You, Mr. Chairman, might not have any say in the matter.

The CHAIRMAN.—I believe both those gentlemen have a strong belief in their influence in certain quarters.

The suggested amendment was agreed to, and the clause was postponed.

Progress was reported, and the suggested amendment was reported to the House and adopted.

It was ordered that the Bill be returned to the Assembly with a message intimating the decision of the House.

GEELONG HARBOR TRUST (LANDS) BILL.

The debate (adjourned from March 27) on the motion of the Hon. Murray Byrne (Minister for State Development and Decentralization) for the second reading of this Bill was resumed.

The Hon. J. M. WALTON (Melbourne North Province).—This small measure is designed to amend the Geelong Harbor Trust Act to overcome a difficulty which could occur in the not-too-distant future. The 1934 amendments to the Act provided that loans from the Government should be guaranteed by way of mortgage on lands sold by the trust. In this way over the years the trust has almost rid itself of its indebtedness. I understand the trust's current indebtedness is approximately $70,000. The original legislation made no provision concerning the disposal of the excess moneys after the time had expired for the repayment of the loan to the Government. The purpose of the proposed legislation is to allow the proceeds of land that is sold in future after the debt has been repaid to go to the general funds of the Geelong Harbor Trust. The Labor Party applauds the Bill.

The Hon. A. R. MANSELL (North-Western Province).—Country Party members support the Bill, chiefly for the reasons enumerated by Mr. Walton. However, we are concerned about the section which relates to the sale of land by public auction. The debate on the Bill will provide the honorable members who represent Geelong an opportunity to speak about their electorate. However, we are prepared to support the proposal to do away with the section requiring sale by public auction. It would be ridiculous for this to be carried out. The reason for having a public auction is to protect landholders but this is fully covered because it must go before the Governor in Council and can be dealt with only in certain ways. We support the Bill.

The Hon. O. G. JENKINS (South-Western Province).—As one of the members who represent Geelong, I could not allow the Bill to pass without comment; perhaps Mr. Walton would be disappointed if I did so. Last year honorable members debated the Geelong Lands Exchange Bill which provided for an exchange of certain land in Geelong for the benefit of the Mental Health Authority. This has paved the way for the Geelong Harbor Trust, if it so desires, to proceed with the sale of further lands for development. The trust has a close relationship with the Department of State Development. It is customary when a new industry is considering establishing in Geelong for the Minister for State Development and Decentralization, through his officers, to refer the industry concerned to the Geelong Promotion Committee.

Since the Geelong Promotion Committee was formed it has had a close liaison with the Geelong Harbor trust Mr. E. W. McCann is the executive chairman of the promotion committee, and a senior officer of the trust acts as secretary to the committee. When an industry seeks land in Geelong the harbor trust offers suitable areas of industrial land at a reasonable price. This provides a fair basis for negotiation of the terms of sale. It is usual for the harbor trust to impose restrictive conditions in contracts for the sale of land or when preparing a contract for auction. For example, the trust may require a certain industry to expend $200,000 on buidings and plant within two to three years. In the past, it was necessary for the specifications to be drawn to meet particular industries. When the auction was held it was hoped that the industry would be the only one which was prepared to meet the conditions of the trust. It was a lengthy business and the industry was never certain that it would be the successful bidder.

The provisions now proposed will enable the trust to negotiate, and if it can satisfy the Minister and the Governor in Council that the terms and conditions of sale are fair, the sale will proceed.

For many years the Geelong Harbor Trust has played a vital role in the development of industry in Geelong. In his second-reading speech, the Minister referred to certain lands which the trust had sold. In the Breakwater area five major industries have been established in the past ten years. They are Brintons Carpets, Huyck (Aust.) Pty. Ltd., which manufactures papermakers felts—this is the only industry of its kind in Australia—TYT, textured yarn throwers, a complicated type of industry; NSK Bearings Pty. Ltd., and John Sackville and Sons Pty. Ltd., which manufactures women's clothing. John Sackville's factory has recently been doubled in size.

In the early 1920s and 1930s, the Geelong Harbor Trust held certain other freehold lands which it sold. When companies such as Fords, Rylands, Stewart and Lloyds, Birmid—now Ensite Auto Castings—and the Shell refinery are mentioned, it almost reads like *Who's Who* of the major industries in Geelong. Over the years the trust has successfully negotiated with and aided in the setting up of these industries in Geelong.

The passage of the Bill will assist the Minister for State Development and Decentralization in his aim to decentralize industry throughout Victoria, and on the promotion angle which is closely associated with the sale of the lands. The appointment of the first promotion officer for the Geelong Promotion Committee was announced today. The measure is welcomed by the Geelong Harbor Trust, and I am sure by the citizens of Geelong.

The motion was agreed to.

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

The Hon. O. G. Jenkins.

LATROBE VALLEY (AMENDMENT) BILL.

The debate (adjourned from March 28) on the motion of the Hon. Murray Byrne (Minister for State Development and Decentralization) for the second reading of this Bill was adjourned.

The Hon. D. E. KENT (Gippsland Province).—The Bill will effect two alterations in the constitution of the Latrobe Valley Water and Sewerage Board. Firstly, it provides for the appointment of a separate chairman as opposed to the current position of the manager of the board also being chairman. I commend the work of the board and the efforts of its manager-chairman, Mr. Oram. The board's activities are becoming more complex because it will also be the licensing agency for the Environment Protection Authority. With future development in the area, the board's operations will continue to grow.

I do not know whether it is essential that the board should have a separate chairman but those closely connected with the board agree with the concept of an independent chairman. I have no idea where the new chairman will come from or whether any particular person is in line for the position. Undoubtedly, the manager will be relieved of the duties of chairman which could detract from the more technical aspects of his position in administering this important board.

The other change effected by the Bill is in the representation of municipalities whose districts lie wholly or partly within the Latrobe Valley. The Bill does not contain a definition of the Latrobe Valley but I did note on an earlier occasion that a definition omitted one or two municipalities which should have been included. Moreover, certain municipalities which are closely involved with the operations of the board, but whose areas do not fall within the Latrobe Valley, have no representation on the board. Provision should be made for a larger number of municipalities

east of the Latrobe Valley to have a say in the election of the municipal representatives on the board.

Although the Labor Party does not know whether the changes are really essential, it trusts that the amending Bill will assist the board in its future operations. The Labor Party supports the Bill.

The Hon. R. W. MAY (Gippsland Province).—The Bill proposes an amendment to the Latrobe Valley Act to change the membership of the Latrobe Valley Water and Sewerage Board. It is interesting to examine the history of the principal Act. It originated as a drainage Act and later became the Latrobe Valley Act under which the Latrobe Valley Water and Sewerage Board is constituted.

The Bill provides for the appointment of a chairman as distinct from the manager also holding that office. The board was initially set up as a water authority as well as a sewerage authority and one of its important functions was to deal with stream pollution and the disposal of industrial waste. Under its present charter, the board still performs the same functions.

The late Mr. J. B. Mulvaney was chairman of the board during its early stages of development and during the construction of the outfall sewerage drain for the disposal of wastes from the Latrobe Valley area. He performed an almost Herculean task in the initial problems encountered by the board. The design of the outfall drain included underpasses to cater for surplus water occasioned by downpours. Unfortunately, during wet periods, the underpasses were inadequate to meet the demands placed on them. Consequently, flash flooding occurred causing contamination of waterways and dams as well. The late Mr. Mulvaney carried the burden of these early troubles and I am sure that they hastened his death.

He was succeeded by Mr. Oram, who is the present chairman. Mr. Oram has also been an able manager and possesses the same tact and characteristics as the late Mr. Mulvaney.

The Bill provides that a member appointed by the Governor in Council shall be the chairman of the board and that the board shall also comprise a member elected as prescribed by the councils of such municipalities whose municipal districts lie within the Latrobe Valley district. Some of the municipalities have mixed feelings about this provision. The view has been expressed that perhaps a better working arrangement might have been to co-opt to the board representatives from bodies with expertise such as waterworks trusts, sewerage authorities and drainage trusts. This would probably provide a wider field of experience on the board.

Nevertheless, the Country Party agrees with the measure and supports it. It hopes that the operations of the board will impove as a result of its reconstitution and that the manager will be enabled to devote his full energies to the specialist fields of his position.

The motion was agreed to.

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

CONSTITUTIONAL CONVENTION (ALTERNATE MEMBERS) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. MURRAY BYRNE (Minister for State Development and Decentralization), was read a first time.

JOINT SELECT COMMITTEE (OSTEOPATHY, CHIROPRACTIC AND NATUROPATHY) BILL.

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

That this Bill be now read a second time.

For some considerable time past representations have been made by organizations for some form of recognition of practitioners of sundry arts associated with the treatment of human ailments. Generally speaking

these arts are not recognized by the medical profession. One of the very real difficulties associated with any form of recognition is that there are a number of organizations each representing one or more of these arts and in some cases one organization will have nothing to do with the others and, in fact, will decry the abilities of members of the other organizations at every opportunity.

The Government has decided, therefore, to set up a joint Select Committee of the Parliament to inquire into and make such recommendations as it considers necessary concerning the practice of osteopathy, chiropractic and naturopathy in Victoria.

Clause 4 of the Bill sets out in considerable detail the functions of the committee and the various points which it will have to take into consideration in carrying out the inquiry. Not the least of these points are those covered by paragraph (*e*) of clause 4—

> Whether treatment in accordance with any of those practices is either generally or in any particular case or cases beneficial detrimental or harmless;

Under clauses 5 and 6 of the Bill the joint Select Committee to be set up will be given power to send for persons, papers and records and to hear, receive and examine evidence on oath and to exercise all powers normally exercised by Select Committees. Under sub-clauses (1) and (2) of clause 3 each member of the committee will be entitled to receive an attendance fee at the rate of $10 for every attendance at a meeting at which a quorum is present and also will be entitled to further fees and expenses for travelling and other charges incurred by him in the course of his duty as a member.

Sub-clause (3) of clause 3 will make the cost of operation of this committee a charge on the Consolidated Fund. The second-reading notes state that the committee to be set up will consist of three members of the Legislative Council and three members of the Legislative Assembly. However, an amendment was made in another place so that the Bill now provides that the committee to be established will consist of two members of the Legislative Council and four members of the Legislative Assembly appointed according to the practice of the Parliament in regard to the appointment of joint Select Committees. I commend the Bill to the House.

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

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

MARYBOROUGH LAND BILL.

The debate (adjourned from March 27) on the motion of Sir Gilbert Chandler (Minister of Agriculture) for the second reading of this Bill was resumed.

The Hon. H. A. THOMAS (Melbourne West Province).—This Bill proposes the closing of Station Street and part of Victoria Street, Maryborough, for education purposes. The proposal will overcome many inconveniences and will improve the Maryborough Technical College by allowing more scope to the planners in the future siting of a new class-room wing. The Bill is the result of co-operation between the Maryborough City Council, the Victorian Railways Commissioners and the Education Department and is of concern to both the technical college and the primary school.

Many people will be pleased with this measure, firstly, because it will enhance the safety of school children who are continually crossing these streets; secondly, it will obviate the need for vehicular traffic to wait at the pedestrian crossing; and thirdly, it is preferable from all aspects that the school buildings should be located within a single boundary.

This school was established in 1889 with a grant of $4,600 from the Government and was then known as the Maryborough School of Mines. That grant had to be matched with $2,000 which was raised by local residents.

The school advisory council has been responsible for the removal of an old building, which was established in 1920, on the site where the new Commonwealth library and science block is to be erected.

The Maryborough City Council and the Victorian Railways Commissioners have agreed to the proposal provided that certain conditions are complied with by the Education Department. These conditions are: Firstly, that any building constructed on Station Street is to be located so as to preserve the view of the railway station; secondly, a public promenade 15 feet in width will be provided for the convenience of pedestrians and cyclists; thirdly, the Education Department has to supply funds for alternate approach roads to the railway station of a standard at least equal to that of Victoria Street; fourthly, the Education Department must also provide funds to widen and upgrade for two-way traffic, to a standard equal to the existing pavement of Station Street, the one-way laneway extending from Burns Street to Victoria Street about 2 chains north of the present college boundary; fifthly, the Education Department is to make available a piece of land at the corner of Nolan and Victoria Streets for a road splay; and finally, the department has also agreed to comply with any requirement, including the cost of any necessary relocation of any existing services.

Members of the Labor Party consider that the closing of the streets in question for the reasons and purposes outlined is in the best interests of the community, and we offer no objection to the Bill.

The Hon. I. A. SWINBURNE (North-Eastern Province).—This Bill is an excellent example of the co-operation which can exist between the community, a council and Government departments. It will result in the closure of Station Street and part of Victoria Street, Maryborough, to consolidate the area owned by the Education Department. Members of the Country Party consider that the proposal is in the best interests of all concerned. It is hard to assess what the eventual cost will be to the Education Department because it has accepted many responsibilities in regard to the relocation of services. Honorable members have not been informed what this will cost. Perhaps the Education Department is obtaining the land pretty cheaply so that it is prepared to meet the cost of relocating these services.

Over the years buildings of the Maryborough Technical College have been constructed on both sides of the street, and there is some difficulty about building extensions. The proposal outlined by the Minister appears to be the answer to the problem. The street which is to be closed probably constituted a danger anyway because of school children going backwards and forwards across it.

Arrangements have been made with the Railways Commissioners about access to the railway station and to preserve the view of the beautiful railway building. The proposal will enable the Education Department to plan the site for the better development of educational facilities in the City of Maryborough. Members of the Country Party offer no objection to the Bill and congratulate the parties concerned on the co-operation that they have extended to the Education Department in this proposal.

The Hon. F. J. GRANTER (Bendigo Province).—I offer my support for this Bill with a great deal of pride. When this proposal was first mooted it met with strong opposition from both the Maryborough City Council and a number of residents, mainly because poor public relations existed between the Education Department and the Victorian Railways Commissioners. The proposal was not viewed with any great enthusiasm because the people of Maryborough, and the railway men in particular, are justifiably proud of the Maryborough railway station building. No doubt this played an important part in their lives in years gone by, especially in the days of the steam train when the station was used as a stopping place for all trains

which came through Maryborough and the refreshment rooms were quite popular. Today, the steam train is no longer with us and the locomotive shed has been demolished. It was feared that the historic station building would be obscured from view with the closing of Station Street. However, it will still be visible because Station Street will be a pedestrian way for persons who wish to walk to the station. People who wish to pick up goods, particularly heavy goods, will have to use other streets and travel slightly further.

The Education Department and the Maryborough Technical College are most enthusiastic about this project; it means a great deal to the college council and to the students who have laboured in past years under pretty poor circumstances. The buildings have not been in the best condition, and they have been waiting patiently for the day when the college could proceed with the construction of new buildings. The conditions which the Education Department has been forced to accept are reasonable, although they may be costly. The Maryborough City Council and the Victorian Railways Commissioners sought these safeguards, and I endorse their actions. The Bill will allow the Education Department to proceed with the provision of the new buildings. I know that planning has been undertaken and is awaiting approval so that tenders may be called for the erection of the buildings. I add my full support to the Bill.

The motion was agreed to.

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

CRIMES (THEFT) BILL.

The debate (adjourned from March 27) on the motion of the Hon. A. J. Hunt (Minister for Local Government) for the second reading of this Bill was resumed.

The Hon. J. W. GALBALLY (Melbourne North Province).—This Bill has my most enthusiastic support. It is a simplification of the law, than which there is nothing more urgent in the law. It is true that the concept originated in Britain of naming various offences under the one heading of "theft" but that does not mean that a great deal of work was not done by the Chief Justice's Law Reform Committee and by its chairman, Mr. Justice Menhennitt. All lawyers will applaud the measure.

I refer to the problems which lawyers had years ago and which judges still have of deciding whether a crime is a larceny, demanding money with menace, fraudulent conversion or false pretences, and there were great refinements of the law dealing with what is now to be called theft. Much of this, historically speaking, was due to the concern by judges that a person should not be convicted of larceny because in that event he would be hanged. Many of the refinements of the law in respect of larceny, false pretences, and so on, were due to the humanity of the judges under the harsh penal code of Britain. That is a surprising thing to learn and for me to say. Often people escaped the gallows by a hair's breadth by a fine distinction in the law relating to larceny.

I have told the House that a simplification of the law is necessary. In the time of Justinian it was said that the law libraries were too big, and that he could remember when a law library had to be taken around in a wheel barrow. He complained of the fact that one had to have a dray with four oxen.

The Hon. M. A. CLARKE.—The books were written on tablets in those days.

The Hon. J. W. GALBALLY.—They were heavier to carry. The modern law library is an immense undertaking. The judgments are getting longer and the law reports thicker. As I have indicated, something must be done about this. The same thing was said 2,000 years ago, but it is more urgent today than ever before. A young barrister looking for a home will have to hire

a town hall to accommodate his law library. Firstly, he must have a set of Supreme Court reports, then Victorian and Commonwealth reports, and All England reports.

The Hon. I. B. TRAYLING.—That may be the reason for the high fees.

The Hon. J. W. GALBALLY.—The cost of maintaining a law library is staggering because of the volume of publications.

The Hon. A. J. HUNT.—At least there is a tax deduction for the books now. Once only depreciation was allowed on them.

The Hon. J. W. GALBALLY.—Yes, that is right. The late Sir Owen Dixon, one of our great jurists—there was no greater man—said that he did not have time on a week-end to go anywhere. He spent all the week-end keeping up with the law reports as they came in. I hope this measure is the forerunner of many similar measures.

The Hon. M. A. CLARKE (Northern Province).—The Minister and Mr. Galbally have emphasized that this measure will simplify the law. It makes the wording simpler and the number of offences perhaps fewer, but unfortunately the interpretation of the law by the courts and by lawyers is never simple. A genuine effort was made in England by the House of Commons, the House of Lords and the Standing Committee of the House of Commons to reduce these multiple offences, dealing fundamentally with dishonesty, under one statute. The English Theft Act of 1968 is a remarkable document because it made a fundamental change in the law. Larceny, burglary, fraud and many other offences were brought under the simple term of "theft". If one goes through the committee stages—that is, of a Parliamentary committee, not the actual Committee of the House—which are reported in great detail, one finds there was a great deal of disagreement on the actual drafting of the Bill. It was by no means easy to decide the wording of the Bill which would make it as simple as the propounders intended. In Victoria we have the advantage not only of the English Theft Bill but also of the debates that took place and also the doubtful advantage of the number of cases in the English courts relating to the Bill. The Act has been found more difficult to interpret than its propounders in the House of Commons and the House of Lords first thought.

The Chief Justice's Law Reform Committee prepared an admirably detailed report and also a draft Bill. We have the English Theft Act, the Chief Justice's Law Reform Committee report, the draft Bill and the present Bill. Therefore, it cannot be said that the matter has not received the deepest consideration. Obvious differences exist between the Bill before the House and the English Act. I will not refer to these as they are mentioned in the report of the Chief Justice's Law Reform Committee. However, in my opinion some points in the Bill require close examination. I do not propose to go into them in detail at this stage but I direct the attention of the Minister to certain points to which he may desire to reply during the Committee stage. I will read sub-section (1) of proposed new section 71 as set out in clause 2 because I do not fully understand it. This is a draft taken from the Chief Justice's Law Reform Committee—it does not appear anywhere in the English Act. The sub-section provides, *inter alia*—

> In this Division—
>
> "Gain" and "loss" are to be construed as extending only to gain or loss in money or other property, but as extending to any such gain or loss whether temporary or permanent; and—

The construction of those four lines does not make sense. It should read either—"Gain and loss are to be construed as extending not only to gain or loss", or—"Gain and loss are to be construed as extending to gain or loss in money or other property, but also extending to any such gain or loss". I have examined this section carefully. It is taken directly from the draft of the Chief Justice's Law

Reform Committee. It is not only poor English; I am unable to follow it. If I am unable to follow it now, obviously the courts will be the scene of conflict over the exact meaning. The question of gain and loss is the fundamental definition. It is a new concept and must be stated clearly.

Another problem arises in sub-sections (1) and (2) of proposed new section 72 which read—

> (1) A person steals if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it.
>
> (2) A person who steals is guilty of theft; and "thief" shall be construed accordingly.

There are difficulties. The first is the word "dishonestly". In section 16 of the English Theft Act, the word "dishonest" has already been construed in a number of ways in court decisions made by the Court of Appeals in England. One learned judge in the Court of Appeals described the way section 16 of the English Act is phrased as a judicial nightmare. This measure omits much of section 16 of the English Act but retains the word "dishonestly". The problem is whether the dishonesty is to be decided by the jury or by a judge or magistrate, whether it is a question of fact or a question of law. Unfortunately, there is no decision by the Government of whether dishonesty is to be a matter for the jury or a matter for the judge, broadly speaking.

I refer to an interesting article in the new *Law Journal* which states—

> The question of dishonesty may be subjective or objective.

I am sure that the Government advisers have seen that article in the new *Law Journal.* No doubt Mr. Haddon Storey is familiar with it. The House is left without guidance on the exact opinion of the Government regarding section 16 of the English Act. The explanatory memorandum should have stated whether it is a matter for a judge or jury. Often only a magistrate is involved and there is not a judge and jury. However, where a judge and jury are involved, the Bill should have stated who is to make the decision. Often where a word has been used in its ordinary concept—a common word such as honesty or dishonesty—it is not a matter of interpretation by the judge; it is a question of fact to go to the jury. I do not know what effect my statements are having on the Minister for Local Government but the Country Party hoped the measure would provide that the question of dishonesty would be a matter for the jury.

Sub-section (1) of proposed new section 72 deals with the definition of "permanently depriving the other of it". If honorable members had read the lengthy consideration which has been given to "permanently depriving" in England, they would be surprised to be left with only a bald and unexplained definition. It is fundamental to the old English law of theft and stealing that the offender must permanently deprive someone of an article or physical thing. For years Victoria had trouble with its Motor Car Act because when a person took a car for a joy ride apparently he did not deprive someone of the car. The offence was therefore not called stealing but was called illegally using. Parliament clarified the matter only recently.

In England the authorities were not at all happy with the simple statement "to permanently deprive". Many efforts were made, in Parliamentary debates both in the House and in Committee, to find some means of checking the person who illegally borrows. The simple statement that the action is "to permanently deprive" gets away from the old law relating to stealing. These are the roots and branches of the law which the Government is not accepting. The Chief Justice's Law Reform Committee did not accept the argument and has advanced the proposition of a judicial interpretation based on the

premise "to permanently deprive". The Country Party regrets that that nettle was not grasped firmly.

As sub-section (7) of proposed new section 73 is important, I shall read it to the House so that it will appear in *Hansard*. It states—

> A person who picks mushrooms growing wild on any land, or who picks flowers, fruit or foliage from a plant growing wild on any land, does not (although not in possession of the land) steal what he picks, unless he does it for reward or for sale or other commercial purpose.
>
> For purposes of this sub-section "mushroom" includes any fungus, and "plant" includes any shrub or tree.

This provision was the cause of much debate in England and only by a majority of one was it agreed to at the Committee stage in Parliament. It was hotly contested in the House itself. The main point is the onus of proof. It was contended that the landowner seeking to prosecute a person for stealing wildflowers or plants or shrubs from his land would be faced with the onus of proving that the person taking the plants or the wildflowers intended to sell them. Of course, if caught in the act that person would say, "I have no intention of selling them. I am just taking them home to place them in the parlour." It was suggested in England that the only possible test of intention would be the quantity collected. One unfortunate test case was that of a landowner who had some beautiful wilflowers growing on his land and saw a couple of small children collecting them. He went down to remonstrate with them for collecting all the wildflowers which at that stage they had in big bunches. They saw him and ran off and their father was standing just outside the gate. It was impossible to succeed with a conviction because the father stated that the children had no intention of selling them.

That is only one of the test cases which have been tried and no doubt the Minister will be familar with others. There are quite a number relating to this principle. The Country Party considers that this Bill will give open licence to people to enter any property in Victoria and collect not only wildflowers but also fruit and foliage. What will happen to our orchards? Apparently anybody will be able to go into an orchard, collect the fruit and get away with it by simply stating that he will not sell the fruit.

The Hon. A. J. HUNT.—It has to be growing wild.

The Hon. M. A. CLARKE.—Growing wild is a very nice distinction, indeed! I do not intend to go through the reported cases on the definition of "growing wild", but Mr. Haddon Storey would be familar with them. It is possible for fruit trees to be under cultivation but to be growing wild because they are self-germinated. The Minister will not hide behind this definition of "wild" because it will do him no good. The English cases state quite clearly that licence has been given to people under this law to enter on to a person's property and collect flowers or fruit or foliage.

The Hon. A. J. HUNT.—Cultivated flowers and fruit, I think not.

The Hon. M. A. CLARKE.—No doubt at some time honorable members have entered a property for the purpose of collecting foliage in the form of gum tips. If an honorable member who lives within easy distance of the metropolitan area walks through a gum tree plantation he will find after a week-end when people have picnicked in the area and when the gum tips are blooming that all the trees have been stripped. Probably branches will have been pulled down. Gum trees do grow wild.

The Hon. A. J. HUNT.—Mr. Clarke refers to a plantation. If it is a plantation it is exculpated by this section.

The Hon. M. A. CLARKE.—I shall call it a copse.

The Hon. A. J. HUNT.—I must admit I have never heard of a gum tree copse.

The Hon. M. A. CLARKE.—The Minister is being rather legal in this matter. I have, on my side, in opposition to this proposed sub-section, some very high legal authorities in England who did not want this principle established. Members of the Country Party are most unhappy with proposed sub-section (7), which has been lifted holus-bolus from the English Act. After reading English legal authorities, the Country Party does not support the proposed sub-section because in practice in England it has been found to be detrimental to the landowner. The Country Party believes this sub-section should not be incorporated into the Victorian law and unless the Minister can provide a satisfactory explanation the Country Party will oppose it.

I shall not deal with the remainder of the measure in detail except to draw attention to a change which has been made in sub-section (1) of proposed section 82. This effects a change to section 16 of the English Act which I compared earlier. The proposed sub-section reads—

> A person who by any deception dishonestly obtains for himself or another any financial advantage is guilty of felony and liable to imprisonment for a term not exceeding five years.

This section has proved difficult in England and has caused much dissension in the courts. In England the governing words used are "pecuniary advantage" but this measure provides for the use of the words "financial advantage". The Country Party does not know whether that will be easier for the courts to interpret. But what does concern the Country Party is that a person who, by any deception, dishonestly obtains any financial advantage and is guilty of a felony, will be liable to imprisonment for a term not exceeding five years. There can be some very large deceptions, and a financial advantage may amount to a $1 million or $250,000. There may be a series of frauds which deprive many people of their livelihood or their life savings and if these people are prosecuted, as I think they should be, under this simple section they will be liable to a term of imprisonment not exceeding five years which is far too short a term.

When the House deals with this Bill in Committee I shall ask the Minister to explain the exact implications of the term "financial advantage" as is envisaged here and ascertain whether the Government has overlooked the effect of this section where the amount involved is very large. After hearing the Minister in Committee, no doubt honorable members will be better qualified to discuss the Bill further.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2, relating to new Division 2.

The Hon. A. J. HUNT (Minister for Local Government).—Mr. Clarke, as usual, has done an immense deal of homework on this Bill, and been through it with a fine tooth comb. Of course, the nature of the Bill deserves close attention by those honorable members of the Labor Party and of the Country Party who are handling the Bill for their respective parties. Mr. Clarke has drawn attention to the definitions of "gain" and "loss" in sub-section (1) of proposed section 71. Although perhaps inelegantly drafted, the words were deliberately and carefully chosen. They are designed to emphasize that gain and loss extend only to money or other property, and not to any other type of gain or loss, but despite that limitation the definition exceeds both to permanent and temporary gains and losses. That is the reason for the insertion of the word "but" rather than "and". On the one hand it is a matter of emphasis on the limitation to money and property, but on the other hand it is extended to gains and losses both temporary and permanent.

Moving to sub-section (1) of proposed section 72, Mr. Clarke has raised some doubts about the use of the word "dishonestly". Once again

that word was deliberately chosen as one which both lawyers and laymen could understand. I believe every honorable member has a clear sense of what is honest and what is dishonest, just as the man in the street has a clear sense of the meaning of the words also. That is why that word was chosen without any definition attaching to it.

The standard to be applied where there is no definition is the standard of a reasonable man—in other words, the contemporary standards of the community. It is far better to refrain from defining such a well-known and well-understood word than to insert a definition which creates legal technicalities. The avoidance of these is the prime intention of this measure. Mr. Clarke asked whether dishonesty was to be determined by the jury as a question of fact or by the judge as a question of law. Some exculpations are mentioned in later sections, as matters of law, and the judge will explain them to the jury; but the jury, having had it explained to them, will make the final determination whether dishonesty has been involved as a question of fact. In summary cases it will of course be determined by the magistrate.

I expressly refer to the exculpations which are mentioned in sub-section (2) of proposed section 73 which indicate the nature of the defences which can exist. I fully understand the doubts which any landowner must have regarding the exculpations in sub-section (7) of proposed new section 73. In this provision the law is recognizing standards which are those of the public at large. The ordinary man does not regard himself as stealing if he picks wild mushrooms.

The Hon. I. A. SWINBURNE.—What about watermelons?

The Hon. A. J. HUNT.—I believe the section to which Mr. Clarke has drawn attention deserves to be read in full.

The Hon. I. A. SWINBURNE.—Are you saying that the owner of a patch of watermelons is fair game for anybody who likes to enter his property and take them?

The Hon. A. J. HUNT.—No, I am not. Sub-section (7) of proposed new section 73 states—

> A person who picks mushrooms growing wild on any land, or who picks flowers, fruit or foliage from a plant growing wild on any land, does not (although not in possession of the land) steal what he picks, unless he does it for reward or for sale or other commercial purpose.
>
> For purposes of this sub-section "mushroom" includes any fungus, and "plant" includes any shrub or tree.

It is a matter about which there can be arguments either way.

The Hon. I. A. SWINBURNE.—A person cannot enter upon Crown land and remove a wild beast which is roaming there, so why is it permissible for a person to remove something from private land?

The Hon. A. J. HUNT.—This provision relates only to plants.

The Hon. I. A. SWINBURNE.—The principle is the same.

The Hon. A. J. HUNT.—It is predominantly directed to mushrooms. In this matter the Government has been guided by the decision of the British committee and by the decision of the English Parliament and by the Chief Justice's Law Reform Committee which confirm that, although it is a highly debatable matter, a provision such as this is suitable, appropriate and proper for Victorian conditions. That was the view of the Chief Justice's Law Reform Committee.

The Hon. M. A. CLARKE.—Did the report refer to it?

The Hon. A. J. HUNT.—I do not recall whether it was referred to specifically, but the provision was accepted by the Committee.

The Hon. A. R. MANSELL.—Would this provision apply to an uncultivated back garden in the city? Horticulturists now contend that non-cultivation leads to better crops of vegetables and flowers. It is a

modern trend to have non-cultivated crops. How would this provision affect them?

The Hon. A. J. HUNT.—The Government has had to make a difficult choice. It is not unmindful of the arguments raised by members of the Country Party.

The Hon. I. A. SWINBURNE.—Why should a person who owns broad acres have people wandering all over his land picking mushrooms? They might just as well pull up the grass.

The Hon. A. J. HUNT.—If they pull it up they commit an offence. If something is picked from a plant growing wild it is not an offence, but if the plant is taken, it is.

The Hon. J. M. WALTON.—A mushroom is a plant.

The Hon. M. A. CLARKE.—I think the distinction is too subtle.

The Hon. A. J. HUNT.—That is the very reason why mushrooms and other plants are treated separately. A person who picks a mushroom which is growing wild is not guilty of an offence, just as he is not guilty if he picks wild flowers, fruits or foliage from a plant which is growing wild. In the case of mushrooms, he can take the whole, but in the case of other plants, he cannot.

I do not think there is a precise form of wording which will suit everybody. The Government has done its best, having regard to the common standards of the community. No one would want to see an ordinary mushroomer charged with theft as such.

The Hon. M. A. CLARKE.—Some of your constituents would dispute that, according to articles I have seen in the local press. They are hopping mad about mushrooms.

The Hon. I. A. SWINBURNE.—Does not paragraph (*b*) of sub-section (2) of proposed new section 73 provide enough power?

The Hon. A. J. HUNT.—Mr. Swinburne is referring to the defence that an appropriation of property is not to be regarded as dishonest if it is taken in the belief that the taker would have the property-owner's consent if he knew about the appropriation. I suppose the simple answer to that is for a mushroomer to ask the owner for permission to enter a property, although the farmhouse could be miles away.

I do not think it is possible to word this part of the measure in a way which will be suitable to all. I suggest that when that provision is being considered progress should be reported to enable me to consult with the Attorney-General and the judge who headed the Chief Justice's Law Reform Committee when this matter was considered. Before the Committee proceeds to consider other clauses, I hope honorable members will mention any other matters which they desire to raise.

The Hon. J. M. WALTON (Melbourne North Province).—In relation to the Minister's reference to "growing wild" I point out that many people have trees and shrubs which are in their natural state; indeed, some building blocks have trees on them which are 50 years old, and the modern house built on the block is built around such trees. There are some beautiful gum trees, tea-trees and wattles on such properties. Under the provision of this measure, does that mean that they are growing wild—in the sense that they have not been planted or cultivated—and that anybody can enter the properties concerned and strip the trees if they wish to do so? People in the Dandenong area, for example, have many beautiful trees on their properties. They are much older than the houses that are built on them. Can people enter their properties and take what they like?

The Hon. A. J. HUNT (Minister for Local Government).—This provision follows a debate on the matter which took place in Great Britain, and a consideration of it by the Chief Justice's Law Reform Committee. I am sure all honorable members agree that an ordinary mushroomer should never be convicted by a court of theft and I suggest that a person who picks a wild flower is in the same position.

However, I certainly should not like to see a situation created in which, because of a lack of precision in wording, people could think they were entitled to enter properties and strip them completely.

I shall confer with the Attorney-General on this matter. I know of a property on the Mornington Peninsula on which flowers and trees have been left in a natural state. The owner desires to have it that way. On that property there are hyacinth orchids which are now extremely scarce on the peninsula although they once abounded there. The owner of the property would feel a real sense of deprivation if somebody were to trespass on the land and pick the few hyacinth orchids. However, that somebody could well be liable under the laws concerning trespass and other provisions of the law. Perhaps this clause should be modified. That is why I have suggested that, at the appropriate time, the Committee should report progress. However, I shall not ask the Committee to do that until the other matters that honorable members desire to raise have been discussed.

The Hon. I. A. SWINBURNE (North-Eastern Province).—This clause seems to go against the principles of legislation which have been implemented over the years in relation to shooters, ferreters, and so on.

The Hon. A. J. HUNT.—There is still the law of trespass.

The Hon. I. A. SWINBURNE.—I appreciate that, but the clause provides that if a man enters on land and picks mushrooms he cannot be called a thief. I have already referred to paragraph (*b*) of sub-section (2) of proposed new section 73 which states that a man's appropriation of property cannot be regarded as dishonest if he believes that he would have the owner's consent if he knew about his taking it. Whether a landowner is of the type of person described by the Minister or is a farmer who has a property on the Hume Highway with 100 ewes lambing down, people should not be entitled to enter onto his land, but that is what the provision really means.

A man's property should be his own and no one should be entitled to take anything off the property whether it is growing wild or whether it has been cultivated. A large proportion of what grows on a farm grows wild. Landowners should not be subject to this persecution. All that the owner can say to the person is that he must get off the property or he will be prosecuted for trespass. Property can be damaged, but the owner cannot charge the trespasser with causing damage. If a trespasser strips a building, action can be taken. Trees might provide shelter for stock. The provision is far too wide. People should not be able to wander wilfully over land.

It is wrong that people can enter onto property and pick mushrooms merely because they grow at the will of the Good Lord. That is the only way they grow in paddocks because nobody can cultivate them on broad acres. On one occasion, 10 or 12 acres of my land became white with mushrooms one morning and, before I knew what was happening, the field was crowded with mushroom pickers. One man drove up with five packing cases, filled them and took them away. No doubt they were sold, but neither he nor anyone else asked me for permission to pick the mushrooms although I was in the paddock.

How is the landowner to tell people to leave his land if it is written into an Act that they are allowed to pick mushrooms there? I know what would happen if I went onto the front lawn of a house in Melbourne to pick mushrooms or shrubs which I thought were growing wild. Why should the position be different in the country?

The Hon. A. J. HUNT (Minister for Local Government).—I have indicated my willingness to have progress reported so that this matter can again be examined. I have said that I appreciate the arguments raised and I cannot go further. All I can do

is point out that the proposed sub-section does not grant a right, as Mr. Swinburne has put it. It merely provides that a person who picks mushrooms and the like shall not be prosecuted for theft as such. But the other remedies of the law are still available.

The Hon. M. A. CLARKE (Northern Province).—As clause 2 takes in the major part of the Bill and the Minister has invited comment on its other provisions, I direct attention to the heading "Fraud and blackmail" preceding proposed new section 81 and to sub-section (1) of proposed new section 82 which provides a penalty of imprisonment for not more than five years for a person who, by any deception, dishonestly obtained for himself or another, any financial advantage. The provision also states that such a person shall be guilty of a felony. Other provisions deal with fraud. Sub-section (1) of proposed new section 81 states that a person who by any deception dishonestly obtains property belonging to another with the intention of permanently depriving him of it, is guilty of felony and liable to imprisonment for not more than ten years.

Propose new section 87 specifically refers to blackmail, and I have no quarrel with the provision for a penalty of imprisonment for not more than fourteen years. However, if the Crown fails to establish the offence of blackmail on the grounds set out, it would have to revert to the provision in sub-section (1) of proposed new section 82, which relates to dishonestly obtaining a financial advantage, for which the penalty is a term of imprisonment not exceeding five years.

As a fraud may involve a large sum of money and there may be a suggestion of blackmail which does not come within the specific terms of the provision on blackmail, it seems wrong that the prosecution would have to fall back on an offence for which the penalty can be no more than five years' imprisonment. I may have misconstrued the situation. Perhaps the Minister could also examine this to see why the penalty is so light when it is based on the important section 16 of the English Act.

The Hon. A. J. HUNT (Minister for Local Government).—The offences to which Mr. Clarke has referred would come under the definition of theft and could be dealt with under proposed new section 74, which provides that a person guilty of theft is guilty of a felony and liable to imprisonment for a term not exceeding ten years.

The other provisions set out additional offences of a more convenient nature which accord closely with the law as it is known to people here. The term "false pretences" is known to many people and there will now be in its place an offence of obtaining property by deception. It would be easier to explain that to a jury than to explain why obtaining property by deception becomes theft within the meaning of the new Act. However, where appropriate, the charge of theft, which carries a maximum penalty of ten years, could be laid instead of the charge of obtaining property by deception. Similar comments could be made in relation to blackmail.

The Hon. M. A. CLARKE.—That clears up the matter I raised.

The Hon. S. E. GLEESON (South-Western Province).—I question the right of a man to take material such as firewood from a property.

The Hon. A. J. HUNT.—There is no right.

The Hon S. E. GLEESON.—Apparently there is no offence if a man drives onto a property and collects firewood for his own use.

The Hon. A. J. HUNT (Minister for Local Government).—One of the strange anomalies of the provision is that, if a person takes mushrooms which are growing, he is not guilty of an offence but, if he takes loose tree limbs which are lying around for firewood, he may well be, because the

provision is confined to what is growing. This is an anomaly which should be examined.

Progress was reported.

JOINT SITTING OF PARLIAMENT.

STATE COLLEGE OF VICTORIA: INTERIM SENATE.

The PRESIDENT (the Hon. R. W. Garrett).—I have received the following letter from the Minister of Education:—

Dear Mr. Garrett,

It is necessary to establish an Interim Senate of the State College of Victoria during the next few months. Pursuant to section 45, sub-section (*a*), of the State College of Victoria Act 1972 a joint sitting is required in order to elect Parliamentary representative.

Yours sincerely,
L. H. S. THOMPSON,
Minister of Education.

Sir GILBERT CHANDLER (Minister of Agriculture).—By leave, I move—

That this House meet the Legislative Assembly for the purpose of sitting and voting together to choose three members of the Parliament of Victoria to be recommended for appointment to the Interim Senate of the State College of Victoria, and request the Legislative Assembly to name the place and time of such meeting.

The motion was agreed to.

It was ordered that a message be sent to the Legislative Assembly acquainting them with the foregoing resolution and requesting them to name the place and time of such meeting.

MEDICAL PRACTITIONERS (AMENDMENT) BILL.

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

That this Bill be now read a second time.

The Bill is introduced for the purpose of ensuring that all persons registered by the Medical Board of Victoria in future shall, after registration, undergo a period of twelve months' post graduate internship in an institution —or institutions—approved suitable for giving this type of training.

At this point, is should be stated that at the present time and, in fact, practically all medical graduates from universities in Victoria have undertaken a period of at least twelve months post graduate work in a hospital. Completion of such a period of twelve months study is necessary before graduates can undertake study for senior medical degrees or diplomas and is considered desirable by all medical graduates as an introduction to medical practice.

The Medical Board of Victoria, appointed under section 4 of the Medical Practitioners Act 1970, is responsible for the registration of medical practitioners in Victoria. Clause 4 of this Bill will add a new Part—"Part 1A—Hospitals Accreditation Committee"—to the Medical Practitioners Act which will enable the establishment of a committee of the Medical Board to be known as the Hospitals Accreditation Committee. It will consist of eight members appointed by the Governor in Council and will operate under the chairmanship of a member of the Medical Board. Membership will be drawn from the Medical Board, the Faculty of Medicine at Monash and Melbourne Universities, the Association of Medical Superintendents of Public Hospitals, and nominations from the Victorian Hospitals Association and the Hospitals and Charities Commission.

The prime function of the proposed committee is to determine which hospitals are suitable providing adequate experience in medicine generally for graduate medical practitioners.

The actual functions of the committee are set out in the proposed sub-section (7) of the new section 7A, as contained in clause 4. Although the committee will examine and report on matters relating to the accreditation of hospitals, it is the function of the Medical Board of Victoria itself to decide whether or not any institution in the State is approved as suitable for providing post-graduate internship.

The new section 15A of the Medical Practitioners Act 1970 to be added by clause 7 of the Bill specifically sets out the power of the Medical Board in this regard. From this new section

it will be seen that that board may approve or conditionally approve an institution as suitable for post-graduate internship and may cancel any approval given or vary any condition imposed.

Three new sections—19A, 19B and 19C—to be added by clause 8 set out the methods of control that will be necessary to enable the proper introduction of a compulsory post-graduate year of training for medical graduates.

Every medical practitioner first registered after the 1st October, 1973, will be regarded as being registered provisionally only until he satisfies the Medical Board that he has completed a period of twelve months internship in an approved institution or institutions. Any person only provisionally registered who practices outside the hospital in which he is receiving his residency training will be guilty of an offence and subject to a penalty of $200.

There should be little difficulty experienced in controlling the provisional registration and internship training of medical graduates from Victorian universities. However, provision must be made for persons who have been trained in other States or in overseas countries where medical qualifications, registerable in Victoria, may be obtained. In the event of a person who has not served a requisite period of internship in Victoria seeking to be registered here, the Medical Board, under the provisions of the new section 19B, is authorized to accept equivalent post-graduate training obtained elsewhere.

The Hon. A. K. BRADBURY.—Does that mean that he will have to do another year of study?

The Hon. V. O. DICKIE.—No, it makes compulsory what 99·9 per cent of graduates from medical schools have been doing automatically. The Medical Board of Victoria must be satisfied that this post-graduate service obtained outside Victoria provides experience and further training equivalent to that required in Victoria. As a matter of interest, for many years past, the Medical Board of Victoria has acted as the agent of the General Medical Council in regard to certifying as to a Victorian medical practitioner's post-graduate hospital experience when the Victorian doctor wishes to go to England for further post-graduate study for which he needs full registration.

The new section 19B is expressed very widely to ensure that the Medical Board is able to accept for full registration any person who is qualified academically under the general registration provisions of the Medical Practitioners Act and who has adequate training and experience to enable him to enter practice.

Clauses 5 and 6 of the Bill are introduced to remove an anomaly which was overlooked at the time the original Act was being prepared. As the Act is now drawn, if a registered medical practitioner who wishes to leave Victoria temporarily advises the Medical Board and arranges for his registration to be cancelled until his return that registration may be restored on payment of a fee of $25 under paragraph (*a*) of sub-section (3) of section 5. However, should he merely depart for overseas and, in due course, have his name removed for non-payment of the renewal of registration fee, on his return he may have his name restored to the register for a fee of $20 under paragraph (*c*) of sub-section (3) of section 5. It is felt that this anomaly might encourage some medical practitioners not to keep the Medical Board informed of their intention to leave the State.

Provision is made in clause 11 for amendment of the regulation-making powers to enable payment to be made to members of the Hospitals Accreditation Committee, to persons authorized by that committee to inspect hospitals and generally to define the committee's duties.

Clause 10 provides for some verbal alterations to section 32 of the Medical Practitioners Act, the only substantive provision being the

amendment of sub-section (5) of section 32. This amendment reduces from five to three years the time during which the Specialist Practitioners Qualification Committee, appointed under section 29 of the Medical Practitioners Act 1970, can receive applications from experienced persons, but not necessarily academically qualified persons, for registration as specialists.

When the Medical Practitioners Act 1970 was introduced it was thought that it would be a very time-consuming job to carry out a survey of all applicants. However, this was not the case and the Medical Board has completed its activities in this regard. The continued presence of this provision merely invites applications from overseas practitioners, unqualified as specialists, for registration as such in Victoria.

The only other provision is to amend the Poisons Act consequent upon the substitution of the Medical Practitioners Act 1970 for the Medical Act 1958. 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, April 10.

CONSTITUTIONAL CONVENTION (ALTERNATE MEMBERS) BILL.

The Hon. V. O. DICKIE (Minister of Housing).—On behalf of the Minister for State Development and Decentralization, I move—

That this Bill be now read a second time.

This is a short Bill to extend the Constitutional Convention Act 1972 to cover members who by virtue of a resolution of the Parliament or either House of the Parliament are eligible for appointment as alternate members to act in the place of a delegate to the Constitutional Convention.

The Bill is designed to ensure that these members, when discharging their duties in relation to the convention, will be entitled to be paid appropriate attendance fees and travelling allowances even though they may not actually be called upon to act in the place of a delegate.

I am sure the Bill will receive the support of all members and I am pleased to commend it to the House.

On the motion of the Hon. J. M. WALTON (Melbourne North Proince), the debate was adjourned.

It was ordered that the debate be adjourned until later this day.

The sitting was suspended at 5.39 *p.m. until* 8.5 *p.m.*

THE CONSTITUTION ACT AMENDMENT (PRESIDING OFFICERS) BILL.

This Bill was returned from the Assembly with a message intimating that it had decided to make the amendment suggested by the Council on the consideration of the Bill in Committee.

It was ordered that the message be referred to the Committee on the Bill.

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

Postponed clause 2, including the amendment suggested by the Council as made by the Assembly, was agreed to.

The Bill, including the amendment suggested by the Council as made by the Assembly, was reported to the House without amendment, and passed through its remaining stages.

CRIMES (AMENDMENT) BILL.

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

QUESTION ON NOTICE.

The Hon. A. K. BRADBURY (North-Eastern Province) (*By leave*). —I point out to the Minister for State Development and Decentralization that question No. 2 has been on the Notice Paper since last week. It is not a difficult question to answer.

There has been considerable correspondence between the high school advisory council and the Education Department. Certain undertakings have been given. Surely it does not take a week to answer a question of this type.

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization).—I shall certainly take up this matter with the Minister of Education. I know that there has been a record number of questions in the Legislative Assembly and they are being accorded top priority. Many officers are employed full time in compiling the answers to questions. I do not know why this question has not been answered, but I shall take it up with the Minister.

WORKERS COMPENSATION BILL.

The debate (adjourned from March 28) on the motion of the Hon. A. J. Hunt (Minister for Local Government) for the second reading of this Bill was resumed.

The Hon. J. M. TRIPOVICH (Doutta Galla Province).—This is the fourth occasion on which the Government has sought to amend the workers compensation legislation. Since the Government interfered with and walked away from the principles associated with the 1953 Bill, it has been in dire trouble. As a result of its actions, the Government has discouraged and hurt many people and disfranchised them of their proper entitlement.

In an article on page 3 of the *Age* newspaper of 11th January of this year the Chief Secretary, Mr. Meagher, is reported as having said—

> It was hard on injured people to have to live on a fixed amount for a long time. But it was up to social services, not workers compensation, to meet the problem.
>
> Workers compensaton was not meant to be a pension scheme. Its main purpose was to care for people off work through injury for a few weeks. The insurance premiums were set to meet payments based on wage rates of the time.

The Opposition disagrees with this view. If the Opposition achieves its aims, the required expenditure, according to the figures provided by the Chief Secretary, will be $37 million. I invite honorable members to regard that figure as a percentage of the gross national product or the productive wealth of this State. It is less than 1 per cent of the gross national product.

An amount of $37 million seems a lot of money, but the Government apparently regards workers compensation as an insurance policy undertaken by the employer to protect for three or four weeks the employee who is off work because of a minor injury. The Government is prepared to cover an employee in such circumstances, but inflation depletes the benefit. If a person was injured before the cut-off point of 1st July, 1965, and is still unable to return to work, his payment up to date has been $25.60 a week. At today's costs, that amount is a mere pittance in terms of need, but the Government regards it as a contract which cannot be broken.

The Hon. A. J. HUNT.—The Government is changing that.

The Hon. J. M. TRIPOVICH.—Only for those on weekly payments, and it has taken a long time to effect the change. People who were injured before 1st October, 1970, have been existing on $31 a week, and those injured before 9th May, 1972, have been receiving $41 a week. The rate that has been applicable since 9th May, 1972, increases in comparative living costs to $63 a week. I remind the Government that the main problem surrounds not a person who is injured and on sick leave for two or three weeks but a person who is incapacitated for life. What is the Government's attitude to a person in this situation? Is it simply to say, "That is bad luck"?

It is apparent that in introducing this amending measure the Government has again broken away from the 1953 legislation. The principle associated with the 1953 Act does not appear in this Bill, clause 2 of which provides for the insertion of a new sub-section (4) in section 2 of the principal Act. Under the new sub-section, the amended rates—

shall apply with respect to every weekly payment of compensation with respect of any period after the 9th of May, 1972.

No consideration has been given to the lump sum payments for widows under the Eleventh Schedule to the Act. The Government regards it as bad luck for these people. When the Bill was introduced these features were pointed out to the Government. The Government party does not understand the principles of workers compensation. Its members had to be dragged into the middle of the floor, as it were, and told in four-letter words what the Bill meant.

The Hon. H. R. WARD.—Be careful!

The Hon. J. M. TRIPOVICH.—By four-letter words, I mean words that were so simple that a second grade child could understand them. The Minister did not understand his own Bill and no one in his party could explain it to him. In another place it had to be explained that although the Government claimed that it was being generous in increasing the weekly payments, they were increased only to use up the pittance that the person had to his credit faster than it would have been used up if the weekly payment of $25.60 had continued. It took a lengthy debate which occupied eighteen pages of *Hansard* to get that message into the heads of Government supporters in another place.

Negotiations took place in relation to the Bill and after it was explained to the Government in simple terms —not four-letter words of abuse or profanity, but in simple English—that it was vital to relieve the severe cases of distress, the Government proposed the amendments which will lift the limitations and introduce a uniform rate. The Government walked away from this principle in the 1953 legislation and has now returned to it.

Why does the Government not consider people on the basis of their contribution to industry and their individual value to the community? I agree with the view expressed by the Minister that if a man who is covered by the Act is permanently maimed or is killed when he is going to work on a Monday morning, he or his widow is entitled to full pension entitlements at his current wage rate. This principle is now recognized by the Commonwealth Government in legislation which is being considered. A disabled worker is entitled to receive a pension based on his current wage rate. He should obtain this without argument and without the need to make a submission, engage a solicitor, go to court and produce evidence, and not meet his commitments for eight to twelve months while he is fighting the case. Liability is not admitted in every case; it should not have to be admitted.

If a member is killed and he leaves a widow and four children, it does not matter whether his death occurs when he is going to work on Monday morning or to the football on Saturday. As a Christian community, we should accept that liability. If it can be done only on the basis of workers compensation, under a State Government the principle should be accepted. After all, the amount involved represents less than 1 per cent of the total productive wealth of this State. An amount of $37 million is a lot of money, but it should be viewed as a percentage of the total wealth of the State in secondary industry. This can be done if the Government abandons its eighteenth century attitude to workers compensation. As the Chief Secretary said, it is not meant to be a pension scheme; its main purpose is to care for people who are off work through injury for a few weeks.

After a lengthy debate in another place, my colleagues got some sense through to the Minister and some realization of what his Bill meant. Consequently, the measure was amended and the limitations were lifted, making them uniform. The honorable gentleman went 60 per cent of the way because 60 per cent of the payments made are weekly payments. Twenty-five per cent of the total payments are paid to widows and for funeral and hospital expenses, and 15 per cent goes to the lump sum payments under the Eleventh Schedule. More Government supporters should come to the aid of widows. The Government preaches the principle of assisting these people but it does nothing about it.

I propose to quote from a memorandum dated 4th April from the Under-Secretary to the Chief Secretary. In the document, which was tendered to me tonight by the Chief Secretary, Mr. Dillon says—

> 1. The Victorian Trades Hall Council at the deputation it had with you, by letter of 30th March and in representations made by Messrs. Nolan and Turner, has asked for consideration of lump sum payments as they apply to—
>
> (*a*) an injured worker; and
>
> (*b*) the widow of an injured worker.
>
> 2. In the case of lump sum payments to injured workers, the Trades Hall has put forward the proposition that there could be four workers who lost an arm and the injury which gave rise to the loss occurred in a period in which different lump sum tables apply. As a result each worker would receive a different amount depending upon the rate payable in that period.

It means this: If a worker was injured before July, 1965 and subsequently was in hospital, to have his arm amputated in September, 1972; if another worker was injured after July, 1965, but before 1st October, 1970, and was in the next bed in hospital in September, 1972, having his arm amputated; if another worker had his arm injured after 1st October, 1970, but before 9th May, 1972, and was in hospital in the next bed having his arm amputated, and if another worker was injured after 9th May, 1972, and was in hospital for a similar operation in September, 1972, for the amputation of his arm, provided that they were all right-handed, the four workers would each receive a different amount of compensation.

The Hon. A. J. HUNT.—What would be the mathematical chance of that occurring?

The Hon. J. M. TRIPOVICH.—I am pointing out the anomalies. The Minister for Local Government has asked a question and I appreciate him asking it. Let us continue and together we will work out the answer on the logics of the matter. Mr. Dillon goes on to say:—

> I think as a matter of law the arguments of the Trades Hall are correct, but I doubt that there would in fact be cases where there were injured workers in each of the four compensation periods. Messrs. Nolan and Turner felt there could be some cases in the last two periods.

If there are only two workers, the anomaly is wrong and the amount of money that it would take to correct the position is so infinitesimal that I am surprised at this Government's tardiness on workers compensation.

The Hon. A. J. HUNT.—I concede that these situations exist.

The Hon. J. M. TRIPOVICH.—I thank the Minister for his comment. Mr. Dillon continued:—

> The Bill only sets out to increase weekly payments and in this respect the four workers who lost their arms would receive the same weekly payments from 9 May, 1972, while awaiting stabilization.

If a worker happened to have his arm removed it would not matter because the Government's legislation is dealing only with running weekly payments.

Mr. Dillon's memorandum continues:—

> The anomaly which the Trades Hall complains about has existed in the Act for many years and has not been brought about by the present Bill.

It was brought about by the Bolte Liberal Government and is being continued by the Hamer Liberal Government. Both Governments have moved away from the principles associated with the Workers Compensation Act 1953, introduced by a

Labor Government, under which all rates became subject to adjustment —not the weekly payments, but all rates. Mr. Dillon's memorandum continues:—

In the case of lump sum payments to widows the position appears to be as follows—

(*a*) The case of *Lucas* v. *Ogden* determined that the amount of compensation payable to a widow is the amount payable at the time of death of the worker and not the date of his injury.

I could also add "or the loss of the limb." That is the big point.

(*b*) In 1970 the Workers Compensation Act, which came into operation on 22nd December, 1970—

That was under the Bolte Liberal Government in which Mr. Hamer was the Chief Secretary—

increased rates of compensation payments and in order to make those increased rates applicable to victims of the West Gate Bridge collapse provided—

"5. (1) The principal Act as amended by this Act shall apply to and in relation to injuries arising out of or in the course of employment where the injury occurred or arose on or after the 1st October, 1970.

Had the Bolte Liberal Government finished the clause at that stage all would have been well and the section would read as this Government thinks it now reads. Mr. Meagher told me tonight, and he has told Mr. Simmonds of another place, that that is the position. Apparently Mr. Meagher did not see sub-section (2) of section 5 which provides—

Notwithstanding the commencement of this Act the principal Act as in force immediately before that commencement shall continue to apply to and in relation to injuries arising out of or in the course of employment where the injury occured or arose before the 1st October, 1970."

The old Act will apply and there will be no relief. The new sub-section was only inserted to give relief to the widows of victims of the West Gate tragedy which, I believe, provided such a political jolt to this Government that it was prepared to do anything to get out of the mess it was in. Mr. Dillon goes on to say—

(*c*) It has since been held by the Board in the case of *Thomson v. Monbulk Preserves Ltd.* that the effect of section 5 of the 1970 Act is to nullify the decision in *Lucas v. Ogden* with respect to injuries before 1st October, 1970.

I do not understand that at all. Those who have had any association with workers compensation know that the *Lucas v. Ogden* precedent was a special case and was not something which set a precedent for future judgments.

Mr. Dillon further states—

The result is that we now have two different rates of payment to widows, namely—

(i) Where the injury occurred before 1st October, 1970 and the death occurred after that date, in which case the rate of compensation payable to the widow is the rate operating at the time of the injury to the worker. (*Thomson v. Monbulk Preserves Ltd.*)

(ii) Where the injury and the death occurred after 1st October, 1970, in which case the rate of compensation payable to the widow is the rate payable at the date of death of the worker. (*Lucas v. Ogden.*)

I have already pointed out that was a special case and I invite the Minister for Local Government to look at the background of the *Lucas v. Ogden* case.

Mr. Dillon continues—

This state of affairs was brought about by the desire of the Government to make the increased rates of the 1970 Act available to the victims of the West Gate Bridge collapse and is not one which has been created by the present Workers Compensation Bill now before the House.

The same problems existed in relation to the Workers Compensation Act 1972.

That is quite correct because clause 2 retained the position that the old Act would hold force and clause 1 set out what the Government intended to do for the West Gate victims.

Mr. Dillon then states—

The Trades Hall Council states the proposition that "a widow would only receive $4,480 as compensation for the death of her husband (if he had died prior to 1965). If her husband has died from injury after the May 9, 1972, she will receive $13,690".

That was the case put forward by the Trades Hall Council. Mr. Dillon says—

As a matter of law the Trades Hall is correct but it seems unreal that there would be any claim "alive" where the

widow would receive $4,480 as compensation for death of a husband who died prior to 1965.

Widows claims are usually settled in twelve months.

That is true, and the money is made available to them. However, the Workers Compensation Board sees that they do not get the money to buy motor cars or fur coats or purchase lavish presents for themselves.

The Hon. A. J. HUNT.—Frequently the board will release the money for such things as a motor car.

The Hon. J. M. TRIPOVICH.—That is so, but only when a case has been proved on the grounds of need. From my experience with it—and I do not claim to be the most experienced member in this Chamber—the Workers Compensation Board, has at heart the interests of the bereaved. I pay a tribute to the members of the board for the work they have done on that basis over the years. However, I point out that if a person died before 1965 the total compensation payable is $4,480 and the board has difficulty in moving beyond that. The trouble is that if the widow is allowed $25.60 a week in 1965 she gets the same sum in 1973 and she experiences difficulty in living on that amount.

Mr. Dillon goes on to say:—

Problems raised by the Trades Hall in respect of lump sum payments have not been created by the Bill now before the Parliament. It seems to me that the whole question of lump sum payments could be examined by the working party and if necessary, the principal Act amended in accordance with its report.

If the number of widows who would become subject to this Bill is so small, the amount of adjustment needed would be infinitesimal, so why not give it to them? Why is the Government refusing? I invite honorable members to consider the case of a woman who has lost her husband and has three or four children to support. If the children were aged 5, 6 and 7 eight years ago, they would now be aged 13, 14 and 15 and therefore costing a lot more money to keep, but is this Government concerned for them? Of course, it is not! Yet, it will produce a document like this and say that there are so few of them that it does not matter. If it does not matter, why not do something for them?

On the question of the lump sum payment, the Labor Party does not know whether this can ever be part of an inquiry. The easiest thing for any Government to do is to set up a committee of inquiry as that fobs the people off with the idea that it is going to do something. This Government broke away from the principles laid down by Labor in the 1953 Act, and since 1965 it has walked away from every real principle which has been associated with workers compensation.

The Hon. D. G. ELLIOT.—The 1953 Workers Compensation Act was the best the world had ever seen.

The Hon. J. M. TRIPOVICH.—I agree with Mr. Elliot that it was the best at the time. I have argued this point with the Chief Secretary and I pay a tribute to his courtesy. Mr. Meagher has been most courteous but the trouble is to get through to him. As I pointed out, it took eighteen pages of argument in simple language in another place to convince him that the limitation of payments had to be made uniform.

The responsibility of claiming the higher rates of compensation under the Bill if cessation has taken place rests, of course with the worker who has to make a claim before 30th June, 1973, or, as the Minister has now accepted, such later date as the board will determine. The Labor Party would like to see that clause removed because where weekly payments are continuing, adjustment is automatic. However, where weekly payments have stopped and they have to be commenced again, there can be any amount of argument on the basis of responsibility, or in particular on matters associated with the date of application. Once the payments have been stopped, as the Minister for Local Government well knows, it takes twelve months' litigation to have them commenced again.

The honorable gentleman interjects that he does not believe that. I am only quoting what I believe and I pose the question: Why have this date in the measure at all? Many people in the community are not *au fait* with legislation which is enacted and the case could arise of some woman saying to the Workers Compensation Board, "I have been told I have an entitlement" and under the provisions of the measure the clerk attending her would then say, "But you were not in before 30th June, so you have lost your claim."

The Hon. A. J. HUNT.—I am afraid Mr. Tripovich has missed the point.

The Hon. J. M. TRIPOVICH.—No, I do not think so. The point is that she has to make that claim and it is up to her. If the date were omitted it would remove the point of conflict and not one case would have to come before the board because all cases that could do so would be those in which responsibility had been admitted and it would only be a matter of restoring the payments. The Labor Party feels that the provision ought to be deleted.

The Hon. A. J. HUNT.—The suggestion might wipe out an increase in the past year for some people because the provision is retrospective for almost a year.

The Hon. J. M. TRIPOVICH.—The amendment that I propose to move will make the adjustment automatic. Why should these people have to make application? If the adjustments were automatic, the Workers Compensation Board could make the adjustments and continue the payments rather than force these people to make application to have the payments restarted.

The Hon. A. J. HUNT.—It is automatic for those currently receiving payments.

The Hon. J. M. TRIPOVICH.—That is so, but not in cases where payment had ceased after 9th May. In those cases, application is necessary to have payments restarted.

The Hon. A. J. HUNT.—There has to be an application to restart payments in any event.

The Hon. J. M. TRIPOVICH.—I do not think so because if my amendment is agreed to it would not be necessary. Workers compensation should be based on the principle which was established in 1953 so that, as the economy inflates, payments move with the inflation. Accordingly, during the Committee stage I propose to move—

That, in proposed sub-section (4) of section 2, the expression "so far as they relate to weekly payments of compensation, in force immediately before the commencement of the Workers Compensation Act 1973 shall apply with respect to every weekly payment of compensation in respect of any period after the 9th day of May, 1972 irrespective of the date of the occurrence or origin of the injury or disease giving rise to the right to compensation and notwithstanding that an award for a lesser rate may have been made by the Board before the commencement of the Workers Compensation Act 1973" be omitted with the view of inserting the expression "as in force immediately before the commencement of the Workers Compensation Act 1973 so far as they relate to rates or amounts of compensation, shall apply with respect to every payment of compensation made on or after the 9th May, 1972 irrespective of the date of occurrence or origin of the injury or disease giving rise to the right to compensation and—

(*a*) notwithstanding that an award for a lesser rate or amount may have been made by the Board before the commencement of the Workers Compensation Act 1973; and

(*b*) notwithstanding that payments at a lesser rate or of a lesser amount may have been made before the commencement of the Workers Compensation Act 1973—".

I ask the House to note the principle involved. The words which I shall propose should be omitted include a reference to "weekly payments" and "to the limitations." If the amendment is agreed to, the across-the-board increases will mean that widows will get an adjustment despite the fact that so few are involved, as Mr. Dillon points out. A woman whose husband was injured when the Act contained the limitation of $4,480 would be able to move up to the uniform rate of $13,690.

I now examine the costs brought about by this Bill on the basis of the Chief Secretary's theory, as quoted in the *Age* newspaper, in which he

asserted that workers compensation should not be a pensionable scheme because after all it is only an insurance scheme to look after a person who is off work through injury for two or three weeks. The Minister was concerned about costs and again the honorable gentleman consulted his experts who advised him.

I now quote from a memorandum on costs supplied to me by the Minister today—

1. In this statement an endeavour has been made to estimate the cost to the insurance industry of—

the Government is more concerned about the insurance companies; its attitude is not to worry about the workers—they are on their own—

(*a*) Costs of increases in weekly payments retrospective to 9 May, 1972 brought about by the Workers Compensation Bill presently before the Parliament.

(*b*) The cost of the proposal to increase all rates of compensation retrospectively to 9 May, 1972.

2. Costs of increases in weekly payments retrospective to 9 May, 1972 brought about by the Workers Compensation Bill presently before the Parliament—

(1) (*a*) The Chamber of Manufactures Insurance Limited at 9 May, 1972 had 2,343 outstanding claims.

I am more interested in knowing the total amounts paid for weekly payments at that stage rather than the companies' outstanding claims. I should have preferred to have the basis calculated on what they were paying each week or each fortnight. It is then pointed out—

These claims comprise—

Common law ..	420
Fatals	140
Lump sums ..	212
All others	1,571
	2,343

(*b*) Of the 1,571 all other claims—

571 were for injuries prior to 1 October, 1970

1,000 were for injuries prior to 9 May, 1972.

The Under-Secretary goes on to point out the weekly rates which were paid in respect to the differing times to which Workers Compensation Acts apply and how much additional the companies would have to pay each week. Then he continues—

(*d*) The additional payout per week is therefore—

571 claims at $32	$18,272
1,000 claims at $22	$22,000
	$40,272

This would be $40,272 each week going into homes where the income is only $25 to $31 a week which I think is about $20 a week less than the poverty line. These people are expected to rear children on $25.60 a week plus the pittance that is handed out for the children. Does the Government suggest that this $40,272 is going to be wasted? The memorandum continues—

(*e*) At a cost of $40,272 per week the annual cost to the Chamber of Manufactures Insurance Limited would be $2,940,144.

Although it may sound a lot of money it is less than ·1 per cent of the gross national product.

The Hon. A. J. HUNT.—Earlier Mr. Tripovich said 1 per cent.

The Hon. J. M. TRIPOVICH.—This is the $2 million odd. Earlier I was referring to the $30 million. Mr. Dillon continued—

(*f*) The Chamber of Manufactures Insurance Limited believes that it has about 10 per cent of the insurance market (this figure of 10 per cent can only be estimated because returns supplied to the Workers Compensation Board are kept strictly confidential).

Of course, it is no secret that out of every 100 cents paid in workers compensation premiums, 54 cents is paid out on pensions and claims, 29 cents goes to administration and 17 cents goes to profits. The report continues—

(*g*) On this basis it is estimated that the cost to the industry would be $20·9 million.

I reiterate that it is less than 1 per cent.

(2) These figures are supported by estimates made by the National Employers Mutual General Insurance Association Limited.

This insurer has estimated that an increase in all rates of compensation retrospective to 9 May, 1972 (and at the rates applicable at that date) would cost the industry $27 million.

Allowing for the uncertainty as to the exact percentage of the market and the fact that they are for an over-all increase, these cost figures are compatible with those projected by the Chamber of Manufactures Insurance Limited.

He then sets out the cost of what the Labor Party is asking the Government to do in the interests of people who are below the breadline. They are not living on the fat of the land; they are widows or people who have been injured, some for years, and who have been subsisting on a mere pittance. With the approach of the State elections, the Government has now decided that there might be a few votes in an increase in the weekly payments. However, the Government did not realize that it was necessary to increase the limits because otherwise the people would be given more money to spend and therefore they would utilize their entitlements more quickly. On behalf of the widows and those who have received lump sum payments, people for whom the Labor Party and I believe the Country Party want some justice, the Labor Party has submitted a proposal, about which Mr. Dillon says—

3. The cost of the proposal to increase all rates of compensation retrospectively to 9th May, 1972.

	$
(1) Outstanding claims for the State Insurance Office at any one time is approximately	19 million
Increases to bring all rates up to date	2·7 million
	21·7 million
Increases made retrospective to 9th May, 1972	2·4 million
	24·1 million

On this basis the cost of increases to the State Insurance Office would be $5·1 million.

The State Insurance Office is estimated to have about 16 per cent of the insurance market which would mean that the cost of the increase to the industry would be in the order of $32 million.

The National Employers Mutual General Insurance Association Limited's figures compare reasonably with these estimates.

	$
Increases in all rates of compensation at 9th May, 1972	27 million
Increases of about 15 per cent	4·05 million
	31·05 million

This proposal involves an across-the-board increase and does not leave out the widows' or lump sum payments. The Government is cheeseparing. I do not believe in workers compensation because it is a direct cost on industry and any cost to industry becomes subject to price increases, added profit margins and other charges. By the time costs are passed on all along the line they have doubled. National insurance and not workers compensation should be paid in these cases. If a husband covered by the Act dies his widow should receive a sum equivalent to her former husband's earnings. Payment should be based on his income so she can maintain her standard of living. There should also be a fixed minimum payment for those who are not employed.

I do not say this nastily to any honorable member, but much of the money paid in workers compensation premiums goes to solicitors who handle the cases and not to the people who are dependent on workers compensation. In addition, amounts are paid too late and are too little. A new philosophy has to be accepted. There is creeping inflation in Australia and increased standards of living, but I am sure that no honorable member would suggest that standards of living should be decreased. We are our brother's keeper and collectively we are responsible for these people, particularly if the bread-winner cannot work because of sickness or injury.

Workers compensation rates should be increased across the board. The Government has gone the major part of the way towards achieving this and has only a further

short step to go. The amount involved is infinitesimal when compared with the total wealth of the nation. Therefore, the Government should take the final step. Members of the Labor Party pay a tribute to the Chief Secretary for the way he carried out negotiations. He has been courteous and has discussed the problem from many angles. However, the proposal put forward by the Labor Party will cost the insurance companies more money and the honorable gentleman cannot get their agreement to the proposal. The insurance companies cannot be held responsible for taking up inflation but the Government has a responsibility in this field.

I know of no reason why the Government, having walked away from the principle proved and established in the 1953 Act, cannot return to that principle. The Minister for Local Government will know because he is legally qualified that every time there is an alteration to the Workers Compensation Act a new body of case law has to be built up and this costs thousands of dollars. It will cost a large sum to build up the body of case law when the Act is amended on this occasion. The 1953 Act was taken as far as the High Court at great expense, but the Government has walked away from the precedent set in that Act. The amendment I propose to move during the Committee stage will ensure that that principle is reverted to. The Labor Party proposes to move the amendment and will take it to a division if it is not accepted by the Government.

The Hon. I. A. SWINBURNE (North-Eastern Province).—I have no intention of trying to match my skills on the ramifications of the Workers Compensation Act with those of Mr. Tripovich. Honorable members have heard him speak on this subject on many occasions and I am sure they have a great deal of respect for his knowledge of it. The Country Party has always stood for the application of justice in workers compensation payments and it will continue to do so. However, a peculiar position has developed since the Bill was first introduced. There has been a great deal of criticism of it and its ramifications by insurance companies, employers and employees. The original amendment in the Bill covered only a certain field, but the Bill has been like the mushrooms about which the House heard earlier; it has grown. The Government has now agreed that the amendments contained in the Bill should relate not only to weekly payments but also to lump sum payments. This will benefit all those people who are receiving workers compensation payments at present.

I am a workers compensation insurer and not a receiver. By widening the scope of the Bill the Government is placing a greater obligation on insurance companies but it will not be a burden that they cannot carry because they make a reasonable profit out of workers compensation. Mr. Tripovich has said that the profit is in the vicinity of 17 per cent. I do not know whether that is a fair and reasonable percentage, but I do not think the insurance companies will go bankrupt in meeting the extra payments provided for in the Bill.

One of the problems associated with workers compensation has been the unfair basis that has operated since 1953. Weekly payments have been made at differing rates and there have been various lump sum payments for similar injuries. The amendment contained in the Bill brings the weekly payment up to a reasonable figure and the total amount that may be paid before a reassessment is made is also reasonable. If a person is injured permanently he can draw weekly payments for life. That is a right which he has and which is accepted under the Workers Compensation Act. He has to go to the Workers Compensation Board to have his injury reassessed but he can still draw a considerable amount of money. If a person is injured while he is working for me I expect my insurance company to

cover him in the same way as a person is covered by third-party or comprehensive motor car insurance.

In our modern society most people are covered by insurance, but there is always the hard luck story about the person who gets out of bed in the morning, is not feeling well, decides not to go to work and has a fatal attack. When the case comes before the Workers Compensation Board it is proved that he was not on his way to work, was not at work, or was not on his way home from work at the time and therefore he is not entitled to workers compensation. That is always a forlorn case and I feel sorry for the people involved.

The main purpose of workers compensation is not to ensure that everybody who is injured receives a reasonable rate but to allow them to subsist during the period of their injury until they are able to resume work. The premiums that have to be paid to enable the weekly payments to be maintained at a reasonable rate are getting higher and this is a burden on industry. However, this burden is acepted by industry in the interests of the workers.

The Government has gone a long way in the Bill in improving workers compensation and Mr. Tripovich, on behalf of the Labor Party, wants it to go a step further. This is not an uncommon attitude for the Labor Party to take on legislation of this type. The Labor Party aims at achieving uniformity and that could be desirable. The amendment proposed by Mr. Tripovich will seek to cover those who will not automatically receive the increases provided for in the Bill. They are the widows and those who received lump sum payments for the loss of a leg, an arm or some other injury. I know of no reasons why they should not be included on the same basis as other people. The mistake the Government made in the first place was to introduce a Bill which provided only for an increase in the weekly payment. If the Government had given the matter some thought it would have realized that an across the board increase was necessary.

So far nobody has been able to give an accurate estimate of the cost involved if Mr. Tripovich's amendment is accepted; honorable members are being asked to make a snap decision on the amendment. I should like the Minister when he has given the Government's views on the amendment in the Committee stage to suggest that progress be reported so that other honorable members may examine the ramifications of the amendment and its effect on workers compensation and the Bill generally. It is not fair to ask honorable members to agree to the amendment willy-nilly.

Honorable members have tried to follow the argument on this subjct in *Hansard* but they really have not had time to consider whether they are prepared to go all the way as is suggested in Mr. Tripovich's proposal. Personally I agree with it but I do not know whether other members of my party agree with it. Perhaps some honorable members who may be regarded as leaders of industry would like to comment on the effect that the Bill and the amendment will have on workers compensation premiums and the burden that will be cast on industry. Every time a benefit is increased the rate which enables it to be provided must be increased. If there is a full discussion on the Bill and on the amendment honorable members will be in a position at a later stage to make a decision on it.

Over the years this Parliament has gone a long way towards bringing what might be called justice to those who are receiving workers compensation payments. However, I do not intend to go into the ramifications as Mr. Tripovich did of national insurance because that is another field. If people are to be insured against injury or sickness seven days and seven nights a week that must be done under a national health scheme to which everyone contributes. It will not be a premium that employers

alone will be called upon to pay. If it is proposed to move away from workers compensation and to give benefits by other means there must be a thorough examination of any proposal to determine whether the worker will lose something which has been of benefit to him in the past.

I repeat that I should like to hear the views of other honorable members on the Bill and the proposed amendment and for progress to be reported to enable the parties to consider their position. When the Bill was being debated in another place the Chief Secretary gave an undertaking that he would give consideration to certain matters. I do not know whether the Government proposes to move amendments as a result of the further consideration given to those matters. This means that the Country Party is not in a position to make a final decision on the Bill because it has not received any information from the honorable gentleman on what has happened. I leave the matter at that and await the decision of the Minister on what he intends to do. However, I should like time in which to study the amendment proposed by Mr. Tripovich and any amendments which may be moved by the Government.

The Hon. H. R. WARD (South-Eastern Province).—Tonight honorable members have heard from Mr. Tripovich a fine understanding of the problems which are involved in workers compensation. Those of us who have been involved in workers compensation, not from a legal point of view but from the hard work point of view of trying to have cases resolved, will realize that the Workers Compensation Act is fraught with many problems both for the injured and for the people who have to pay insurance. The people who are mainly represented by the Country Party seem to face more problems with workers compensation than anyone else. Mr. Tripovich indicated the complexity of the law relating to workers compensation. He named two cases, *Lucas* v. *Ogden*, which I believe went to the Privy Council for final decision, and involved a great deal of argument—that was a special case—and *Thompson* v. the *Monbulk Preserving Company*.

The problems relating to retrospectivity have been clearly outlined. For years a case for retrospectivity has been advanced. This small measure involves retrospectivity because it returns to a problem which the 1965 legislation did not remedy. This was clearly expressed. Section 9 of the principal Act is referred to, but section 11 is omitted. I have a great deal of feeling for the case submitted by Mr. Tripovich and for the people to whom he referred—the workers, the injured, the widows, and the dependants of the widows. It is true that under the Workers Compensation Act almost unlimited payments can be awarded. This is set down in section 9 of the Act. Once again a claim may involve litigation which can continue almost interminably. I have discussed the matter with at least one union which was not prepared to suggest that the Bill should not be proceeded with.

The Hon. A. J. HUNT.—They want this retrospectivity.

The Hon. H. R. WARD.—They suggested that they would prefer to have retrospectivity. It is realized that retrospectivity is fraught with many difficulties and problems and that it will certainly cause a great list of determinations which will be at variance and will take a long time to solve. I do not know what retrospectivity will cost an insurance company If the actual cost were only 60 per cent, it would increase this by more than $30 million. That is only an approximate estimate.

I submit to the Minister and the Chief Secretary that the Workers Compensation Act needs to be reviewed, re-written and consolidated. This will take considerable time, but I hope that between now and the spring session an effort will be made to review the Workers Compensation Act and that consideration will be given, with the co-operation of the

trade unions and the employers, to ensuring that the Act is acceptable and workable. That will not be easy because nothing in law is easy. People are paid to discover loopholes, but an Act should be understood and not create problems.

I am undecided whether to accept the amendment which has been foreshadowed by Mr. Tripovich. I do not know how far it goes or what the cost will be. I am prepared to support the measure but there is much merit in the submission of the Opposition. It deserves a great deal of sensible consideration and nothing should be discarded in the interests of expediency. Some unions have agreed that retrospectivity should be retained, as suggested by the Minister for Local Government, but they require something to be done in the intervening period. The Act has been a problem since 1837 and the *Priestly* v. *Fowler* case, and it should be re-examined.

The Hon. S. R. McDONALD (Northern Province).—Many members have outlined their views on the amendment to the Workers Compensation Act and each speaker has made a worth-while contribution. I refer to a matter that has not been mentioned; I concede that it is not directly related to the amendment, but I want to bring it to the notice of the Minister for Local Government and the Chief Secretary. It relates to the limited number of cases in which an employee is either injured or loses his life and it is then established that the employer is not covered as he should be under this Act. Section 83 outlines the procedures that shall be followed when an award of compensation has been made under the Act. I will not go into the detail of what is contained in section 83, but after an award has been made by the court when an employee has been either injured or killed, the section provides for a procedure where an application can be made to the Workers Compensation Board fund for the payment of the award. It also gives the State Insurance Commissioner the authority to recover from the employer the award that has been paid out of the fund.

In my electorate a farm worker was killed in June, 1968, and it was then discovered that his employer did not have coverage for workers compensation. His widow instituted court proceedings and in August, 1971, she was awarded an amount of $9,600. Despite that award to this day this widow has not received one cent. She has had an extremely hard time with a young family to raise. The reason she has not received the award is that there is doubt whether the employer has the required assets to pay the compensation.

I accept that the proper procedure has been followed as laid down in section 83. The matter has been before the board and apparently has gone to and fro between the board and the legal representatives involved. As authority is given under section 83 for the State Insurance Commissioner to recover the award from the employer after it has been paid out, it seems reasonable that with the limited number of cases of this nature it would be competent and simple for the award to be paid directly from the Workers Compensation Board fund and then the State or the Insurance Commissioner could follow the procedure that is outlined to recover the award from the employer.

It is a tragic situation that a widow who was awarded an amount in August, 1971, although the procedure as laid down in section 83 has been correctly followed, has not received any compensation. I bring the matter to the notice of the Minister. I have already referred it to the Chief Secretary and made little progress. This is a tragic state of affairs and I appeal to the Minister to bring it to the attention of the Chief Secretary in the hope, as Mr. Ward has requested, that at some later stage there will be a review of the Act and this type of situation will be rectified.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2—

At the end of section 2 of the Principal Act there shall be inserted the following sub-section :—

" (4) Notwithstanding anything to the contrary in any rule of law or construction the provisions of this Act, so far as they relate to weekly payments of compensation and so far as they relate to the total liability of an employer in respect to weekly payments of compensation in force immediately before the commencement of the Workers Compensation Act 1973 shall apply with respect to every weekly payment of compensation in respect of any period after the 9th day of May, 1972 irrespective of the date of the occurrence of origin of the injury or disease giving rise to the right to compensation and notwithstanding that an award for a lesser rate may have been made by the Board before the commencement of the Workers Compensation Act 1973 and every policy of accident insurance or indemnity which operated to indemnify an employer against claims which arose under the Act before the commencement of the Workers Compensation Act 1973 shall notwithstanding anything to the contrary therein be read and construed as fully insuring or indemnifying the employer against the increased liability incurred by reason of the provision made by the Workers Compensation Act 1973.

(5) Notwithstanding the provisions of sub-section (4) a person shall not be entitled to any additional payments in respect of weekly payments of compensation made between the 9th day of May, 1972 and the commencement of the Workers Compensation Act 1973 in respect of any period after the 9th day of May, 1972 by reason of the enactment of sub-section (4) unless he is in receipt of weekly payments of compensation on the commencement of the Workers Compensation Act 1973 or on or before the 30th day of June, 1973 or such later date as the Board having regard to the special circumstances determines in a particular case he makes application to his employer or to the insurer of his employer for the increased payment. "

The Hon. A. J. HUNT (Minister for Local Government).—The debate on the Bill has been interesting, but Mr. Swinburne put his finger on the real issue when he pointed out that all the argument was about what the Bill did not contain, whilst all the agreement was about what it did contain. No one has disagreed with the wording of the Bill. The argument has been that other things ought to be in it.

No one would doubt Mr. Tripovich's absolute sincerity and compassion for the ordinary working man, and his familiarity with industrial affairs over a long period. The honorable member always impresses the House with his knowledge and compassion on such subjects. Having said that, I find it hard to agree with him on one or two of the philosophies that he uttered tonight. For example, he suggested that whatever a man earned his widow was entitled to continue receiving it if he was killed. I cannot conceive for a moment that the widow of a top executive of a company who may be paying himself through the company an inflated salary—perhaps $1 million a year—ought to receive that much forever—in perpetuity. Mr. Tripovich suggests that this widow should continue to receive the same earnings as were received by her husband during his lifetime.

The Hon. J. M. TRIPOVICH.—What about the people on $25.60 a week? You have conceded that.

The Hon. A. J. HUNT.—Yes. I think all members of this Chamber are agreed that, although the Bill fails to agree with actuarial principles, it is essential that it should be passed in the interests of the people. It is essential that payments should be updated. I am sure that all honorable members agree with the principles which are embodied in the Bill.

The Hon. J. M. TRIPOVICH.—It has no principles; it is simply an adjustment of monetary payments.

The Hon. A. J. HUNT.—Yes, but I think every honorable member agrees with the contents of the Bill. I turn now to discuss the question of lump sum payments. Mr. Tripovich referred to this, but I point out that there is at least one contrary argument to the one which he advanced. It is that the amount of the payment ought to be assessed from the date of the injury rather than from the date of the person receiving payment of

the amount. Mr. Tripovich spoke of two people who had had accidents on different dates and who were in hospital at the same time.

The Hon. I. A. SWINBURNE.—In the next beds?

The Hon. A. J. HUNT.—Yes. I prefer to take the case of people who have been injured at the same time and are admitted to hospital at the same time. I think that is far more likely. One patient may get his payment earlier than another because the other is dilatory—or his solicitor is—and by the time his claim comes before the board, the rate of payment has been increased, so that he receives a higher amount than the person in the next bed. That seems to be a strange proposition. To follow it through would require retrospective payments to people who, at the time, perhaps were satisfied with the amount they received. I do not think this is any answer to the problem.

In making my second-reading speech on this measure, I did not use the Chief Secretary's notes. It was my own speech. I refer to the working committee which was formed to review the Workers Compensation Act. Its task was to look at problems such as those which have been posed by Mr. Tripovich today.

The Hon. J. M. TRIPOVICH.—Who were on the working committee?

The Hon. A. J. HUNT.—A representative of the Australian Labor Party in this Parliament, a representative of the Country Party, and myself, as a representative of the Government. Also on the committee were judges of the Workers Compensation Board, a representative of the Trades Hall Council, a representative of employers and a representative of the State Accident Insurance Office.

At the first meeting of that committee I assured those present that if after having considered the expert advice available to them the three representatives of the parties could agree on necessary amendments to the Act, they would be implemented.

The Hon. M. A. CLARKE.—When was this?

The Hon. A. J. HUNT.—Two years and one month ago. The reason for such a delay is that it is an extremely big task to review the Act. I do not accept that it is possible to re-write the Act with fairness and justice to everyone concerned between now and the end of the session.

The second cause of delay has been the very poor attendance of the representative of the Labor Party, and I say that without mentioning names and without indulging in recriminations. I invite Mr. Tripovich to raise this matter in his party room and suggest the appointment of an alternate member. Indeed, I suggest that Mr. Tripovich would be an ideal alternate member.

This is a matter in respect of which honorable members must reach a decision on a non-political basis which affords justice and equity for all, and I believe that this task should be completed as quickly as possible. In that way, the problem with which we are faced in respect of the Workers Compensation Act will be overcome. It is of no use making off-the-cuff decisions here on an amendment such as this. The Government is of the opinion that this is action which must be taken. As I have said, it offends actuarial principles but, in terms of justice, it needs to be done.

If Mr. Tripovich is appointed as an alternate delegate to the working committee to which I have referred, I can assure him of my co-operation. I am as anxious as he is to see that justice is done and that matters are brought to a conclusion. I should like to see as much as possible done before the next session of Parliament, in circumstances in which no one will seek to gain political advantage.

Mr. Tripovich is always informative when making contributions to debates in this House; however, I must say that Mr. McDonald got slightly awry in his facts. Where an employer is uninsured, the employee is paid from a pool, but the payment is no greater than that which is made to an employee who works for an employer

who is insured. However, when an award is made, no amount is paid automatically to a widow or the children. The award of $9,000 which Mr. McDonald mentioned is not for the widow or the children. It is for the family. The money is paid upon application to the board by way of weekly payments, or for specific purposes and for particular needs by lump sum.

The Hon. S. R. McDONALD.—The person to whom I have referred has not received anything yet.

The Hon. A. J. HUNT.—I do not know whether application has been made or whether weekly payments have been made. I do not know whether her complaint is that she has not received a lump sum. If Mr. McDonald tells me her name, and provides details of the case, I shall discuss the matter with the Chief Secretary to see what can be done.

The Hon. J. M. TRIPOVICH.—What are the terms of reference of the committee to which you have referred?

The Hon. A. J. HUNT.—I cannot recall the exact terms of reference, but the gist of them was that the committee should review anomalies in the Workers Compensation Act, and the main purpose of the committee was to seek to obtain all-party co-operation with a view to rectifying any anomalies.

The Hon. S. R. McDONALD (Northern Province).—I thank the Minister for the interest he has taken in this matter. I shall be happy to supply him with all details connected with the person to whom I referred in this debate.

The Hon. J. M. TRIPOVICH (Doutta Galla Province).—I did not know that the committee to which the Minister referred existed. I do not know who our official representative is. I regret that, according to the Minister, attendance at the meeting has been such that it has been detrimental to a review of the Workers Compensation Act being carried out. I can assure the Minister that this lack of attendance does not accord with the desires of members of my party. I am assured that the question of rates is not within the terms of reference of the committee.

The Leader of the Country Party has suggested that progress be reported, but I point out that this Bill does nothing but adjust rates of payment. Clause 2 states, *inter alia*—

At the end of section 2 of the Principal Act there shall be inserted the following sub-section:—

"(4) Notwithstanding anything to the contrary in any rule of law or construction the provisions of this Act, so far as they relate to weekly payments of compensation and so far as they relate to the total liability of an employer in respect to weekly payments of compensation . . . ."

There are no principles embodied in this proposed legislation. This Government departed from the principle embodied in the Act of 1953 and, in doing so, has destroyed it.

The CHAIRMAN (the Hon. G. J. Nicol).—Mr. Tripovich is tending to become a little wide in his remarks for the Committee stage.

The Hon. J. M. TRIPOVICH.—I intend to move an amendment to this clause and with great respect to you, Mr. Chairman, I think I am entitled to say why. I move—

That, in proposed sub-section (4) of section 2 of the principal Act, the expression "so far as they relate to weekly payments of compensation and so far as they relate to the total liability of an employer in respect to weekly payments of compensation in force immediately before the commencement of the Workers Compensation Act 1973 shall apply with respect to every weekly payment of compensation in respect of any period after the 9th day of May, 1972, irrespective of the date of the occurrence or origin of the injury or disease giving rise to the right to compensation and notwithstanding that an award for a lesser rate may have been made by the Board before the commencement of the Workers Compensation Act 1973" be omitted with the view of inserting the expression "as in force immediately before the commencement of the Workers Compensation Act 1973 so far as they relate to rates or amounts of compensation, shall apply with respect to every payment of compensation made on or after the 9th May, 1972, irres-

pective of the date of occurrence or origin of the injury or disease giving rise to the right to compensation and—

(*a*) notwithstanding that an award for a lesser rate or amount may have been made by the Board before the commencement of the Workers Compensation Act 1973; and

(*b*) notwithstanding that payments at a lesser rate or of a lesser amount may have been made before the commencement of the Workers Compensation Act 1973—".

The first part of the amendment will merely delete the reference to an adjustment in money terms. There is no principle associated with it.

I thank the Minister for what praise he gave me on my sincerity in relation to ordinary working people who must have recourse to workers compensation. Anyone who must face the problems of these people and listen to their problems with a responsibility to offer help and advice can hardly sleep. One has to tell these people that they must wait for a better deal until the Government arranges for the Act to be amended, as it did in 1965, 1970 and 1972, or to bring it up to date, as it is doing now. These people must wonder at the social attitude of the Government.

Even the amendments to the Act proposed by the Government will not bring compensation to much above the poverty line. The Government should accept the amendment I have proposed. If the rates are to be related to amounts of compensation, the adjustments should be automatic. This should be argued once and once only. It was argued before the High Court, which established the precedent under which adjustments are made. But when weekly rates are adjusted by a Bill they remain as they are until another Bill is enacted. There is no principle associated with the amendment to the Act proposed by the Government; it is for election purposes only, and the Labor Party will press its amendment.

The Hon. M. A. CLARKE (Northern Province).—I appreciate the force of the remarks of Mr. Tripovich. The amendment does raise a matter of principle and his criticism of the Government is justified to some extent. I am concerned with the economics of the two proposals. It must be realized that the State Accident Insurance Office, private insurance companies, and other institutions will be affected. Mr. Tripovich presented figures, but the Minister did not. I should have expected that, when it introduced this measure, the Government would be armed with information on the costs of its proposals. I should also expect that, when Mr. Tripovich put forward an alternative proposal, the Government would examine it and give its views on it and what it would cost. Mr. Ward referred to some figure but did not say how much the proposals would cost.

The Hon. H. R. WARD.—On the basis of 60 per cent of what Mr. Tripovich mentioned, I said that the cost would go from $20 million to $30 million, but how much reliance could I place on that?

The Hon. M. A. CLARKE.—Honorable members are in the dark on what sums are involved. Many people will be concerned at the effects of the amendments to the Act. Those in receipt of compensation are watching the position with some interest and employers who must pay the insurance premiums must also be greatly concerned. There will be a sharp increase in premiums over the next year or two as a result of retrospectivity and increased compensation. The insurance companies cannot be expected to absorb the increased costs and not take protective action.

An insurance company representative has suggested to me that premiums on the insurance of labour which I employ on a farm could be doubled next year. Will this be so?

The Government should examine the premium income and the payout of insurance companies. This is not really private business; it is public business because workers compensation is subject to the statutes. As Mr. Tripovich says, the details are

kept secret but I wonder whether that position can continue. It might be better to bring all workers compensation under one statutory authority which would work in the open. Its profits and losses could be analysed by the Parliament. Then honorable members would know all the facts. I hope the Government can explain what is involved. Mr. Tripovich has brought forward a matter of principle and a decision must be made sooner or later.

The Hon. I. A. SWINBURNE (North-Eastern Province).—I had hoped that the Minister would give some guidance on this matter but he completely ignored my suggestion. The honorable gentleman did not refer to the undertaking given by the Minister in another place or to any consideration of it. All the House has before it is the Bill presented by the Government and the amendment proposed by Mr. Tripovich. The Government does not seem to have considered how much money is involved. I suggested earlier that discussion on the Bill should be adjourned until tomorrow so that if the Government could not provide information honorable members could obtain it. If the Minister is not prepared to have progress reported, the Country Party will have no alternative but to support the amendment moved by Mr. Tripovich and leave it to the Government to resolve the position in its own way.

The Minister admitted that a further amendment was being held up because of certain investigations by a working committee. I have been aware of the operations of that committee for some time, but this Bill did not result from a recommendation by that body. The amending provision was plucked out of the air without any consideration being given to its financial effect.

Surely some consideration has been given to the cost involved. No doubt these matters were discussed before the Bill was presented to the House despite the fact that its provisions were not the subject of a recommendation by the committee. However, neither the Minister in another place nor the Minister for Local Government has provided any facts. In another place, successful attempts were made to have the problems related to the second portion of the amending provisions of the Bill resolved, but no information has been provided on the effects of either the first or second portion. If the Government cannot provide the facts necessary or allow honorable members time to obtain them, my party must make a decision on whether the principle put forward by Mr. Tripovich is right. I believe it is and, if the matter is pushed, the Country Party will support the amendment.

The Hon. H. R. WARD (South-Eastern Province).—Despite the fact that this is a Government Bill, I made some critical remarks about it. The situation was ably presented by Mr. Clarke. The material from the Chief Secretary's Department, as submitted by Mr. Tripovich, received a good deal of consideration and raised a certain amount of argument. The question is one of economics. One can go back to 1881 when Bismark decided to bring in some type of social insurance. It appears that at that time a similar situation arose. The present problem is to increase payments to persons affected by section 9 of the Act, as the Minister for Local Government so clearly stated. The honorable gentleman was trying to establish a pretty important principle for persons who require assistance immediately.

I do not consider that the position could have been left as it was. I realize that certain alterations have to be made to the Bill, and I think other honorable members realize that in these circumstances something ought to be done. When I suggested that some action should be taken between now and the spring sessional period I fully appreciated that, although it is difficult, it is important to bring the Act up to date in all respects. No problem in regard to the law or in respect of human

suffering can be readily resolved. It is all very well for the wealthy, the "fat cats" as they have been termed, to be angels of mercy, but the problem in this situation is the cost to the employers and to other people, which will be substantial. Mr. Clarke stated that in certain instances the premium would be doubled, and I do not doubt that.

The Hon. M. A. CLARKE.—It was a suggestion that it would double.

The Hon. H. R. WARD.—If it increased by 60 per cent or 70 per cent, somebody would be hit, and that is the problem that I see. The cost will come back on industry and will go on and on.

Under section 9 some people need assistance. One group of people said to me, "Let us have it." Rightly, the Minister for Local Government has said that this is the situation that he found. Let us keep the retrospectivity. When I first looked at Mr. Tripovich's suggestion I thought it was a fairly good idea, but it gets back to who will be hit and what the cost will be. Somebody has to foot the bill. The Government is attempting to cover one situation at present. I should like to have said that the matter should remain over for six or eight months until the investigating committee can make a report, but that would not be reasonable.

The Hon. J. M. TRIPOVICH.—The Government destroyed the principle in 1965. Why does it not return to it?

The Hon. H. R. WARD.—I appreciate Mr. Tripovich's argument.

The Hon. J. M. TRIPOVICH.—The Government goes 75 per cent of the way. You say that because there are only a few widows they do not matter.

The Hon. H. R. WARD.—I did not say that. Mr. Tripovich is referring to another section of the Act, whereas I am referring to section 9. If there is to be equity and justice, something must be done. I am rather appalled to find that the committee of review has not met as often as it might have, or has not had the time. That is unfortunate.

The Hon. I. A. SWINBURNE.—This Bill has nothing to do with the committee; it is political.

The Hon. H. R. WARD.—We cannot wait on a committee which does not meet.

The Hon. J. M. TRIPOVICH.—The committee cannot fix rates.

The Hon. H. R. WARD.—On the information supplied to me I cannot go along with Mr. Tripovich's suggestion. I should like a lot more information than Mr. Tripovich has supplied. In this situation the Government is forced to take some action. If the suggestion is thrown out now, in eight or nine months' time the same arguments will be put forward. In this case an important group of people will be assisted. I cannot accept Mr. Tripovich's suggestion without undertaking a lot of research, although I have goodwill towards the principle put forward. Much work has to be undertaken on this matter, and the sooner it is done the better.

The Hon. A. J. HUNT (Minister for Local Government).—Questions have been asked about the costs of the measure. Nobody can estimate these accurately. A number of estimates are set out in the memorandum from which Mr. Tripovich quoted, and a copy of which I have. I wish to chide Mr. Tripovich gently for attacking the Government over a document "like this", which was his phrase. He asked for certain information. A public servant produced the best information available in the time, and here it is. This is the Under-Secretary's memorandum of today's date with certain cost estimates. I know no more on the subject of cost than is set out in that document. I am not engaged in the insurance field; nor am I an actuary any more than is Mr. Tripovich, but according to that estimate the costs of the provisions

in this Bill are likely to be $32 million. That is not on a recurring basis. It is a total cost estimate.

The Hon. I. A. SWINBURNE.—Flat.

The Hon. A. J. HUNT.—Yes, of the increases created by the Bill.

The Hon. I. A. SWINBURNE.—It might take ten years—about $3 million a year.

The Hon. A. J. HUNT.—Yes, indeed. This would justify only a modest increase in insurance premiums. I am unable, off the top of my head, to estimate what the further cost of extending the provisions to lump sum claims would be, but Mr. Tripovich has estimated that lump sum claims constitute 15 per cent of the total whereas weekly payments constitute 60 per cent. On that basis, lump sum claims outstanding would, I imagine, be not more than $8 million if paid at higher rates. However, I believe the figure would probably be less. I am trying to be as fair as possible in these estimates. I am giving not firm estimates but what I believe is a common-sense analysis on facts known to us. I believe there are more weekly payments continuing than there are lump sum claims outstanding.

The Hon. I. A. SWINBURNE.—On the basis of the first formula that you quoted?

The Hon. A. J. HUNT.—I thank Mr. Swinburne for correcting me. There are proportionately more of the cases where weekly payments exist, where those payments may be continuing, than there are lump sum payments going back to a long-past date which have not yet been settled. I imagine that is the position; I could be wrong.

The Hon. M. A. CLARKE.—What is the total annual premium?

The Hon. A. J. HUNT.—I am not sure of that figure.

The Hon. M. A. CLARKE.—You have given $40 million as being the extra pay-out, but you have not indicated what percentage of the premium income that would represent.

The Hon. A. J. HUNT.—I am not sure. The total outstanding claim for the State Insurance Office at any one time is approximately $19 million. This is a continuing figure. One assumes that the annual pay-out is something like that amount or a little lower. That particular organization does between one-sixth and one-seventh of the business, and on top of that one has to add administration. These are assumptions that I am making, but I am sure the Committee would prefer figures.

The Hon. M. A. CLARKE.— That is the trouble; you are being forced into this position; I am sympathetic.

The Hon. A. J. HUNT.—I ask honorable members not to be unfair. The Committee asked me for estimates. I made it clear what my starting point was, that I did not know the figures and that I am in the same position as other members who have the memorandum before them.

On two grounds I suggest that progress be reported. The Committee has asked for certain figures. Those figures, at best, are likely to be estimates, but it is desirable that those estimates should be obtained by a better means than an analysis of inadequate figures, some of which are not completely relevant to the amendment moved by Mr. Tripovich. The second ground is even more serious. Mr. Swinburne has made the suggestion that an undertaking given in another place has not yet been honoured, or may not yet have been honoured.

The Hon. I. A. SWINBURNE.—We are awaiting it.

The Hon. A. J. HUNT.—I think all honorable members would expect any undertaking given by any Minister or by any party Leader to be honoured before the debate proceeds. To me that matter of itself is conclusive, and that allegation having been raised I have no alternative but to invite the Committee to report progress.

The Hon. I. A. SWINBURNE (North-Eastern Province).—I thank the Minister for his suggestion that

progress be reported. I respectfully ask that, before the debate is continued, the Minister should supply me with a copy of that document and any relevant figures so that they can be analysed. The honorable gentleman has been quoting from that document for the past ten minutes. I have not seen it and do not know where it came from or how it came into the possession of some honorable members. If we were supplied with copies it might help us to resolve what might be termed the $64 question about which we are concerned at present. If the Minister will do as I suggest members of the Country Party will be pleased to continue with the debate at the earliest possible moment.

The Hon. A. J. HUNT (Minister for Local Government).—I will arrange for copies of the document which I have to be made available to Mr. Swinburne almost immediately, assuming that the photo-copying machine is still operating. I will endeavour to have the other figures available tomorrow, and as soon as they are available I will see that they are tendered to Mr. Tripovich, Mr. Clarke, Mr. Swinburne and Mr. Ward. Furthermore, I will follow up the question of the undertaking, of which I was unaware and which I am informed was given in another place.

The CHAIRMAN (the Hon. G. J. Nicol).—We have no knowledge of what occurred in another place.

The Hon. A. J. HUNT.—That is why I did not refer to the details of it. I have been informed tonight that an undertaking has not been honoured. I have, in turn, undertaken to follow up that issue. That is all I can say.

The Hon. J. M. TRIPOVICH (Doutta Galla Province).—I thank the Minister for his offer to report progress. I am interested in the honorable gentleman's argument on the question of costs.

The Hon. A. J. HUNT.—I admit that they were assumptions.

The Hon. J. M. TRIPOVICH.—Very well. I am indebted to the Minister for the document from which I quoted. I did not criticize Mr. Dillon, or if I did I withdraw any criticism of him because I merely wanted to submit his document and discuss the arguments raised in it. I did not wish to criticize Mr. Dillon personally. It would assist honorable members if the Minister would assess the total cost of retrospectivity on the present Bill.

The Hon. A. J. HUNT.—I propose to do that.

The Hon. J. M. TRIPOVICH.—I ask the Minister to estimate the cost that would be involved if retrospectivity were re-established on the principle of the 1953 Act, and the cost without retrospectivity. If weekly compensation payments are included, adjustments will recur in terms of the alterations to the Act. If it is a question of cost, as Mr. Clarke stated, can the Government assess it on the basis of two principles? We are enunciating the principle without retrospectivity, despite the fact that we want to apply it if we can do so. We do not wish to lose retrospectivity, but we want to see an assessment of costs that the Government might provide. I am astounded that the Government did not come fully armed with these figures. When an amendment is moved by the Government, it should be in a position to advise what the cost will be.

Progress was reported.

RECREATION VEHICLES BILL.

This Bill was received from the Assembly and, on the motion of the Hon. MURRAY BYRNE (Minister for State Development and Decentralization), was read a first time.

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization).—I move—

That this Bill be now read a second time.

The purpose of the Bill is to require recreation vehicles, which include mini bikes, trail bikes, beach buggies and any motorized vehicle used for

recreation purposes in a public place, to be registered, to have third-party insurance cover and to meet certain roadworthiness requirements including the suppression of noise. The Bill also creates certain offences relating to the use of these vehicles, prohibits persons under the age of eight years from driving them in a public place and requires the wearing of safety helmets by persons driving mini or trail bikes.

At the outset I should like to make it quite clear that the provisions of the Bill do not apply to vehicles used solely in connection with primary production, cultivation, construction or maintenance or for conveyance of an invalid person, and that where a vehicle is registered under this measure such registration does not entitle any person to drive it on a highway.

Honorable members will recall that when my colleague, the Minister for Conservation, in another place, introduced the Land Conservation (Vehicle Control) Bill, he informed that House that three of the four recommendations for legislation arising from interdepartmental discussions were contained in that Bill. He intimated that the fourth recommendation to require registration, third-party insurance cover and measures to prevent irresponsible driving of recreation vehicles was being considered and a Bill would be introduced in due course. This measure is the result of that consideration.

The method by which registration, renewal of registration or transfer of registration is made is set out clearly in the Bill. Basically the same procedures are followed as those which apply to motor car registration. That is, the person wishing to register such a vehicle will have to present the vehicle at a registration office, together with a completed application form, the appropriate registration fee and either a certificate of third party insurance or a completed form of nomination of an authorized insurer. In order to facilitate this latter requirement the Bill applies, with such adaptations and variations as are necessary, the provisions of Division 1 of Part V. of the Motor Car Act 1958 relating to compulsory third-party insurance.

The registration fee payble in the case of a vehicle with not more than three wheels—that is, a mini bike, trail bike or motor bike—is $3, and for any other recreation vehicle, $10. The premium to be paid in respect of third-party insurance cover will be determined by regulations made by the Governor in Council after receiving the recommendation of the Premiums Committee. That body will make its recommendations in due course. Upon registration, an identifying number will be assigned to the vehicle and a certificate of registration and distinctive number plates will be issued to the owner. A person under the age of eighteen years is not permitted to register a recreation vehicle. This is consistent with the Motor Car Act.

The Bill creates the following offences in respect of the use of recreation vehicles:—

(*a*) Non-return of number plates to the Chief Commissioner of Police when a vehicle is deregistered.

(*b*) Driving a recreation vehicle in a public place while under the influence of intoxicating liquor or drugs to such an extent as to be incapable of having proper control of the vehicle.

(*c*) Using a recreation vehicle in a public place without it being registered, without number plates affixed or with number plates obscured. In this instance both the owner and the driver are severally guilty of an offence. However, it shall be a defence to a charge of having obscured number plates if the owner can satisfy the court that he had taken all reasonable precautions to prevent the number plates from being obscured. Provision is made, however, for the use of unregistered recreation vehicles in a public place for the purpose of racing under the auspices of an association approved

by the Chief Secretary. This is to facilitate the use of such vehicles at venues like the speedway and Calder raceway.

(*d*) Recklessly or dangerously driving a recreation vehicle in a public place.

The Bill expressly forbids the driving of a recreation vehicle in a public place by persons under eight years of age and provides that where a vehicle is so driven the owner shall be guilty of an offence unless he satisfies the court that the vehicle was driven without his knowledge or consent.

Clause 15 makes it an offence for any person between eight and fifteen years of age to drive a mini bike with two or three wheels and an engine capacity of more than 70 cubic centimetres and at a speed of more than 20 miles an hour. In addition persons coming within this age group are prohibited from driving a beach buggy. Again, both the owner and driver are severally guilty of an offence unless the owner satisfies the court that the vehicle was driven without his knowledge or consent. The advantage of this provision is that a parent is required to take steps to control his children in the use of a recreation vehicle.

The Bill also provides that any person driving a mini bike, trail bike or motor bike shall wear a crash helmet of a type approved by the Chief Commissioner of Police. This provision is included in the interests of the safety of the driver of the recreation vehicle concerned. A penalty of not more than $50 is provided for a first offence against the Act and of not more than $100 for a second or subsequent offence.

Power is given to the Governor in Council to make regulations in relation to the registration and identification of recreation vehicles, the construction of such vehicles, forms for the purposes of the Act and, most importantly, prohibiting or regulating noise or odours from recreation vehicles. Possibly the greatest nuisance to the public is caused by noise emitted by mini bikes and one of the main purposes of this Bill is to ameliorate this nuisance. Such noise will be controlled under the Motor Car Act where the recreation vehicle is also a motor car and used on the highway and under this Bill where it is used in a public place.

Accordingly, power is given to the Chief Commissioner of Police to refuse or suspend registration of a recreation vehicle if it is dangerous, unsafe or makes too much noise and such refusal or suspension will remain until the deficiency is remedied to his satisfaction. The provisions of the Bill are designed to operate concurrently with and to complement the Land Conservation (Vehicle Control) Act 1972 and both measures require the co-operation of municipal authorities. I commend the Bill to the House.

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

It was ordered that the debate be adjourned until Tuesday, April 10.

CONSTITUTIONAL CONVENTION (ALTERNATE MEMBERS) BILL.

The debate (adjourned from earlier this day) on the motion of the Hon. V. O. Dickie (Minister of Housing) for the second reading of this Bill was resumed.

The Hon. J. M. WALTON (Melbourne North Province).—This is a small but important Bill which proposes to provide for attendance fees and expenses for alternative delegates to attend the Constitutional Convention, wherever it may be held. The Labor Party does not intend to oppose the measure.

The motion was agreed to.

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

MOTOR CAR TRADERS BILL.

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization).—I move—

That this Bill be now read a second time.

Various annual reports of the Consumer Protection Bureau have drawn attention to a number of malpractices which are taking place in the motor car industry. Some of the malpractices to which the bureau has referred are that some second-hand vehicles are being sold as new cars; that defects known to exist by the dealer are not disclosed at the time of sale; that the year of manufacture of the motor car is often deliberately mis-stated; and that warranties or guarantees often turn out to be worthless or very expensive for the purchaser. The bureau also alleges that purchasers are often victims of false advertisement. For example, vehicles advertised as "faultless" or "near perfect" frequently turn out to be of poor quality.

It is also a practice adopted by some motor car dealers and to which the bureau objects that forms used for the sale of cars on consignment often contain clauses which allow the dealer to retain all moneys until the final payment has been received. In the case of hire-purchase agreements, this may be for three or more years. Misrepresentation as to the mileage travelled by second-hand vehicles also still appears to be a problem.

The Victorian Automobile Chamber of Commerce has advised the Government that the retail motor industry, in general, and the Used Car Traders Division of the chamber, in particular, have for some considerable time been concerned over certain practices in the motor car industry which are considered not to be in the best interests of the majority of traders and the general public. In the view of the chamber the present provisions of the Second-hand Dealers Act are inappropriate to deal with the complexities of trade practices associated with the buying and selling of both new and second-hand motor vehicles, and the Government agrees with that view. In addition the chamber has advocated the introduction of legislation to control dealers in motor vehicles through a licensing system, to establish positive protections for members of the community on the buying, selling and exchange of motor vehicles, and to establish a fund to provide compensation for persons who suffer loss by reason of the actions of motor car traders.

The main purposes of the Bill are to—

1. constitute a Motor Car Traders Committee of five persons;

2. by the strict control of licensed motor car traders, to afford protection to members of the public in transactions relating to both new and second-hand motor cars.

The Hon. I. A. SWINBURNE.—Does the Minister believe the Government will ever be able to implement the provisions?

The Hon. MURRAY BYRNE.—I I hope so. I am not going to say that this is the panacea, but the Government believes the measure will go a long way towards giving protection to the public. The industry seems to think this measure will be of some value.

The Hon. D. G. ELLIOT.—It is supported by the Victorian Automobile Chamber of Commerce.

The Hon. MURRAY BYRNE.—Yes.

The Hon. D. G. ELLIOT.—Honorable members do not want to be too cynical about these things.

The Hon. MURRAY BYRNE.—No. Other purposes of the Bill are to——

3. require motor car traders to display certain basic information in relation to second-hand motor cars offered for sale;

4. provide that every sale of a second-hand motor car for a price in excess of $500 shall be made subject to a statutory warranty;

5. establish a guarantee fund from which any person who can satisfy the Motor Car Traders Committee that he has incurred loss by reason of non-compliance by a motor car trader with the provisions of the Act or regulations may be compensated;

6. establish a system under which second-hand motor cars may be left with a motor car trader for sale or on consignment under specified conditions; and

7. empower the Governor in Council to make regulations for the conduct of motor car traders and their servants or agents.

However, the Bill does not apply to the sale, purchase, exchange or consignment of tractors or to self-propelled farm implements.

Clause 7 constitutes a committee to be appointed by the Governor in Council and known as the Motor Car Traders Committee. The committee will consist of five persons of whom—

one shall be a barrister and solicitor of not less than five years' standing;

one shall be a member of the Victoria Police Force nominated by the Chief Commissioner;

one shall be appointed from a panel of three names submitted to the Minister by the Royal Automobile Club of Victoria; and

two shall be appointed from a panel of six names submitted to the Minister by the Victorian Automobile Chamber of Commerce.

Members of the committee may be appointed by the Governor in Council for a period of not more than three years. The Bill also contains the usual provisions concerning the filling of vacancies.

Except in certain circumstances, any person who carries on the business of buying selling or exchanging motor cars with the public is required either to be the holder of a motor car traders licence granted under the provisions of this Bill or to trade through a licensed motor car trader. The exceptions to which I refer are where the person is—

(i) selling or exchanging motor cars within the family as it were—that is, transactions between financiers, manufacturers of motor cars, wholesalers of motor cars and motor car traders;

(ii) selling motor cars to employees;

(iii) selling to lessees motor cars which have been the subject of lease under a periodical hiring agreement and which have been in the possession of the lessee for at least three months; and

(iv) except in the case of motor cars which have been repossessed or which have been returned in the exercise of rights under a contract, buying selling or exchanging of motor cars by financiers.

A person who desires to obtain a licence may apply therefor to the Motor Car Traders Committee by forwarding to the secretary a notice of application furnishing the information required by clause 15 and sending a copy to the Chief Commissioner of Police. After giving due consideration to any objection which may be lodged by the Chief Commissioner, the committee may issue a licence to any fit and proper person who has sufficient material and financial resources available to him to enable him to comply with the requirements of the Act and, in the case of a natural person, who is over the age of 21 years.

The committee is vested with the power of revoking the licence of a motor car trader where it is satisfied that he has been convicted of an offence involving fraud or dishonesty punishable on conviction by imprisonment for three months or more, or any offence against the Act or regulations or that he is guilty of any other conduct that is discreditable or which renders him unfit to be a motor car trader. A person who has been refused a licence or the renewal of a licence has the right of appeal to a Magistrates Court.

When a motor car is left with a motor car trader for sale on consignment, the consignment must be authorized in writing setting out the basic information referred to in clause 31, including full statements as to the terms of the authority to sell, exchange or otherwise dispose of the vehicle, and the commission or remuneration to which the trader is to be entitled. Upon sale, exchange or disposal of the motor car, the motor car trader must pay into a separate trust account kept in a bank in his name all moneys received as a result of the sale, exchange or disposal of the motor car, and, when a trade-in is involved, an amount equal to the value allowed in respect of the trade-in. All moneys standing to the credit of the trust account must be paid to the consignor within seven days of their receipt. The trader may also apply moneys standing to the credit of the trust account in discharge of any security held by any person over the motor car. Records and trust accounts must be kept as required by clauses 36 to 38.

In relation to the sale of motor cars by a motor car trader, the Bill seeks to protect the public in several ways. Firstly, it requires a motor car trader to attach to every motor car offered or displayed for sale a notice containing the particulars specified in sub-clause (3) of clause 40, including such matters as the cash price of the vehicle, the model designation and first year of registration, and the mileage recorded on the odometer of the motor car at the time of purchase by the trader. The penalty on conviction of the offence of failure to display such a notice will be a fine of not more than $200.

The Bill also requires every agreement for the sale of a motor car to be in writing and to contain the particulars referred to in clause 30 including a statement as to the mileage recorded on the odometer at the time of making an offer which resulted in the agreement. Where the motor car trader or the vendor states to be true a mileage that he knows to be false or does not believe to be true, or where the motor car is sold otherwise than by an agreement which complies with the Act, the purchaser may apply to a Magistrates Court for rescission of the sale. The purchaser also has the right at his discretion to recover damages from the vendor or the motor car trader for any loss suffered as a result of his relying upon any false statement concerning the mileage made in the written agreement.

After hearing the purchaser and affording any other person likely to be affected an opportunity of being heard, the court may make an order rescinding the sale and may make such further or consequential orders as it thinks necessary or desirable. The power of the court to make such orders will extend to an agreement under which finance has been provided for the purposes of the sale of the motor car arranged or procured by the vendor or any motor car trader in the making of the sale referred to in the Bill as a collateral credit agreement. Sub-clause (8) of clause 30 sets down certain principles to be followed by the court in making any order.

Thirdly, the Bill makes it an offence for any motor car trader to sell a motor car without disclosing that he is in fact a motor car trader. Any person who in the capacity of a servant or agent of the motor car trader negotiates any sale or exchange of a motor car and fails to disclose to that person the fact that the sale or exchange is made by a motor car trader shall also be guilty of an offence. The penalties for such offences will be a fine not exceeding —for a first offence, $500, and, for a second or subsequent offence, $1,000.

The warranty period will vary according to the cash price paid for the motor car. In the case of a motor car, the cash price of which was $500 or more but not more than $1,000 the warranty period will be until the vehicle has been driven for 3,000 kilometres or the expiration of two months from the date of sale,

whichever occurs first. For a motor car the cash price of which was less than $500, there will be no warranty period. Such statutory warranty will not apply to motor cars constructed or adapted solely or mainly for the carriage of goods, for the carriage of more than ten passengers or for industrial or agricultural use, but it will include panel vans, station sedans and utilities. In addition, the warranty will not apply in the case of sale of a motor car to any person who has had the motor in his possession or under his control for a continuous period of not less than three months immediately before the sale. This would be the case in leased vehicles where the vehicle was offered to the lessee for purchase at the expiration of the term of the leasing agreement. The statutory warranty will also not apply to the sale of a motor car to an employee of the motor car trader.

When a motor car is sold by a motor car trader through a public auction room, the motor car trader and not the auctioneer will be required to give to the buyer the statutory warranties as provided in the Bill. As I have said, the statutory warranty will apply to every defect in the warranty period unless the motor car trader relieves that warranty. To relieve the warranty with respect to any defect, the motor car trader may affix to the motor car offered or displayed for sale, a notice in the prescribed form setting out with reasonable particularity any defect he believes to exist in the motor car, together with his estimate of the fair cost of repairing or making good such defect.

If a dispute arises between the purchaser and the motor car trader as to the extent of the obligation of the trader under the statutory warranty provisions, the manner of carrying out by the motor car trader of those obligations, the amount of the fair cost of repairing or making good the defect or any other matter or thing arising out of the application of the Act, that dispute may be determined by the Motor Car Traders Committee. Where any such dispute arises and the parties do not agree to submit it to the committee, either party may apply to a Magistrates Court for a hearing of that dispute.

In addition, where the committee is satisfied that an obligation lies on the motor car trader to repair or make good a defect, and that the motor car trader has unreasonably refused or failed to carry out that obligation or has delayed or prevaricated in the carrying out of that obligation, the committee may order that the defect be repaired or made good by a person other than the motor car trader and named in the order. The motor car trader will be liable to indemnify the purchaser against all costs or expenses so incurred, and the amount thereof may be sued for and recovered by the purchaser as a debt due from a motor car trader.

In any case where the committee is of the opinion that a second-hand motor car sold by a motor car trader was substantially different from the motor car represented in the statutory notice displayed on the motor car at the time when it was offered or displayed for sale or where no notice was displayed and the motor car sold was substantially different from the motor car represented by the motor car trader, the committee may apply to a Magistrates Court to have the sale rescinded.

Any person who wishes to make a claim against the fund may do so in writing in the prescribed form to the secretary and verified by statutory declaration. If, in the opinion of the committee, the claim is referable to a loss incurred by the claimant by reason of the non-compliance of the motor car trader with the provisions of the Act or the regulations and the committee certifies to that effect, the claimant may be paid out of the Motor Car Traders Guarantee Fund.

Where a claim has been made against the fund in relation to any motor car trader, the committee may, by notice in writing to the manager or principal officer of the bank where

the trader has deposited any money in any trust account, direct that no money shall be withdrawn from that account until further notice. If it appears to the committee that there may be a deficiency in such trust account, it may further direct that any money standing to the credit of the trust account shall be paid into the fund and the manager or principal officer of the bank shall give effect to that direction.

Under the Bill it will be an offence for a motor car trader to publish advertisements offering motor cars for sale at private premises without disclosing that he is in fact a motor car trader. The penalty will be a fine for a first offence, not exceeding $250 and for a second or subsequent offence, not exceeding $500.

The only other matter of importance which I should point out is that the right or remedy a person would have had apart from the Bill will not be restricted. Of course, the average person has a right at any time to make a claim before the court. I commend the Bill to the House.

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

It was ordered that the debate be adjourned until Tuesday, April 10.

CRIMES (AMENDMENT) BILL.

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

That this Bill be now read a second time.

As has been my usual custom on legal Bills lately, I have circulated with the second-reading notes a detailed explanatory memorandum which I believe will assist greatly in saving the time of the House. I do not propose for one moment to go through the disparate and unrelated clauses in any detail except to give a brief explanation.

Clause 2 extends a principle which was adopted a few years ago by this Parliament in relation to the circumstances in which one spouse may be compelled to give evidence against another. The Government is extending the principle to cases of child stealing and kidnapping, which are the sorts of offences which the Government had in mind when it originally created the principle.

Clause 3 deals with anomalies and difficulties in the law in getting persons to give evidence where they have been subpoenaed or where they are keeping house, as the strange legal phrase is, to avoid a subpoena. The clause makes the changes which are explained in the memorandum to simplify the procedures.

Clause 4 is simply a re-enactment in the Crimes Act of provisions which disappeared from the Justices Act as a result of the passing of the Crimes (Powers of Arrest) Act. It is merely a transfer of powers from one Act to another.

Clause 5 repeals or amends a number of provisions in Part V. of the Crimes Act which somewhat restricts the powers of convicted persons to deal with their own property. They are of very ancient origin and have no place in the modern world.

I commend the Bill to the House and a reading of the explanatory memorandum to honorable members.

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

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

ADJOURNMENT.

BUILDING REGULATIONS COMMITTEE: TERRACE BUILDING IN MIDDLE PARK —YARRAM SEWERAGE AUTHORITY: DAMAGE TO PIPES—SALE-YARDS ADVISORY COMMITTEE: REPORT TO MINISTERS.

Sir GILBERT CHANDLER (Minister of Agriculture).—I move—

That the House do now adjourn.

The Hon. D. G. ELLIOT (Melbourne Province).—On behalf of the Emerald Hill Association, I raise a

matter of great importance to residents of Middle Park and Albert Park and those residents of Melbourne who value the heritage of the past. It concerns the proposed development of a site at present occupied by Lanark Terrace, 55-60 Canterbury Road, which is on the corner of Harold Street opposite the railway line.

Tomorrow morning, the Building Regulations Committee will hear an application by the Hooker Corporation which, if successful, will entail tearing down Lanark Terrace, which has been designated by the National Trust, and to build thereon a high-rise development in excess of the present allowable height of 132 feet. In this area, the only control that can be exercised by the South Melbourne City Coucil, which incidentally has submitted a proposition strongly opposing the application by the Hooker Corporation, is that there shall be provided 300 feet of open space and a single parking space for each of the flats to be built in this high-rise development.

Today, streets are literally infested with cars in excess of the provisions made in these high-rise developments. One has only to motor down St. Kilda Road, any street in St. Kilda or any other inner suburb to see cars parked bumper to bumper for 24 hours of the day outside these developments.

The Emerald Hill Association comprises 300 members and not one person whom members of the association have approached in either Middle Park or Albert Park has refused their unconditional support for the retention of this wonderful terrace building which is an integral and important part of our history. I have discussed the matter with the Minister for Local Government and handed to him the submission by the Emerald Hill Association which contains the names of some distinguished people who have dedicated themselves to the retention of the building on its present site. It is a solid structure which was erected in 1892 and its charm of the past can be equally attractive in 1973 and will be just as attractive for many years to come.

The Hon. C. A. M. HIDER.—What classification has been given by the trust?

The Hon. D. G. ELLIOT.—As Mr. Hider will know, the trust no longer gives a classification. I can read the report from the National Trust if that is desired but I do not think it is reasonable to weary the House at this late hour. I ask the Minister for Local Government to do all that he can to give the submission by the local people proper consideration. More than 700 people have supported the submission which represents a significant proportion of the population of the whole area. If the association had called at every house in South Melbourne and other nearby districts it would have obtained even more support for the retention of this magnificent terrace.

If the development is allowed to proceed, wind turbulence will be caused, excessive shadow will be thrown and the whole area will be ruined by high-rise development. I do not know whether the ribald laughter coming from certain members of the Chamber is directed at me, but I assure them that the people in the area are very serious about this matter. Mr. Houghton who is able to retreat to the Yarra Valley where he can breath fresh air for 24 hours of the day should not cast aspersions at these people.

Admittedly, the Building Regulations Committee is an independent body, but surely the Government must have some policy to enable it to intrude in this sort of case. The loss of the terrace will be a tragedy for this area and the whole of Melbourne.

The Hon. R. W. MAY (Gippsland Province).—I refer to damage to sewer lines caused by pine trees in the Yarram High School grounds which is a matter of deep concern

for neighbouring residents. Apparently the roots of the trees encroach a considerable distance into private property and this, in turn, causes the sewerage pipes to burst. This makes things very uncomfortable for the local residents.

Correspondence on the matter goes back some years. The Education Department was not sure whether it was responsible and requested the Public Works Department to ascertain whose responsibility it was and to prepare an estimate of the cost involved. I am advised that that department held conferences with the local sewerage authority and in due course I received from the Education Department a letter stating that it believed the responsibility rested with the sewerage authority. I sent the letter on in good faith and hoped that peace and harmony would prevail.

I have received a letter from a lady at Yarram. Although I do not propose to read the whole of it, it states in part—

> I have this day discussed with Mr. Scott, Secretary of the Yarram Sewerage Authority, the problem of damage to our sewerage piping and outstanding accounts owing to the local plumber. I have given him the letter to read received by you and dated 4th January, 1972, and his reaction—

I will not give the reaction and I will not go into the reactions of the occupiers of these houses on this matter, but this has been going on for a number of years and accounts of approximately $100 are still unpaid. This does not reflect credit on whoever is responsible. Someone should be able to solve this problem. Although I do not advocate the pulling down of trees, if the dispute continues perhaps someone should consider removing these large trees and replacing them.

The Hon. H. R. WARD.—What kind of trees are they?

The Hon. R. W. MAY.—They are pine trees. I should like the Minister to take some action by bringing the matter to the attention of those responsible for sorting it out in order that these outstanding accounts are paid.

The Hon. S. R. McDONALD (Northern Province).—I refer briefly to a matter of Government administration which concerns both the Minister of Agriculture and the Minister for Local Government. It relates to sale-yards in Victoria. Both honorable gentlemen will remember that sale-yards were investigated by the Meat Industry Committee and a departmental committee was established within the two departments to further assess the sale-yard situation in Victoria. I understand that a report has been forwarded by the departmental committee to the Ministers for their consideration. In the long period between when the Parliamentary committee looked at the subject and when the departmental committee made its report applications for grants and subsidies for sale-yards have been held in abeyance. A number of municipalities in my province have commitments for sale-yards. The Borough of Kerang has applied for approval for sale-yard extensions and it has the finance for this work from the rural employment relief scheme. If it does not get early satisfaction from the Ministers it will be unable to carry out this work. Therefore, I ask both Ministers to indicate when final decisions will be made and now or later I should like them to outline Government policy on sale-yards in Victoria.

The Hon. A. J. HUNT (Minister for Local Government).—I will deal with the matters in the order in which they were raised. I am familiar with the case of Lanark Terrace which was raised by Mr. Elliot. In fact, I visited the City of South Melbourne recently, and saw the mayor, the town clerk and the councillors who outlined the situation to me. There is no doubt that the council and residents appear to be opposed to high-rise flat development in that location. Mere opposition to a development, of course, is not enough unless one has a vehicle

through which one can express it effectively. At times there is a hiatus between planning powers and building regulations and one exists here —one which would have been resolved if the report of the technical advisory committee of the Board of Works on residential planning standards, which has been the subject of contention throughout the community, had been adopted. I am not prejudging the issue by saying that the report necessarily should have been adopted.

The South Melbourne City Council applied for an amendment of the planning scheme under the new powers which are available to it by virtue of an Act passed by this Parliament last session to enable it to take action to preserve such areas as Lanark Terrace from development which it regards as inconsistent with the harmony and history of the area. That, of course, has not yet been dealt with or finalized because these things involve consultation with many bodies and require many reports before one is legally entitled to act. I have inconsistent reports from two bodies from whom statutory reports are required. Meanwhile, an application from the proposed developer comes before the referees tomorrow, as Mr. Elliot said. It was strange to hear Mr. Elliot say that he knows that the referees are independent, but he asked me to influence them. He cannot have it both ways. The Building Regulation Committee merely advises me. When its members are sitting as referees they are independent and they are acting as arbitrators. Their task is to examine the structural soundness of the building.

The Hon. D. G. ELLIOT.—The Minister should read the submission from the Emerald Hill Association.

The Hon. A. J. HUNT.—I am familiar with the submission and the reasons for it.

The Hon. D. G. ELLIOT.—A copy should have been sent to the Minister.

The Hon. A. J. HUNT.—I had a letter from the Emerald Hill Association this week but I have not personally seen the submission.

The Hon. D. G. ELLIOT.—The association is a fine body.

The Hon. A. J. HUNT.—It is. I have given instructions within my department to ascertain whether the processing of planning matters can be speeded up to ensure that there is no possible conflict with the building requirements. That is the most I can say when a hearing which is in the nature of a tribunal is due to be held tomorrow.

I am sorry to hear about Mr. May's problems with the sewerage pipes.

The Hon. R. W. MAY.—Not half as sorry as I am.

The Hon. A. J. HUNT.—I realize that; it must have given Mr. May great concern. I will ensure that the matter is brought to the attention of the Minister of Water Supply.

The Hon. R. W. MAY.—It is a matter for the Education Department and the Public Works Department.

The Hon. A. J. HUNT.—The Minister of Water Supply is also the Minister of Public Works and I shall put it to him in his dual capacity.

In regard to the sale-yards issue raised by Mr. McDonald, the departmental committee has made a report which was received by my office and I presume by the office of the Minister of Agriculture only this week. It has not to my knowledge yet been read or commented upon by my advisers. That may have occurred today. The House has given me a lot to do between now and the sitting tomorrow, but I shall endeavour to do my best. I have a few other things to do also. I have today's mail to look at, but I will do what I can to have the report studied this week. I know that Mr. McDonald does not expect the impossible because he knows that it is difficult to do things when the House is sitting and when the volume of mail and reports continues unabated. Some delays are

occasionally inevitable, but I recognize the position of those municipalities which are urgently waiting to use unemployment funds to maintain employment in their district whilst undertaking much-needed improvements. I shall certainly keep that in mind and be sure that a determination is made and announced, if necessary by telephone, as soon as it is humanly possible to do so.

The motion was agreed to.

The House adjourned at 11.12 *p.m.*

Legislative Assembly

Wednesday, April 4, 1973.

The SPEAKER **(Sir Vernon Christie)** took the chair at 2.35 p.m., and read the prayer.

QUESTIONS ON NOTICE.

The following answers to questions on notice were circulated:—

MUNICIPALITIES.

BUILDING LEVELS IN ELTHAM AREA.

(Question No. 1174)

Mr. FELL (Greensborough) asked the Minister of Transport, for the Minister for Local Government—

If he will ascertain and inform the House—

1. What authority is responsible in the metropolitan area for setting the level at which dwellings must be built where land is subject to inundation?

2. Whether the Melbourne and Metropolitan Board of Works has reduced the level at which residences can be built and connected to services on land subject to inundation in the location of lots 32 and 36, Souter Street, Eltham; if so—(*a*) what is the new level; and (*b*) on what information the flood plain was determined and when?

3. Whether different levels have been supplied to the Shire of Eltham by the board for lots 36 and 32 to 35 in Souter Street, Eltham; if so, what levels were provided in each case and why?

4. Whether the levels set for lots 32 to 35 could be adjusted by mutual consent to conform with the level of lot 36; if not, why?

Mr. WILCOX (Minister of Transport).—The answer supplied by the Minister for Local Government is—

1. The respective councils.

2. The Melbourne and Metropolitan Board of Works does not fix the level at which residences may be built on land subject to inundation. However, the board does determine the lowest level at which the openings to sewerage fittings may be placed to allow connection to the board's sewer. As there is no sewer available in this area the board has not as yet fixed a level with regard to sewerage fittings.

3. The Melbourne and Metropolitan Board of Works did not supply a flood level for lot 36, Souter Street. The board observed and recorded flood levels upstream and downstream of this location immediately after the Diamond Creek flood in 1959 and gave copies of the information to the council at the time. It is understood that in August, 1965, the council deduced from this information that the flood level at lot 36 Souter Street would have been RL 77.84. With regard to lots 33 to 35, Souter Street, the board did supply a level to the council on the 24th January, 1973, of RL 82. This level was supplied after a recent investigation into flooding along the Yarra River in 1934 from which it was noted that the Yarra would have backed up the Diamond Creek causing flooding of properties for a considerable distance upstream of the outlet to the Yarra. A recomputation of the material indicates a corrected level of RL 80.8 as the flood height.

4. Although the Melbourne and Metropolitan Board of Works has no direct information at this point of flooding from flood waters travelling down Diamond Creek in 1934, it appears likely from information recently obtained from the Victorian Railways of the 1934 flood level in Diamond Creek at the railway crossing some distance upstream, that the Diamond Creek would have produced a flood in Souter Street of approximately the same level as that produced at a later point in time by backwater from the Yarra. As the council and the Melbourne and Metropolitan Board of Works must take account of the best information available at any point in time, the board could not support any move that the council

should consider reducing its requirements to cater for flood levels below RL 80.8. A recent council survey indicates that lot 36 has been filled to a level higher than required at the time and the land around the house was generally filled to to RL 80.2 and the floor level of the house is at RL 81.98.

LONG SERVICE LEAVE FOR OFFICERS.

(Question No. 1222)

Mr. CURNOW (Kara Kara) asked the Minister of Transport, for the Minister for Local Government—

1. Further to the answer to question No. 969 asked in this House on 13th March, 1973, regarding long service leave for municipal officers, when it is expected that Government policy in regard to this matter will be determined?

2. Whether he is aware of the difficulties encountered by the Shires of Tullaroop and Lexton as a result of a long service leave problem; if so, what action he is taking to overcome the problem?

Mr. WILCOX (Minister of Transport).—The answer supplied by the Minister for Local Government is—

1. Policy will be determined when the Government has fully considered all aspects and implications of the issue.

2. I take it the question refers to doubts as to the liability of Lexton and Tullaroop shires to pay long service leave to officers employed on a part-time basis. Opinion of counsel has been obtained by the Crown Solicitor and has been conveyed to both councils. The degree of involvement goes far beyond the instance of the Tullaroop-Lexton situation and a detailed study of the situation relative to local government will be undertaken.

EDUCATION DEPARTMENT.

MONTMORENCY HIGH SCHOOL.

(Question No. 1179)

Mr. FELL (Greensborough) asked the Minister of Education—

Whether periods in mathematics for pupils in forms I. and II. at Montmorency High School have been reduced and such pupils have been instructed not to attend the school until 9.30 a.m. on Monday and Wednesday each week, and also told that they will be sent home at 2.20 p.m. on Tuesday and 3.00 p.m. on Friday each week; if so—(*a*) whether these forms have not had a permanent mathematics teacher; and (*b*) what action is proposed to correct this shortage of teachers?

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

After discussion with the Director of Secondary Education, the principal of Montmorency High School has reduced the teaching week of pupils in forms I. and II.

(*a*) They have had a mathematics teacher but he resigned in March.

(*b*) As a case of definite shortage, Montmorency will receive a teacher from the special airlift on April 16th.

TRANSFER OF STUDENTS BETWEEN SECONDARY SCHOOLS.

(Question No. 1188)

Mr. DOUBE (Albert Park) asked the Minister of Education—

1. How many students attending State technical schools have sought to transfer to secondary schools in each of the years 1970 to 1972, inclusive?

2. How many students attending State secondary schools have sought to transfer to technical schools in each of those years?

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

1. No information is collected about the numbers seeking transfer from technical schools to secondary schools.

2. A census study in 1971 indicated that 1,065 students in secondary schools in 1970 from forms I.–V. transferred to forms I.–V. in technical schools in 1971. This number represents some 1·6 per cent of technical school enrolments for 1971.

PRIMARY SCHOOLS IN FOOTSCRAY ELECTORATE.

(Question No. 1236)

Mr. FORDHAM (Footscray) asked the Minister of Education—

In relation to State primary schools within the electoral district of Footscray—

1. How many pupils are in each grade?

2. How many teachers are employed?

3. What is the size of the school grounds?

4. How many specialist migrant teachers are employed?

5. How many portable class-rooms are in use?

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

1 and 2.

253 Footscray

Preparatory—32, 35, 35
Composition I. and II.—29
Grade V.—31, 32, 33
Grade I.—33, 34, 31
Grade III.—32, 35, 36
Grade VI.—31, 32, 33
Grade II.—29, 33, 33
Grade IV.—33, 30, 34
Teachers employed—33

1912 Footscray

Preparatory—30, 30, 33, 36
Grade II.—35, 35, 34
Grade V.—33, 32
Grade I.—34, 37, 37
Grade III.—34, 33, 30, 30
Composition V. and VI.—30
Composition I. and II.—32
Grade IV.—29, 32, 35
Grade VI.—32, 32, 35
Teachers employed—27

4160 Footscray North

Preparatory—37, 37
Grade III.—33, 31
Composition V. and VI.—33
Grade I.—32, 33
Grade IV.—38, 37
Grade VI.—33, 34
Grade II.—34, 31
Grade V.—34, 34
Teachers employed—20

4792 Footscray North Special

School ungraded
Classes 10, 10, 13, 13, 12, 13, 11, 13
Teachers employed—14

3890 Footscray West

Preparatory—38, 39
Grade II.—38, 36
Grade IV.—36, 34
Grade I.—36, 35
Grade III.—36, 36
Grade V.—39, 36
Composition I. and II.—28
Composition III. and IV.—24
Grade VI.—39, 37
Teachers employed—22.

4658 Maidstone

Preparatory—27, 28
Grade III.—35, 35
Grade V.—34, 34
Grade I.—31, 32
Composition III. and IV.—34
Grade VI.—28, 30
Grade II.—36
Grade IV.—38
Teachers employed—16

3736 Maribyrnong

Migrants—22, 24
Grade II.—25, 23
Composition V. and VI.—27
Preparatory—16, 28
Grade III.—31, 29
Grade V.—21
Grade I.—28, 27
Grade IV.—32, 24
Grade VI.—29
Teachers employed—16

1501 Yarraville

Preparatory—43, 44
Grade III.—35
Grade V.—41
Grade I.—35, 35
Composition III. and IV.—31
Grade VI.—43
Grade II.—38, 33
Grade IV.—40
Teachers employed—15

3.

253 Footscray	2 acres
1912 Footscray	4 acres 1 rood 15 perches
4160 Footscray North	6 acres 0 rood 11 perches (Special Services Division uses approximately 2 roods)
4792 Footscray North Special	1 acre 0 rood 2 perches
3890 Footscray West	5 acres
4658 Maidstone..	6½ acres
3736 Maribyrnong	4 acres
1501 Yarraville	3½ acres (approximately)

4.

253	Footscray	2 teachers
1912	Footscray	4 teachers
4160	Footscray North	—
4792	Footscray North Special	—
3890	Footscray West	1 teacher
4658	Maidstone..	—
3736	Maribyrnong	3 teachers
1501	Yarraville	1 teacher

5. Five portable class-rooms are in use at Primary School 253 Footscray and five at Primary School 1912 Footscray.

AUDIO-VISUAL EDUCATION CENTRE.

(Question No. 1241.)

Mr. JONES (Melbourne) asked the Minister without Portfolio—

1. How much was allocated in each of the past five years for purchase of films for the Audio-Visual Education Centre's film library?

2. Whether the number of borrowers and requisitions has increased greatly over the past five years; if so, what are the figures for each year?

3. Whether figures are available in relation to the library grants and staff employed over the past five years; if so, what are these figures?

4. What funds were allocated for each subject area in each of the past five financial years?

5. Whether the centre is unable to maintain services at a reasonable level due to inadequate staffing and numbers of films and the increased pressure of requisitions and number of registered borrowers?

6. What percentage of money is spent on Australian films?

7. Whether grants and staff can be increased for the film library to avert any crisis?

Mr. SCANLAN (Minister without Portfolio).—The answer is—

1.

	$
1968–69 ..	65,000
1969–70 ..	70,000
1970–71 ..	75,000
1971–72 ..	75,000
1972–73 ..	92,900—includes film grant for country centres.

2. Schools registered as borrowers—

	$
March, 1969 ..	901
March, 1970 ..	964
March, 1971 ..	1,049
March, 1972 ..	1,120
March, 1973 ..	1,160

There is an increasing number of teachers in borrowing-schools using films.

Requisitions actually processed.

	$
1968	19,100
1969	19,800
1970	22,000
1971	27,350
1972	33,795

These figures are for requisitions for which some films were available.

3. Library grant—

	$
1968–69 ..	68,000
1969–70 ..	80,000
1970–71 ..	75,000
1971–72 ..	75,000
1972–73 ..	82,000

Staff	1969	1970	1971	1972	1973
Booking	1	1 plus one temporary teacher	1 plus two temporary teachers	2 plus three temporary teachers	3 plus two temporary teachers
Checking	4	4	4	4	4
Despatch	3	3	3	3	4

4.

	1970–71	1971–72	1972–73
	$	$	$
Art and crafts	2,720	2,780	3,625
Economics	250	150	570
English	5,210	5,428	5,189
Film appreciation	2,425	3,774	2,975
Geography	8,027	6,183	8,445
History	5,595	4,036	1,935
Home economics			330
Language arts	6,145	10,209	16,637
Mathematics	150	612	1,475
Miscellaneous (conservation, safety, health). ..	1,357	1,746	2,180
Modern languages		2,695	2,000
Physical education	2,040	1,725	1,470
Primary science	3,240	11,069	8,374
Secondary science	13,434		12,422
Social studies	24,072	23,224	24,326
Teacher education	438	1,505	950
Total	75,106	75,136	92,903

5. Yes.

6.

1970–71	1971–72	1972–73
12 per cent	12 per cent	12 per cent

7. No additional funds are available.

Teaching staff often assist in order to meet a crisis.

BARKLY PRIMARY SCHOOL.

(Question No. 1256)

Mr. CURNOW (Kara Kara) asked the Minister of Education—

Whether it is estimated that the number of children attending Barkly Primary School will increase to seven in 1974, ten in 1975, thirteen in 1976 and eighteen in 1977; if so, whether he will ensure that the school remains open this year?

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

The information received by this department is that the enrolments given are not those estimated by the department. These are—

1974	7
1975	Estimated 8
1976	Estimated 8–9
1977	Estimated 9–10

Provided that these numbers—or greater numbers—are reached, the school will remain open.

OAKLEIGH HIGH SCHOOL.

(Question No. 1269)

Mr. A. W. TAYLOR (Balwyn) asked the Minister of Education—

1. What total staff was engaged at Oakleigh High School on Wednesday, 28th March, 1973?

2. How many of such staff went on strike that day, indicating—(*a*) the names of such teachers and how many hours each had taught in the class-room during the week prior to the strike; (*b*) for how many years each of the striking teachers has been teaching for the Education Department; and (*c*) the gross salary of each such teacher?

3. What are the average teaching hours the Education Department recommends for teachers at the school?

4. Whether he is aware of the Victorian Secondary Teachers Association's policy on the hours per week and conditions that it recommends its members teach at the school; if so, what is the policy?

5. What is the basis of the department's current allotment of teachers to the school and how many teachers the school has in relation to the association's recommended staffing schedule?

6. Whether he is aware of any instructions regarding class teaching periods the Oakleigh High School branch of the Victorian Secondary Teachers Association has given to its members in the school; if so, what are these instructions?

7. What would be the effect on the staffing position on all high schools by the imposition of an additional teaching period on each teacher?

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

1. Sixty-three persons on staff. Allowing for time fractions this represents 55 equivalent full-time teachers.

2. Thirty persons—29·8 equivalent full-time—Details are shown hereunder—

Name	Teaching allotment in hours	Probable hours taught	Length of service in years	Annual salary
				$
N. Krieger	14	12	16	9,350
A. Cooper	18	15	3	5,500
I. Morrissey	16	13	5	8,100 plus 750 allowance for post of responsibility
D. Davison	17	14	3	5,250
A. Weisl	19	15	3	5,550
R. Matson	18	15	18	6,200
L. Wicking	18	15	18	6,200
K. Elmore	18	15	14	9,350
B. Laffin	19	15	5	6,550
G. Dick	18	15	3	5,850
P. Tuck..	18	15	7	6,200
J. Houchin	17	14	3	6,550
K. Jenkins	15	13	14	8,100 plus 750 allowance for post of responsibility
R. Harding	18	15	2	5,550
R. Evans . .	17	14	5	8,100 plus 750 allowance for post of responsibility
S. Kiddle	Migrant English	Withdrawal classes	2	5,550
C. Shelley	18	15	1	5,850
E. Taylor	16	14	1	5,250
L. McDonald	16	14	1	5,550
D. Reid	18	15	4	6,200
M. Dwyer	15	13	15	4,000
K. Blackman	18	15	11	8,100 plus 750 allowance for post of responsibility
S. George	15	13	5	5,550
R. Vanschilfgarde ..	20	16	9	4,650
J. Smidt	17	14	7	6,900
A. McDonald	14	12	6	3,960
G. Aly	16	14	4	6,200
H. Sullivan	Library	..	8	6,550
P. King..	18	15	6	6,550 plus 750 allowance for post of responsibility
R. Rajchztajnd	17	14	2	5,850
G. Hindley	18	15	primary teacher	6,550 plus 750 allowance for post of post of responsibility
W. Reidler	18	15	3	5,550

Precise information is not available regarding number of hours each had taught during the week prior to strike but approximate figures are given for the week ending Wednesday, 28th March. These represent approximately four-fifths of the weekly allotment.

3. Eighteen and two-thirds hours of classroom teaching—usually taken in 28 periods of 40 minutes each.

4. The Victorian Secondary Teachers Association policy is contained in the published document *Professional Action* 1973. Basically it states that a teacher should be allowed, for preparation and correction, half of a period for each period taught to form V. or VI. and two-fifths of a period for each period taught to form I.–IV., together with allowances of one period for yard supervision, one period for school assembly, one period if a form teacher, half period for form assembly, two periods for sports supervision, and several periods for co-ordination.

On this basis, a teacher taking only classes in forms V. and VI. might teach 23 periods—fifteen and one-third hours—and receive an allowance of eleven and one-half periods for preparation and correction, three periods for co-ordination of the teaching of a form V. subject, one period for being a form teacher, one period for school assembly, and one-half period for form assembly.

5. The 1973 staffing target aims at providing 1·65 teachers for each group of 35 pupils—and for any residual portion—in each of forms I.–IV. and 1·7 teachers for each group of 30 pupils—and for any residual fraction—in each of forms V. and VI.

Thus for Oakleigh High School for February, 1973—

Form I.	222 pupils	7 groups	7 × 1·65 teachers
Form II.	205 pupils	6 groups	6 × 1·65 teachers
Form III.	227 pupils	7 groups	7 × 1·65 teachers
Form IV.	190 pupils	6 groups	6 × 1·65 teachers
Form V.	179 pupils	6 groups	6 × 1·7 teachers
Form VI.	79 pupils	3 groups	3 × 1·7 teachers
Total	1,102 pupils	(26 × 1·65) plus (9 × 1·7 teachers) = 58·2 teachers	

It is not possible to state how many teachers would be needed to meet Victorian Secondary Teachers Association conditions because this depends on the number and nature of duties other than teaching.

6. The principal of Oakleigh High School was given information that the Victorian Secondary Teachers Association would apply its conditions case. It is not known whether there were any particular instructions given by the Victorian Secondary Teachers Association to its members at Oakleigh High School.

7. If each class-room teacher in the secondary schools accepted a loading of one additional period per week, this would provide the equivalent of 350–400 teachers.

VICTORIAN RAILWAYS

RESERVOIR STATION: FENCING: PEDESTRIAN GATE.

(Question No. 1194)

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

In respect of the recently constructed fencing at Reservoir railway station on the east and south sides of the car park, whether he will arrange for an inspection of the area with a view to providing for a gateway in the fence now barring the way to pedestrian traffic which previously used the existing footpath?

Mr. WILCOX (Minister of Transport).—The answer is—

I will arrange for an inspection to be made.

REPAIRS TO LOCOMOTIVES AT MARYBOROUGH.

(Question No. 1206)

Mr. CURNOW (Kara Kara) asked the Minister of Transport—

Whether no one is presently stationed in Maryborough to repair locomotives, requiring the locomotive in need of repair to be sent to Ballarat; if so, why a relieving tradesman is not stationed at Maryborough whilst the tradesman who normally undertakes repairs is on leave?

Mr. WILCOX (Minister of Transport).—The answer is—

The Railways Commissioners inform me that the normal staff at Maryborough locomotive depot includes one fitter who is engaged principally on wagon repairs and who on occasions undertakes minor running repairs on diesel locomotives.

The employee concerned is off duty sick at present.

The commissioners do not consider it necessary to provide for his relief.

The Vinelander.

(Question No. 1207)

Mr. CURNOW (Kara Kara) asked the Minister of Transport—

1. How many times *The Vinelander* has been late arriving in—(*a*) Melbourne; and (*b*) Mildura, since 1st January, 1973, indicating the length of the delays in each case?

2. What is the recommended load for a "T" class engine to maintain the time table of *The Vinelander* between—(*a*) Melbourne and Mildura; and (*b*) Mildura and Melbourne?

3. What type of engine has hauled *The Vinelander* on its last ten journeys to Mildura and back to Melbourne and what load was hauled in each case?

Mr. WILCOX (Minister of Transport).—The answer is—

The Railways Commissioners inform me—

1. Details of timekeeping of *The Vinelander* from 1st January, to 27th March, 1970, are as follows:—

Month 1973		Arrived Melbourne			Arrived Mildura	
	No. of Times operated	No. of times late	Minutes late	No. of times late	Minutes late
January	27	10	8, 11, 17, 18, 19 (twice), 21 (twice), 24 (twice)	6	8, 18, 21, 32, 35, 107
February	24	12	4, 5 (twice), 10, 18, 20 (three times), 25, 55, 77, 453 (a/c floods)	10	5, 10 (three times), 11, 18, 20, 30, 32, 50
March	23	10	4, 7, 20 (twice), 21, 23 (three times), 36, 56	5	14, 17, 18, 19, 60

2. (*a*) and (*b*) 270 tons in each direction.

3.

Date	From Melbourne		From Mildura	
	Load tons	Locomotive class	Load tons	Locomotive class
Friday, 16th March	390	B	395	B
Sunday, 18th March	403	B	387	B
Monday, 19th March	310	T	337	T
Tuesday, 20th March	330	B	305	T
Wednesday, 21st March	330	Two T's	335	B
Thursday, 22nd March	360	B	330	Two T's
Friday, 23rd March	385	B	367	B
Sunday, 25th March	375	B	390	B
Monday, 26th March	333	B	342	T
Tuesday, 27th March	268	T	335	B

MELBOURNE–GEELONG LINE.
(Question No. 1225)

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

1. What amount has been allocated in each of the past fifteen years to construct and maintain the Melbourne–Geelong rail link and what are the respective details?

2. What rail construction, improvement and maintenance work for the Geelong–Melbourne link is envisaged for the next five years and what is the estimated cost of such work?

Mr. WILCOX (Minister of Transport).—The answer is—

Year ended 30th June	Amount allocated	
	Construction (duplication)	Relaying
	$	$
1958	..	..
1959	384,462	..
1960	115,734	..
1961	33,334	..
1962	9,706	..
1963	23,416	162,000
1964	103,024	455,000
1965	282,012	48,000
1966	60,739	..
1967	964,562	..
1968	888,472	..
1969	635,810	..
1970	541,890	..
1971	640,784	..
1972	..	..

The Railways Commissioners do not record costs for specific sections of line. This is only available in the case of major relaying works.

2. The following works (other than routine maintenance) are visualized for the next five years, subject, of course, to the availability of funds:—

Work	*Total estimated cost*
	$
South Kensington–Footscray quadruplication of line ..	5,000,000
Werribee: Track rearrangement and relay interlocking	250,000
Paisley–Werribee: Electrification of line	1,600,000
Little River: Reconstruction of bridge	91,000

The Railways Commissioners have not separately costed the estimates for the maintenance work on the Melbourne–Geelong line to be carried out in the next five years.

BENDIGO NORTH WORKSHOPS.

(Question No. 1238.)

Mr. SHILTON (Midlands) asked the Minister of Transport—

In respect of the Bendigo North railway workshops—

1. As the workshop has proved its ability to compete with outside industry, what additional programmes will be allocated to that shop for construction of new rolling-stock?

2. Whether there are any proposals to increase the work force at the shop?

3. What is the proposed future programme for a greater intake of apprentices?

4. What extensions to the workshops are planned in the Government's policy of decentralization?

5. Whether there are any proposals for replacement of the outmoded machines at the shop?

Mr. WILCOX (Minister of Transport).—The answer is—

The Railways Commissioners inform me that—

1. The commissioners' existing policy is to maintain the activities at all departmental workshops at approximately their present level, as far as is practicable within the limits of funds available.

2. There are no proposals to increase the work force at Bendigo workshops.

3. The present policy of recruiting sufficient apprentices each year to ensure availability of tradesmen for expected requirements will continue.

4. There are no plans for extension to these workshops.

5. The commissioners are continually reviewing their workshops' procedures and practices and where replacement of older machines can be justified, replacement is effected.

MELBOURNE AIRPORT.

STUDY ON AERO-TRAIN SERVICE.

(Question No. 1252.)

Mr. EDMUNDS (Moonee Ponds) asked the Minister of Transport—

1. What are the details of proposals submitted to the Government by an overseas company to build a "bullet" train service to link Melbourne with Tullamarine airport?

2. What action is contemplated by the Government in respect of these proposals?

Mr. WILCOX (Minister of Transport).—The answer is—

In 1971, the Government authorized an overseas company to undertake a feasibility study for an aero-train service between Melbourne and Tullamarine airport. No proposals were received.

BUILDING INDUSTRY.

HOUSING CONSTRUCTION STANDARDS.

(Question No. 1200.)

Mr. EDMUNDS (Moonee Ponds) asked the Premier—

Whether, in view of growing public concern at the poor standard of finish of some new home units and dwelling houses, the Government will investigate the need to introduce measures to ensure builders are liable for maintenance for a period of three months; if not, why?

Mr. HAMER (Premier and Treasurer).—The answer is—

The Government is giving detailed consideration to this and related issues.

FREEWAYS.

REVIEW OF ROUTES: COST OF CONSTRUCTION.

(Question No. 1227)

Mr. WILKES (Northcote) asked the Minister of Transport, for the Minister for Local Government—

1. When the result of the review or inquiry by the Government into freeway routes will be made known?

2. What is the average construction cost of freeways per mile in—(*a*) the metropolitan area; and (*b*) country or outer metropolitan areas, and what is the average yearly increase in these costs?

Mr. WILCOX (Minister of Transport).—The answer supplied by the Minister for Local Government is—

1. A statement was issued by the Premier on 28th March, 1973.

2. The cost of freeway construction per mile varies greatly depending on the areas through which they pass. In rural areas the cost per mile including the provision of interchanges ranges from $500,000 to $1 million.

In outer metropolitan areas, where land is cheaper than in more heavily built up areas and less extensive alterations to services are necessary, the estimated cost including the provision of necessary interchanges would range up to approximately $2.5 million per mile. If freeways were to be constructed in heavily built-up areas both economic and social cost would be substantially greater and would vary considerably according to the circumstances of the particular proposal. The honorable member is however referred to the express terms of the Premier's statement. The average yearly increase is at present approximately 7 per cent.

MELBOURNE AND METROPOLITAN BOARD OF WORKS.

STAFF: INDEBTEDNESS.

(Question No. 1229)

Mr. WILKES (Northcote) asked the Minister of Transport, for the Minister for Local Government—

1. How many persons are employed in each branch of the Melbourne and Metropolitan Board of Works as at the 27th March, 1973?

2. What is the total indebtedness of the board at 27th March, 1973, and how it is made up?

3. What is the percentage of indebtedness to annual revenue?

4. What are the individual liabilities of the—(*a*) Highway and Freeway Construction Branch; (*b*) Sewerage and Drainage Division; (*c*) Water Supply Division; and (*d*) Town Planning Division?

5. How much loan money and/or revenue would be required to complete planned projects to increase Melbourne's water supply and over what period?

Mr. WILCOX (Minister of Transport).—The answer supplied by the Minister for Local Government is—

1. Personnel employed in each branch of the Melbourne and Metropolitan Board of Works as at 27th March, 1973, are as shown on the schedule which follows.

2. The total indebtedness of the Melbourne and Metropolitan Board of Works at 27th March, 1973, is as follows:—

	$
Loans raised under section 187 of Melbourne and Metropolitan Board of Works Act ..	583,595,504
Loans raised under section 220 of Melbourne and Metropolitan Board of Works Act ..	800,000
Loan advances by the Treasurer of Victoria under section 200 of Melbourne and Metropolitan Board of Works Act ..	44,770,455
Total loan liability	629,165,959

Total indebtedness $629,165,959.

3. The revenue for 1972–73 for drainage, sewerage and water supply is $71,917,500 and the percentage of indebtedness to annual revenue is 874·84 per cent.

4. (*a*) No money has been borrowed for the highway and freeway construction branch.

(*b*) and (*c*) The board borrows money for construction of its water supply, sewerage and drainage works in each year and does not allocate the liability to the individual function.

(*d*) No money has been borrowed for the Town Planning Division.

5.

Project	Estimated balance of cost to finish project	Estimated completion date
	$	
Greenvale reservoir	578,000	August, 1973
Thomson stages 1 and 1A	3,100,000	August, 1973
Thomson stage 2a	12,000,000	February, 1977
Thomson stage 2b	14,500,000	February, 1977
Swingler Dam and Aberfeldie	13,000,000	Currently 1981 but under review
Cardinia reservoir	10,868,000	1975
Silvan-Cardinia main	1,772,000	July, 1973
Cardinia-Dandenong-Notting Hill main ..	9,928,000	Cardinia, Dandenong, December, 1973. Dandenong Notting Hill, September, 1975
Yarra Valley Conduit	18,084,000	February, 1975
Yarra Brae and associated works (includes Armstrong Creek, Morang)	30,500,000	December, 1975
Little Sugar Loaf (plus associated works)..	38,585,000	December, 1978
Water quality works	8,740,000	
	161,655,000	

NOTE 1: Money values are quoted in 1972 values.

NOTE 2: "Planned projects" have been interpreted as major projects and does not include, for example, water supply reticulation.

PERSONNEL EMPLOYED IN EACH BRANCH OF THE MELBOURNE AND METROPOLITAN BOARD OF WORKS AS AT 27TH MARCH, 1973.

Branch	Total	Admin	Professional	Technical	Wages
Secretary's	1,135	351	12	18	754
Treasurer's	582	514	..	..	68
Engineer-in-chief's	6,173	370	506	776	4,521
Planning and highways ..	431	57	128	81	165
	8,321	1,292	646	875	5,508

SEWERAGE AND SEPTIC TANK SYSTEMS.

(Question No. 1230)

Mr. WILKES (Northcote) asked the Minister of Transport, for the Minister for Local Government—

1. How many unsewered premises there are in the metropolitan area as at 27th March, 1973?

2. How much loan money and/or revenue would be necessary to provide sewerage and connect it to these properties and over what period?

3. How many properties were connected to the Melbourne and Metropolitan Board of Works sewerage system in each of the years 1970, 1971 and 1972?

4. How many properties were not connected to the board's sewerage system in each of the years 1970, 1971 and 1972?

5. When it is estimated that all properties will be connected to the board's sewerage system under present conditions?

6. How many properties in the board's area are connected to septic tank systems and how many of these are connected to the sewerage system each year?

7. What is the ratio of properties connected to septic tank systems to properties connected to the board's system for each of the past three years?

Mr. WILCOX (Minister of Transport).—The answer supplied by the Minister for Local Government is—

1. As at January, 1972, the number of unsewered premises in the area controlled by the Melbourne and Metropolitan Board of Works was 97,000 which includes the 31,000 unsewered properties in the Dandenong Valley which were included in the board's area in 1971. At the same time there were 65,000 unsewered vacant allotments within the then subdivided areas.

The Melbourne and Metropolitan Board of Works does not have figures for the metropolitan area which extends beyond the board's sewerage metropolis boundary and also includes the Dandenong and the Springvale and Noble Park sewerage trusts. The board's figures for its own area are updated from aerial surveys taken every second year and the board does not have figures updated to 27th March, 1973.

2. Approximately $600 million, during the period to 1980-81.

3. Plans issued by the Melbourne and Metropolitan Board of Works for connection of properties to the sewerage system were as follows:—

1970	15,818
1971	14,855
1972	14,841.

4. Exact figures are not available. It is estimated that currently there are 18,000 properties not connected to available sewers, and this has reduced from approximately 25,000 over the past three years.

5. The time required to connect all properties under the present conditions depends upon the availability of funds.

6 and 7. Septic tanks are the responsibility of municipal councils and the Melbourne and Metropolitan Board of Works has no detailed information available to enable it to answer these questions.

FREEWAY F14.

(Question No. 1265)

Mr. JONES (Melbourne) asked the Minister of Transport, for the Minister for Local Government—

1. Whether the Government intends to proceed with that leg of the Freeway F14 which was proposed to link the West Gate Bridge with the Tullamarine Freeway?

2. Why no reference was made to this freeway in the Premier's statement of 28th March?

3. Whether the Government has considered the sociological implications of isolating Flemington–Kensington from the centre of Melbourne if the freeway proceeds?

Mr. WILCOX (Minister of Transport).—The answer supplied by the Minister for Local Government is—

1. Yes, from Tullamarine Freeway to Lower Yarra Freeway.

2. Previous Government announcements have indicated clearly the Government's intention that this section of F14 will proceed.

3. The isolation claimed will not occur. All possible sociological implications will be fully taken into account before final determinations are made on precise route and design.

RETICULATED WATER SUPPLY TO EAST KEILOR.

(Question No. 1312)

Mr. GINIFER (Deer Park) asked the Minister of Transport, for the Minister for Local Government—

What plans the Melbourne and Metropolitan Board of Works has for improving the reticulation of water to properties in the vicinity of 115 Arcade Way, East Keilor?

Mr. WILCOX (Minister of Transport).—The answer supplied by the Minister for Local Government is—

The Melbourne and Metropolitan Board of Works is continually reviewing proposals for the extension of permanent reticulation water mains for the improvement of supply to the general area of Arcade Way, East Keilor.

The board recently laid a water main to within 320 feet of 115 Arcade Way which will substantially reduce the length of private trunk service which already supplies the subject property and six others. The connection to the end of this main would increase the pressure and supply of water to the property in question.

STATE SUPERANNUATION FUND.

PENSION PAYMENTS TO RETIRED EMPLOYEES AT HAMILTON.

(Question No. 1239)

Mr. E. W. LEWIS (Dundas) asked the Treasurer—

Whether Superannuation Board pension payments to ex-officers which are posted to Hamilton can be despatched on an earlier day than is currently the practice; if so, whether he will seek changes in procedure to provide for this to be done?

Mr. HAMER (Premier and Treasurer).—The answer is—

The present practice in relation to the payment of State superannuation pensions is to mail pension cheques not later than noon on the Wednesday immediately preceding the normal Thursday pension pay day. This procedure has been adopted in an effort to ensure that the cheques will be in the hands of pensioners on the Thursday pension pay day.

However, I am conscious of the problems which pensioners face in the event of the late arrival of pension cheques due to postal delays and I have arranged for the State Superannuation Board to examine this matter not only in relation to pensioners

residing in the Hamilton district but in relation to all pensioners wherever they may reside in Victoria.

ROAD SAFETY AND TRAFFIC AUTHORITY.

PEDESTRIAN UNDERPASS FOR BURWOOD.

(Question No. 1266)

Mr. JONES (Melbourne) asked the Minister of Transport, for the Minister for Local Government—

Whether tenders have yet been called for the construction of a pedestrian underpass at the corner of Burwood Highway and Gillard Street, Burwood, provision of which was first announced in 1970?

Mr. WILCOX (Minister of Transport).—The answer supplied by the Minister for Local Government is—

No. The construction of the underpass will be carried out by the Country Roads Board by direct labour.

The house at the corner of Gillard Street has been vacated and a quotation has been accepted by the Country Roads Board for its demolition and removal. Provided the house site is cleared as planned, construction work will commence immediately after Easter.

Quotations have been invited by the board for the manufacture of the precast units which will form the body of the subway. These quotations are required to be submitted by 9th April, 1973.

LAKE TYERS ABORIGINAL TRUST.

FINANCIAL LOSS: GRANTS AND LOANS.

(Question No. 1294)

Mr. B. J. EVANS (Gippsland East) asked the Chief Secretary, for the Minister for Aboriginal Affairs—

1. Whether the balance sheet of the Lake Tyers Aboriginal Trust, as lodged with the Minister in accordance with the Aboriginal Lands Act 1970, discloses that a loss of $18,868 was incurred; if so, whether this loss was incurred after taking into account Government grants totalling $40,000?

2. What grants or loans have been made to the trust this financial year?

Mr. MEAGHER (Chief Secretary).—The answer supplied by the Minister for Aboriginal Affairs is—

1. Yes, in each case.

2. Three quarterly grants at $10,000 each, total $30,000, have been made to date.

HOUSING COMMISSION.

CONSTRUCTION OF COUNTRY HOMES FOR METROPOLITAN WORKERS.

(Question No. 1314)

Mr. EDMUNDS (Moonee Ponds) asked the Chief Secretary, for the Minister of Housing—

1. In view of the Ministry of Housing's announcement that Housing Commission homes are to be built in country towns located near certain railway lines, to provide accommodation for commission applicants who work in the metropolitan area, what liaison has taken place or will take place between the Minister and the Minister of Transport to improve services to cater for such future residents?

2. Whether the Minister will request a survey of commission applicants who desire to reside in the metropolitan area to determine whether they will accept a home in a country area and travel daily to metropolitan employment, before proceeding with the announced plans; if not, why?

Mr. MEAGHER (Chief Secretary).—The answer supplied by the Minister of Housing is—

1. The towns involved are all on main trunk railway lines and improvement in services will be considered as the need arises. Discussions will take place between the Minister of Transport and the Minister of Housing before the Housing Commmission determines a building programme.

2. Yes.

COUNTRY ROADS BOARD.

LINK BETWEEN FREEWAYS F14 AND F19.

(Question No. 1316)

Mr. JONES (Melbourne) asked the Minister of Transport, for the Minister for Local Government—

1. Further to the Honorable the Premier's statement on freeways of 27th March, 1973, what is the fate of the Country Roads Board's proposal for a road through Brunswick, Princes Hill and Collingwood to link F14 and F19?

2. Why this road was not mentioned in the Premier's statement?

Mr. WILCOX (Minister of Transport).—The answer supplied by the Minister for Local Government is—

1 and 2. The Premier's statement of 27th March, 1973, contained a deletion of Freeway F12, easterly from Sunshine, which includes the section referred to.

STATE RIVERS AND WATER SUPPLY COMMISSION.

EROSION OF FYAN'S CREEK, HALL'S GAP.

(Question No. 1318)

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

Whether he is aware of erosion in the creek at Hall's Gap resulting from the flow from Lake Bellfield; if so, whether action is being taken to arrest this erosion and, if not, why?

Mr. DUNSTAN (Minister of Water Supply).—The answer is—

The commission is aware of the erosion in Fyan's Creek at Hall's Gap which carries the outfall from the Lake Bellfield storage. It was inspected by officers of the commission only last week and a further inspection is to be carried out this week with the local landowner. Consideration will then be given to any corrective measures that might be necessary.

THOMSON RIVER ADVISORY COMMITTEE: WATER RIGHTS OF MEMBERS.

(Question No. 1331)

Mr. AMOS (Morwell) asked the Minister of Water Supply—

Further to the answer to question No. 1,244 asked in this House on 28th March, 1973—

1. Whether Mr. W. Drew, a member of the Thomson River Advisory Committee, has now been granted irrigation rights in respect of other land apart from the 15 acres referred to?

2. Whether Mr. R. C. Traill has water rights on the Latrobe River; if so, what rights, what quantity of water is involved, and for how long such rights have been operative?

3. Whether committee member Mr. L. Nolan still has a total irrigated area of 26 acres, or whether the irrigated area extended is for a total of 16 acres of irrigation for a 16-acre farm lot?

Mr. DUNSTAN (Minister of Water Supply).—The answer is—

1. No. Mr. W. Drew irrigates 15 acres under permit which is in the name of the estate of F. A. Drew. He applied for an increase of 25 acres under this permit and this was recommended by the committee for approval but the application has not yet been considered by the water commission.

2. Mr. R. C. Traill has a permit to irrigate 100 acres (200 acre-feet) from the Latrobe River and the permit was issued on 19th February, 1970.

3. Mr. L. Nolan transferred his licence for 26 acres on allotment 41 and parts of allotment 42, parish of Winnindoo to R. G. Fawaz on 13th June, 1972.

Mr. Nolan applied for a permit for 16 acres in April, 1972, on allotment 84E, parish of Glenmaggie and this application was recommended by the advisory committee for approval but has not yet been considered by the water commission. (The 26 acres referred to in my previous reply was incorrect in that it referred to the area transferred to Mr. Fawaz).

MEAT INDUSTRY.

PARKING, CLEANLINESS AND INSPECTION OF MEAT VEHICLES.

(Question No. 1322)

Mr. TURNBULL (Brunswick West) asked the Minister of Health—

Whether vehicles used for the carriage of meat are required to be parked at the premises of the respective meat wholesalers when not used for deliveries; if not, what conditions apply to the cleaning and inspection of such vehicles when parked at other public or private locations?

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

There is no legislation under the Health Act 1958 which requires vehicles used for the carriage of meat to be parked at the premises of the respective meat wholesalers when not used for delivery.

Cleansing of such vehicles when parked at other public or private locations is controlled by the nuisance provisions of the Health Act which prohibits the creation of conditions which are a nuisance, dangerous to health, or offensive.

All vehicles must conform to the Meat Transport Vehicle Regulations 1963, must be registered with the municipal council and are subject to inspection at any time.

DRUGS.

WARNING LABELS.

(Question No. 1328)

Mr. AMOS (Morwell) asked the Minister of Health—

Whether drug containers are required to be labelled so that they inform the user of any harmful or unusual side effects if alcohol is taken with or after such drug is administered; if so, what requirements exist; if not, whether he will take steps to ensure that such warnings are printed on the labels of drug containers?

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

At the present time, there is no requirement in any law or regulations that drugs bear specific warning labels as to possible

side effects when taken with alcohol. Nevertheless, some preparations sold over the counter in chemists' shops, such as antihistamines, already carry a warning that they should not be taken in conjunction with alcohol.

However, the National Therapeutic Goods Committee has recommended and the Commonwealth and States ministers for health conference on 11th April, 1973, will consider a proposal that all medicines dispensed or sold over the counter by pharmacists be accompanied by a patient information sheet which would include such information.

The National Therapeutic Goods Committee has included in its recommendations proposed information notes which would include reference to the possibility that the taking of a particular drug or medicine with alcohol may produce unwanted side effects.

ABSENCE OF MINISTERS.

The SPEAKER (Sir Vernon Christie).—I should tell the House that, unfortunately, the Minister for Fuel and Power will be away for the remainder of the week as he is ill. Also, the Minister for Conservation is attending a funeral and will be delayed.

QUESTIONS WITHOUT NOTICE.

BANNING OF ORGANIZATIONS.

Mr. WILKES (Northcote).—Did the Premier make a statement recently suggesting that the Government would ban certain organizations in this State? Is that an admission that the Government has failed to exercise restraint over these organizations in the past and is the Premier aware that on a previous occasion——

The SPEAKER (Sir Vernon Christie).—Could this be another question?

Mr. WILKES.—No, it is the same question. Is the honorable gentleman aware that on the previous occasion when an attempt was made to ban an organization in this State, the High Court ruled by a majority of six judges to one that it was out of order, and that it was later disregarded at a referendum?

The SPEAKER.—It sounds rather like a statement.

Mr. WILKES.—I am asking the Premier whether he is aware of it, Sir.

Mr. HAMER (Premier and Treasurer).—The honorable member's question is based on a complete misconception of what I said. I was asked a question about certain organizations which were said to have made anti-semitic statements and taken provocative action which I think all honorable members will thoroughly abhor and deplore. I was asked what action the Government could take to prevent breaches of the peace and the distress and horror which many people in the community would feel when such statements and actions were exhibited. I said that the Government would be receptive, as it would, to proposals which might lead to a restriction on the use of jackboots, uniforms and insignias in public exhibitions which could give rise to distress and concern in people or families who, because of their own experiences, would have that sort of feeling. I think most honorable members would take a similar view.

COMMONWEALTH LIBRARY GRANTS.

Mr. DIXON (St. Kilda).—Can the Minister of Education inform the House how much the Federal Government has made available to the Victorian Government for expenditure on secondary school libraries, and of this how much has been spent and will be spent within the current financial year?

Mr. THOMPSON (Minister of Education).—This is the second triennium for the Commonwealth library grant scheme. In round figures, $7 million will be made available over the years 1972, 1973, and 1974. In February this year I found that the Public Works Department, on behalf of the Education Department, had committed contracts in excess of $3 million and was about to commit further contracts for an additional $250,000, whereas only $2·7 million

would be available from the Commonwealth Government in this financial year, as distinct from a calendar year. In view of this degree of over-commitment the Public Works Department was not anxious to let any further contracts.

However, in view of the fact that many secondary schools are anxiously awaiting construction of libraries, the Government has taken the unusual step of transferring approximately $750,000 from the Victorian Works and Services Account, or loan funds, to bolster the Commonwealth grant library funds. In other words, far from being under-committed, at this stage the scheme appears to be over-committed, and to ensure that schools would not be disappointed additional money was provided from State loan funds.

QUESTIONS ON NOTICE.

Mr. MUTTON (Coburg).—Can the Minister for Social Welfare inform the House why questions Nos. 1036 and 1039 standing in my name on the Notice Paper have not been answered? These questions were placed on the Notice Paper a month ago.

Mr. I. W. SMITH (Minister for Social Welfare).—I am sorry that the questions of the honorable member have not been answered. I will investigate the delay and try to have them answered as soon as possible.

DERRINALLUM-LISMORE WATER SCHEME.

Mr. AUSTIN (Hampden).—I address a question to the Minister of Water Supply. In view of the fact that the water supply scheme for the Derrinallum-Lismore area is almost completed, will it be the policy of his department to extend this scheme to those people in the area who, for geographic reasons, are at present not able to benefit from this magnificent water supply?

Mr. DUNSTAN (Minister of Water Supply).—The extension of the scheme is not so much a matter of policy as of feasibilty. In view of the request of the honorable member, I shall be pleased to examine the feasibility of extending the scheme to cover areas not already covered by it.

HOUSING ESTATE AT PAISLEY.

Mr. EDMUNDS (Moonee Ponds).—I direct a question to the Minister representing the Minister of Housing. In view of the Government's plan to build a Housing Commission city to house 8,000 poor people at Paisley over the next five years, what arrangement has the Government made to build, at the same time, schools, hospitals, kindergartens, and other social amenities in the locality? If it has plans along these lines, will the Minister supply them to the House, or to me, before Parliament rises for the election?

Mr. MEAGHER (Chief Secretary).—In view of the wide-ranging nature of the honorable member's interrogatory, I advise him to have it placed on the Notice Paper.

WORK-RELEASE HOSTEL AT GEELONG.

Mr. AUREL SMITH (Bellarine).—Is the Minister for Social Welfare aware that a meeting has been called for 8 p.m. tomorrow by Chanel College, Geelong, to discuss the establishment of a work-release hostel adjacent to the college and, if so, will he attend the meeting?

Mr. I. W. SMITH (Minister for Social Welfare).—I am aware that Chanel College has called a meeting for 8 p.m. tomorrow. Some people in Geelong are concerned about efforts to rehabilitate offenders in that area. Clearly, there are some misunderstandings which ought to be cleared up as soon as possible, and I shall be happy to attend the meeting.

ROAD ACCIDENTS AND ALCOHOL.

Mr. TREZISE (Geelong North).—I direct a question to the Chief Secretary. In view of the justified concern at the increasing road toll

and its link with alcohol, what considerations, if any, have been given to reducing the alcohol content of liquor, and to arguments for and against such a proposal?

Mr. MEAGHER (Chief Secretary).—The alcohol content of beer is the subject of a special inquiry at the moment in an attempt to ascertain whether there would be any advantages from such a move.

COMMONWEALTH LIBRARY GRANTS.

Mr. DIXON (St. Kilda).—In view of the answer of the Minister of Education to my previous question, I now ask: Was it a member of the Education Department who relayed incorrect information to Mr. Beasley, the Federal Minister?

Mr. THOMPSON (Minister of Education).—I am not aware of the basis of the information upon which the Minister relied in the Federal House, but if his Ministry cares to contact us on questions like this it will obtain more accurate and up-to-date information of the situation at the time, which clearly is one of over-commitment rather than under-commitment.

Mr. WILTON (Broadmeadows).—Following the answer given by the Minister of Education to the first question asked by the honorable member for St. Kilda, can the honorable gentleman inform me whether any steps have been taken to provide library staff to schools in the Broadmeadows electorate which have received library buildings under the Commonwealth scheme but which, in some instances, remain closed because of lack of staff?

Mr. THOMPSON (Minister of Education).—I am not familiar with the details of all the schools in the Broadmeadows electorate. I doubt whether there is any justifiable case anywhere for a library to remain closed because of lack of staff. There have been cases where librarians have resigned and it has not been possible to replace them overnight.

Mr. WILTON.—The library at Glenroy High School was closed.

Mr. THOMPSON.—It is doubtful whether there was a justifiable case for its being closed although I know certain libraries were closed. This year the department appointed 900 additional ancillary staff—200 full-time and 700 part-time. A significant proportion of those persons were librarians and assistant librarians to cover the staffing of Commonwealth libraries.

HIGH-RISE FLATS.

Mr. JONES (Melbourne).—I direct a question to the Chief Secretary, who represents the Minister of Housing in this House. Following the three fatal falls from high-rise Housing Commission flats over the week-end, will the honorable gentleman consider replacing the plastic bar guards which are tragically inadequate——

The SPEAKER (Sir Vernon Christie).—Order! The honorable member should ask a question and not given extended comments about his interpretation.

Mr. JONES.—and replace them with metallic safeguards which are somewhat more substantial?

Mr. MEAGHER (Chief Secretary).—Being familiar with the window guards which have been placed in Housing Commission flats I do not believe the description "tragically inadequate" is a proper description of them. However, I have no doubt as a result of the accidents which have occurred, caused in the main by people removing the bars placed in the windows, the Housing Commission is investigating better ways of making them safe.

TRAFFIC IN HAWTHORN.

Mr. JONA (Hawthorn).—Having regard to the volume of traffic flowing through the residential streets of Hawthorn, will the Chief Secretary ask the Road Safety and Traffic Authority, in conjunction with the Hawthorn City Council, to carry out a survey of the traffic flow within

the area with a view to providing a traffic flow which will protect the residents?

Mr. MEAGHER (Chief Secretary).—I shall be happy to ask the Road Safety and Traffic Authority to co-operate with the Hawthorn council in that respect.

ENROLMENT OF YOUNG VOTERS.

Mr. FELL (Greensborough).—Is the Premier aware that there is current criticism by 18 to 21-year-olds that they are being virtually prevented from enrolling because of the shortness of the period available to them? What emergency action, by way of advertising, does the Premier intend to take?

The SPEAKER (Sir Vernon Christie).—I am of the opinion that this is a matter for the Chief Secretary.

Mr. FELL.—I redirect my question to the Chief Secretary. What emergency action is proposed to allay the criticism to which I referred?

Mr. MEAGHER (Chief Secretary).—Any action to be taken is by the people who wish to enrol. Adequate provision is made for them to do so, and every person eligible, if he is in the State, could have enrolled by now.

LADY JOCKEYS.

Mr. BIRRELL (Geelong).—Has an approach been made to the Minister for Youth, Sport and Recreation for the licensing of lady jockeys to ride horses in races? If not, will the honorable gentleman investigate the block to their registration?

Mr. I. W. SMITH (Minister for Youth, Sport and Recreation).—I have not had representations made to me on this interesting subject, but I am happy to examine the matter and report to the honorable member.

RENTS FOR INMATES OF HEALTH INSTITUTIONS.

Mr. LIND (Dandenong).—Can the Minister of Health inform me whether it is a fact that the Government intends to take a greater proportion of the proposed pensions increases as rents for inmates of homes for the aged, geriatric institutions and mental institutions, and if so how much extra will be taken?

Mr. ROSSITER (Minister of Health).—In common with many of the comments of the honorable member, this question portrays his lamentable lack of information. It is not a fact.

KANGAROO FLAT SPECIAL SCHOOL.

Mr. SHILTON (Bendigo).—I direct a question to the Minister of Education or the Assistant Minister of Education. Further to the accommodation problem at the Kangaroo Flat Special School, which I raised last night, and as I have now learned that the Assistant Minister of Education visited this school late last year and made certain promises regarding the rebuilding of the school, is the Minister or the Assistant Minister in a position to advise me when the rebuilding will be started or when the additional accommodation will become available?

The SPEAKER (Sir Vernon Christie).—Order! I take it that the question is addressed to the Minister of Education.

Mr. THOMPSON (Minister of Education).—As the Assistant Minister of Education visited the school last year and made certain undertakings, I suggest that it might be more appropriate if he answered the question.

The SPEAKER.—It is in the hands of the honorable member.

Mr. SHILTON (Bendigo).—I redirect my question to the Assistant Minister of Education.

Mr. SCANLAN (Minister without Portfolio).—I am in a quandary on this question. I am not certain

whether the description of the school given by the honorable member is accurate.

Mr. BORNSTEIN.—Go back and check it.

Mr. SCANLAN.—It is all right for the honorable member to interject.

The SPEAKER.—Order! I suggest the Assistant Minister answers the question and ignores interjections and the honorable member for Brunswick East had better stop interjecting, too.

Mr. SCANLAN.—Last year I visited the Bendigo Special School and to the best of my knowledge that school is in no way associated with the so-called Kangaroo Flat Special School. Therefore, I should like the honorable member to be precise and give me a better description of the schools in his electorate so that I might more adequately answer his question.

VICTORIAN LAND TRANSPORT REPORT.

Mr. TREWIN (Benalla).—Will the Minister of Transport inform the House of the progress that has been made in implementing the recommendations of the Bland committee on land transport which were made to this House some time ago?

Mr. WILCOX (Minister of Transport).—Quite a deal of progress has been made with many of the recommendations in the report. The report was a lengthy document and contained many recommendations. As I indicated on behalf of the Government at the time, there was no possibility of all the recommendations being carried out. I do not expect some of them to be carried out. Certainly, there was no possibility of some of them being carried out overnight. In fact, I said that it would take five years or more for some of them to be carried out.

I am pleased to inform the House that on important matters such as the carriage of grain, wheat and wool, Sir Henry Bland is working in co-operation with the Victorian Railways. Apart from that, the Government is taking steps to deal with the appointment of the new Railways Board. The other recommendations, such as those relating to improvements which can be made in the transport regulation system, will have to wait until the next Parliament.

As I have indicated before, regarding that small part of the report which deals with the possible closure of railway lines, it has been clearly determined that nothing can happen until an investigating authority has been appointed, and no investigating authority has been appointed.

COMMUNITY USE OF SCHOOL FACILITIES.

Mr. FORDHAM (Footscray).—Can the Minister of Education inform the House what progress has been made in the preparation of the proposed agreement between the Sunshine City Council and the Education Department whereby the council will supply funds to the department for school facilities in return for community use of those facilities, which was the principle the Minister adopted following a deputation almost a year ago in which I participated?

Mr. THOMPSON (Minister of Education).—So far as I am aware, negotiations are proceeding satisfactorily. If they are not, I shall be pleased to have information which indicates otherwise and take the necessary action to bring the project to successful fruition. The Government and the department are very keen to ensure that maximum use is made of costly educational facilities and of costly facilities provided by municipalities. This can be achieved only by closer co-operation between schools and local councils.

POLICE PROTECTION.

Mr. STEPHEN (Ballaarat South).—Can the Chief Secretary assure the citizens of Victoria that the police in this State will be able to give them adequate protection from the early morning door-knocking activities of Senator Murphy and his colleagues?

The SPEAKER (Sir Vernon Christie).—Order! I take it that is a serious question?

Mr. MEAGHER (Chief Secretary).—The police of Victoria are bound by the law of Victoria. Their role is to carry out the law. They will do so to the best of their ability and without regard to political or other stunts that might be practised.

SOCIAL WELFARE.

Mr. BORNSTEIN (Brunswick East).—Is the Minister for Social Welfare dissatisfied with the calibre of——

The SPEAKER (Sir Vernon Christie).—Order! That question would be out of order. It is asking an opinion. There should be a direct question.

SUSPECTED SMALLPOX OUTBREAK.

Mr. GUY (Gisborne).—In view of the most recent smallpox scare in Sydney that has been reported widely in my electorate, can the Minister of Health advise the House of the movements of the ship that is carrying the suspected case? Can he make a statement to the House to alleviate the concern that is currently being expressed, not only in my electorate but I am sure in the electorates of most other honorable members?

Mr. ROSSITER (Minister of Health).—There was a suspected outbreak of smallpox in a seaman in a Japanese ship that berthed at Sydney. The Victorian Department of Health was immediately in touch with the health authorities in New South Wales because the then itinerary of the vessel indicated that some time after the occurrence it would be berthing in Melbourne. Investigations now indicate that it is not smallpox which has been suspected in this seaman, that the vessel will be proceeding to Tasmania and will not be calling at Melbourne, and that the seaman is still being held in quarantine because the nature of his illness is still not known.

PRISON OFFICERS.

Mr. TREZISE (Geelong North).—Did the Minister for Social Welfare recently make allegedly derogatory statements about prison officers in this State in the performance of their duties? If so, can the Minister elaborate the alleged criticism to the House and inform honorable members whether he is aware that there has been come-back criticism of the honorable gentleman on his statements?

Mr. I. W. SMITH (Minister for Social Welfare).—Yesterday at lunch time, at the University of Melbourne, I addressed approximately 200 students who were interested in the role of voluntary organizations in social welfare. I spoke for about a quarter of an hour or twenty minutes and afterwards allowed people to question me on the whole realm of welfare work. This process went on for a considerable time.

During the question time one of the students made a statement about the attitudes of prison officers, and I was then put in the position where I wished to defend the prison officers. However, I did not wish to defend some of the facilities at prisons, and I said that Pentridge Gaol was essentially a nineteenth century prison. That is a statement of fact which no one will refute. I indicated that the Government wished to upgrade the type of prison officer employed at Pentridge by requiring higher entrance qualifications and longer training periods. This is the policy of the section of the Public Service Association to which the prison officers belong.

The statement that appeared in the *Age* newspaper today allegedly quoting me in fact quoted the student who made the statement as a preface to his question and it is quite incorrect.

DEFECTIVE HOUSING.

Mr. FELL (Greensborough).—What action does the Minister of Labour and Industry propose to take with the Consumer Affairs Council

to ensure that the hundreds of queries currently being made about defective housing are dealt with by that council effectively rather than being directed to me?

Mr. RAFFERTY (Minister of Labour and Industry).—I can understand the concern of the honorable member that queries should not be directed to him if he wants effective action. The Consumer Affairs Council will continue to carry out efficiently and properly the tasks that are put before it and to ensure that all matters that are referred to it are properly examined.

KANGAROO FLAT SPECIAL SCHOOL.

Mr. SHILTON (Midlands).—Further to his answer to my previous question, I ask the Assistant Minister of Education to come to Bendigo to be reorientated with the geography of that city, because I can assure him that it is he, not I, who is making the mistake.

Mr. SCANLAN (Minister without Portfolio).—I know that I am not permitted to give an extensive address to the House at question time. I remind the honorable member for Midlands that I am acquainted with the history of schools in Bendigo and that the Bendigo Special School, which now exists on a very restricted site, was the original Kangaroo Flat Primary School, which has since been relocated in better surroundings generally. The honorable member appears to be under an illusion about the schools in his area. I went to the Bendigo Special School last year and I have been to Kangaroo Flat Primary School this year. I understand clearly the difference between the two schools but I do not think the honorable member for Midlands does.

The SPEAKER (Sir Vernon Christie).—Order! The honorable gentleman really now is debating the matter.

Mr. SCANLAN.—I think the point has been made.

BALMORAL HIGH SCHOOL.

Mr. E. W. LEWIS (Dundas).—Following my question yesterday on the proposed new high school at Balmoral, can the Minister of Public Works inform me whether the foundations for that building will be commenced shortly, and if not, why not?

Mr. DUNSTAN (Minister of Public Works).—I hope to have the answer to the question later this afternoon. I apologize for any anxiety caused to the honorable member in his understandable belief that there has been some delay in answering his question of yesterday.

WATER SUPPLY FOR KOO-WEE-RUP.

Mr. MACLELLAN (Gippsland West).—Is the Minister of Water Supply able to advise whether the State Rivers and Water Supply Commission has yet considered the design requirements and possible approval of a stock and domestic water supply scheme in the Koo-Wee-Rup area?

Mr. DUNSTAN (Minister of Water Supply).—I regret to say that the design requirements for a stock and domestic scheme have not yet been finalized.

HIGH-RISE FLATS.

Mr. JONES (Melbourne).—Further to his earlier answer, is the Chief Secretary aware that the window bars in high-rise flats can be removed with the fingers and broken in the hand as I did in this House last Thursday? If so, on what basis does the honorable gentleman consider them adequate?

Mr. MEAGHER (Chief Secretary).—I am aware that almost any domestic device can be removed by people who wish it removed and that almost any domestic device can be broken if the person has the will to break it. For the purpose of preventing children from opening windows and falling to their death, I believe that the bars are adequate if they

are properly maintained and not removed by adults. I do not believe that children can readily remove them.

However, I can assure honorable members that the Housing Commission is looking into the matter to see whether some improved method can be adopted. I challenge the honorable member's statement that the bars already provided are in any way inadequate for the purpose.

PETITION.

CONTROL OF FOOD PRICES.

Mr. GINIFER (Deer Park) presented a petition from certain citizens of Victoria praying that the House take such action to control prices of foodstuffs and other commodities. He stated that the petition was respectfully worded, in order, and bore 1,022 signatures.

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

Mr. GINIFER (Deer Park).—I move—

That the petition be taken into consideration tomorrow.

The motion was agreed to.

PAPER.

The following paper, pursuant to the directions of an Act of Parliament, was laid upon the table by the Clerk:—

Town and Country Planning Act 1961—City of Knox Planning Scheme, 1965, Amendment No. 111, 1972.

PRICES OF COMMODITIES.

Mr. WILKES (Northcote).—I desire to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely, the failure of the Government to protect the interests of consumers in relation to prices of commodities.

The SPEAKER (Sir Vernon Christie).—Order! The Acting Leader of the Opposition was kind enough to let me have a copy of the motion, in accordance with the usual custom, well in advance of the sitting, and I was able to make a study of it. I am of the opinion that it is not within the ambit or tenor of the Consumer Protection Act 1972. I shall be prepared to hear argument on it.

Mr. WILKES (Northcote).—Section 6 of the Act clearly defines the functions and responsibilities of the Consumer Affairs Council. One of the functions is to investigate any matter affecting the interests of consumers referred to it by the Minister. This matter could not be taken to be referred to it by the Minister, but the rising prices of commodities in this State, if the Minister so desired could be referred to the council for consideration. It is well within the Minister's power to do that.

Paragraph (*b*) of the section provides that it is the function of the council to make recommendations with respect to any matter calculated to protect the interests of consumers. I submit that the consumers must have an interest in the spiralling prices. Moreover, Mr. Speaker, if you take into consideration the statement by the Premier as late as yesterday that he is prepared to look into this matter, paragraph (*b*) could be associated with what the honorable gentleman said.

Paragraph (*c*) states that the council's function shall be "to consult with manufacturers, retailers and advertisers in relation to any matter affecting the interests of consumers". Again, there is a direct suggestion that the council has a function to consult manufacturers and retailers.

The final function of the council, as set out in paragraph (*d*) is, in respect of matters affecting the interests of consumers, to disseminate information and to encourage and undertake educational work.

If I am allowed to proceed with my motion, I shall make the point that there is a direct relationship between the responsibilities of the Consumer Affairs Council and the Minister and the Government to ensure that the interests of consumers, particularly in regard to the purchase of food and commodities and the

prices of these items, are protected. If it can be proved that there is a case, the Government should take some action to restrain the prices spiral.

I believe it can be shown that the Minister and the Government have a direct responsibility in this matter. That is the proposition I put to you, Mr. Speaker.

Mr. RAFFERTY (Minister of Labour and Industry).—As you indicated in the beginning, Sir, I submit that this is not a matter which should be the subject of an adjournment motion. The Deputy Leader of the Opposition read the functions of the council and it is unnecessary for me to go through them again. The motion refers specifically to "the failure of the Government to protect the interests of consumers in relation to prices and commodities". I submit that it has always been the view of this Parliament that prices are a matter for legislation. Evidence of that proposition is found in 1948, when legislation was brought down; it remained in operation for some time and was subsequently withdrawn from the statutes. It was a matter specifically dealt with by the Parliament as one upon which there should be legislation.

Without going further into paragraphs (*a*) to (*d*) of section 6 of the Consumer Protection Act, I suggest that the matter normally would require legislation. *May*, at page 362 of the seventeenth edition, which I think is more appropriate to Standing Order No. 8B, clearly indicates that any matter which requires legislation may not be a subject for discussion on an adjournment motion. I submit that the motion should be ruled out of order.

Mr. TURNBULL (Brunswick West).—Many legal implications are involved in this matter. The motion makes no reference to the Consumer Affairs Council or to the Act under which it operates. The motion is completely divorced from any legislation which you have quoted, Mr. Speaker.

The question of prices has always been important to members of the Opposition side of the House as opposed to the *laissez-faire* attitude of honorable members opposite. Under its defence powers during the war years, the Commonwealth Government intervened in the field of prices. I point out that prices legislation was introduced in Victoria. The Government does not depend on legislation; it depends mainly on Government administration. The Attorney-General can, for example, call a conference of the petrol monopolies and the bread monopolies. There is no reason why the Government could not, without legislation, administratively and effectively, discuss with the people who sell bread and throw 40 per cent of it away, and the petrol interests——

The SPEAKER (Sir Vernon Christie).—Order! The honorable member for Brunswick West is discussing the subject-matter, which is out of order. I am asking the House, briefly, to help me to decide whether the motion is admissible or not.

Mr. TURNBULL.—I repeat that much can be done in the field of prices by adequate, sincere Government administration. This Government has never made any attempt to control prices; on the contrary it encourages immense and rising prices.

Sir GEORGE REID (Attorney-General).—I wish to support the argument of the Minister of Labour and Industry in opposing the argument of the Acting Leader of the Opposition to the effect that this subject is not admissible as a motion for the adjournment of the House. I think it will be agreed that such motions must be related to a question of Government administration. If the argument advanced by the honorable member for Brunswick West were accepted, the House would be faced with adjournment motions on every subject under the sun. If any department of any Minister is to be charged with the responsibility of dealing with a matter of administration on an adjournment motion in

the House, the administration must be founded on responsibility delegated to him by the will of this House through legislation.

The foundation of the argument put by the Opposition is that under the Consumer Protection Act certain functions of the Consumer Affairs Council are set out. The first function of the council is to investigate any matter affecting the interests of consumers referred to it by the Minister. Its second function is to the effect that it may make recommendations with respect to any matter calculated to protect the interests of consumers. I submit that this section cannot be construed as conferring a responsibility upon the Minister to take action on prices. It is obvious—I relate my argument here to what the honorable member for Brunswick West said—that, when administrative responsibility did rest on the shoulders of any Minister in this legislature, it was a responsibility conferred by legislation. In 1948 the High Court of Australia declared that the prices and rent control regulations of the Commonwealth under the National Security Regulations were unconstitutional because the war had ceased.

The SPEAKER (Sir Vernon Christie).—Order! The Attorney-General is now arguing the matter.

Sir GEORGE REID.—I am putting it in this way, Mr. Speaker, that for there to be a responsibility resting on the shoulders of any Minister there must be some specific legislation charging the Minister with that responsibility. To shorten the matter, I point out that the prices legislation of the Commonwealth was adopted by the States in 1948, and at a subsequent stage the legislation was not carried through by this legislature as it endured only for a time, from year to year, and a stage was reached when it was not passed.

Mr. DOUBE (Albert Park).—Members of the Opposition can prove that the Minister has a clear administrative duty to perform. It is a question not of legislation but of his duties as an administrator. Section 6 of the Consumer Protection Act sets out the functions of the council, the first of which is to investigate any matter affecting the interests of consumers referred to it by the Minister. Members of the Opposition claim that we have much more than a prima facie case that the Minister has ignored a matter which is connected with prices and which is now a public scandal. Every day the newspapers——

The SPEAKER (Sir Vernon Christie).—Order! The honorable member should keep solely to the narrow question whether this is a matter of administration or not.

Mr. DOUBE.—The whole question rests on whether the Minister has an administrative responsibility. If section 6 of the Consumer Protection Act does not mean that the Minister has to use initiative, that he has to make decisions about what is happening in the community, the section might as well not be there because it is utterly meaningless.

The Minister cannot say that no clear duty is imposed on him. I contend that a clear inference to be drawn from that section is that the Minister has a duty. In its latest report the Consumer Affairs Council mentioned the question of prices, and it was interested in two matters. On pages 4 and 5 it made recommendations about the displaying of the selling price of certain goods. On page 5 the report stated that whenever goods were offered for sale or advertised " so much off " or " save so much "—that is happening every day —the vendor or the advertiser should feature the asking price. Clearly, this organization was very much interested in prices. When something in the community is so obvious and has reached such a scandalous situation as prices have, it must be the duty of the Minister, under section 6 of the Consumer Protection Act, to take some sort of action. If this debate goes on, members of the Opposition claim that

they can prove that these cases exist and that the Minister has a case to answer. I submit that to you, Sir, in the hope that you will give it consideration in arriving at your ruling.

The SPEAKER (Sir Vernon Christie).—Order! I should be glad to hear one more honorable member.

Mr. WILTON (Broadmeadows).—I refer firstly to the point raised by the Attorney-General, who referred to the judicial decision which affected certain legislation. All honorable members know, as I am sure you are aware, Mr. Speaker, that that decision affected the Commonwealth Government. The case was quite clear because hostilities had ceased, and the court decided that the need for those extraordinary Commonwealth powers no longer existed.

It has also been clearly established that consumer protection—the motion deals with the failure of the Government to protect the interests of consumers in relation to prices—is clearly a State responsibility. The national Parliament fully acknowledges that this is clearly a State responsibility.

The Minister of Labour and Industry referred to *May* and Standing Order No. 8B and also brought forward the point that no motion which deals with the question of legislation can be allowed. The motion does not in any way refer to legislation. The Acting Leader of the Opposition has based his motion on the existing Consumer Protection Act and specifically section 6 of that Act which deals with the functions of the council, and the responsibility and powers which the Minister has under that section. The Opposition proposes to advance argument to show——

The SPEAKER (Sir Vernon Christie).—Order! The honorable member may not advance argument at this stage.

Mr. WILTON.—I do not intend to do that, Sir. The Acting Leader of the Opposition can do that far better than I, but he does propose to advance argument to establish that in the opinion of the Opposition the Government has failed——

The SPEAKER.—Order! I invited some assistance from honorable members on the question of admissibility, not on the subject-matter of the motion. I invite the honorable member for Broadmeadows to keep to that.

Mr. WILTON.—I shall conclude by saying that I appreciate the difficulty that you may find yourself confronted with in ruling on this question and I appreciate the invitation you so generously extended to the House. The House should be permitted to debate this motion and resolve the question because it is purely a State responsibility. All levels of Parliament clearly acknowledge this. Furthermore, on questions of the gravest importance to the community this is the only public forum where matters such as this can be resolved in what members of the Opposition consider to be a proper, reasonable and just fashion.

Mr. JONES (Melbourne).—Mr. Speaker, would you hear me on the matter?

The SPEAKER (Sir Vernon Christie).—Order! I have heard enough. I thank honorable members who have spoken because this might have been considered as somewhat of a borderline case. But after listening to the argument, I do not think it is because the main argument of the speakers for the Opposition was that it is the responsibility of the Minister under the Act. I draw to the attention of the House the fact that the only responsibility the Minister has under the Consumer Protection Act is that he is charged with the responsibility of appointing members of the council and of appointing an appropriate person to be an acting member of the council during the absence of a member. Section 6, which has been relied upon, deals purely with the functions of the council, not with the functions of the Minister. Therefore, under section 6

the Minister has no direct responsibility. The Minister is not charged with a responsibility by this Parliament or under the Act. Furthermore, to charge the Minister with responsibility would require legislation because the tenor of the Consumer Protection Act is to control dishonest or undesirable trade practices and the marking of merchandise. For those reasons, and having listened to the argument, I rule that this notice of motion for the adjournment of the House is not admissible.

Mr. JONES (Melbourne).—May I raise a point of order?

The SPEAKER.—Order! Not on my ruling.

Mr. LOVEGROVE.—Are honorable members entitled to disagree with the ruling?

The SPEAKER.—Order! The House is perfectly aware of the Standing Order in this place that if the House does not like the ruling of the Chair any member is entitled to give notice for next day of sitting.

LANDS COMPENSATION BILL.

Sir GEORGE REID (Attorney-General), by leave, move for leave to bring in a Bill to make further provision with respect to compensation for land compulsorily acquired to amend the Lands Compensation Act 1958 and the Valuation of Land Act 1960 and certain other Acts and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

CONSTITUTIONAL CONVENTION (ALTERNATE MEMBERS) BILL.

Sir GEORGE REID (Attorney-General).—I move—

That this Bill be now read a second time.

This short Bill extends the Constitutional Convention Act 1972 to cover members who by virtue of a resolution of the Parliament or either House of the Parliament are eligible for appointment as alternate members to act in the place of a delegate to the Constitutional Convention.

The Bill is designed to ensure that these members, when discharging their duties in relation to the convention, will be entitled to be paid appropriate attendance fees and travelling allowances even though they may not actually be called upon to act in the place of a delegate. This object is attained by the addition of proposed new section 1A which provides—

In this Act "Delegate" includes any person who by virtue of a resolution of the Parliament or of either House of the Parliament may be appointed an alternate Member of the Delegation.'

Mr. WILKES (Northcote).—The Opposition does not require an adjournment of the debate. It realizes the importance of alternate members to the Constitutional Convention. The members alluded to in the measure have already served this Parliament well in the meetings that have been held prior to the convention which is to take place in Sydney. I am sure all parties are grateful for the work put in by their alternate delegates. It is proper that if these members should be required to attend the Constitutional Convention in New South Wales later this year, they will be covered by the provisions that cover the delegates appointed under the Constitutional Convention Act. The Opposition has no hesitation in supporting the view put by the Attorney-General.

Mr. ROSS-EDWARDS (Leader of the Country Party).—It is important that alternate delegates should attend the various conferences for the simple reason that they may well become delegates at some future date because of the retirement, defeat or absence overseas of a delegate. This will be a continuing process. It is hoped that the procedures will not take too long, but obviously they will not be completed in 1973. It is essential that an effective team should be built up of members from

all three parties who will take an active interest in constitutional affairs.

The motion was agreed to.

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

LANDS COMPENSATION BILL.

Sir GEORGE REID (Attorney-General).—On behalf of the Minister of Transport, I move—

That this Bill be now read a second time.

Victoria for many years has led the field in ensuring that its legislation covering the compulsory acquisition of land met the needs of the times.

Some ten years ago, for example, a number of important amendments were made via the Valuation of Land Act to enable all those whose properties were partly or wholly acquired to be granted in appropriate cases a "solatium" by way of an allowance for the indefinable trouble and inconvenience which they may have suffered. This allowance was over and above the market value of the land or any other amount paid by way of injurious affection where less than the whole property was taken.

Recent experience, however, has shown that sometimes there are circumstances encountered where there is a gap between the compensation payable and what may fairly be regarded as the amount which the dispossessed owner may reasonably expect.

This vital legislation, which was prepared on the instructions of my colleague, the Minister for Local Government, and which I now bring before the House, represents a new deal for all those whose properties are wholly or partially acquired for the benefit of the community.

The opportunity is also being taken of eliminating some minor differences in the principles of compensation as they apply to the various Acts under which statutory authorities acquire land. Honorable members will notice that a schedule attached to the Bill sets out in some detail consequential amendments to various Acts to accomplish this end. The amendments being made within the schedule aim at removing "glosses" in the various Acts which are either inconsistent with each other or unnecessary.

It must be emphasized that the amendments now proposed do not alter the well-established principle of assessing the value of land acquired at its market value plus whatever injurious affection is applicable in the particular circumstances to any adjoining land of the same owner being retained by him.

The Bill now before the House, however, makes a number of important changes to the procedure for the assessment of this market value and injurious affection and, by way of addition, bringing into play some factors previously missing from legislation of this kind.

For example, the delay between the lodging of a claim and the making of an offer of compensation can be a cause of great concern, particularly to the owners of single residences for whom the upheaval represents a dramatic change in their lives. To meet this circumstance the Bill provides for an estimate of the compensation payable to be given to the owner of a property worth not more than $35,000 or of any property used solely for residential purposes within six months of the notice to treat, whether or not the person has lodged a claim within that time.

Clause 2 also provides that an offer of compensation must be made within two months after the receipt of the claim when the property falls within the categories I have just mentioned.

Mr. ROSS-EDWARDS.—Mr. Deputy Speaker, I draw your attention to the state of the House.

A quorum was formed.

Sir GEORGE REID.—There may, of course, be circumstances in which the acquiring authority is unable to meet

this requirement but, in order that the claimant may not suffer from uncertainty because of circumstances outside his control, provision is made for the payment of interest at 5 per cent from the day on which the estimate or offer should have been made, as the case may be, until in fact the estimate or offer is given.

I have already made mention of the amendments made some ten years ago in the Valuation of Land Act affecting the compulsory acquisition of property. With this further overhaul of the land compensation provisions, it has been decided to restate in the Land Compensation Act, in the amended form, provisions which were formerly contained in the Valuation of Land Act. These are set out in some detail in clause 2 to form what will become section 11B of the Land Compensation Act.

The solatium to which I have already referred is maintained in this amendment but it is now being made doubly clear that the solatium may be paid by the acquiring authority as well as by the Land Valuation Board of Review or a court. This removes a slight doubt which had clouded the approach of some acquiring authorities.

There are some important additions to the concept of compensation provided for in the proposed section 11B. One of these concerns the attitude of the acquiring authority to the residential portion of any land acquired. It is well established that there are many facilities provided in individual homes which suit the particular needs of the owners or occupants but which are not reflected in the market value of the property. One thinks immediately of special provision made for a severely handicapped person for whom ramps or other aids are incorporated in the home structure itself. Another example is the special requirements of a home to suit the needs of a large family with an age range from those in the throes of tertiary education down to toddlers—an obvious case of the need for special consideration to be given to some segregation of the age groups. Such a home may not sell readily on the market. The Bill now before the House authorizes compensation in respect of these facilities "which because of their special nature are not reflected in the market value of the land". Without intruding into the valuers' field, one can imagine that the value of any such facilities might be assessed on their replacement cost minus whatever depreciation may have been said to have taken place because of their age.

Honorable members will probably have all encountered at some time or another the variations as between one acquiring authority and another on the question of what costs incurred as a result of the acquisition may be properly allowed as compensation in addition to the solatium to which I have already referred. The Bill now before the House clarifies this matter. While not going to undesirable lengths to set out the various headings which are admissible, it states that legal and other costs which were properly and necessarily incurred by the owner are to be regarded as items for compensation.

Although the existing provisions of the Valuation of Land Act with respect to the reduction from the compensation otherwise payable of an amount equal to the enhancement in the adjoining land remain, an addition has been made which honorable members will agree is consistent with the modern approach to the provision of amenities for the community which may, if not controlled, result in compensation being paid to some whose land is acquired at values either appreciated or depreciated by reason of the announcement of works to be undertaken on the land acquired. To cover this, the Bill provides, still in the proposed section 11B, for the assessment of compensation to ignore any change in the value of property acquired caused by announcements of such proposals.

Another important change to the concept of compensation for the acquisition of land relates to the difficulties frequently encountered by dispossessed owners in obtaining reasonably comparable accommodation. One case recently encountered concerned a family of husband, wife and six children living in an old home on valuable land where the house added little or nothing to the market value of the property but which constituted for that family at that time such living accommodation which met its basic needs. Even under the most liberal view, it would be extremely difficult to imagine another property being available anywhere in that neighbourhood for the amount of compensation which could be properly paid, even allowing for solatium.

The amendments now proposed will take care of such a situation—and many others with some similarity—by making provision for a loan without interest to enable the owner to purchase another reasonably comparable property. There is obviously a need to limit the extent of such a loan and so it has been provided, in the proposed section 11c, that the provisions will not apply where the market value of the property exceeds $35,000 and the amount of the loan cannot exceed the difference between the market value of the property and this amount of $35,000. The loan will be secured by a mortgage of the land purchased by way of replacement and be repayable if the owner or his spouse ceased to use the land as a permanent residence or if both of them have died.

The question of an advance against the compensation to be ultimately paid has been in the past a subject of some difficulty between acquiring authorities and owners about to be dispossessed. There has been a tendency for this to become a source of friction though some acquiring authorities have, as a matter of policy, made provision for a percentage of the compensation offered to be available for the purchase of replacement land. This policy is now brought into the legislation to cover the situation where possession of the land has been taken before agreement has been reached with respect to the total compensation to be paid.

In such cases, an owner may require the statutory authority to advance to him an amount equal to 90 per cent of the compensation offered or considered appropriate by the acquiring authority. Provision is also made for a reduction of this amount where the lands are subject to a mortgage. As honorable members would expect, the reduction will be of an order considered necessary to secure the release of the interest of any mortgagee.

Provision is also made for payment of the advance by the acquiring authority within one month of the request. This provision, I might mention in passing, is adapted from a proposal contained in a report by an English all-party committee, but not implemented in that country.

A great deal of uncertainty is centred on the question of the payment of costs of any arbitration before the Land Valuation Board of Review or a court. The Valuation of Land Act contains the relevant provisions and was drawn up in such a way as to encourage both claimant and the acquiring authority to go before a court or board of review only when realistic offers of compensation had been exchanged.

Experience of the legislation is now such as to suggest that the existing provisions of this part of the Valuation of Land Act could be relaxed in favour of those whose land is being acquired. Whereas at present the formula in the legislation provides for the acquiring authority to pay costs, *inter alia,* if the sum awarded is more than one-fourth greater than the sum it had offered, the Bill now before the House replaces the one-fourth by one-tenth.

Reference to clause 3 of the Bill will also show that the costs will be borne by the acquiring authority if the sum awarded by the board or court is closer to the sum claimed

by the owner than the sum offered by the acquiring authority while the owner is relieved from the payment of costs if the sum awarded is greater than the sum offered. It will be seen that this will mean that the acquiring authority in every case must decide points of doubt in favour of the dispossessed owner if it is not to run the risk of heavy costs at any ensuing arbitration.

The matters I have canvassed in some detail, together with the removal of inconsistencies by way of consequential amendments to associated legislation, contained in the schedule at the end of the Bill, make this a measure of far-reaching consequences which should result in those people who suffer the inconvenience and irritations of compulsory acquisition being assisted in rehabilitation in a manner which is consistent with modern living in which red-tape is reduced to a minimum. For these reasons, I commend the Bill to the House.

On the motion of Mr. WILTON (Broadmeadows), the debate was adjourned.

Sir GEORGE REID (Attorney-General).—I move—

That the debate be adjourned until Wednesday next.

Mr. WILTON (Broadmeadows).—I take it that the Attorney-General will arrange for the appropriate officer to assist the member who will lead for the Opposition. It will be necessary to research this measure thoroughly, and an adjournment of one week on this important matter is a fairly limited period of time.

Sir GEORGE REID (Attorney-General) (*By leave*).—As I indicated, I have explained this Bill on behalf of the Minister of Transport, who represents the Minister for Local Government in this House. I shall convey the request of the honorable member for Broadmeadows to the Minister of Transport, and I have no doubt that the necessary facilities will be afforded. I shall endeavour to ensure that the facilities are provided both to the honorable member in charge of the Bill for the Opposition and to the honorable member in charge of the Bill for the Country Party.

The motion was agreed to, and the debate was adjourned until Wednesday, April 11.

TRUSTEE COMPANIES (TRUSTEES EXECUTORS) BILL.

The Order of the Day for the resumption of the debate on the motion for the second reading of this Bill was read.

The DEPUTY SPEAKER (Sir Edgar Tanner).—Mr. Speaker has examined this Bill, and is of the opinion that it is a private Bill.

Sir GEORGE REID (Attorney-General).—I move—

That all the Private Bill Standing Orders, except those relating to the payment of fees, be dispensed with, and that this Bill be treated as a public Bill.

It is appropriate for me to explain to the House that if this motion, of which I gave contingent notice some time ago, is approved by the House, I intend to move a second motion providing for the appointment of a Select Committee of the House to examine the Bill. Mr. Deputy Speaker, you are no doubt acquainted with the fact that under the Standing Orders of this House the strict rule is that a private Bill becomes the subject of investigation by a Private Bill Committee. However, the procedures for the setting up and operation of a private Bills committee are somewhat archaic, and the same result is achieved by the course that I have adopted of moving for the appointment of a Select Committee. A precedent for this course was set by the procedure which was followed when the New Zealand Trustees and Executors Company Bill was presented to the House. A Select Committee was appointed in that case. That committee carried out its functions very ably

and in doing so assisted the Parliament. I propose that the same procedure should be adopted on this occasion.

Mr. WILTON (Broadmeadows).—Although the honorable member for Footscray is handling this matter for the Opposition, I point out to the Attorney-General that on the advice of the honorable member, the Opposition has no objection to this motion. However, I take this opportunity of pointing out that this is another example which demonstrates the need for a thorough overhaul of the Standing Orders of the Parliament. It is long overdue. I have read the Standing Orders which pertain to private Bills, and I consider them to be archaic. They are definitely not in accordance with modern Parliamentary practice, and it is almost impossible to implement them. I assume that the fees will cover the committee's fees.

Sir GEORGE REID.—That is so.

The motion was agreed to.

TRUSTEE COMPANIES (TRUSTEES EXECUTORS) COMMITTEE.

APPOINTMENT OF MEMBERS.

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

That a Select Committee be appointed to inquire and report upon the proposals contained in the Trustee Companies (Trustees Executors) Bill; such committee to consist of Mr. Crellin, Mr. Fell, Mr. Fordham, Mr. Guy, Mr. McLaren, Mr. Ross-Edwards, Mr. Shilton, Mr. Whiting, and Mr. Wiltshire with power to send for persons, papers, and records; to hear counsel on behalf of the company; to sit on days on which the House does not meet; and to report the minutes of evidence from time to time; five to be the quorum.

I agree with the honorable member for Broadmeadows that the Standing Orders of this House have long needed to be reviewed. I have raised this matter on a previous occasion. I shall not be here when the next Parliament assembles and I shall not be able to take part in any review of the Standing Orders, but I shall be a very sympathetic onlooker.

Mr. FORDHAM (Footscray).—I am pleased to support the Attorney-General's motion. The last Bill of this kind to come before the House related to the National Trustees Executors and Agency Company of Australasia Ltd. I recommended that that Bill should be referred to a Select Committee. I am pleased that the Government in this instance has accepted my suggestion. It is important that this and future Governments should adopt this procedure. The Opposition supports the formation of the proposed committee.

The motion was agreed to.

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

That each member of the Select Committee appointed to inquire into and report upon the proposals contained in the Trustee Companies (Trustees Executors) Bill shall be entitled to receive by way of reimbursement of his expenses for his attendance on the said committee, such fees and expenses as are provided for in section 8 of the Parliamentary Committees Act 1968.

I inform the honorable member for Broadmeadows that the fees will be paid from the fees provided by the instituting party.

The motion was agreed to.

OMBUDSMAN BILL.

The debate (adjourned from March 20) on the motion of Sir George Reid (Attorney-General) for the second reading of this Bill was resumed.

Mr. JONES (Melbourne).—This is a very important Bill; indeed, it is one of the most important Bills to have been introduced during the long tenure of office of the Attorney-General, who retires with the rising of this Parliament.

It is now more than 40 years since the late Lord Chief Justice Hewart raised the question of "the new despotism" which would arise as an increasingly complex society progressed, as a result of the even greater complexity of its legislative processes. Governments in Australia and in Scandinavia are not as complicated as the Governments of larger countries, but it could well be that, as we move into the computerized society of the last quarter

of the century, we will need to place enormous trust in the role of an Ombudsman.

Private members of this Parliament find it extremely difficult to keep up with the decision-making of the various departments——

Mr. McLAREN.—Members do pretty well with the various departments.

Mr. JONES.—Some members do rather well, but others find it extremely difficult. There are cases in which members would like to have access to files, but for its own reasons the Government refuses to allow it; it takes the view that if a private member wishes to read a file it can only be for political reasons. I understand that, but I think it is essential that somebody should be appointed who has absolute free access to files. If he cannot obtain them, he should be able to report to Parliament to ensure that he will receive them.

In the Labor Party we always quote the words of Juvenal, "*Ques custodiet ipsos custodes*", words which you have probably used yourself, Mr. Deputy Speaker—"Who will guard the guardians?"—to make sure that the people who are being governed, ostensibly in their own interest, are being treated in the manner in which all honorable members would wish them to be.

Unfortunately, in this House, on every occasion on which a member raises an issue, he is accused of bias, and it is extremely difficult to get any reaction from the Government departments. They simply tighten up.

I now refer to the 1960s and to the case of *Mrs. Mudge* v. *the Attorney-General.*

Mr. WHITING.—It was in 1959.

Mr. JONES.—Yes. The property in question was in the Mildura electorate. The decision in the case is a perfect example of the misuse of power by an administrative officer, and it was not capable of being appealed against in any court. Mrs. Mudge was the widow of a Mallee farmer whose holding had been resumed by the Board of Land and Works under a scheme for increasing the size of holdings to an economic level, so correcting earlier errors in arid-area closer settlement schemes. The board was unwilling to pay for improvements made by Mrs. Mudge's husband. The case finally went to the Supreme Court, where it was heard by one of our greatest common law justices, Mr. Justice Smith, who, in his judgment, referred to the public servant in the Board of Land and Works who determined the matter, and said—

> He is, as he made plain by his demeanour and evidence upon his examination, a man who regards any investigation, let alone criticism of his actions, as an affront. When the mandatory order of 18th December, 1959, was made, he quickly took action aimed at either maintaining the department's stand that no compensation should be paid or limiting the compensation to as small a sum as possible.

Public servants often lock themselves in a defensive position. Naturally, they are not willing to disclose information which could be used against them in a political attack. All honorable members must realize that it would be extremely helpful to the democratic process if partisans such as ourselves knew that an independent and impartial person appointed by Parliament had access to files and would report directly to us collectively as a Parliament.

As has already been explained, the office of Ombudsman has a long history in Sweden. The first Ombudsman was appointed there in 1810. His full title was "Parliament Agent for Justice, or *riksdagens justitieombudsman*" called by the initials "JO", that is, "Ombudsman for Justice". There was also a military Ombudsman or *riksdagens militieombudsman,* called MO. In 1968, the functions of these two offices were combined.

The point is that the Swedish Ombudsman is appointed by the Parliament. The actual nominee is recommended by a Select Committee of the *riksdag* but he is appointed *riksdag* itself. The outstanding objection of the Opposition to the Bill is that it replaces the vital concept of a Parliamentary appointment by

the concept of an Executive appointment. Instead of Parliament acting and voting on the appointment, it will be made by the Governor in Council and will be essentially an appointment approved by Cabinet. This is an important disadvantage.

The next country to institute the office was Finland which appointed an Ombudsman in 1919. The Finns do not consider themselves to be Scandinavians; they insist on the term "Fenno-Scandian". Their race, culture and language are different from those of the Scandinavian countries but their legal system is similar to their neighbours'.

In 1953 the Danes set up the office and the first Ombudsman took up his duties in 1955. In Finland and Denmark, the appointments are made by Parliament, not by the Government of the day.

Mr. A. T. EVANS.—Is it a different Parliamentary institution?

Mr. JONES.—In Sweden the Parliamentary institution is slightly different from that of Victoria but those in Denmark, Norway and Finland are the same.

Mr. A. T. EVANS.—Is it a bicameral system?

Mr. JONES.—Finland has a unicameral system. All of those countries are moving in the direction of unicameral systems.

Sir GEORGE REID.—Sweden now has a unicameral system.

Mr. JONES.—That is so, but there are great similarities with our system in the relationships between the Executive, the legislature and the judiciary. In addition, the Scandinavian countries are constitutional monarchies.

The Norwegians did not have an Ombudsman until 1963, so Victoria is not too far behind them. New Zealand appointed its Ombudsman in 1962 and Sir Guy Powles took office in October of that year. This measure is similar to the New Zealand legislation, but again there is the outstanding difference that the New Zealand appointment is made by the Parliament, not the Executive.

Mr. ROSS-EDWARDS.—What difference does it make?

Mr. JONES.—In practical terms, the difference is enormous. In New Zealand the Ombudsman is a Parliament Commissioner who is answerable to the Parliament.

Mr. ROSS-EDWARDS.—But who has the numbers?

Mr. JONES.—The Leader of the Country Party believes that after the 19th May his party will have the decisive numbers and perhaps it will have. However, the Labor Party is confident that it will have the numbers although a little accommodation may be needed in another place; that is recognized.

What is important in the appointment of the Ombudsman by the Parliament is that, in practical terms, whether there was a simple majority or not, there would need to be a consensus between the political parties on the kind of person appointed. I point that out to the Leader of the Country Party. There would have to be an agreement on the kind of person appointed and on his status.

Mr. ROSS-EDWARDS.—And the person himself.

Mr. JONES.—And probably on the person himself. It would be open to the Parliament to follow the procedures used in Sweden where a Select Committee consisting of representatives of the parties meets to consider candidates for the position. The alternative is a Government appointment of somebody who does not operate in a judicial area in the way that Supreme Court and County Court judges do. He would be operating within the administrative ambit of the Government's work. It is essential that the Ombudsman is the Parliament's agent and not the agent of the Executive.

Mr. ROSS-EDWARDS.—You would have a brawl here, too.

Mr. JONES.—I sometimes despair of the Leader of the Country Party, who has extreme difficulty in understanding me. Perhaps I should take him aside and word him up before I speak so that he can understand the drift of the argument. There is no reason to assume that Victorian Parliamentarians lack the political maturity and judgment of those in the Scandinavian countries. Possibly we in this Chamber have had little practice in exercising that maturity and judgment because often this House merely puts the rubber stamp on the Bills presented to it by the Government. As the Labor Party has pointed out so often, the House meets on too few days of the year. Many Bills with which it is presented are insubstantial. This is not a deliberative Chamber in the sense in which the House of Commons is.

In New Zealand the Ombudsman was appointed without any difficulty, and I suggest that the situation there is similar to that here. If the New Zealand Parliament can make an appointment, there is no reason to assume that the Victorian Parliament cannot.

Mr. WHITING.—New Zealand does not have a committee to recommend the appointment.

Mr. JONES.—A recommendation is made by the Attorney-General but my understanding is that it is approved informally by members of all parties. So, in practice, it probably is referred to a committee—whether it is a standing committee or an informal committee, I do not know. What is important is that there is a general consensus on the appointment.

Mr. DIXON.—You cannot prove that there is a general consensus.

Mr. JONES.—Really! Parliament appoints Ombudsmen in Sweden, Norway, Denmark, Finland and New Zealand. As the New Zealand Ombudsman was appointed by the National Party Government of Sir Keith Holyoake and remained in office under the Labor Party Government of Mr. Kirk, and as he has received universal approval, one is justified in saying that there is a consensus.

Mr. DIXON.—What about Dr. Coombs?

Mr. JONES.—I understand that he is not a candidate to be Ombudsman for Victoria.

Mr. DIXON.— Your argument does not hold. I am speaking of his present appointment.

Mr. JONES.—The honorable member for St. Kilda is offending against the rule on anticipation. I have no idea of what office, vice-regal or presidential, is intended for Dr. Coombs in the immediate future, but I understand that whenever that appointment is made it will not be made by Parliament or a Select Committee.

Mr. DIXON.—His existing office does not imply consensus; that is the point I make.

Mr. JONES.—It is patently obvious from the way in which the Ombudsmen are appointed in other countries that there is a consensus on the appointments. There is one exception to the general rule that the Ombudsman or Parliamentary Commissioner shall be appointed by the Parliament, and that is in the case of Great Britain. The British Parliamentary Commissioner Act of 1967 provides, in section 2—

> Her Majesty may, by letters patent, from time to time appoint a person to be a commissioner and any person so appointed shall, subject to sub-section (3) of the section, hold office during good behaviour.

The Parliamentary Commissioner has worked well in England and the principle has been extended to Northern Ireland. In what was an extraordinary act of self-abnegation the former English Ombudsman, Sir Edmund Compton, stood down in England to take on the job of Ombudsman in Northern Ireland. One can hardly fathom his motives, but nevertheless that is what he did.

The Attorney-General referred to the second-reading speech on 25th July, 1962, made by the Honorable J. R. Hanan, then the New Zealand Attorney-General, when the Bill to appoint an Ombudsman was before the New Zealand Parliament. The New Zealand Attorney-General described the New Zealand Ombudsman system as following, very closely, the Danish system. He pointed out that the Danish system met most of New Zealand's needs and conditions and that the Bill broadly followed the Danish approach to the matter. The honorable gentleman indicated what the New Zealand Ombudsman would not do. He pointed out, firstly, that he would not review decisions of the courts of the land; secondly, that he would not review decisions where there was already a right of review or an appeal to an administrative tribunal; thirdly, that matters of policy were outside his jurisdiction and were solely the responsibility of Parliament; and fourthly, that the Ombudsman would not be able to reverse or modify a decision himself or direct a department to take a certain course of action.

The Ombudsman reports to Parliament and it is essentially the disclosures in his reports which lead to the censure of public opinion. It is difficult to prove but one can assume that in New Zealand this inhibits the actions of public servants. They know that what they do will be open to scrutiny in a way in which they could not be scrutinized by a court. Most matters dealt with are not matters which could be raised in court.

On the method of appointment of an Ombudsman I should like to quote what the Honorable J. R. Hanan said in the New Zealand Parliament because the proposal there is that the Ombudsman is appointed by Parliament every three years. Of course, the Ombudsman can be reappointed, as has happened over the past eleven years, or someone else can be appointed.

Mr. DIXON.—Is that not an assumption in favour of the Executive?

Mr. JONES.—Not if the original appointment is a Parliamentary appointment. The Honorable J. R. Hanan said—

> The proposal in the Bill makes it possible to replace him by the simple process of non-appointment. I think that is much fairer to him rather than to have to find a reason—I hope not invent a reason—to get rid of him. I could imagine that an efficient, capable, conscientious man may not have the confidence either of the Government or of the Opposition.
>
> It's desirable that he should have the confidence of Parliament. If his appointment was for a term of some years it would be intolerable to Parliament to have him continue in that office if Parliament had in fact no confidence in him. He should have the confidence of the Government.

To which an interjector said—they also have them in New Zealand—

> And of the people.

The Honorable J. R. Hanan continued—

> And of the people. If he did not have the confidence of the Government, the office could degenerate into one of the worst sorts of political appointment one could think of. What would be the position if some future political party deliberately appointed a parliamentary commissioner to embarrass a suceeding Government? I think the strongest reason for supporting the provision in the Bill is that the reappointment principle every three years gives the opportunity to the Opposition to express every three years its view of his suitability. Clearly it is a desirable proposal. I have made the point that the parliamentary commissioner should have the confidence of both parties.

We would say amen to that. I am glad that the Government has chosen to use the Scandinavian term Ombudsman. In New Zealand the Act calls him a Parliamentary Commissioner. In his second-reading speech the Attorney-General kept calling him the Ombudsman and he confessed that he could see no point in resisting the use of the name. In fact, the term "Ombudsman" is used officially and appears on front of the New Zealand report appropriately in Gothic lettering.

The New Zealand system has worked well. More than 80 per cent of the complaints brought up have proved to be groundless, and that is splendid. If anything I should be very much alarmed if a high proportion of the complaints were justified.

But it is thought to be a very useful kind of therapy to have an officer who is beyond objection and to whom people can explain their administrative complaints.

The Bill makes it clear that the Ombudsman will not deal with matters that can be dealt with by any kind of administrative tribunal or by the courts. It is not intended that he shall second guess what the courts have done. He has the right to refuse to hear complaints that are made to him but he has no right to refuse to hear a complaint that is placed before him by a member of Parliament.

Clause 13 sets out the functions and jurisdiction of the Ombudsman and also provides the things that shall not be done by the Ombudsman. The schedule to the Bill details those parts of Government administration that shall not be covered by the Ombudsman. I am glad that there is only one office referred to and that is the Office of the Governor. I presume that will include the Executive Council as such. Perhaps the Attorney-General could confirm that. I assume that it is not intended that the Ombudsman should be investigating the activities of Ministers sitting as the Executive Council.

Sir GEORGE REID.—That is my understanding. It is referred to in other clauses in the Bill. The general tenor of the Bill is that it will include recommendations of officers at various levels but not the deliberations of Ministers. That is covered specifically.

Mr. JONES.—The reason members of the Opposition are particularly delighted about the Bill is that it is another piece of highway robbery by the present Government—a piece of death-bed repentance as it hurtles down the slide into political oblivion. Since 1966 the Labor Party has had a private member's Bill on the Notice Paper for the setting up of an Ombudsman. It has certainly been Labor Party policy for a good deal longer than that. I have a copy of the Bill that was sponsored by the Deputy Leader of the Opposition and the Leader of the Opposition. The important part of that Bill and the way in which it improves significantly on the present Bill is in the proposal that the Ombudsman shall be appointed by the Governor in Council on the recommendation of both Houses of Parliament. During the Committee stage I shall move an amendment along those lines and also another to the effect that the Ombudsman shall be appointed in the first session of every Parliament. Again, one would assume that if the Ombudsman was any good he would remain in office for a long time.

Mr. DUNSTAN.—Does the honorable member mean that the Ombudsman will be subject to reappointment by each Parliament?

Mr. JONES.—Yes, that is the position in every country that I know of with the exception of Great Britain. In Great Britain the Parliamentary Commissioner is appointed by Letters Patent but in all other cases, including the Canadian Provinces of Quebec and Alberta and British Columbia, which is in the process of appointing an Ombudsman, he is appointed by Parliament. There has been an Ombudsman in Western Australia since 1972 and he is appointed by Parliament.

As I explained earlier, one would assume that it would be a Parliamentary appointment in which there was a consensus. In New Zealand there was a discussion in the House of Representatives on this. At one stage it was suggested that there ought to be a qualified majority of 75 per cent before an Ombudsman was appointed. That would require that there should be no substantial objection against the person who was appointed. It would not be an appointment by a narrow majority.

In his second-reading speech the Attorney-General pointed out that the age for retirement for the Ombudsman under the present Bill is

72 years. There is at least one member of this House who might be particularly suitable for appointment to the office of the first Ombudsman, although I understand that the time clause might put him out of office before his three-year term expired.

Mr. WILKES.—Surely the honorable member is not thinking of Sir Henry Bolte?

Mr. JONES.—No, that malignant cloud hung over this legislature for a long time and was the primary reason for the Ombudsman Bill not being introduced. Even in the Liberal Party there are a few progressive forces—not very strong—and from time to time they have timidly put up their hands and suggested that an Ombudsman should be appointed. The present Bill is the amazing kind of death-bed repentance that a Ministry is capable of when it sees the trend of public opinion going against it. If there is one thing that was made clear in the result of the poll on 2nd December it was that its implications were felt not just at the Commonwealth level but throughout Australia. There is a greater degree of willingness to agree to legislative innovation and experimentation than there has been for a couple of generations.

Mr. DUNSTAN.—Would Croatians have access to the Ombudsman?

Mr. JONES.—I should certainly hope so. Like other citizens Croatians have their rights. Legally they have the right of access to the courts. If they have been disadvantaged in a purely administrative sense they ought to have the right of access to an Ombudsman.

I shall illustrate a couple of cases of the kind of thing I think an Ombudsman would deal with. I have had directed to my attention the case of a single lady who has applied for the adoption of a child in India. The adoption proceedings have to be taken to an Indian court and approved there, but the Commonwealth of Australia will grant a visa only on condition that the State Social Welfare Department approves the adoption. In this case a lengthy submission was put to the department so that the lady's circumstances could be examined. She had excellent supporting evidence and she also had references from a County Court judge and from a Minister in the Federal Government. One could not do very much better than that.

There has been an administrative decision within the Social Welfare Department that the facts given do not disclose exceptional circumstances as provided for in sub-section (2) of section 10 of the Adoption of Children Act 1964. The department does not propose, therefore, to investigate the matter. If it will not investigate the matter the Immigration Department will not grant a visa and therefore whatever the Indian court does will be ineffective. This is a perfect example of a need for investigation. The lady would have very little chance of getting a prerogative writ from the court asking the Minister for Social Welfare to tell the official in the Foster Care and Adoption Section of his department to hold a hearing.

However, in the Bill there is a procedure whereby the Ombudsman could examine the case and if he thought an argument had been made out and that it was an exceptional circumstance, he could then make a recommendation directly to the Minister or suggest that the Minister remit the case to his deparment for re-examination. That is the proper way of doing it.

Another kind of administrative problem that could be dealt with very well by the Ombudsman is the case of Mrs. Helen Garner, to which I referred on the motion for the adjournment of the sitting last night. Mrs. Garner says that she was dismissed out of hand by the Education Department.

Sir GEORGE REID (Attorney-General).—On a point of order, I do not want to interrupt the honorable member, who is making a most constructive contribution to the debate,

but I direct attention to the fact that the case of Mrs. Helen Garner is one on which the Minister of Education said yesterday that he proposed to make a statement to the House. The question is anticipating a matter which will be the subject of discussion on another item in this House.

The CHAIRMAN (Sir Edgar Tanner).—Order! The point of order is upheld.

Mr. JONES (Melbourne).—I did not intend to traverse the actual subject-matter of the appeal and the merits of that case. The point I was making was that a permanent teacher cannot be dismissed except after certain processes are followed. Charges must be laid and so on. There is an appeal tribunal. They are provided for in the Teaching Service Act.

Mr. WHITING.—She was not a permanent teacher.

Mr. JONES.—No, this is precisely the point. She had been a permanent teacher.

Mr. CRELLIN.—Why didn't she remain a permanent teacher?

Mr. JONES.—Because she had a baby and wanted to teach part-time. The Act provides that a permanent teacher has the right of appeal to the tribunal.

Mr. WHEELER.—We have heard it over and over again.

Mr. JONES.—But the honorable member for Essendon has not understood it. In the case of permanent teachers, this is an area the Ombudsman could not touch. In the case of a temporary teacher there is at present no provision for an appeal procedure. This could come within the terms of the Bill. The Ombudsman could examine whether or not the due process had been observed and what the appropriate procedures should have been. The Opposition regards it as an excellent measure from that point of view. What the Labor Party regrets about the measure is that is has been so long delayed.

Mr. RAFFERTY.—You always say that.

Mr. JONES.—One would almost have thought that matters took a pronounced turn for the better ever since I came into this place, because we are always told that this is an *annus mirabilis*. Everything that drops out of the Minister's goodies bag is regarded as a great revolutionary measure. One wonders, since the Government has been in office for eighteen years, why these wonderful things have had to wait so long. The Attorney-General is obviously determined to make his mark in history and to go out in a blaze of glory, because he has brought down some very good Bills. If the Labor Party had been in office it would have brought in the Bills much earlier.

Mr. STEPHEN.—We should have had you sooner.

Mr. JONES.—I agree with that. I agree in point with one of the speakers in the New Zealand Parliament who said that—

> The very existence of someone to whom the people can turn will be a comfort, and in the case of the chronic malcontents could even be psychotherapeutic. The commissioner might even become known as the "great healer".

It did not quite turn out like that. That was an exaggerated way of describing it, but there is an enormous amount of information that one would like to obtain but which is not available.

Countries that do not have a common law system as we have in Australia have had a tradition of administrative oversight. In the time of Caesar's Rome censors were appointed—not the type of censors that the Chief Secretary has in mind—but magistrates who were appointed for five years by the Senate and who reported directly to the Senate on what they thought was going wrong in the Public Service of Rome at the time.

In France the *Conseil d'Etat*—the council of State—has its own hierarchy and deals with thousands of administrative decisions which are

not able to go to the courts. The *Conseil d'Etat* operates for a much longer term. Many eminent Frenchmen have operated as inspectors for the *Conseil d'Etat.* I believe Monsieur Pompidou was an inspector at one time and I am almost certain that Leon Blum also worked for the *Conseil d'Etat.* The inspectors are not appointed by Parliament. As honorable members know, they have a completely different kind of administrative system, but I stress that I was talking about countries which have something like our common law tradition, and that includes the Scandanavian countries and Finland.

I do not think there will be any honorable members in this House who are not enthusiastic about the Bill. The Labor Party congratulates the Attorney-General for bringing it down. I hope the Bill will pass successfully through the Committee stage to bring about the direct appointment of the Ombudsman by the Parliament. This House acts virtually as a kind of electoral college, to certify the return of a Government. We ought at least to be able to specify who the Ombudsman may be. The Government is in charge of the legislature and it gets it business through. That is fair enough. If the Labor Party were on the other side of the House, it would act in the same way, but not as ruthlessly as the Government has acted.

Mr. DUNSTAN.—Are you suggesting that there should be a 75 per cent majority?

Mr. JONES.—I raised this earlier but have not suggested having a qualified majority brought into it. This was discussed at length in New Zealand and it was agreed that there ought to be a general consensus about the kind of person who would be appointed.

Mr. JONA.—Parliament could revoke it at any time.

Mr. JONES.—I am not suggesting a qualified majority ; I am suggesting we examine the matter sensibly as a Parliament. It is not just a matter of a Government saying that it is a splendid piece of legislation and because it has a majority in both Houses, going to the Governor in Council and saying, "Here is a nomination ; put it through". The Government does not act in that arbitrary way in the case of judicial appointments. This is not a judicial appointment ; it is a quasi political appointment.

Mr. JONA.—It is just as important.

Mr. JONES.—It is in a sense. It overlaps far more into the ordinary political sphere. We need an Ombudsman who will have the general confidence of the Parliament.

Sir GEORGE REID.—Does the honorable member have an amendment to give effect to that proposal?

Mr. JONES.—Yes. We like the name "Ombudsman" but stress that the Ombudsman ought to be described not as a "Commissioner for Administrative Investigations" but as a "Parliamentary Commissioner". The name "Parliamentary Commissioner" is used in all the other countries. In the case of the Swedish Ombudsman he is a nominee of the *riksdag,* and that is part of the name.

I commend the Bill to the House. I hope the Attorney-General has had a chance to consider my proposed amendments of which I gave notice yesterday, and I hope the Committee will approve the amendments. I hope we can make this not just a commissioner but a Parliamentary commissioner. If that is done, we will be able to place something on the statute-book of which we can all be proud.

Mr. WHITING (Mildura).—The honorable member for Melbourne has given a long, historical discourse on the potential appointment of an Ombudsman in Victoria. One of the honorable member's interesting comments was to the effect that some political piracy had taken place concerning the proposed legislation. However, I remind the honorable member that the Honorable M. A. Clarke in another place has introduced two private member's Bills of this nature, one in 1967, and I am not certain

of the date of the second Bill. Because of the prevailing political climate at the leadership level at the time, the Bills were not proceeded with. The report of the Statute Law Revision Committee on this question was tabled on 12th February, 1968. My colleague Mr. Clarke was a member of the committee, but because he had previously introduced a private member's Bill on the question, he did not take part in any of the many divisions which took place during the compilation of the report. This indicates that the Country Party was strongly in favour of such an appointment, as the honorable member for Melbourne claims the Labor Party has been.

Mr. DUNSTAN.—Who on that committee supported the appointment of an Ombudsman? Only the honorable members for Dromana and Ballaarat North supported the proposal.

Mr. WHITING.—That is not correct. The honorable member for Ballaarat North strenuously opposed the appointment. I hesitate to suggest that his opposition was because his electorate adjoined that of the Premier of the day. The honorable member for Dromana certainly supported the proposal, and he is quite clear, as were all other members of the committee, except the honorable member for Ballaarat North. No doubt time has healed the honorable member's fears and I trust that he will be in favour of the appointment.

In 1968 the Statute Law Revision Committee, which thoroughly investigated the question, visited New Zealand to interview many of the people involved, including Sir Guy Powles, who was the Ombudsman or Parliamentary Commissioner appointed in that dominion.

Mr. TURNBULL.—What is the position called in New Zealand?

Mr. WHITING.—The occupant of the position is referred to in the committee's report purely as Ombudsman. A number of other leading members of the judiciary and Parliamentary departments in that country were interviewed, and interviews were conducted in New South Wales as well. A problem that was foreseen by the committee—it posed a valid doubt at that stage—was that Australia differs from all other countries which have appointed an Ombudsman in that it has a system of State and Commonwealth Parliaments. Therefore, the changes in functions of departments and the continual overlapping of departmental activities brought about by the new Federal Government indicate that there could well be some conflicts of interest in the fields into which an Ombudsman can inquire. The general public will need to be educated to realize that a complaint against the Commonwealth Department of Social Services does not concern the Victorian Department of Social Welfare. When the Ombudsman is appointed this type of clarification and education will be required for the benefit of the public of Victoria.

I am quite certain that the appointment will satisfy and quieten the fears of many people. As the Statute Law Revision Committee found in its inquiries in New Zealand, although public servants were very apprehensive prior to the appointment of the Ombudsman, after the expiration of twelve or eighteen months they were quite happy about it. In many instances it cleared doubts that had been expressed about the administration of their own departments and of their own personal ability in some cases. The system can work beneficially for both members of the Public Service and of the community. In paragraph 49 of its report, the Statute Law Revision Committee commented—

> It is widely accepted, however, that the real success of the office lies in the integrity, diplomacy, personality and capacity of the occupant. The New Zealand Ombudsman has proved to be singularly well endowed with these ingredients, and obviously enjoys the respect of those with whom he has dealings. In the committee's view, the selection of an appropriate person to occupy such an office in Victoria would need to be carried out with the utmost caution, for an unsatisfactory appointment could mar the success of what it believes to be a most desirable institution.

That sums up the whole background to the measure concerning the appointment of such a person and of his entry into the field of Victorian administration.

The honorable member for Melbourne implied that a member of this Chamber could well meet all the qualifications necessary. I agree, but the honorable member may feel that he would not want to take on such a heavy work load after a long and distinguished career in this House. However, time will tell in that regard. Members of the Country Party would like to know whether there is any interest in that direction.

The Bill covers all of the possibilities that are likely to arise. Under the provisions of clause 16, which refers to Parliamentary complaints, committees of this House may refer matters to the Ombudsman for further clarification and information if they believe members of the Public Service were not giving the fullest information that the committee required. The Committee of Public Accounts could well enter into this field and refer a matter to the Ombudsman for investigation and report. The Bill opens up a wide field for the committee system of this Parliament.

Under clause 23, relating to action on completion of investigations, if the Ombudsman finds that, in his opinion, a decision was unreasonable, unjust, oppressive or improperly discriminatory, he shall take the action as set out in the following provisions of the Bill. The Ombudsman is given a wide scope in which to operate, and in the opinion of the Country Party the powers are quite sufficient.

The honorable member for Melbourne referred to the term of appointment. The Bill specifically provides that the appointment shall be made by the Governor in Council. The honorable member for Melbourne has put forward the view that the appointment should be made by Parliament following general agreement of the members. I have not had sufficient time in which to follow through the implications of the suggestion, but I believe it could well have some merit. My only doubt is that the Ombudsman would have to be reappointed with every new Parliament. This introduces a political flavour. It may be embarrassing for an Ombudsman to have been in office for only three years and then find some doubt about his reappointment to the position.

Mr. A. T. EVANS.—It would be like American politics.

Mr. WHITING.—That is so. The method of judicial and other appointments in the United States of America leaves a lot to be desired. With a change of Government there could well be a clean sweep, and a lack of continuity could result. The British system of continuity and heads of departments remaining in office regardless of the political complexion of the Government has been proved over the years. Indeed, the Bill follows a situation similar to the appointment of the judiciary. Although the system has some shortcomings, it may be preferable to that suggested by the honorable member for Melbourne whereby reappointment would be required at the commencement of each Parliament. These points will be ironed out as the debate proceeds. The Country Party welcomes the measure and looks forward to its early implementation.

Mr. McLAREN (Bennettswood).—I also welcome the measure, which is a major contribution by this Parliament to the operations of our society. I congratulate the Attorney-General on the fact that this will probably be one of the last Bills of major importance that he will pilot through this Chamber. Having visited overseas and observed the work of Ombudsmen, he has been able to bring this knowledge to bear in drafting the measure. I am sure that all honorable members congratulate the honorable gentleman on his work.

Fortunately, Victoria has been able to learn from the experiences of other countries which have had a commissioner for administrative investigations. Previous speakers have canvassed the work of Ombudsmen in Scandinavian countries and New Zealand. The Statute Law Revision Committee visited New Zealand to investigate the situation there, although it might have changed slightly since the visit in 1968. However, the information has been updated by the recent visit of the Attorney-General.

In general, all honorable members are concerned that in a democracy more restrictions and difficulties are introduced for the individual as community life becomes more and more complex. We should have measures by which the rights of the individual are protected. Honorable members have seen the exercise of power—political, administrative and economic—whereby too little thought is given to the individual. We see, for example, the centralization of power and the desire to centralize power in Parliament. There is also the concentration of power in a few hands. Even in the world's recent history, we have seen power concentrated in a one-party Government. Consequently, it is important that in a Parliamentary democracy the people are afforded the opportunity to participate in Parliament and not have this concentration of power. The appointment of an Ombudsman affords some protection where an authority has gone too far in exercising power.

It is possible also to see power in the growth of the Executive. Many of us are concerned with the growth of legislation and the immense increase in rules and regulations by which man is ordered today. It is necessary for honorable members to ensure that these things do not interfere too much with the freedom of the individual, which sometimes today tends to be lost in this concentration of power in the hands to which I have referred.

I am saying these things in very general terms, but honorable members should look at the principles upon which the appointment of an Ombudsman is based and consider how man has been restricted in so many ways in the past.

I was interested in the historical and other surveys by the honorable member for Melbourne on the rights of the individual and the powers that can be exercised in this regard. As the Deputy Leader of the Country Party said, undoubtedly honorable members will be discussing this in more detail, but one avenue in which the honorable member for Melbourne indicated variance from the Bill lies in the method of appointment of the Ombudsman. For the practices that are associated with the appointment and operation of the Ombudsman, one looks at the Bill as a whole. Following the appointment by the Governor in Council, Parliament really takes over because provision is made in sub-clause (5) of clause 3 that the Ombudsman can be removed from office only if he resigns, upon the presentation of an address from Parliament, if he is suspended under clause 4 of the Bill, or if he nominates for Parliament. Very largely, this person must be free on appointment to exercise his powers without any administrative or political pressures which will enable him to be overridden by either the Executive or the Parliamentary process. His impartiality is very important and very necessary.

The honorable member for Melbourne has suggested a suitable method for making this clear, that the appointment should in fact be that of a "Parliamentary Commissioner for Administrative Investigations". I should have thought that the whole intention of the measure was that the Ombudsman would act on behalf of the Parliament. After his appointment by the Governor in Council, he is responsible to and can be sacked only by the Parliament itself, not by the Governor in Council

or by the Executive. I hope some clarification can be provided on this point because I believe it is the intention that the Ombudsman should be a representative of the Parliament and not of the Executive. This is indeed an important Bill, and I am sure all honorable members welcome it.

Mr. WILKES (Northcote).—I share the views of the honorable member for Bennettswood, who congratulated the Attorney-General on having introduced this Bill in the dying stages of this Parliament, and perhaps in the last weeks that the honorable gentleman will be a member of this Parliament. I, for one, will miss his pleasant face and the privilege of hearing the wisdom of his remarks, and also the kindness which he has shown to me from time to time. He will go down in the history of the Liberal Party as one of its "greats". I wish him well when he leaves this Chamber.

May I say, with all due humility, that six years ago I attempted to encourage the Government to introduce a Bill similar to this. I was not alone; the Honorable Michael Clarke in another place suggested to the Government in that august Chamber that it should accept a Bill along identical lines, to appoint an Ombudsman in Victoria to handle the cases of persons who felt that they were aggrieved by administrative decisions and who, having no recourse to appeal, had to accept those decisions.

I had the privilege of visiting New Zealand in 1964 and of meeting Sir Guy Powles, the Ombudsman in New Zealand. I was convinced, as were members of the Statute Law Revision Committee and the Liberal Party State Council, that there was a need for an Ombudsman in Victoria, but the Premier of the day was not. I am certain the Attorney-General was convinced of that need; hence, his forward step of introducing this measure.

Mr. B. J. Evans.—Members of the Liberal Party were convinced until the previous Premier told them he did not want an Ombudsman.

Mr. WILKES.—I said that the Liberal Party was convinced that an Ombudsman should be appointed but that the Premier of the day was not. However, that is now history. It is to be regretted that an Ombudsman was not appointed when the Government had the opportunity either by accepting my Bill or Mr. Clarke's Bill or by introducing another Bill. My purpose in raising the matter at that time was to point out the necessity for an Ombudsman to be appointed in Victoria. At that stage the Government did not agree that his appointment was necessary.

An examination of this Bill reveals a direct similarity between it, Mr. Clarke's Bill and the measure that I proposed. I am not condemning the Government for that, although I accept the interjection of the honorable member for Melbourne that the best portions of the Bill are similar to those contained in my Bill. If this Bill does what the Attorney-General envisages—I am sure it will—it will not reduce the work of members of Parliament to any extent. The former Premier stated that all members of Parliament were Ombudsmen. I point out that members of Parliament have not access to files which the Ombudsman will have and they have not as much time to devote directly to the multiplicity of problems which the Ombudsman can be expected to handle. However, it will ensure that persons in the community who have dealings with administrative bodies, with Government and or semi-Government authorities, have recourse to an appeal. Where no appeals tribunal exists or where persons have no other means of appealing, they will be able to appeal to the Ombudsman.

Sir Guy Powles stipulated, under his charter, that every complaint should be in writing and that, if it were not, it would not be considered by him. I regard Sir Guy Powles as possibly one of the best, if not the

best, Ombudsmen. He is a man with great academic qualifications; he was in the diplomatic service and served in India for a number of years. Furthermore, he is a solicitor —I do not say that lightly—and he is a man of great wisdom and understanding. Anyone who had the pleasure of meeting him could not fail to observe those qualities. In his first year in office many teething troubles arose, but they were overcome. One has only to examine the reports which he presents to the New Zealand Parliament—copies of which he sends to me—to gain some idea of the type of case with which Sir Guy Powles and his small department deal. With his great capacity, Sir Guy is able to apply his wisdom and understanding to those cases. He explained to me many of them which did not appear in his reports. By his humane attitude and actions he was able to save families from distress and undue suffering, whereas prior to his appointment they had no recourse to appeal.

Where there is a federation of State Governments operating in a country the activities of a State Ombudsman might be a little different from those of an Ombudsman in a country such as New Zealand where he deals with problems on a national basis. However, with Victoria giving the lead and appointing an Ombudsman, I am sure other States will follow and certainly the Commonwealth Goverment will do so. One of the problems associated with the appointment of a State Ombudsman is how he can intrude in matters concerning the Commonwealth jurisdiction. Of course, he cannot do so, although many persons feel aggrieved at decisions of Commonwealth administrative bodies. I hope in the future these cases will be dealt with by an Ombudsman appointed by the Commonwealth Government.

I certainly hope the Victorian Ombudsman will be appointed after careful consideration. I agree with the honorable member for Bennettswood that it should not be a political appointment. One of the main factors in the success of the New Zealand appointment was that he had no political favour. Sir Guy Powles was the first person to make this point. Members of the committee which investigated this matter also made this clear in their report to Parliament, which stated that the New Zealand appointment was made without political flavour or favour and hence its success.

I respect the integrity of the Attorney-General and wish he were to make the appointment of an Ombudsman in Victoria. However, if the appointment is made after the election, as it possibly will be, perhaps another Government will make the appointment, but whichever Government does so it must be above politics.

I urge that the remuneration of the Ombudsman should be given careful consideration by the persons responsible. It is useless expecting to obtain the best man if he is offered the salary of a second division public servant. If that is done, the number of applications will be limited. Unless the remuneration offered is commensurate with the importance of the position, the best man will not be appointed. I urge the Government to closely consider this matter.

The provisions contained in the Bill are the same as those which I included in the proposal which I was not able to put before this House because of its rules which, in my opinion, need to be overhauled because they are archaic and prevent the discussion of private members' Bills. That was an occasion when political expediency could have been put to one side so that a private member's Bill could be debated. On another occasion the Attorney-General informed me that his Government was at least considering another private member's Bill which I had placed on the Notice Paper, but he was not able to convince Cabinet to allow it to be debated.

However, I am still prepared to support a Bill if the Attorney-General will sponsor it.

The people of Victoria need the services of an Ombudsman, as they did six years ago. When the appointment is made some of the decisions which have militated against people in the past will be corrected. Decisions made, perhaps by one or two men, have not been subject to appeal but when the Ombudsman is appointed the situation will be altered. I do not envisage that the Ombudsman will be loaded down with complaints. A certain number will be lodged following his appointment and when the office has settled down to tackle the problems presented to it. It will be found that the complaints received by the Ombudsman will be not dissimilar to those handled by Sir Guy Powles in New Zealand.

The honorable member for Melbourne made two valid points about this important measure. I know they will be dealt with wisely and patiently by the Attorney-General when the Bill is in Committee. I am sure the honorable member for Melbourne knows what he is talking about on the question of who should appoint the Ombudsman and to whom the Ombudsman should be responsible. The honorable member will explain those matters in detail in Committee. I compliment the honorable member for Melbourne on the manner in which he has handled the measure for the Opposition. My colleagues and I support the Bill now as strongly as we did six years ago.

The motion was agreed to.

The Bill was read a second time and committed, *pro forma*.

Sir GEORGE 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 this Bill.

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

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

Clause 1 was agreed to.

Clause 2 (Interpretation).

Sir GEORGE REID (Attorney-General).—I acknowledge the support given by the Opposition and the Country Party to the principle of the Bill. It will be welcomed by Parliament. I also acknowledge the support given and the constructive contributions to the second-reading debate made by honorable members who have spoken to the measure.

The honorable member for Melbourne requested an explanation on whether the exception in the schedule referring to officers of the establishment of the Governor extended also to the Governor in Council, including Ministers. It is not intended that the exception in the schedule shall so apply, but the answer to the honorable member's question is provided in clause 19 of the Bill which has the effect of exempting from the researches of the Ombudsman matters relating to the deliberations of Ministers or of any committee consisting of members of Parliament.

I should like to acknowledge the generous tributes paid to me on the work I have done on this Bill, particularly by the Deputy Leader of the Opposition. I thank him for his generous remarks, and I also wish to acknowledge the remarks of the Deputy Leader of the Country Party, the honorable member for Bennettswood and the honorable member for Melbourne and say how deeply I am moved by their expressions of commendation on the introduction and preparation of the Bill.

The clause was agreed to.

Clause 3 (Appointment of Ombudsman).

Sir GEORGE REID (Attorney-General).—The honorable member for Melbourne has made certain suggestions on the structure of the Bill. There are amendments standing in my name which deal with later clauses of the Bill. At this stage, it may be convenient for progress to be reported so that honorable members may consider the amendments.

Progress was reported.

THE CONSTITUTION ACT AMENDMENT (PRESIDING OFFICERS) BILL.

The message from the Council suggesting at the Committee stage an amendment in this Bill was taken into consideration.

Sir GEORGE REID (Attorney-General).—I move—

That this House do make the amendment suggested by the Council.

Sub-section (4) of proposed section 32 of The Constitution Act Amendment Act, as drafted, provides—

For the purposes of sub-section (3) where there is no Chairman of Committees of a House, the person who last held office as Chairman of Committees of that House shall be deemed to continue to be Chairman of Committees of that House until a Chairman of Committees of that House is appointed by that House.

The Council has suggested that after the words "of that House" the words "during the last Parliament" be inserted. I understand that Mr. Swinburne, Leader of the Country Party in another place, thought the words in the Bill might be construed as taking the matter too far back in history and that the addition of the words "during the last Parliament" would ensure that the expression "Chairman of Committees" would refer to the person who held the position during the term of the last Parliament.

Mr. EDMUNDS (Moonee Ponds).—Like the Attorney-General, the Opposition has only just had a copy of the suggested amendment presented to it. The suggested amendment appears unnecessary but as the proposal has been accepted in another place and sent to this Chamber, to complete the matter the Opposition offers no objection.

The motion was agreed to.

It was ordered that the Bill be returned to the Council with a message intimating the decision of the House.

CRIMES (AMENDMENT) BILL.

The debate (adjourned from March 27) on the motion of Sir George Reid (Attorney-General) for the second reading of this Bill was resumed.

Mr. JONES (Melbourne).—This is a small but eccentric Bill which incorporates five separate changes in the Crimes Act without, at the same time, attempting a comprehensive consolidation. A couple of weeks ago the House debated the Crimes (Theft) Bill, which was a very important consolidation of a significant section of the Crimes Act, that section dealing with offences against property. One would have liked to see, perhaps as one of the farewell gifts of the Attorney-General to this Parliament, a comprehensive consolidation of the entire Crimes Act. As it is we are going back to offences against the person with some rather small amendments to remedy deficiencies in the existing principal Act or to rectify a couple of obsolete provisions. It is not, in any sense, a thorough reform.

The first provision referred to in the measure relates to the common law position where a wife may not be compelled to give evidence against her husband. It is always a comfort to see the Leader of the Country Party nodding approval.

Mr. ROSS-EDWARDS.—That is accurate.

Mr. JONES. —Yes. From the alteration proposed in the measure it would appear that this subject was not given sufficient thought when the law was changed in 1967. The Bill provides that a spouse of an accused

person can be a compellable witness, and there is a whole "shopping list" of offences set out in section 400 of the principal Act. Two of the most important offences not included were the offences of child stealing and kidnapping. There are, I suppose, about 25 offences listed in the principal Act as amended in 1967 and now two further offences are to be added —child stealing and kidnapping.

The second charge to be brought about by this measure refers to section 415 of the Crimes Act which covers the question of the issue of a warrant where a witness does not appear. The earlier position was that the only judge who could issue a warrant for apprehension of a witness was the judge presiding at the trial of the accused person. The position could arise where a witness disappeared and it may be too late to wait until a judge has begun presiding at the trial. The process could not begin until the trial had begun because only then would it be known before which judge the accused person was to appear. The proposed amendment is to enable any judge of the County Court or any judge of the Supreme Court to issue a warrant for the apprehension of a person required to give evidence at a trial. In the view of the Opposition this is a sensible reform.

The third change is to extend the powers of the court on apprehension to enable it to take process action against anyone who is keeping out of the way so that a subpoena cannot be served.

The fourth amendment will enable any judge to issue a warrant for apprehension where it is proved that a person is likely to absent himself from the country or to keep out of the way to avoid service of a subpoena. The present penalty for this offence is $40, but having regard to the inflation which has occurred under a succession of Federal and State Liberal Governments over the years that the locusts have eaten, it has been decided to increase the fine from $40 to $200.

The final amendment really destroys almost all of Part V. of the principal Act. Part V. of the Crimes Act contains a whole series of provisions providing for the property of prisoners to be taken over by a curator. In 1948 the British Government decided that these provisions were obsolete, and they were deleted from the English Act.

I congratulate the Attorney-General who will understand that absolutely no irony is intended when I say that it has taken only 25 years for this long-overdue change to be brought about in Victoria. I am glad we have all lived to see it. The provisions should have been repealed many years ago, but I imagine that they have not in fact been enforced. If they have been enforced, I shall be interested to hear the Attorney-General say so in the Committee stage. Opposition members see no reason to object to the Bill; we propose to vote for it.

Mr. ROSS-EDWARDS (Leader of the Country Party).—The Country Party supports the proposed amendments to the Crimes Act which, as the honorable member for Melbourne said, are separate and distinct amendments. The proposals have been adequately explained. I think we should wait for the Committee stage to deal with any matters that are to be raised.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Inclusion of reference to kidnapping and child stealing).

Sir GEORGE REID (Attorney-General).—I appreciate the support given by the Opposition and the Country Party to the Bill. It is non-controversial and essentially a Committee Bill which will remove many anomalies in the Crimes Act.

The clause was agreed to, as were clauses 3 and 4.

Clause 5 (Repeal of provisions as to disabilities of convicts and curators of convicts' property.)

Sir GEORGE REID (Attorney-General).—A printing error has resulted in the words "are repealed" being omitted after the word "Part" at the end of paragraph (*b*) of subclause (4) of this clause. These are the vital words of the section. They were included in paragraph (*a*) but should have been included also in paragraph (*b*). In answer to the honorable member for Melbourne, I am not aware of any hardship having been caused by these provisions. Curators of the property of convicted persons are appointed from time to time and it seems that even after a lapse of 25 years this is a reasonable reform.

The clause was verbally amended, and, as amended, was adopted.

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

RECREATION VEHICLES BILL.

The debate (adjourned from March 21) on the motion of Mr. Meagher (Chief Secretary) for the second reading of this Bill was resumed.

Mr. KIRKWOOD (Preston).—From my examination of the Bill and knowing of an amendment which the Chief Secretary proposes to move in Committee, the Opposition does not intend to oppose the measure. It is clear that the mini bike problem is with us to stay and that these vehicles will have an increasing influence on the community. There is likely to be an increase in the purchase of mini bikes or recreational bikes—call them what you will—in our society, and because many social problems will be created certain regulations will be necessary. The form of regulation that will be required is clear. For third-party insurance purposes, it is necessary that vehicles which are used in public places are registered. The Labor Party considers that the main difficulties involved with mini bikes are noise, smell, hours of use, use on public highways, damage to public and private property and to the environment, problems arising from use on foreshores, and injuries suffered by drivers losing control of their vehicles. No one could expect the Government to state precisely what is required at this stage because the details must be worked out and remedies will come through legislation. There should also be a restriction of time on the use of new bikes in public areas where they create a noise problem.

At present complaints are being received about children who are there until midnight and the early hours of the morning with their high-powered bikes. The smell is odious to people in the district, because there are a large number of bikes and many of them need to refill their fuel tanks.

Damage to the environment from this nuisance has been covered by previous legislation, and provision exists for sterner controls to be imposed. The registration and insurance requirements are commendable and will help to reduce the problems associated with the use of mini bikes. In metropolitan and country areas much annoyance has been caused by the use of mini bikes and high-powered motor bikes in beach and creek areas and it is to be hoped that the provisions of this measure will help to reduce the problem.

It has been said that it is a mistake to allow children of eight years of age to ride mini bikes because the bikes can travel at speeds of up to twenty miles an hour, but most children of that age are with their parents when they ride bikes, and they are taught to handle them competently. Many families have picnic luncheons in areas which have been allocated by a local council for the use of children who ride mini bikes. Perhaps children of that age should begin to be allowed a measure of control. Many residents in my electorate support that view.

In the opinion of several councillors to whom I have spoken, some of the definitions contained in this measure are too wide, particularly the definition of "public place". Municipal councils consider that it should be made an offence to drive a vehicle in a public place without the approval of an appropriate authority. Councils have power to prevent the riding of mini bikes in public places, but they consider that stricter provisions should be included in this Bill. Legislation which has already been enacted vests sufficient powers in local councillors, and if the councils are not prepared to use them, it is their own fault. However, if the powers that they have are not adequate, the powers under the legislation may need to be reviewed.

It is assumed that registration fees are to be paid into the Consolidated Fund, but many interested parties hold the view that this money should be channelled into a fund to be used for providing spaces for this sport so that danger to the public will be lessened. The fees collected could be used to benefit the community at large. In the City of Preston there is very successful mini bike club which carries on the sport in an area which has been provided by the city council. The children attend at regular hours, and their sporting meetings are conducted in a most orderly fashion. Municipalities could be assisted to expand this sport, in conditions of safety, by means of the revenue which will become available as a result of the imposition of registration fees. As our society becomes more affluent, more people will engage in this sport and, having regard to the jealousy with which municipal councils guard their open spaces, the provision of areas for mini bikes will be restricted.

All honorable members are aware that if municipal councillors allow their parklands to be unduly encroached upon they will be thrown out of office on completion of their three-year term. I remind the Chief Secretary that legislation covering learner-drivers which was enacted has not been proclaimed.

Mr. MEAGHER.—That is because of the machinery of proclaiming the legislation.

Mr. KIRKWOOD.—I am happy to hear that. If this Bill is enacted, I trust that there will be no delay in its proclamation. The implementation of the Bill will create more problems for the local police. The Government will have to provide more police officers to enforce the provisions. Municipal traffic officers cannot be expected to perform the function unless the municipalities are recompensed. As a councillor, I am against using municipal officers for the purpose. Money should be allocated to the municipalities to provide facilities for people who wish to ride mini bikes and so on.

Mr. WHEELER.—Should not the municipal officers assist local residents who are affected by the use of mini bikes?

Mr. KIRKWOOD.—I do not disagree with the honorable member. The residents have to be protected but those with experience of local government will realize that disturbances are caused mainly at night and during the week-end when the municipal staff is not on duty. Accordingly, the police would have to cooperate to such an extent that additional officers would be required to enforce the legislation. The municipalities cannot be expected to police the legislation in public areas.

In conclusion, I call on the Government to seriously consider subsidizing local municipalities so that they may provide the necessary facilities. Following the initial costs of establishing areas and erecting the necessary facilities, the local councils could maintain them.

Mr. B. J. EVANS (Gippsland East).—I have listened with astonishment to the spokesman for the Opposition, the self-styled champions of the younger generation. I am amazed that the Labor Party should

support legislation of this nature because, whichever way one looks at it, the measure is bad. It does not even begin to attempt to solve the problem.

The measure does nothing about the problem of mini bikes on private land. Anybody who lives beside an area of private land where mini bikes are ridden throughout the day will obtain no relief under the Bill. Moreover, the measure does not help in the problem which was brought to the attention of the House some months ago by the honorable member for Benambra of people in the Eildon area taking their mini bikes on boats, going ashore and riding them around private property to the annoyance of the stock.

Apparently, the Labor Party is going along with the Government's attitude on everything. The party's view appears to be that if a problem arises, a tax should be put on it. After all, the registering of mini bikes is merely imposing a tax on the owners. There is nothing in the legislation except the power to make regulations. If the Government intends to prepare regulations, members of the Country Party want to know what those regulations will contain. It must be clear that the Bill deals with vehicles other than mini bikes.

The obvious solution is to ban the use of these recreation vehicles, which create noise and pollution problems, except in areas specifically set aside for their use. Suitable areas could be set aside in places where the community would not be annoyed by the vehicles.

Obviously, vehicles which are driven by people who are old enough to drive them on the highway will come within the purview of the Motor Car Act. Therefore, any problems by way of noise or danger will be covered by that Act. The police officer should not be empowered to decide whether a drag-racing vehicle is safe or not. The measure proposes to give this power. Various people interested in motor sports use these types of vehicles for experimental purposes and it is not beyond the realms of possibility that a particular experiment might lead to a successful innovation which makes an important contribution to the safety of the public.

The Bill covers every form of recreation vehicle. A vehicle with a motor has to be taken to a police station to be registered and the policeman can say that he does not think it is safe and refuse to register it. This attitude could kill drag racing, which gives many young people hours of enjoyment. It is high time the Government acknowledged that the young people in our community have some spirit of adventure. The trend today is to use up some of this venturesome attitude in motor racing and motor sports of various kinds. People should be encouraged instead of being taxed out of the sport.

The Government ought to provide drag strips and other facilities where hot-rod cars can be driven, where mini bikes can be ridden, go-carts driven and activities of that sort carried on. Facilities are quickly provided for people interested in horse racing but it is a different matter when facilities are required for young people to race a few vehicles. The Government should assist them in finding somewhere to use their vehicles.

The answer to the problem lies in two factors. Firstly, a ban should be placed on the use of these vehicles except in areas specifically set aside for the purpose. Secondly, the areas should be placed under the control of suitable bodies. Many existing bodies have an interest in motor sports. The Confederation of Australian Motor Sports controls drag racing and hot-rod racing.

It is unnecessary to have legislation providing that roll bars must be used, crash helmets worn, and so on because the organizations controlling motor sports insist that these things must be used. They know the dangers of not taking

proper safety precautions. These people can do a great deal towards training the younger generation to be better drivers by encouraging more and more people to participate in sports under controlled conditions. It would be better if these vehicles were controlled in that way instead of by the introduction of taxation.

This measure is just window dressing. It will be beyond the capacity of the police to keep all these vehicles under control or to cope with their registration, at least initially. The police have more to do than worry about noise and pollution from fumes. What training or guidelines will a police officer have to enable him to decide that a particular recreational vehicle is too noisy? This job will be a burden to the Police Force. People will find that what was acceptable in one place is not allowed in another.

The measure shows no initiative or intelligence. I direct attention to some of its wording, and I point out that eight-year-old children can use these machines in a public place. According to the definition, a public place means any bridge, footway, footpath, court, alley, passage or thoroughfare open to or used by the public. Basically, if a vehicle is used in a public place, it must be registered. That means a vehicle must be registered if it is used anywhere except on private property. However, the definition of public place specifically excludes a highway. Sub-clause (2) of clause 2 states that, save as otherwise provided either expressly or by necessary implication, words in the Act shall have the same meaning as in the Motor Car Act 1958. Presumably, someone will be faced with the problem of determining the difference between a thoroughfare and a highway. If an eight-year-old has a registered vehicle, he can drive it on a thoroughfare but not on a highway, and I wonder how he will know the difference.

The Motor Car Act states that "highway" means any street, road, lane, bridge, thoroughfare, or place open to or used by the public for passage with vehicles. There is a straight-out contradiction between the Act and this Bill. The Bill will allow a person to drive one of these vehicles in a thoroughfare not including a highway and the Act provides that a thoroughfare is a highway. This could lead to argument in court. Apparently, one of these vehicles could be driven along a footpath because it is not open for the passage of vehicles. Does the provision also mean that one of these vehicles canot be driven along the road?

Whoever drafted this measure should re-examine it. The definitions are not clear and precise. The provision will apply to people between the ages of eight and eighteen, because once a person reaches the age of eighteen he can operate one of these vehicles on the road if it is registered.

I am not greatly concerned with go-carts and so on because, undoubtedly, they will be used almost entirely in areas specifically set aside for their use. However, I suggest that they will all have to be registered. If they are used in races, registration is not required, but if they are used for practice on the tracks available to them they must registered. It would be foolish not to register one of these vehicles.

This Bill has been conceived in haste and its passage will be regretted by many young people if the Government forces it through Parliament.

The sitting was suspended at 6.27 *p.m. until* 8.8 *p.m.*

Mr. WHEELER (Essendon).—This Bill was foreshadowed when a Bill relating to land conservation was being debated in the House in 1972. On that occasion the Minister for Conservation indicated that he recognized the need to provide third-party insurance cover and other measures to curb the irresponsible riding of recreation vehicles. I assure honorable members generally that I do not believe any member of this

place is anxious to deprive young people of the right to participate in active sport and recreation. The Bill goes a long way towards protecting, to some extent, young people who are riding mini bikes and also gives some protection to the people who live in the areas surrounding those where young people ride mini bikes.

In my electorate there are many undeveloped spots surrounded by built-up areas. These are good areas on which young people can ride mini bikes. But there is still the danger of pollution, the noise factor and the nuisance the mini bikes create. The provisions of this Bill will give councils, the police and other authorities the right to initiate some sort of control over the riding of mini bikes. I received a letter from a constituent who asked, for obvious reasons, that his name not be used in a public statement, in which he said that 80 per cent of the mini bikes used in the area in which he lives have no silencers. Honorable members will realize that 100 mini bikes operating in the area from 7 a.m. to 9 p.m. on on a Sunday would create havoc. Some of the bikes are being ridden on footpaths and nature strips with no regard for the rights of passers-by. The main problem is that no areas are set aside by the majority of councils on which young people can congregate and ride their mini bikes.

Special provision is made in the Bill for registration of mini bikes for a fee of $3. I am inclined to agree to some extent with the honorable member for Preston, but I do not believe that all of the fee should be paid direct to municipalities. The fee should be paid into the Sports and Recreation Fund and the councils could then make application to the trustees of the fund for financial assistance. When the Act is proclaimed municipalities will be required to appoint officers to police its provisions and this will cost a considerable sum because the officers will have to be paid week-end penalty rates. If the municipalities are to fence the areas that are provided and care for them properly further money will have to be expended and this will be a drain on municipal funds.

Representations have been made to me on this subject by the Essendon City Council and the Broadmeadows City Council, both of which raise a similar point. The Essendon City Council advises me that no provision has been made in the Bill for officers appointed by the council to proceed on any branch. I am sure the Chief Secretary will take cognizance of that. The Broadmeadows City Council asserts that the Bill gives control only to the public authority on whose land any offence may be committed. In effect, council officers cannot take any action on land other than that under its control. Most complaints about mini bikes relate to land owned by the Melbourne and Metropolitan Board of Works.

In the Strathmore area there are 60 acres of land which is used mainly by young people riding mini bikes. The land can best be described as an area along the Moonee Ponds Creek between Pascoe Vale Road and the railway spur line. Sixty acres of land is being used continuously by these bike riders. Some of the young people are sons and daughters of residents in Strathmore and it is difficult to tell them to go somewhere else. It is also difficult for people living in close proximity to the area to endure this noise from early morning until 9 p.m.

Mr. WHITING.—It is possible.

Mr. WHEELER.—It is possible to put up with it but for a person living in an adjacent street it is pretty hard to take. If this Act is to be implemented some one has to pay for it. The young riders will be protected by being required to register their bikes and observe safety measures. Persons using footpaths and nature strips will also be safeguarded. Provision must be made for all the regulations that will be introduced.

The Essendon City Council has accepted the challenge very well. The Essendon *Gazette* of 17th January published a statement that mini bike riders who are members of the Ascot Vale Motor Cycle Club can now ride on part of Fairburn Park without risking prosecution. The Essendon City Council granted the club exclusive use of an area adjacent to a public park, which is a quarter of a mile away from all residences. This is excellent because the young people are encouraged to congregate there and interfere with no one. In vacant places in built-up areas young people will congregate and create havoc.

I hope the Minister will have the Bill proclaimed without delay. It has been referred to as a window-dressing Bill. I sincerely hope it is not. The Minister has introduced the Bill in all sincerity and I hope it will have a desirable effect on both the users of bikes and the people who have been affected by them.

Mr. BILLING (Heatherton).—Approximately twelve months ago, in response to representations made to me by residents of Heatherton concerning the nuisance caused by mini bikes in areas adjacent to residential areas, particularly in East Cheltenham, I raised the matter on the motion for the adjournment of a sitting. I referred to the inconvenience caused by noise, particularly to a nursing sister who worked night shift and found it impossible to sleep in the day time. I was approached by a representative of the *Herald* and asked whether I opposed mini bikes. I stated that I did not, but that I considered this form of junior recreation which was springing up needed control and suitable areas of land for the activity. As a result, there has been a trend towards control, the regulation of conditions, and the requirement that certain equipment must be worn by the riders for safety.

Following the publicity, the Oakleigh Mini Bike Club was formed, its members and interested parents who could evaluate the reason for the existence of these bikes and the need to teach safety decided to find a suitable location for the club's activities. I have often referred in this House to the need for the rehabilitation of sandpits in Heatherton for recreational purposes. By the good graces of the Oakleigh City Council, the members of the Oakleigh Mini Bike Club have the use of a restored sandpit area and a garbage tip in South Clayton. To their credit they have also rehabilitated a building.

Recently representations were made to the Chief Secretary concerning the interpretation of "recreation vehicles" in this Bill. I raise this matter with respect because I have not had the opportunity of speaking to the Minister about it. Recently the Oakleigh Mini Bike Club wrote to the honorable gentleman and expressed concern at the reference in sub-clause (1) of clause 15 to recreation vehicles and their engine capacities. On behalf of the senior members, who are managing the business of the club, I refer the Minister to a paragraph of their letter which states—

> We point out that most bikes that are called 70cc models (for example SL-70 Honda, Kawasaki MT1) are in fact 73 or 74cc engine capacity and as these are a majority of bikes in use by the younger age group (about 75 per cent at our track) under present legislation they could not ride them even under the safe conditions of our club activities.
>
> Our recommendation is that the Bill be altered to perhaps read "an engine capacity not exceeding 75cc and an 11-inch wheel" which would allow youngsters to ride these true mini bikes but keep them off the larger more potent motor cycle type bikes.

I make these representations to the Chief Secretary in the interests of the safety of the young people who, guided by a responsible group of senior citizens in the club, are eager to ensure that the objects of the Government's proposed legislation are achieved. It is contended that the provisions of clause 15 regarding the classification of vehicles should be reconsidered. I am reliably informed by people who are familiar with this sport that it is possible to modify a bike of this type to enable it to be

driven at speeds of up to 120 miles an hour. This certainly is not the type of bike which parents wish to see their children riding under any circumstances, particularly on a track designed for teaching young people the proper elements of safe riding and the rules governing motor cars and motor bikes to fit them later to be responsible drivers on the roads.

I agree with the honorable member for Essendon that municipal councils, instead of damning this activity by young people should, perhaps with a Government subsidy, provide specific areas where youngsters can work off their excess energies under control and under safe conditions instead of going around the streets getting into mischief and causing all sorts of devastation to public property. Children who engage in these activities often finish up in Magistrates Courts where sympathic magistrates and honorary justices face difficult problems in dealing with offences which could have been prevented.

It is the duty of the legislature to solve these problems. It must not be construed by the general public that the Bill is designed only to produce revenue by requiring mini bikes to be registered. A definite attempt is being made to regularize the use of the machines. Practically overnight the riding of mini bikes has become one of the most popular sports among a large section of the young population over the age of eight years.

The organizers of the Oakleigh Mini Bike Club, by taking over a piece of reclaimed land and by rehabilitating an old building on the site, have established for the municipality of Oakleigh one of the most costly child-minding centres in the State. It is a credit to these people that they are making provision for training their children in road safety. I should like other municipalities which have available to them land such as that which exists in Heatherton to take constructive action rather than merely to condemn this sport.

This measure is a beginning. Doubtless much fault will be found with it, but at least the Government has taken a positive step, as it has in many other aspects of government in Victoria, and when it is returned after the forthcoming election it will continue with its constructive measures.

Mr. FELL (Greensborough).—I wish to raise several aspects relating to the registration of recreation vehicles. This measure is all-encompassing but honorable members are aware that it relates specifically to mini bikes. Both the inner and the outer suburbs are affected. These vehicles have been traversing parks and causing difficulties. As a representative of a municipality within the Greensborough electorate, I know that much concern has been expressed about them, so much so in fact that the Shire of Diamond Valley has introduced by-laws to protect its parks. This is proper, because young children have been knocked down by vehicles traversing the parks. Legislation on the subject is necessary. The municipalities have the power to bring in by-laws, and many have done so. One does not use a sledgehammer to crack a peanut when it can be done by easier means. Municipalities are taking action to overcome the problem with which this measure deals.

What will happen to the money which is to be collected as registration fees? Will it be given to municipalities to provide facilities for mini bike tracks? That is the question that I should like the Chief Secretary to answer. I have received representations from members of the Diamond Valley Mini Motorcycle Club about this matter. The club, which conducts its operations in my electorate, has expressed considerable concern about this legislation. The club is in full operation, and it is performing a worth-while task in providing youngsters with an interest and, therefore, keeping them off street corners, or riding their mini bikes on parklands and vacant allotments.

The Diamond Valley club has a 7-acre allotment for its use provided by the shire, and its members are under adult supervision all the time. The problem with which the club is concerned is that seven-year-old riders of mini bikes will be excluded if this proposed legislation is enacted. Another problem is that a person between the age of eight and fifteen years will not be permitted to drive a bike with an engine capacity of more than 70 cubic centimetres, and that their over-all limit is 185 cubic centimetres. There are also provisions concerning the noise which is made by recreation vehicles.

Many members of the club will now be forced to dispose of their vehicles. In addition, the limit of the capacity of mini bike engines to 70 cubic centimetres will encourage people to disobey rather than to obey the provisions of the Bill.

I pose this question to the Government: How will the provisions of this Bill be policed? Will policemen be diverted from supervising traffic on roads to enforce the legislation in areas which have been allocated by municipalities for the conduct of this sport? In this measure, "Public place" is defined as—

(*a*) any bridge footway court alley passage or thoroughfare open to or used by the pubic;

(*b*) any park garden reserve or other place of public recreation or resort;

(*c*) any open place to which the public, whether upon or without payment for admittance, have or are permitted to have access;

(*d*) any wharf pier or jetty; and

(*e*) any school or land or premises in connexion therewith—

but does not include a highway.

I submit that anyone who read that definition would assume that mini bikes can be ridden by young people anywhere, even though I know that that is not so, because other Acts prohibit it. I have received a letter from the Diamond Valley Mini Motorcycle Club in which the club asks the Minister to advise it why the club should not be permitted to continue this successful venture. Its activities are being conducted with the full co-operation of the municipality; indeed, the municipality provided facilities for the club. If the Bill is passed, will the club be expected to exclude seven-year-old members or anybody who is riding a motor cycle having an engine capacity in excess of 70 cubic centimetres? What is the position concerning third-party insurance? The questions I have posed should be answered. The Opposition has no objection to the principles embodied in the legislation but objects to the way in which it has been drafted. If the problems to which I referred can be overcome, there will be general acceptance of the measure by the public. The restriction on the cubic capacity of motor cycle engines is far too conservative. I used to ride a B.S.A. machine and it had a capacity of 125 cubic centimetres.

Mr. AUREL SMITH.—Did you say you have ridden one?

Mr. FELL.—Yes; I have ridden a 125 cubic centimetre bike many times. I believe the Bill should extend the cubic capacity of mini bike engines.

Mr. ROSSITER.—What is the capacity of a lawn mower?

Mr. FELL.—125 cubic centimetres.

Mr. ROSSITER.—Have you ever ridden one of them?

Mr. FELL.—The Minister should take no part in this debate because it is obvious that he knows nothing about the subject. This legislation needs to be tidied. I submit that it is unreasonable to expect people who have spent a lot of money in the purchase of these motor cycles to have to dispose of them. Originally they were bought by the families concerned to keep children off the streets, and this has proved to be successful in the Greensborough electorate because of the provision of facilities by the municipal council.

I ask the Minister to have the legislation altered to allow seven-year-olds to drive mini bikes, to allow

riders between the ages of seven and fifteen to ride motor bikes of up to 125 cubic centimetres capacity at least, and to narrow the definition of the places in which mini bikes might be used.

Mr. BURGIN (Polwarth).—The purpose of the measure is to control a new sport which is gaining popularity in the community. It seems unfortunate that it should be necessary to impose regulations upon people who are enjoying themselves in open areas, but the popularity of this recreation has increased to the extent where controls have become necessary.

Many honorable members have spoken of the benefits which the Bill will bring about and, in doing so, have for the most past, confined their remarks to the metropolitan area. However, I believe more benefit will be gained from the control of mini bikes and trail bikes which are used on sand dunes in country areas, and which cause damage to the environment. The provisions of the Bill introduce a new concept in the control of a popular sport and, although when the legislation is enacted it may be found that it contains loopholes, it represents a genuine attempt by the Government to impose reasonable controls.

I sympathize with some of the arguments advanced by the honorable member for Greensborough, but I believe safety is a vital factor in the control of this sport, and that no eight-year-old child should be allowed to ride a 125 cubic centimetre motor bike. To permit that is to ask for trouble. This Parliament should not allow it. I have had a great deal of experience with agricultural motor cycles of different sizes and I know, to my horror, what can happen with them. Too much power leads to trouble on country trails and in muddy conditions. This measure does not relate only to eight-year-olds riding around a circle in a city paddock. It will cover people using these vehicles on bush trails and everywhere else, and a minimum age and a maximum engine capacity are essential. Young people in particular should start with motor bikes of small engine capacity.

As the honorable member for Greensborough mentioned, there will be trouble for some people with the initial operation of the Act, but the public has been aware that this type of legislative measure would be enacted. I have told people who have spoken to me on the subject that they should be careful about the size of bikes they buy for children. Any parent who had thought about the subject would have realized that laws would be introduced to ensure public safety and to guard young people against their own foolishness. Like the consumer protection laws, the proposed Act will protect people who cannot protect themselves.

I am pleased that the Minister has accepted that motor bikes and machines used in primary production should not be affected by the Bill. Otherwise, any primary producer who leased a Government road or river frontage or Crown land would find himself subject to the provisions of the Act. I commend the Bill to the House.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Interpretation).

Mr. MEAGHER (Chief Secretary).—I thank honorable members for their comments on the Bill. A number of honorable members, particularly the honorable member for Heatherton, suggested that the permitted cubic capacity of an engine referred to in clause 15 should be raised from 70 cubic centimetres to 75 cubic centimetres. I foreshadow an amendment to the clause to increase the capacity to 80 cubic centimetres. I received representations from mini bike clubs and various people on the suitability or otherwise of the limit of 70 cubic centimetres. As a result, I asked the

police to survey mini bikes available in Melbourne. Of fifteen, twelve had engines of 80 cubic centimetres or under and only three had engines larger than 80 cubic centimetres. Accordingly, I came to the conclusion that 80 cubic centimetres would be more appropriate than 70 cubic centimetres.

The honorable member for Greensborough suggested that the minimum age of eight years should be reduced to seven because of difficulties of a club in his electorate. However, the minimum age was selected because it is the age below which no child can be held responsible in law for his actions. As the Bill requires that the person riding a mini bike shall be held responsible if he breaks any rules and it is impracticable in law to hold a child under eight years of age responsible for his actions, it would be inappropriate to allow people under that age to use these vehicles. Any child of seven will not have long to wait before he is old enough to meet the requirements of the Bill.

The honorable member for Greensborough asked whether the Bill meant that additional third-party insurance would have to be taken out by members of a club in his electorate which already insists on the mini bikes being covered by third-party insurance. The answer is, "No". To be registered, a motor cycle must have third-party coverage and it would therefore comply with the requirements of the club so, obviously, there would be no duplication.

The honorable member for Essendon referred to letters in which the Essendon and Broadmeadows city councils stated that there was nothing in the Bill which empowered council officers to police its provisions. That is so. The reason is that the provisions which enable municipalities to police these activities are contained in clause 6 of the Land Conservation (Vehicle Control) Act which was enacted in the spring sessional period. I will examine the suggestion that registration fees should be paid to councils towards providing areas for the use of these vehicles. However, it is not expected that a great deal of money will be available from the fee charged. In fact, the cost of registering a vehicle may be more than the $3 specified in the Bill. Under other legislation, there is a sports and recreation fund from which councils may obtain assistance. I am prepared to examine the possibility of money from registration fees being made available to that fund so that it can eventually find its way into the facilities.

The honorable member for Gippsland East was critical of the measure generally, and his principal criticism revolved around the fact that the Bill does nothing to control the use of these vehicles on private land, such as farms and similar properties. That control will be exercised under the provisions of the companion Act, the Land Conservation (Vehicle Control) Act and it is inappropriate that it also should be provided for in this Bill.

Mr. B. J. EVANS.—That refers only to Forests Commission land and Crown land.

Mr. MEAGHER.—I refer the honorable member to that Act which provides that any municipal council may make by-laws to regulate and control the use of these vehicles on any land within the municipality. I interpret that to include private land.

I assure the honorable member for Preston that this is not a window-dressing Bill as he feared and that, like the previous Act, the proposed Act will be proclaimed as soon as the necessary machinery can be put into operation to make it effective. Amongst other things it will be necessary to prepare special number plates, papers and documents. If I have not covered any point raised by any honorable member, I hope that he will raise it when the appropriate clause is before the Committee.

Mr. BIRRELL (Geelong).—I seek some elucidation of the definition of "public place". I have a particular

case in mind and I should like to know whether, where an area of land under the control of, for instance, the Housing Commission, is used by all and sundry to ride mini bikes, it would be covered by paragraph (c) of the definition which refers to any open place to which the public is permitted to have access.

Mr. WILTON (Broadmeadows).—I do not want to be too technical but the definition of recreation vehicle states that it includes a vehicle propelled by internal combustion, steam, gas, oil, electricity, or any other power. I seek an assurance that "any other power" does not include human power. It would be ridiculous if a bicycle came under the provisions of the Bill.

Mr. B. J. EVANS (Gippsland East).—The definitions in clause 2, particularly that of "public place", are clumsy and sloppy. As I suggested earlier, they provide great scope for lawyers to increase their earnings. "Public place" includes any bridge, footway, footpath, court, alley, passage, or thoroughfare open to or used by the public. There are further definitions but it is provided that a highway is not included.

I have obtained the common law definition of a highway. According to "*Words and Phrases Legally Defined*", which is available in the Library—I do not know who publishes it—a highway is a way over which all members of the public are entitled to pass and re-pass and, conversely, every piece of land which is subject to that public right of passage is a highway or part of a highway.

In case it is said that that definition cannot apply because the Bill provides that the definition must be taken from the Motor Car Act, I point out that that Act provides that "highway" means any street, road, lane, bridge, thoroughfare, or place open to or used by the public for passage of vehicles.

The Bill provides that a thoroughfare may be used, but not a highway, and the Motor Car Act states that a highway is a thoroughfare. Who will make decisions on this? The term "highway" is qualified in the Motor Car Act by the words "used by the public for passage with vehicles". Does that mean that the footpath is not part of a highway because it is not constructed for use by vehicles? Therefore, can people with these recreational vehicles register them and use them on footpaths because they are not part of a highway as defined in the Act? It might be said that immediately persons use these vehicles on the footpath, the footpaths will become parts of the highway.

If that argument were used, I should again refer to the definition in the Act which states that a highway means any bridge, street, thoroughfare or place open to and used by the public. Once people start using these vehicles on footpaths, the footpaths automatically become highways under the Motor Car Act. The Minister cannot have it both ways and he must resolve the position one way or the other. Are these vehicles to be allowed to use footpaths, which are not parts of highways, so that they will become a menace to people walking on the footpaths? If they are used in other public areas, once they become defined as vehicles under this Bill, those open areas will become thoroughfares as defined under the Motor Car Act. That point must be sorted out before the Bill is passed.

Mr. BILLING (Heatherton).—I wish to refer to paragraphs (*b*) and (*c*) of the definition of "public place" which relate to—

(*b*) any park garden reserve or other place of public recreation or resort;

(*c*) any open place to which the public, whether upon or without payment for admittance have or are permitted to have access.

I raise the position of a golf course which is controlled by a golf club on private property and to which members of the public—not always members of the club—are admitted to play golf. These persons may pay green fees. Like some members of this House, they may be ageing and need to use a golf buggy which is motor driven. This vehicle is a mini bike which has been modified and has three wheels. It can chug along at from 5 to 10 miles an hour, and the elderly gentleman or lady who wishes to play golf can ride 2 or 3 miles around the golf course instead of walking. I seek clarification because of inquiries put to me by persons in the Heatherton electorate where there are situated some of the finest golf courses in the world. This electorate does not consist only of sand pits. I ask the Minister whether he can assure these people that they will not have to register their motorized three-wheeled vehicles, and also that under clause 13 they will not be obliged to wear crash helmets. I am not being supercritical of the Bill but am exercising my right as the representative of the Heatherton electorate.

The ACTING CHAIRMAN (Mr. Stokes).—Order! I remind the honorable member that the Committee is dealing with clause 2.

Mr. BILLING.—With respect, I point out that other members have been permitted to expound on the definition of a public place.

Mr. B. J. EVANS.—That is in clause 2.

Mr. BILLING.—That is so, and I respect the Chair's ruling, but this is the only opportunity I have of putting forward representations made to me by a large number of people who are apprehensive that golf courses may be included in the definition of a public place. Like other honorable members, I seek clarification on behalf of the constituents whom I have the privilege of representing. I ask the Minister to satisfy my inquiry on behalf of these people concerning this modified type of vehicle and also on the definition of a public place as it relates to a private golf course which may come under paragraph (c) of the definition of "public place". I also seek information about the registration of these vehicles and the wearing of crash helmets.

Mr. MEAGHER (Chief Secretary).—I shall deal with the problem of the honorable member for Heatherton first. I take it that his problem is the use of a golf buggy on a golf course by golfers moving around the course. I direct his attention to the definition of "recreation vehicles", paragraph (c) of which relates to—

> a vehicle of a type specified by Order of the Governor in Council published in the *Government Gazette* and the Governor in Council may at any time in like manner revoke amend or vary any such order.

A golf buggy can easily be exempted by such an Order in Council and certainly will be attended to.

The honorable members for Geelong and Gippsland East both referred to paragraph (c) of the definition of "public place". I shall take the easy one first. The honorable member for Geelong inquired whether or not a landscaped area in a Housing Commission estate would be a public place. I say that it would be because the definition includes "any open place to which the public, whether upon or without payment for admittance, have or are permitted to have access". Therefore, it is a public place.

The honorable member for Gippsland East gave the Committee a rather involved legalistic dissertation on the various meanings of thoroughfare, highway, footpath, and so on. I point out to the honorable member that the parent Act, the Motor Car Act, as a whole provides that anyone who drives a motor vehicle on a public highway, road, etc, as defined in the Act shall have full registration, third-party insurance, and so on. This Bill provides only for those vehicles which are not required to have that type of registration. It is conceivable that in some areas, such as parks, there is a

thoroughfare in the form of a track, road, or footpath crossing the park, with access at each end, which could be regarded as a thoroughfare. One sees notices announcing "No thoroughfare" and so on.

Mr. WILKES.—Such as Caulfield racecourse.

Mr. MEAGHER.—That is so. Therefore, the word was included on the advice of Parliamentary Counsel as being necessary, and the advice I have is that it does not in any way create the type of conflict which the honorable member fears. I am quite happy that that definition means what it says.

The only other question I have to answer is from the honorable member for Broadmeadows who wished to be assured that pushbikes were not included. I assure the honorable member that they are not. The word "power" in this context certainly does not include human power.

Mr. WILTON (Broadmeadows).—I am grateful for the Chief Secretary's assurance, but does he rely on paragraph (c) of the definition of "recreation vehicle" or on the fact that no court of law would conceivably interpret the meaning of "recreation vehicle" as including a pushbike? The definition of "recreation vehicle" is stated to mean a vehicle propelled by internal combustion, steam, gas, oil, electricity or "any other power". Will the honorable gentleman assure me that the Governor in Council will exempt pushbikes, or does he consider that no court would interpret the words "any other power" as embracing human power?

Mr. MEAGHER (Chief Secretary).—I assure the honorable member that I am relying on the wording of the Act and the context in which that wording occurs. The context is that it is part of the Motor Car Act, which specifically refers only to motor-driven vehicles of some sort. In this context, the power referred to is obviously mechanical power and not human power. If any doubt should arise at any time or if there should be any disputation, I would readily overcome it by obtaining an appropriate Order in Council.

Mr. FELL (Greensborough).—In the second-reading debate I raised the question of third-party insurance on recreation vehicles. I pointed out that the Diamond Valley Mini Motor Cycle Club has a group, all-encompassing third-party insurance scheme which applies to all vehicles entering upon the property of the Diamond Valley track. I gather that under this legislation each vehicle will be required to take out a separate third-party insurance cover, which will render the all-encompassing policy of the club obsolete. This will be a financial burden on the club. I seek clarification on that point.

Mr. MEAGHER (Chief Secretary).—I suggest to the honorable member for Greensborough that instead of causing a financial burden to the club it will save it the cost of the premium on its policy.

The clause was agreed to, as were clauses 3 to 14.

Clause 15, providing, *inter alia*—

(1) A person under the age of 15 years shall not drive in a public place a recreation vehicle—

(*a*) with two or three wheels and an engine capacity of more than 70 cubic centimetres;

Mr. MEAGHER (Chief Secretary).—In accordance with my earlier statement, I move—

That, in paragraph (*a*) of sub-clause (1), the expression "70" be omitted with the view of inserting the expression "80".

This amendment increases the cubic centimetres in accordance with the survey which was carried out.

Mr. FELL (Greensborough).—The point I raised earlier has not been adequately answered. I seek the Minister's approval to increase the number of cubic centimetres because I point out that the Australian produced cheaper variety of mini bike is rated at 125 cubic centimetres. The expensive machines cost $250 or more, are foreign made, and have a rating within

that requirement, but machines which cost $100 to $150 have a capacity greater than 80 cubic centimetres. By this amendment the Minister will force a number of people who cannot afford the expensive machines into sacrificing their cheaper bikes and having to obtain machines which, although they have a smaller capacity, are more expensive. Many people cannot afford that loss. I ask the Minister to comment on it.

Mr. MEAGHER (Chief Secretary).—In conjunction with the motor cycle traders association, from which I accepted advice, the police motor cycle experts and a number of other sources, I examined this problem carefully. I concluded that the cheaper vehicles to which the honorable members referred—135 cubic centimetre engines—are usually made up from motor mower engines and are regarded by the police as relatively unsafe. Having examined the problem in the light of the best advice I could obtain, I am satisfied that 80 cubic centimetres is adequate and that figure should be adhered to.

The amendment was agreed to.

Mr. KIRKWOOD (Preston).—Most mini bikes with an engine capacity of under 80 cubic centimeters are not manufactured in Australia. It is an unfortunate trend in the industry that local manufacturers cannot derive any benefit from the sale of mini bikes; in fact, they will probably lose the market they hold at present. If in the next few months the manufacturers and the Chief Secretary examine the local industry with this in mind, it may be possible to effect some improvement in this situation.

The clause, as amended, was adopted.

Clause 16 (Reckless or dangerous driving).

Mr. KIRKWOOD (Preston).—Having examined the prescribed penalties for various offences, there is no avenue whereby a severe penalty can be imposed for repeated misdemeanours in public parks. In later clauses in the Bill, heavier penalties are provided for second offences. The right to deregister those who have committed repeated offences should be written into the proposed legislation.

Mr. MEAGHER (Chief Secretary).—In considering the penalties for the types of offences under the Bill, I sought not to be too harsh on children. It would be possible to increase the penalties substantially and to escalate them for repeated offences, as is being done with another piece of legislation, but at this stage a simple penalty will suffice in the hope that the offenders will learn a lesson. If further action becomes necessary later, the question will be examined.

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

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

DECENTRALIZED INDUSTRY (HOUSING) BILL.

The debate (adjourned from March 28) on the motion of Mr. Meagher (Chief Secretary) for the second reading of this Bill was resumed.

Mr. EDMUNDS (Moonee Ponds).—This Bill, to establish the Decentralized Industry Housing Authority, has been introduced by the Government in the dying hours of the sessional period, for the express purpose of enhancing the policy speech of the Liberal Party and for no other purpose. This type of measure is unnecessary in the legislative programme because there is ample evidence that the provisions of the Bill already exist in the Housing Act. The Housing Commission and the Government, through its policy on the Housing Commission, can provide the type of accommodation envisaged in the Bill for persons whom they wish to encourage to go into country areas as employees of industry.

The first indication the public had of this measure was when the Government announced that it would build houses for executives in

country areas to boost decentralization. It was claimed that the scheme would also apply to technicians whose income places them outside the help of the Housing Commission. This provision, which is specifically spelt out in the Housing Act, has been practised for many years by different Governments to encourage industries to go into country areas and to provide accommodation for their employees. The Opposition is anxious to learn where the money will be obtained for this proposal. I know the Chief Secretary is in an embarrassing position in regard to this matter because his colleague in another place said that a minimum of $3 million would be available annually for this purpose.

If the Government builds houses valued at $25,000 for executives in industry, out of the amount of $3 million that will be available, approximately 120 houses will be built. To date no such need has been exhibited in respect to decentralized industry. It is a fallacy to say that industry and boards of directors would not decide to go into a country town because they could not provide accommodation for their executives, leading hands and managers. The provision of accommodation is the least of their considerations when deciding where to locate an industry. If it is a principal consideration, it is now possible to provide this type of accommodation under the Housing Act. For the benefit of the Minister of Labour and Industry, who has some doubts about this matter, I refer to the Housing Act, paragraph (*d*) of sub-section (1) of section 5 of which empowers the Housing Commission to do these things and assist the development of land for housing and related purposes. The Act prescribes the functions of the Housing Commission, and paragraph (*j*) of sub-section (2) of section 5 prescribes the class or classes of persons for whom houses should be provided and the proper limitations to be placed on the power to provide houses.

In the Bill before the House, the proposed authority will be vested with certain powers, which are the same as powers vested in the Housing Commission under the Housing Act. The authority will be empowered to subdivide and re-subdivide any land purchased or acquired, to sell, let or lease any land; to exchange any unimproved land; to grant to or create in favour of any person any easement over land vested in the authority; to enter into arrangements and agreements with any public authority in relation to the provision of works; to make loans for the provision of houses for persons employed in any country industry, and so on. All these actions will be assisted by the expertise of the Housing Commission. The Bill is a duplicate of the Teacher Housing Authority Bill. The Housing Commission and its employees are involved in providing the necessary technical knowledge to make that a viable proposition. A similar situation will apply to the proposed Decentralized Industry Housing Authority.

The Government will provide beneficial terms for individuals under the proposed housing scheme. Of course, certain conditions in respect to housing their executives will be imposed on industries which go into country towns. No indication has been given of the source of the money that will be needed or in what area it will be provided.

The Chief Secretary, in his second-reading speech, said—

> It is contemplated that the authority would require a minimum of $3 million annually for this purpose.

It is important to know where this money is to come from. In this financial year the Housing Commission will construct 400 fewer homes than it constructed in the past financial year. That information has been gleaned from questions asked in this House during the past weeks. That is the first point that honorable members should remember.

The second is that there are 14,500 low-income earners in Victoria whose names are on waiting lists for public housing. The Opposition would like to know whether the funds are to come out of the allocations made by the State Government and the Federal Government to provide homes for people who are in necessitous circumstances and who are desirous of obtaining this type of accommodation. The Opposition is not against the concept of encouraging industry into country towns. The principle seems to be one which a responsible Labor Government would offer to the community generally.

Mr. I. W. SMITH.—Where would you find one of those?

Mr. EDMUNDS.—After 19th May there will be one. It seems to the Opposition that the crux of the matter is as stated by the Country Party in its critique on the proposition contained in this measure. In a press article the Country Party contended that the proposal was vague and wondered how it would be financed because the Government had yet to decide whether the houses would be for rental, leasehold or freehold purchase. The Leader of the Country Party in another place stated that Housing Commission funds were not sufficient to support the proposal.

The Government should reply to the Opposition on these telling matters and refute the suggestion that the Bill is merely election propaganda which will probably not be implemented in the unlikely event that the Government is returned to office after 19th May. If it is, the Government will have to find the $3 million that it intends to spend, and before it did that it would need to think seriously about the problem.

I have been informed by people who are responsible for helping with the printing of our daily newspapers that this measure first saw the light of day in a Bill proposed by the Minister for State Development and Decentralization. The Minister raised the subject in Cabinet and there was a fight over it because there was disagreement about whether the Minister of Housing or the Minister for State Development and Decentralization should have the authority to build houses for executives encouraged to move to the country. Finally the Government decided that the Minister of Housing should have the responsibility.

Mr. ROSS-EDWARDS.—How was the vote divided?

Mr. EDMUNDS.—There is no informed comment on the vote, but I am reliably informed that a most tense and heated discussion took place on which Minister should be responsible. It is known in financial circles that the State Savings Bank has money available for decentralization purposes. This fact has not been commonly bandied about, but it was the intention of the Government at election time to use some of the reserves of the State Savings Bank for this purpose. This was indicated in the second-reading speech, but now the money has to be carved up because some has to go to the proposed Decentralized Industry Housing Authority and some to the Minister for State Development and Decentralization who has all the good publicity arrangements working for him.

I return to the principal point of concern to the Opposition. For many years Housing Commission dwellings in the metropolitan area have been allocated only to applicants whose incomes have not exceeded a certain figure. However, it has been the policy of the commission to build homes for employees of industries established in rural areas. There are advantages and disadvantages in this policy of the Government, but it has worked effectively.

This measure is no more than a public relations exercise, about which there will be much publicity during the election campaign. Unless the Government is honest enough to say where the funds are to come from, the public will reject the proposition and decide that it will not endorse

the Government's decentralization plan. The Labor Party is well aware that the State needs to be decentralized and that people should be encouraged to leave the metropolitan area and move to urban areas, country towns and satellite cities. Country town regeneration needs to be done honestly.

Evidence that this Bill is only a public relations exercise was published in the *Herald* of 30th March, 1973. In an article on the development of towns it was stated that the Government intended to develop twelve named country towns. These centres were to be dormitory towns for low-income earners. The Government proposes that people receiving an income of $80 or less are to be encouraged to live in these towns, which will be located 35 to 40 miles from the fringe of the metropolitan area. The people will travel to the city or to the outer fringes of the metropolis to engage in their employment.

Mr. BIRRELL.—By mini bikes on the highway?

Mr. EDMUNDS.—No, on trains. They could not afford vehicles of their own because their income is less than $80 a week. On the one hand the Government is prepared to support a proposition such as that. On the other hand it is prepared to put into effect a scheme under which $3 million of public money a year will be spent on the construction of 120 homes each valued at approximately $25,000. The expertise of the Housing Commission will be used for this purpose.

Two points emerge which need answering. First, where is the $3 million to come from? Is it to come from the reserves held by the State Savings Bank? If so, under what arrangements? Secondly, if the expertise of the Housing Commission is to be utilized—the Chief Secretary knows the point I am about to make because it is no trouble to appoint three new executive officers to administer the proposed Decentralized Industry Housing Authority—how many additional officers does the Government intend to appoint to assist the Housing Commission to expand, thus ensuring that the principles outlined in this measure are fulfilled? As the Opposition understands the present position the Housing Commission has many difficulties concerning the work-load of employees.

Consideration has to be given to the activities of the Teacher Housing Authority. Now there is to be a third leg in this all-encompassing Ministry. The Government should be honest and state its intentions and how it proposes to achieve them.

The Opposition does not oppose the measure as it believes it is a step forward towards the decentralization of industry. It is known that the Country Party will support this proposal because it has already said as much in the press. However, there still remains the doubt about where the money is to come from. The Government has a duty to inform the community on this aspect.

Mr. ROSS-EDWARDS (Leader of the Country Party).—The Country Party supports and will vote for this measure because basically it should help to provide more houses in country Victoria. The Bill establishes a framework under which the Country Party hopes the aims of the measure will be achieved. For many years the Country Party has said that housing is the basic key to decentralization in Victoria. I have been informing Cabinet Ministers publicly for five years whenever they have visited the electorate I represent that housing is the key. Over the years 1,100 houses have been constructed in my home city of Shepparton but there is still an eighteen-month delay in house construction. The position has not eased in the past four or five years. That has been the extent of the success of the Government's housing policy. I have referred to only one centre—Shepparton—but I am sure honorable members who represent country electorates can speak about their own areas. In my area there are towns such as

Wodonga, Wangaratta and Yarrawonga to which industries have been attracted but employees are not willing to go to those centres because there is a housing shortage.

The same position applies to the Teacher Housing Authority. One of the greatest inhibitors to the providing of a satisfactory education for country children is the lack of teachers. This is brought about by a teacher being posted to a country centre in January and having no idea where he is to live. He may have three, four or five children and, not knowing where he will live, he will leave the teaching profession. This has happened in the past and has resulted in the number and quality of teachers declining in country Victoria. The Government has not tackled the problem of housing teachers in country areas.

The honorable member for Moonee Ponds mentioned that in the metropolitan newspapers last Friday there appeared a statement about the establishment of dormitory towns. It was rather frightening to read the statement because suddenly the Government, for obvious reasons, has decided to drop the high-rise flat projects and expand its housing construction programme outwards.

Mr. MEAGHER.—I announced that three years ago.

Mr. ROSS-EDWARDS.—That is right, but it was only announced in the newspaper last week. The Government has decided it has to place people somewhere and the plan is to put them 30 or 40 miles from the city. The Country Party has no objection to the normal building-up of small towns within a 45-mile radius of Melbourne but objects to large-scale construction of Housing Commission houses in those towns. If the Government is to have decentralization, it has to take people 150 to 200 miles away, not 35 to 40 miles away. If the scheme to establish these people in dormitory towns gains momentum Victoria will face greater problems with transport and pollution.

Mr. KIRKWOOD.—Would the Leader of the Country Party direct people to go to the country?

Mr. ROSS-EDWARDS.—The Country Party would not direct people but would encourage people. The provision of housing is one way in which a Government can encourage people to move to the country. If the honorable member proposes the question as an indirect form of direction, the Country Party would go along with him on that point. People have to be encouraged to move into the country. One means of encouragement is the provision of housing, together with providing suitable education and employment.

The finance for the new authority is to come from the State Savings Bank. This proposition was explained in the Minister's second-reading notes. The Country Party applauds the Government's policy for making this move. However, in the eighteen years that this Government has been in office why has it not used State Savings Bank finance for the construction of Housing Commission houses in Victoria? Why has such a decision been made only now? I do not mean this as a criticism of the Bill, but I presume that the State Savings Bank is currently lending much money for housing, farming, industry and private purposes. Now, a change is being made in the percentage of money for this proposed Decentralized Industry Housing Authority. The money must come from some source and I am hoping that the percentages for normal housing advances will not be changed. It is of no use saying that the provision of finance for the proposed authority will reduce the amount of money available for housing because every year the State Savings Bank is by far the greatest lender for housing. Provided that this $3 million will be a percentage increase over past housing loans, I applaud the move. It will satisfy me and no doubt my colleagues.

Mr. BIRRELL.—$3 million is only a drop in the ocean.

Mr. ROSS-EDWARDS.—I do not want to criticize the amount as being a drop in the ocean.

Mr. BIRRELL.—The bank has lent $100 million this year for housing.

Mr. ROSS-EDWARDS.—I know and I applaud the bank's policy of lending money to home owners. The Country Party believes that people should own their own homes. The higher the percentage of home owners, the more we will be satisfied. I agree with the Minister of Water Supply that it encourages better citizenship. I do not say that the man who rents his home is a worse citizen, but it is an encouragement if a person can acquire his own home, make his own alterations and undertake his own maintenance works.

The Chief Secretary informs me that the $3 million will be additional. If the bank had loaned $100 million last year, I would not be happy with only $103 million this year. If the $100 million represents 20 per cent of its lending, I should like to be sure that the amount this year will be 20 per cent plus $3 million. I want to be sure that the amount is additional, otherwise the money will be merely taken from some other field of house lending.

In many ways this measure is complementary to the Victorian Development Corporation Bill. It is extraordinary that both measures should have been introduced in the last few days of this Parliament following eighteen years of Liberal Party Government in Victoria. The Government must agree that these matters have been stressed by the Country Party and at times by the Opposition. The Country Party has been unceasing in its efforts to induce the Government to tackle State development and decentralization and to build up some of the delightful rural towns and cities in Victoria. The Liberal Party Government has created the problems facing Melbourne today.

As I said earlier, the members of the Liberal Party who represent country electorates have a lot to answer for in country Victoria. They have had the opportunity of tackling the problem and it is beyond my comprehension how any country member could stand back and watch Victoria develop as it has over the past eighteen years. If I serve no other purpose in this House, I intend to make sure that something positive is done about decentralization. This Bill sets up a framework and the Victorian Development Corporation Bill will provide a further framework.

It is extraordinary that during the last fortnight of the Parliament the Government should make this last desperate throw to secure votes in country areas. However, the Government will still be defeated and the changes to be made will depend on the next Government. I do not have an overwhelming confidence in the Opposition. I know what the Labor Party's electoral support is in country Victoria and I am not too confident that it will be able to put up a better performance than the present Government has over the past eighteen years.

Country people will be cynical about the legislation. They are hopeful that perhaps some members of the Government, under the new leadership, are now beginning to think that they have done the wrong thing and that they should now make some effort to rectify the fault. I am inclined to think that the main reason for the Government's action is not that it wants to do anything for country Victoria but the fact that life is becoming so miserable and so depressed as the metropolitan area heads for a population of 5·5 million to 6 million people by the turn of the century. Despite this negative attitude, so long as the Government does something for decentralization, it will have our support. Whichever party forms the Government after the State elections, the Country Party will use its numbers decisively to ensure that this legislation is acted upon.

Mr. AMOS (Morwell).—This Bill is another note in the swan song of the Government's dying hours. During the past fortnight, the Government has introduced a number of measures which it contends will bring about great changes in Victoria. After eighteen years of Liberal Party Government in this State, the Government is at last prepared to admit that it faces a crisis in country Victoria. The Government is prepared to entertain the need for a Parliamentary Commissioner in this State. It is also prepared to admit that there is a housing crisis in many country towns.

Leading the swan song are Tweedledum and Tweedledee in another place in the persons of the Minister of Housing and the Minister for State Development and Decentralization. They are trying to outdo one another in their statements to the press and in their submissions to the Cabinet for presentation to Parliament.

This particular Bill is an attempt by the Government to confuse the public of Victoria into believing that at last the Government is trying to do something for decentralization. The measure provides for $3 million to be spent on housing for personnel in decentralized industries. I ask honorable members to calculate how many homes can be provided from this money when it is remembered that the proposal is to provide executive-type houses for key personnel. Executive-type housing costs far more than the average 2 bedroom or 3-bedroom Housing Commission home that is now being built throughout the State.

All honorable members are aware that for some time the Housing Commission has been providing housing for employees of decentralized industries. The Leader of the Country Party knows this. In the Latrobe Valley, I can say with certainty that applications from employees of decentralized industries have received top priority.

Mr. ROSS-EDWARDS.—What happened to the others; have they gone down the list?

Mr. AMOS.—That is so because applications from decentralized industries have been placed at the top of the list. Why is there this need to confuse the public by saying that $3 million will be provided to alleviate the problems when in fact it will not do so? The Leader of the Country Party spoke of housing in country areas as being one of the keys to decentralization. Honorable members have seen other parts of the State where industry has required further employees and housing for them.

Mr. ROSS-EDWARDS.—They are not all key employees, though.

Mr. AMOS.—That is so. In other country areas, industries would establish themselves if housing were available for their employees. Again the requirement is not just key personnel but all their employees. As the honorable member for Moonee Ponds pointed out, housing for employees is already covered by the provisions of the Housing Act. I cannot see how this measure will alleviate the problem.

In the Latrobe Valley, there was the reverse situation of an abundance of housing because of a fall-off in industrial growth. With the number of vacant houses in Housing Commission estates, the commission embarked upon the undesirable practice of recruiting single parent families from all over Victoria to move into the Latrobe Valley. Accordingly, 2-bedroom and 3-bedroom homes are being occupied by single parent families from the metropolitan area who desired immediate housing in the Latrobe Valley rather than wait three or four years for a flat in the metropolis. I am not denying single parents the right to a home, but I question the Government's policy which has brought about this situation in a key area of the State. With the fall-off in industrial development, the Housing Commission was embarrassed by having hundreds of empty houses.

In other parts of the State centres such as Shepparton and Hamilton are crying out for housing for employees, whether they be key personnel or the average employee who keeps the factory operating.

I support the honorable member for Moonee Ponds and the Leader of the Country Party in doubting the sincerity of the Government in introducing the measure in the dying stages of the session after some eighteen years of Liberal Party Government when both the Opposition and the Country Party have repeatedly stressed the need for this type of housing in country areas and the need for housing for the lower income group. The Bill was introduced only last week and the debate was adjourned for one week. Last week the Government also introduced the Victorian Development Corporation Bill. The honorable member for Moonee Ponds has already indicated that there has been a dispute in the Cabinet on whether Tweedledum or Tweedledee—the Minister of Housing or the Minister for State Development and Decentralization—was to include this provision in the legislation that was brought forward. About six months ago the Minister for State Development and Decentralization was stomping around the countryside saying that things would be much better, that new incentives would be given and that meaningful legislation would be introduced to encourage decentralization of industry.

I remind honorable members of the promises made by the Government prior to the 1970 election campaign. One was the establishment of the Teacher Housing Authority. If honorable members examine the press releases and newspaper reports at that time by the then Minister of Housing and the then Premier they will see that the Government's answer to the housing of teachers in country areas was the establishment of the Teacher Housing Authority. That was three years ago.

Mr. ROSS-EDWARDS.—The $3 million proposed for the Decentralized Industry Housing Authority should go to the Teacher Housing Authority.

Mr. AMOS.—That would be a good idea. The same position prevails in Victoria today as existed three years ago. Therefore, one is entitled to doubt the sincerity of the Government which just before the election introduces a Bill similar to the measure under which the Teacher Housing Authority was established. The only difference is that its purpose is to provide houses for key industrial personnel. If by some unfortunate chance the Government is returned at the elections the Decentralized Industry Housing Authority will be in the same position as the Teacher Housing Authority now finds itself in.

I have faith in the people of Victoria and they will not be fooled by this measure. They have seen this sham before and they are fed up with the inactivity of the Government. The die has been cast and the time has now come for Victoria to enter a new era.

Mr. BIRRELL (Geelong).—If Governments are not doing something they are criticized and if they are doing something they are still criticized. The verbal garbage that honorable members have heard tonight is an example of what the House has had to put up with for some time. The present Government is making things happen. A series of measures has been passed by the House in the past twelve months and this Bill is only one of the series. However, it is probably the most important Bill to go through the House in that time.

I have a great deal to do with an organization in Geelong which had a meeting at 10 a.m. today in the Geelong City Hall with a Minister from another place. The key to the development of country areas is the building of housing. Although it may be argued that a new authority was not specifically necessary to

build homes for decentralized industry it could also be argued that it was. The drive for an increase in the changeover of industry from Melbourne to country Victoria demands a more specific system under which an inquirer can obtain all the information he wants from one source and can obtain information on getting a whole estate and not just one house. One problem in the supply of houses for decentralized industries has always been that under the Commonwealth-State Housing Agreement finance is made available only for houses for people in the low-income bracket.

Mr. KIRKWOOD.—That is because Government supporters do not pay those people enough.

Mr. BIRRELL.—The honorable member has a large chip on his shoulder. Many people who are vital to the work force of a decentralized industry earn more than $80 a week and therefore do not qualify for a Housing Commission home. It is these important people who will be assisted by the authority proposed in the Bill. For more months than I can remember—it is probably several years—a promotion committee in Geelong, in discussing decentralization, has always said that there is a need outside the Commonwealth-State Housing Agreement to provide housing in decentralized areas for people earning more than $80 a week. The culmination of all these pressures has been the introduction of the Bill to establish the new authority. When an industry wants to go to a country area it can approach the proposed authority and obtain its housing requirements. In addition to the apportionment of houses between city and country under the Commonwealth-State Housing Agreement, there will be an additional source of funds for housing in country areas.

The State Savings Bank of Victoria will not bat an eyelid when it advances $3 million a year to the authority. There may be some occasions when State Savings Bank finance is static and the provision of $3 million a year to the authority will mean that fewer houses can be built under the Crédit Foncier scheme, but at the moment the State Savings Bank is embarrassed by its increasing balances. Its lending programme is increasing by $10 million a year. I do not know the specific figure it has budgeted for this year but as a guess I would say $100 million will go through the Crédit Foncier scheme. Therefore, the $3 million that will be advanced as the first instalment to get the proposed authority off the ground is pin money. The bank will not notice it passing out of the front door.

I have always considered that the State Savings Bank could be used in many ways to assist development in Victoria. I have certain ideas along those lines but the Government does not go all the way with my thinking. What is proposed in the Bill is a step in the right direction and if the Government was not taking action like this members of the Opposition would ask why the Government was not acting. The proposed Victorian Development Corporation and the Decentralized Industry Housing Authority will make a big difference in the current drive to get industry out of Melbourne and into the country. Geelong will be one area that will receive some benefits from the passing of the Bill.

Mr. E. W. LEWIS (Dundas).—The Australian Labor Party supports this Bill. I should like to congratulate the Hamilton City Council for the part it played in the introduction of the measure. The day the Premier was last in Hamilton the Mayor of Hamilton expressed his concern at the lack of housing in country towns. Next day there was a meeting of the Liberal Party at Leongatha or Korumburra and a new policy was devised. That is the policy now being debated—a policy to provide executive houses for key personnel in decentralized industries. In Hamilton three years ago there were 300 houses on the market. On Friday I

looked for a house for a woman with five children who had been flooded out. One child was suffering from bronchitis. All I could find for this family was a house full of fleas for $18 a week and another house for $30 a week. However, this woman had an income of only $30 a week.

The Hamilton City Council has done a good job in providing amenities and has taken action which has led to the construction of four new factories in the city in which between 200 and 300 people are employed.

Mr. TREWIN.—The honorable member has stirred things up since he was elected.

Mr. E. W. LEWIS.—I do not claim credit for everything that has happened, but I have assisted the mayor, his active council and the chamber of commerce in encouraging industry to Hamilton. We have achieved results despite the inaction of this lazy Government. The Hamilton City Council has shamed the Government into introducing this Bill and I am proud to represent the council in this Chamber.

Mr. BIRRELL.—The poor, weak Opposition is one of the real problems.

Mr. E. W. LEWIS.—That is an amazing statement because during the term of my predecessor not one factory was built in Hamilton. That was because he prevented development in the area. I know that the introduction of the Bill is necessary, but it is purely an election gimmick six weeks before the election. It is not an honest measure. I hope and pray the Government will not be in office after the next election because if it is it will not implement this legislation. The Bill is purely window dressing for the election campaign.

Mr. KIRKWOOD.—The interest of the Government party in the Bill is demonstrated by the fact that there are only six members on that side of the Chamber.

Mr. E. W. LEWIS.—That is so. The Leader of the Country Party has said that 250 houses are needed in Shepparton. They have been needed for years and they will still be needed after this Bill has been passed because this Government is not fair dinkum. Shepparton is a developing city and has housing problems. I hope the incoming Government, irrespective of its political colour, will introduce a viable scheme to provide houses in country areas.

Recently an industry was opened in Hamilton by the Minister for State Development and Decentralization. Today, because of the improvement in the economy as a result of the efforts of the present Federal Government, that industry can choose its orders. It is manufacturing parts for motor car engines and it could double its work force immediately if it could get five houses. It has also been said that seventeen houses will be built in Hamilton by the end of the year. I do not know whether the Government will honour its promise and provide these houses for Hamilton because my faith in the ability of the Government to honour its promises has dwindled since I became a member of this House. If this company could employ five additional tradesmen it could double its work force in Hamilton and this would mean that an additional 35 people would be employed in a decentralized industry.

The key to decentralization is housing and the Government has failed to provide this in the past. The Government should be ashamed of its efforts in this field. I understand that the measure provides for only $3 million. More money will have to be provided if the growth of Melbourne is to be halted. I appreciate that this is a start. If the Government does not honour its promises, I shall be the first to tell it. There is an argument between the State and Federal Governments. Quite honestly, the Federal Government is correct. There are

people in need of rented homes and there are also people in need of houses to buy. I want houses and jobs for people. The Hamilton City Council and its active mayor have been able to provide jobs for people. The only reason I support the Bill is because it makes provision for housing but I doubt whether the Government will deliver the goods.

Mr. WHITING (Mildura).—This evening several reasons have been advanced for the introduction of this measure. The debate has proceeded at length and I should like to know whether my representations had anything to do with the introduction of the measure. On 30th November, 1972, the Develop Mildura Council wrote to me with the idea of promoting development in that city. This organization is under the authority of the Mildura City Council. Its chairman is Councillor K. I. Wright and its secretary Mrs. C. N. Brown. The Develop Mildura Council requested that executive housing be provided for industries in country centres. On 1st December, 1972, I wrote to the Minister of Housing as follows:—

On behalf of the Develop Mildura Council I wish to raise the matter of the provision of executive type housing by your commission.

In view of the increased industrial development planned throughout the State the suggestion is made that this type of housing should be provided for staff employed by decentralized industries. This would require, I believe, the erection of homes of about 18 squares, costing in the vicinity of $20.000.

This would have the effect of keeping satisfactory executive staff in the country centres. They would need to be available on a rental basis as the majority of these people do not wish to purchase a home when their permancy is not fully guaranteed.

I appreciate that this would be a major change in commission policy but would be pleased if you would investigate the suggestion and advise me accordingly.

Subsequently, on 5th December, 1972, I received the following letter from the Minister:—

I wish to acknowledge your personal representations of the 1st December, 1972, on behalf of the Develop Mildura Council, regarding a suggested proposal that the homes constructed to provide housing for staff employed by decentralized industries be of high calibre.

I shall discuss this matter with the Housing Commission and will advise you of the outcome of these discussions in due course.

The next thing that happened was the press release stating that this type of proposal was to be proceeded with. I have not as yet received a reply from the Minister on the outcome of his discussions. Therefore, I am in the dark as to whether my representations had anything to do with the measure.

As my Leader said, members of the Country Party are supporting the measure, but I assure honorable members that we will be watching its progress with much interest. It will be a great shame if the legislation is placed on the statute-book and left there to rot and die, never to be resurrected. It will need a vigorous Minister to administer this proposal. It is breaking completely new ground in Victoria and the Country Party will support the measure if it is proceeded with on this basis. It is essential that country districts should have every possible type of housing to encourage industry to move there and develop.

Mr. TREZISE (Geelong North).—All parties and all members are concerned to provide more commission homes for as many people as possible. Although there is a limited amount of finance for the provision of commission homes in Victoria, it is ridiculous that during the reign of the present Government the Housing Commission has paid millions of dollars to private estate agents to collect rents from commission tenants when it would be more convenient for those people to pay their rents at the local Housing Commission office.

Mr. MACLELLAN.—How much would it cost the commission offices?

Mr. TREZISE.—It would cost nothing in Geelong. I will refer to the Geelong area alone for a start and quote the figures presently. In recent years in Geelong the majority of

homes have been built in the Corio estate. The Corio estate has a large Housing Commission office with a staff of approximately fifteen. The rents are collected by the commission in that area but people who are paying their homes off in the vicinity are forced to pass the Housing Commission door, travel 6 miles by bus to Geelong and make their payments at a private estate agent's office. When new homes are completed the people are told that they cannot pick up their keys at the local office which is alongside the homes but must get them from the private estate agent in the middle of the city. People go to the private estate agent's office, receive their keys over the counter and the private estate agent collects approximately $8,000 a year for this service. People are being forced to travel 6 or 7 miles from their homes when they should be able to make their payments at the local Housing Commission office.

The DEPUTY SPEAKER (Sir Edgar Tanner).—Order! The debate is getting wide of the mark. The Bill is to establish a Decentralized Industry Housing Authority.

Mr. TREZISE.—The Bill provides for an amount of $3 million from the State Savings Bank. I contend that the Housing Commission has the finance to utilize if it is directed in the right way. If the people who pay the private estate agents fall behind in their payments, it is not the duty of these agents to collect the back payments on which they are receiving commission; the Housing Commission officers tell these people to pay up or else. The commission gives away millions of dollars to private estate agents for no valid reason. I challenge the Chief Secretary, who was formerly Minister of Housing, to explain why in places like the Latrobe Valley and Geelong people are compelled to make payments away from the Housing Commission office and why the Government in this way supports private enterprise.

Mr. MEAGHER (Chief Secretary).—On a point of order, I shall be delighted to enter into a long discussion with the honorable member on these matters but they are completely irrelevant to the measure before the House.

The DEPUTY SPEAKER (Sir Edgar Tanner).—The Minister's point of order is upheld.

Mr. CURNOW (Kara Kara).—Over the past three weeks I have become sick and tired of this Government, which is in its dying stages, bringing in politically orientated Bills. The Bill which is supposedly to provide housing for persons employed in country industry is nothing more than window dressing. Why this cannot be done under the present Housing Act is beyond me. I point out that there is not a need for housing for technical executives in country areas. The need is for the workers. Approximately two weeks ago I approached the Minister of Housing, the Honorable V. O. Dickie, M.L.C., regarding three key personnel for the Maryborough Knitting Mill.

Mr. MACLELLAN.—Were they workers?

Mr. CURNOW.—Of course they were workers, you mug.

The DEPUTY SPEAKER (Sir Edgar Tanner).—Order! I would prefer the honorable member not to use that term.

Mr. CURNOW.—These men operated knitting machines. They were technical staff. I strongly suggested to the Minister of Housing that he should provide three houses in Maryborough for these people who were to be brought from Melbourne. The Minister of Housing, in his usual suave manner, said, "What about the people in Maryborough who are desperately waiting for housing? These people who already work there are in poor accommodation and need housing". The honorable gentleman almost made me cry and I said, "Yes I think you are right; we had better look after them first". I broke down. This happened on a Wednesday night. The following Tuesday

on the front page of the *Maryborough Advertiser* I saw under a headline "Quick Action" that the member representing Bendigo Province in another place, the Honorable F. J. Granter had spoken to the Minister of Housing about getting a house for a key employee at Phelans Industries. The Minister of Housing had agreed immediately. If that has not political overtones, I do not know what has. I have a great deal of sympathy for the case presented by the representative of the Bendigo Province but the fact remains that if it is good for one it is good for another. If that honorable member wants to desert the people of Maryborough who have been on the waiting list for six months, he can do so and I will make it known to the people of Maryborough. I have women and workers who are already in Maryborough approaching me weekly for commission homes because of their desperate accommodation situation. The Minister of Housing and the member for Bendigo Province in another place have deserted the workers of Maryborough. I shall do everything possible to make this fact known.

The Bill is supposed to help these people but at best it will provide 120 houses at $25,000 each for executives, or if they can be built for $10,000, 300 houses will be provided. The housing authority could put 300 houses in Wodonga immediately. What will happen to places such as Maryborough, Castlemaine, Wangaratta, Shepparton and all the other places that are desperately trying to expand and get assistance from the Government in the form of aids to decentralized industries when they are confronted with election propaganda such as this? The sum of $3 million is being promised from sources such as the State Savings Bank through the Victorian Development Corporation. It cannot be denied that this measure is a window-dressing exercise by the Government.

The Government's record in the development of housing in country areas is lamentable. Since I have been a member of Parliament, not one Housing Commission home has been built in my electorate, and it is only because of recent representations that houses are to be built at Donald, St. Arnaud and Maryborough. I shall inform the House about the number of houses which are to be built in those towns. Ten will be built in Donald, although it deserves 30; 5 will be built in St. Arnaud, although it needs about 20; and 7 will be built in Maryborough, which needs 50. In Maryborough there are immediate jobs available for 200 women, but the only way in which it will be possible to fill those vacancies is by attracting a number of male industries to the town. It is impossible to get men there because there are no vacant house available.

On a smaller scale the same situation obtains at St. Arnaud, where no houses are available for rental. There is almost full employment in the town, yet only five additional houses have been promised. Public servants alone will fill those five houses; indeed, teachers at St. Arnaud, and in other areas, live as far as 16 miles from their place of employment.

An abattoir has been established at Donald since 1971. Although, it recently commenced operations, it was forced to stand down fifteen men because of the high price of stock. These have been absorbed again. This is because the abattoir pays its employees realistic wages. The killings which are now taking place are larger than ever before.

Notwithstanding an employment crisis, there are at least 30 families which require houses at Donald, but the Government has promised only ten. How does the window dressing which is being attempted by the Government in enacting this proposed legislation reconcile with the real need for housing in country

towns? The Bill contains nothing but political overtones. It has been introduced in the dying hours of the Parliament, and is simply a part of the Government's election campaign. It will have no effect on the problem of housing to assist decentralized industry. Following the elections, the Labor Government will really come to grips with the problem of providing houses to assist decentralized industries.

Mr. MACLELLAN (Gippsland West).—The honorable member for Kara Kara has just described this measure as being nothing more than a Bill which carries political overtones, and every argument advanced by members of the Opposition would lead the House to believe that they oppose the grant of $3 million for housing. I do not understand how any member of the House could not but approve of the fact that this amount of money is to be made available for the construction of houses to encourage decentralized industry in the State.

The Leader of the Country Party was clear in his support of the Bill, and members on the Government side of the House are equally clear in their support of it. It cannot be denied that $3 million is better than nothing. Indeed, it is twice as much as the $1·5 million high-interest loan offered to Victoria which members of the Opposition claimed would be the cure-all of Victorian housing problems.

The Commonwealth Government recently advanced $1·5 million which had to be expended before the end of June. The honorable member for Moonee Ponds has debated that subject at length in this House, and the grant was attended by much publicity.

Mr. EDMUNDS (Moonee Ponds).—I rise to a point of order, Mr. Deputy Speaker. I do not wish to stop the honorable member for Gippsland West in full flight but in the case of the honorable member for Geelong North you ruled that he should speak to the Bill. The honorable member for Gippsland West is talking about loan funds made available for this State to provide homes for rental by people on low incomes, and that has nothing to do with the Bill which is now under consideration and which deals with the establishment of a Decentralized Industry Housing Authority.

The DEPUTY SPEAKER (Sir Edgar Tanner).—I think I should allow the honorable member for Gippsland West time to develop his argument.

Mr. MACLELLAN (Gippsland West).—I should not like to adopt an attitude which would call upon you to rule that I am out of order, Mr. Deputy Speaker. I have referred to the figure of $1·5 million purely as a means of comparing the seriousness of the approach which has been adopted by the Victorian Government and the public relations approach of the Federal Labor Government to housing in Victoria. On any fair comparison, it is clear that this Government is twice as serious and twice as effective as is the Federal Labor Government in providing housing in this State.

Any member of Parliament representing a country electorate who does not welcome the proposals contained in this measure is mad. I hope some of this money is spent in my electorate. I also hope some of the money is used to provide increasing employment opportunities in my electorate as well as to improve housing standards.

On the one hand, the honorable member for Morwell suggests that there is an impact situation—that in his area there is too much housing to cater for the industry that he can attract to it. On the other hand, the Leader of the Country Party has said that there is a shortage of housing in his area, so that he has to try to have more houses built there. I am sure he will be successful.

We are all faced with balancing problems — in some areas there are too many people seeking houses and in others there are too many houses and not enough job opportunities. I point out that the honorable members in another place to whom the honorable member for Morwell so sneeringly referred are engaged in a battle to bring housing, development and job opportunities to country areas.

It is to be noted that the honorable member for Morwell occasionally turns sour when Government proposals prove to be successful. The provisions of this measure do not represent merely electoral promises. The Bill contains factual proposals, and it should be accepted by the Parliament. It does not suit honorable members who are soon to face elections to talk about realities rather than promises. That is particularly true of the Labor Party, which holds the belief that 300 houses can be built for $1·5 million. I remind honorable members that the Government does not propose to build lock-up holiday homes for the people; it intends to build fully completed homes. The Federal Minister for Housing has seriously misjudged the problem that exists in this State.

Under this Bill an amount of $3 million is to be provided for housing. It must be welcomed by all honorable members as must the developments which will flow from it. In spite of what so many Jeremiahs have said, I believe all members representing country areas know that this $3 million is not something which is being delivered by some Federal Santa Claus flying over the Dandenong Ranges in a Cessna aircraft.

Mr. TREWIN (Benalla).—I welcome the measure. No honorable member could do anything else, having regard to the money which is to be provided for housing. There are several sources of finance available for housing. The Housing Commission was established while a Country Party Government was in office. The co-operative housing societies which have played such a tremendous part in providing housing in Victoria were also established then. The Teacher Housing Authority was established two years ago to relieve the situation in a particular area. This Bill will provide a further source of finance for housing in rural areas and, as one who represents a rural electorate, I support it. The sum of $3 million will not go far because of the high cost of land and building construction, but the Country Party welcomes new money being made available for housing in the country.

All honorable members are concerned about who shall obtain these houses. People with a certain income have the opportunity of obtaining houses through the Housing Commission. The co-operative housing societies provide homes for many other people and private enterprise can, to its heart's content, build houses suitable for people with adequate finance to buy or rent them. Some areas of housing needs are not catered for. No mention has been made of it, but the housing needs of another industry have not received consideration. I refer to the primary industry which is the greatest decentralized industry in the State.

People in this industry must obtain housing loans which are not always available at low interest rates. This is a great disadvantage to persons rebuilding old homes or building new homes on farming properties, and so on. They deserve some consideration in the future as they have had to battle along without much assistance.

The opportunity to make more finance available for housing in country areas must be accepted so that industries in rural cities and towns will be able to keep their employees by providing them with housing which gives them satisfaction and contentment. I welcome the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Interpretation).

Mr. EDMUNDS (Moonee Ponds).—During the second-reading debate, many honorable members spoke of the needs of housing in their electorates. The honorable member for Geelong spoke at some length of that city's promotion council which had stressed the need for housing in the area. I point out to honorable members that on Tuesday, 27th March, I was supplied with a long-awaited answer to a question on housing needs. The answer gave a detailed breakdown of country towns and regional areas and the waiting periods for commission accommodation.

One of the first places mentioned was Ballarat. In what the commission regards as the Ballarat area, 87 persons are waiting for accommodation. There is a six-months' wait for a house, a six-months' wait for accommodation for pensioner couples, and a nine-months' wait for lone person accommodation. All honorable members should be aware of the difficulties people have in obtaining houses provided by the commission, yet the Government has presented this Bill to provide executive houses.

At Donald, which is in the area represented by the honorable member for Kara Kara, 23 families are waiting for accommodation, and the waiting time is nine months. The honorable member for Geelong spoke at some length of the need for executive housing in the area he represents but, in Geelong, 617 people are waiting for Housing Commission accommodation. There is a waiting time of two years for lone person or Darby and Joan accommodation, and eighteen months for a conventional house. In Frankston, which is in the electorate represented by the Chief Secretary, 350 families are waiting for accommodation. These figures were easily obtainable but were not provided until the Opposition asked for them.

If I may use the current political slogan of the Liberal Party, I point out that Hamer may make it happen in many ways, but he must stand condemned for having made this happen. In Hamilton, 75 families are waiting for accommodation. The honorable member for Dundas wanted five or six houses to be built there but was unable to arrange for them. As I understand the position, the honorable member for Gippsland West was allowed considerable liberty in his remarks on the Bill but he did not mention that, in Korumburra, which is an important centre within his electorate, fifteen families are waiting for accommodation. I do not know how he will refer to that in his electioneering. Those people must wait for six months for a commission house.

In Maryborough, one of the main centres within the electorate of Kara Kara, 45 families are waiting for accommodation. The honorable member for Kara Kara met difficulty in his attempt to arrange for one house to be made available, but an honorable member representing the province which encompasses Maryborough in another place was able to arrange for one within a couple of days. At Mildura, which is represented by the Deputy Leader of the Country Party, 127 families are waiting for accommodation, and they will wait for up to fifteen months for a house. At St. Arnaud, which is also within the electorate of Kara Kara, ten families are waiting for accommodation.

This Bill is designed to provide housing for the purposes which were referred to at length during the second-reading stage, but the Government should give due consideration to the details relating to people on low incomes who have been waiting for conventional Housing Commission accommodation for long periods.

The clause was verbally amended, and, as amended, was adopted, as were the remaining clauses.

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

OMBUDSMAN BILL.

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

Discussion was resumed of clause 3, providing, *inter alia*—

(1) There shall be appointed a Commissioner for Administrative Investigations, to be called the Ombudsman.

(2) The Ombudsman shall be appointed by the Governor in Council and shall hold office in accordance with this Act.

Mr. JONES (Melbourne).—The first amendment I propose to the Committee is to sub-clause (1). I move—

That, in sub-clause (1), after the word " a " the word " Parliamentary " be inserted.

If the amendment is accepted the sub-clause will read—

There shall be appointed a Parliamentary Commissioner for Administrative Investigations, to be called the Ombudsman.

It is quite significant that of all the Acts I have seen in connection with the appointment of Ombudsmen — certainly those written in the English language — this is the only one in which the word "Parliamentary" is not included. It is significant that it is not there. Obviously, as will appear from later clauses in the Bill, the intention is that this shall be an Executive appointment; it shall be an appointment by the Executive acting on behalf of the Parliament—*in loco parentis*. But it is not the appointment of the Parliament and it is not a Parliamentary Commissioner.

I should correct something that I said in the debate this afternoon in which I was in error. I had thought that the West Australian provision was for the Parliamentary Commissioner to be appointed by a vote of both Houses, and I imagined that such was the case in South Australia. I was wrong in those cases. They are appointments by the Executive, but after a moment's reflection I remembered what I should have thought of before. Of course, they are Government appointments in South Australia and Western Australia. Why? Because the Labor Governments are in a hopeless state of minority in the Legislative Councils of those two States. The result is that if there were a joint vote of both Houses in those States along political lines, which I regard as a highly undesirable situation, the successful nominee would be the nominee of the Opposition.

After 19th May, when the Attorney-General is not here any more and members of the present Opposition are on the Government side of the Chamber——

The ACTING CHAIRMAN (Mr. A. T. Evans).—Order! I draw the honorable member's attention to the fact that he is not relating his remarks to the amendment which proposes the insertion of the word " Parliamentary " after the word " a " in sub-clause (1). Some of the honorable member's comments may be related to his second amendment.

Mr. JONES.—I bow to your ruling, Mr. Acting Chairman, but I point out respectfully that in the concept of being a Parliamentary Commissioner the one word " Parliamentary " makes a profound difference. If I can just round off with this sentence I shall not persist along those lines. I was just going to say that after 19th May, if a Labor Government assumes office, and if this Bill is passed as drafted, what will happen if we announce to a startled House that the Government has appointed Mr. Bill Hartley as the Ombudsman for Victoria? I am just suggesting a nominee of undoubted experience who might not necessarily get the numbers if there was a vote of both Houses but who nevertheless could be appointed by the Governor in Council on the recommendation of his responsible Ministers even though the Government had a majority in only one House.

I put that point to the Committee, that although it might suit a Government which believes it will be returned and will be in office for ever, to appoint a Parliamentary Commissioner, which means a commissioner of the Government's point of view, it may have to realize that it is putting a loaded gun into the hands of a party of a different political complexion.

In Western Australian and in South Australia the term "Parliamentary Commissioner" is a misnomer. It is a misnomer if the Parliament does not make the decision. Honorable members should not be bemused by the lateness of the hour into ignoring the importance of this matter. If the Government wants a Parliamentary Commissioner he ought to be a commissioner appointed by members of Parliament. It is extraordinary that honorable members have got so far out of the habit of trusting themselves to make decisions that the all-important decisions are made by the Ministry behind closed doors. We accept that and take it for granted. On too many occasions we are inclined to say, "No, we could not be trusted to do it in the proper manner; it is much better to get the Ministers to make their own decision and then drop it on the House."

The omission of the word "Parliamentary" from this Bill is enormously significant. That one word changes the whole nature of it. The honorable member for Bennettswood earlier said, in effect, that he might not exactly be a Parliamentary Commissioner the way in which he is appointed, but after he is appointed he will act as Parliament's man. We all hope that will be the case, but I believe as a Parliament we ought to be prepared to exercise the prerogatives involved in appointing the officer. Because I believe most profoundly that he has to be an officer of this Parliament and not an officer of the Executive, I call on honorable members to support me by inserting the word "Parliamentary" before the word "Commissioner".

Sir GEORGE REID (Attorney-General).—The Government does not accept the amendment proposed by the honorable member for Melbourne. I have given careful consideration to this and the subsequent amendments that he proposes to clause 3. The matter was carefully considered when the Bill was drafted. The amendments suggested by the honorable member may be read together. He suggests that the Ombudsman should be appointed by Parliament. The honorable member has to look at the practicalities of the situation because a body of the size of this Parliament or, as he suggests, a joint sitting of the Houses, could not discuss the question of the appointment of an Ombudsman unless a name were first submitted by some person to the House. I should think the Government of the day would seek nominees and would have to make some sort of selection. The practicalities of the matter demand that the appointment should be made by the Governor in Council.

The use of the term "Parliamentary Commissioner", was also carefully considered, and the Government decided that the Ombudsman should occupy an office where he is under the control of Parliament in various ways; Parliament makes rules for his guidance; he has to report to Parliament. The Bill provides that various committees of the Parliament may appoint him as an investigating officer, and if it comes to a question of his removal he shall be removed by Parliament.

The whole objective of the Bill—I believe it is based on the study of other Acts and their administration in other countries—is that the Ombudsman should be an independent authority, although being under the control of Parliament; he should be an entirely independent entity—independent of the Executive, the judiciary and Parliament. For that reason, I do not propose to agree to the honorable member's proposal that the title should be changed, although I

listened with interest and attention to the honorable member's observations.

The amendment was negatived.

Mr. JONES (Melbourne).—I move—

That sub-clause (2) be omitted with the view of inserting the following sub-clauses:—

"( ) The Ombudsman shall be appointed by the Governor on the recommendation of a joint sitting of both Houses of Parliament and shall hold office in accordance with this Act.

( ) The recommendation for the appointment of the Ombudsman shall be made in the first sesson of every Parliament. Every person appointed as Ombudsman may be re-appointed by each successive Parliament".

I listened with interest to what the Attorney-General said, which again echoed what the honorable member for Bennettswood said earlier, in effect. "Once he is appointed, fellows, he is yours. Up to the matter of appointment he is ours; he is the nominee of the Executive." What concerns me is that ever since the beginning of this century there has been a steady erosion of the role of the Parliamentary aspect of our democratic process and a great increase in the power of the Administration. Under this Bill, the Ombudsman will be appointed in the same way as Executive appointments are made, and in the view of the Opposition that makes him in a sense part of the bureaucracy.

Mr. MACLELLAN.—The same as the judges.

Mr. JONES.—In the case which the honorable member for Gippsland West raised, judges are part of an entirely different element of our system of government. As the honorable member would well know, there is a long-established tradition of judicial independence which has not always been free of criticism in various quasi-political areas such as the High Court.

Mr. MACLELLAN.—We do not make those appointments. Confine it to the Supreme Court.

Mr. JONES.—No, in the case of judicial appointments, the judiciary operates in its own way, and once a judge is appointed, he does not have to report back constantly, other than by means of the judges' annual reports to Parliament. It is a completely autonomous, independent part of the system of government.

Mr. GINIFER.—He does not have to be reappointed every three years.

Mr. JONES.—The role of the Parliamentary Commissioner is that he is an agent of the Parliament. That is the whole concept of the Ombudsman.

Mr. MACLELLAN.—That is your concept.

Mr. JONES.—No, it is the universal concept of the Ombudsman.

Mr. MACLELLAN.—Not in Western Australia or South Australia.

Mr. JONES.—In Western Australia the reasons for not having a Parliamentary appointment are entirely political. It is a matter of party politics. There are 20 members in the Opposition and 10 in the Government in the West Australian Legislative Council. In the South Australian Legislative Council the Government is also in the minority; there are fourteen Opposition members to six members of the Government. Neither Government wants joint sittings.

The ACTING CHAIRMAN (Mr. A. T. Evans).—There are far too many interjections from both sides of the House. I ask that the Committee hear the honorable member in silence, and I invite the honorable member to ignore the interjections.

Mr. JONES.—The job of a Parliamentary Commissioner is too important to be entrusted to the dominant party of the day in the lower House of the Parliament. It should be a broad Parliamentary responsibility and one that honorable members are prepared to accept. It is extraordinary to hear the horror stories suggested by members, both in and out of the Chamber, about the way we carry on. If we had to make the decision ourselves, there would be

no difficulty in reaching a consensus of opinion, particularly in view of the fact that after the next State election there will be no one party in control of the other Chamber. There would need to be a consensus of the leadership of the three major parties. I cannot see anything objectionable about that.

The position in New Zealand, Norway, Denmark, Sweden and Finland is correct because the Ombudsman is to be an agent of the Parliament. I believe that from triennium to triennium the Ombudsman would normally be reappointed in the same way as Sir Guy Powles has been re-elected in New Zealand. The type of argument that has been advanced tonight, even by the Attorney-General about the difficulties involved in securing the appointment of an Ombudsman, would seem fanciful in New Zealand. I cannot believe that the appointment of Sir Guy Powles as the Ombudsman in New Zealand is so extraordinary and that he is in a unique position of such intellectual and moral dominance that his was the only unquestioned appointment and that it was impossible to get anyone else of comparable skills. This seems extremely unlikely.

The Parliament should at least examine the proposal, because if an Ombudsman were appointed at the age of 45 years—he could still be in the prime of life—in fifteen years' time he would still be a long way from retiring, but after five Parliaments have passed there may be only a handful of the people representing the Parliament which originally appointed him. The Ombudsman would not act completely independently of Parliament; he would report back to Parliament. He would be a Parliamentary agent.

Mr. WHITING.—He can be dismissed by the Parliament.

Mr. JONES.—I suggest, as the late Honorable J. R. Hanan suggested in his second-reading speech in the New Zealand House of Representatives on this issue, that a different series of criteria is available to dismiss somebody. Such a person would be dismissed normally either for malfeasance or complete incompetence. I am not suggesting that. There may be a man appointed as Ombudsman who will, in a sense, be in mid-career. One can imagine somebody like—taking the example of a person out of Victoria now—Professor Zelman Cowen. He has been the head of the law school at the University of Melbourne, and later the Vice-Chancellor of the university. One could envisage such a man on a High Court Bench or perhaps as an ambassador. For a period of three years he could well be available to take on the role of an Ombudsman. Members of the Opposition are not so besotted with the principle of continuity in this Parliament that we suggest a lifetime tenure for ourselves.

Mr. WHITING.—That is a new idea.

Mr. JONES.—This is part of the Parliamentary process, the aim of which is to strengthen the Parliamentary wing of government against the Executive, but what in fact we have is the Executive making the decision and we tamely accept it and say that is all right. All this Bill is doing is appealing from Caesar to Caesar.

One of the most touching parts of the Bill is that the Ombudsman is to be sworn in by the Speaker of the Assembly. That is very nice. I can imagine the scene. The Ombudsman is left waiting behind the curtains and perhaps the Attorney-General might even introduce him and say, "Here you are, honorable members, we have picked him for you, but we do not want you to feel left out entirely. You can watch the swearing in, that is your part of it, and from there on he is yours but do not ever suggest that you have any part in naming him. No. We do that in the Executive Council".

Mr. ROSS-EDWARDS.—How could a party name him? Be practical about it.

Mr. JONES.—I am against a reproduction of the West Australian and South Australian situations.

Mr. ROSS-EDWARDS.—But the honorable member was wrong on one of those.

Mr. JONES.—I corrected myself on that. I always try to correct myself if I am wrong on a point of fact, and the honorable member knows that. Considering the proportion of factual material that I produce during debate, I should have thought my average was not too bad. Accordingly, I believe most firmly that Parliament ought to exercise its prerogatives in this matter. If it does, it can only confirm what I have certainly felt with a sinking feeling over the past few months and which honorable members with greater experience than mine have felt for some years, that honorable members in this place realize that the jig is up; we have already passed beyond the stage where we have an effective say in determining the Governments of the State, that the sole role of this Parliament and of this House in particular is to act as a kind of electoral college to certify the election results and say that as a result such and such a group of gentlemen constitute the Ministry and the Ministry from here on makes the decisions.

Mr. RAFFERTY.—Mr. Whitlam is in that situation.

Mr. JONES.—Mr. Whitlam is not quite in that situation.

The ACTING CHAIRMAN (Mr. A. T. Evans).—Order! I advise the honorable member to ignore the interjection.

Mr. JONES.—The Federal Government does not have a majority in both Houses. That means it is possible for Parliament to exercise a greater degree of control than when there is a majority in both Houses. We recognize this. I urge the Parliament, which has few enough privileges and which is very chary about exercising its own rights, to stand up on its hind legs and vote for the amendment because it at least suggests that Parliament acts as Parliaments have in New Zealand and Scandinavia to do something to restore the power of legislation as against the extraordinary degree of encroachment of the Administration. There will be only four Parliaments between 1973 and 1984.

Mr ROSS-EDWARDS.—The honorable member cannot be sure of that.

Mr. JONES.—Perhaps if there is a degree of political instability over the next few years, of which there was a warning a few months ago, there will be more Parliaments than that.

The ACTING CHAIRMAN (Mr. A. T. Evans).—Order! I advise the Leader of the Country Party that he will have sufficient opportunity later of joining the debate.

Mr. JONES.—In 1984 the skills required of an Ombudsman might be utterly different from the type of skills required in the 1970s. That is an important reason why there is much merit in considering short-term appointments. Someone might be appointed with the idea that he will be there until he attains the age of 72 years but that may not serve the office and I am sure will not serve the best interests of the Parliament.

Mr. WHITING (Mildura).—Honorable members have listened with keen interest to the honorable member for Melbourne in his dissertation on the amendment. Although I have sympathy with his point of view, and he has specifically excluded South Australia and Western Australia, this was the situation in New Zealand and it does not leave itself open to the type of situation that has developed in Western Australia and South Australia this year. The Country Party has discussed the amendment of the honorable member for Melbourne closely over the past two or three hours, and it has decided that there is an inbuilt safeguard in having the appointment of the Ombudsman made by the Governor in Council.

Mr. WILTON—Where is the safeguard in that?

Mr. WHITING.—The safeguard is that if the majority in another place was of a different political complexion to the Government of the day it would not be able adequately to influence the decision of who should be appointed as Ombudsman on a purely political basis.

Mr. WILTON.—If the Executive Council wanted a particular person it would leave no choice to the Parliament.

Mr. WHITING.—The people of the State elect the Executive Council and there cannot be a fairer way than that of making a decision on who shall inquire into the problems of the people of Victoria.

I cannot understand the fears that I sensed the honorable member for Melbourne holds that an Ombudsman appointed by the Governor in Council may not fairly carry out the job for which he is appointed. The honorable member seems to think this person will be coloured by the complexion of the Government of the day. I do not believe that for one moment, because the office is so far above party politics that this would not happen. For that reason, the Country Party cannot support the amendment moved by the honorable member for Melbourne.

Sir GEORGE REID (Attorney-General).—The Government does not accept the amendment moved by the honorable member for Melbourne. I do not propose to elaborate on the reasons. I have already sufficiently indicated them.

The Committee divided on the question that the sub-clause proposed by Mr. Jones to be omitted stand part of the clause (Sir Edgar Tanner in the chair)—

Ayes	38
Noes	19
Majority against the amendment ..	19

AYES.

Mr. Austin	Sir George Reid
Mr. Billing	Mr. Ross-Edwards
Mr. Birrell	Mr. Rossiter
Mr. Borthwick	Mr. Scanlan
Mr. Broad	Mr. Smith (*Bellarine*)
Mr. Burgin	Mr. Smith (*Warrnambool*)
Mr. Dunstan	Mr. Stephen
Mr. Evans (*Ballaarat North*)	Mr. Suggett
Mr. Evans (*Gippsland East*)	Mr. Taylor (*Balwyn*)
Mr. Guy	Mr. Templeton
Mr. Hamer	Mr. Thompson
Mr. Hayes	Mr. Trethewey
Mr. Jona	Mr. Trewin
Mr. Loxton	Mr. Whiting
Mr. McCabe	Mr. Wiltshire.
Mr. McDonald (*Rodney*)	
Mr. McLaren	
Mr. Meagher	*Tellers:*
Mr. Mitchell	Mr. Maclellan
Mr. Rafferty	Mr. Taylor
Mr. Reese	(*Gippsland South*).

NOES.

Mr. Amos	Mr. Lewis (*Portland*)
Mr. Curnow	Mr. Lind
Mr. Doube	Mr. Lovegrove
Mr. Edmunds	Mr. Shilton
Mr. Fell	Mr. Simmonds
Mr. Floyd	Mr. Wilkes
Mr. Ginifer	Mr. Wilton.
Mr. Jones	*Tellers:*
Mr. Kirkwood	Mr. Bornstein
Mr. Lewis (*Dundas*)	Mr. Fordham.

PAIRS.

Mr. Crellin	Mr. Trezise
Mr. Moss	Mr. Holding
Mr. Wilcox	Mr. Turnbull.

The clause was agreed to, as were clauses 4 to 11.

Clause 12—

The Ombudsman, the Acting Ombudsman and every officer of the Ombudsman shall not, without the consent of the Attorney-General, engage in any remunerative employment outside the duties of his office or his duties as such officer.

Sir GEORGE REID (Attorney-General).—I move—

That the words "Attorney-General" be omitted with the view of inserting the words "Governor in Council".

The clause as drafted requires the consent of the Attorney-General before the Ombudsman, the Acting Ombudsman or officers of the Ombudsman can engage in outside remunerative employment. As appointments to those positions are to be

made by the Governor in Council it is considered that the Governor in Council is the proper person to give the required consent. I believe the proposed amendment makes the measure consistent with similar legislation of this nature.

Mr. JONES (Melbourne).—The Opposition agrees that it is consistent with the remainder of the measure but if honorable members were in France and dealing with the *Conseil d'Etat* they would say "*Le plus le change, le plus la même chose*", because, although the form of the language is there, when the consent of the Governor in Council is required, in fact the Attorney-General will make the decision. That was the whole point of the exercise undertaken by the Opposition in moving the previous amendment.

Clause 10 provides that the Ombudsman shall be sworn in by the Speaker. One may think that the Ombudsman may well have to have the approval of the Speaker or of both the Speaker and the President, because if in fact the Ombudsman is to act as a Parliamentary Commissioner one would think his activities ought to be as an officer of the Parliament and not as an officer of the Executive. Nevertheless, the Opposition enthusiastically supports the amendment.

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

Clause 13, providing, *inter alia*—

(4) The Ombudsman shall not conduct an investigation in respect of any matter where it appears to him that—

unless the Ombudsman considers that in the particular circumstances—

. . . . . .

(*d*) the matter merits investigation in order to avoid injustice.

Sir GEORGE REID (Attorney-General).—I move—

That the following sub-clause be inserted to follow sub-clause (4) :—

"( ) The Ombudsman shall not investigate any matter with respect to persons who are or were in service under an authority so far as the matter relates to terms and conditions of employment (including matters relating to appointments promotions, removals pay discipline and superannuation, and other personnel matters) unless the Ombudsman considers that the matter merits investigation in order to avoid injustice".

This new sub-clause is inserted to ensure that in normal circumstances the Ombudsman will not be required to investigate personnel matters affecting people employed by various public institutions. However, this will not prevent the Ombudsman from making such an investigation if he feels an injustice has been done. It will still give to the Ombudsman a discretion similar to that which he has under another clause.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 14 and 15.

Clause 16, providing, *inter alia*—

(1) At any time—

(*a*) the Legislative Council or a committee of the Legislative Council;

(*b*) the Legislative Assembly or a committee of the Legislative Assembly; or

(*c*) a joint committee of both Houses of Parliament—

may refer to the Ombudsman for investigation and report any matter which that House or committee considers should be investigated by him.

Sir GEORGE REID (Attorney-General).—I move—

That, in sub-clause (1), after the word "matter", the words "other than a matter concerning a judicial proceeding" be inserted.

The scheme of the Bill is that an Ombudsman shall not review decisions of courts. This clause enables matters to be referred by committees of either House of Parliament or by joint committees of the Parliament to the Ombudsman for investigation. As worded, the clause would permit an Ombudsman to investigate a judicial decision. That is not the purpose of the Act.

Mr. JONES (Melbourne).—The Opposition believes this amendment is sensible because it stresses that the judiciary is a third branch of government or a two-and-a-half wing branch. The Opposition agrees that the judicial system should have

its own hierarchy and that it should be a system which may involve appeals to the High Court.

The amendment was agreed to, as was a verbal amendment, and the clause, as amended, was adopted, as were clauses 17 to 21.

Clause 22 was verbally amended, and, as amended, was adopted, as were clauses 23 to 26.

Clause 27, providing, *inter alia*—

(1) Where in the course of an investigation under this Act the question arises as to whether the Ombudsman has jurisdiction to conduct the investigation, the Ombudsman or the party subject to the investigation, may make an application to the Supreme Court for a determination of that question, and on the application the Court may make such order as it considers proper.

Sir GEORGE REID (Attorney-General).—I move—

That the following sub-clause be inserted to follow sub-clause (1) :—

" ( ) The Judges of the Supreme Court may make Rules for or with respect to applications under this section ".

This clause refers to an application being made by the Ombudsman, or the party who is the subject of the investigation, to the Supreme Court to ascertain whether the Ombudsman has jurisdiction. The Chief Justice has pointed out that it is desirable that judges of the Supreme Court should have the power to make rules in relation to such applications. That is the normal procedure.

Mr. WHITING (Mildura).—The Country Party supports the amendment. It believes the Supreme Court should have the right to make rules concerning applications of the type to which the Attorney-General has referred. As he is at present occupying the chair, as Acting Chairman of Committees, I take this opportunity of complimenting the honorable member for Balwyn for his services to the Parliament and the State during his membership of this House and trust that he will have a long and happy period of retirement. In making decisions in committee matters, he has acted firmly and fearlessly. His actions will keep his name in the minds of many members of the Parliament for many years. The honorable member has rendered outstanding service to the Parliament.

Mr. WILKES (Northcote).—I should like to echo the remarks of the Deputy Leader of the Country Party and extend the wish of the Opposition that the honorable member for Balwyn will enjoy a happy retirement. In your service as Acting Chairman of Committees, Sir, you have shown a degree of impartiality which has been very much appreciated by the Opposition and members of other parties who have served with you. No one can deny that you have rendered very valuable service to the Parliament in the long period of time that you have spent in this august Chamber.

Sir GEORGE REID (Attorney-General).—I sincerely agree with remarks made by the Deputy Leader of the Opposition and the Deputy Leader of the Country Party. The honorable member for Balwyn and I have had a long association in this House. As I reside in his constituency, I may say that I am happy that he is my local member of Parliament. During your career in this House you have discharged your duties excellently, Mr. Acting Chairman, and I pay tribute to your efforts as a member and chairman of Parliamentary committees of various kinds. Also, on behalf of the Government, I express the hope that you will enjoy a happy retirement.

Mr. A. T. EVANS (Ballaarat North).—It is fitting that the honorable member for Balwyn should be in his present position, namely, that of Acting Chairman of Committees. In the performance of his duty in this Committee, and as chairman of various Parliamentary committees, the honorable member has shown a strong determination to defend the rights of individuals, because he believes that is the purpose for which he has been elected. It is fitting that he should preside during the consideration of this important measure

in Committee. He has made a valuable contribution to democracy generally and to the affairs of this State.

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

Clause 28 (Letters by persons in custody etc. to be forwarded immediately to the Ombudsman).

Mr. JONES (Melbourne).—Members of the Opposition are pleased to see the clause in the Bill as it is one of the survivors of the Wilkes Bill of immortal memory—"Wilkes and Liberty" as we on this side of the Chamber say.

The clause provides that letters from persons in custody and so on must be forwarded directly to the Ombudsman and that withholding of any letters by persons in authority shall be regarded as an offence against the Act. The penalty for such offences in preventing the Ombudsman from carrying out his work is $1,000, which is quite substantial, but members of the Opposition are all for it. I congratulate the Attorney-General on persisting with this clause which is really one of the most important provisions of the Bill.

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

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

JOINT SITTING OF PARLIAMENT.

STATE COLLEGE OF VICTORIA: INTERIM SENATE.

The SPEAKER (Sir Vernon Christie).—I have received the following communication dated 4th April from the Minister of Education:—

Dear Sir Vernon,

It is necessary to establish an Interim Senate of the State College of Victoria during the next few months. Pursuant to section 45 sub-section (*a*) of the State College of Victoria Act 1972 a joint sitting is required in order to elect Parliamentary representatives.

Yours sincerely.
(L. H. S. THOMPSON).
Minister of Education.

I have also received a message from the Legislative Council acquaniting the Legislative Assembly that the Legislative Council has agreed to meet the Legislative Assembly for the purpose of sitting and voting together to choose three members of the Parliament of Victoria to be recommended for appointment to the Interim Senate of the State College of Victoria and requesting the Legislative Assembly to name the place and time of such meeting.

Mr. THOMPSON (Minister of Education).—I move—

That this House meet the Legislative Council for the purpose of sitting and voting together to choose three members of the Parliament of Victoria to be recommended for appointment to the Interim Senate of the State College of Victoria, and, as requested by the Legislative Council to name the place and time of such meeting, name the Legislative Assembly Chamber at a quarter-past Six o'clock on Tuesday next.

The motion was agreed to.

ADJOURNMENT.

SOCIAL WELFARE DEPARTMENT: REGIONAL OFFICE IN LATROBE VALLEY—EDUCATION DEPARTMENT: DISMISSAL OF TEACHER—MARINE RESEARCH INSTITUTE: ESTABLISHMENT—COUNTRY ROADS BOARD: INTERSECTION AT HEATHERTON—PORT OF PORTLAND: CARGO THROUGHPUT.

Mr. THOMPSON (Minister of Education).—I move—

That the House, at its rising, adjourn until tomorrow, at half-past Ten o'clock.

The motion was agreed to.

Mr. THOMPSON (Minister of Education).—I move—

That the House do now adjourn.

Mr. AMOS (Morwell).—During the latter part of the last sessional period, it was announced that the Social Welfare Department would establish a regional office in the Latrobe Valley. Discussions were held between officers of the department and municipal officers and other interested people in the Latrobe Valley. Discussions were also held between the Minister for Social Welfare, myself, and the

Minister for Fuel and Power, whose electorate also includes part of the Latrobe Valley, as to the siting of the office block. It was generally agreed that as Morwell was in the centre of the three principal towns, Moe, Morwell and Traralgon, it ought to be the headquarters for the Social Welfare Department's regional office. Moreover, because a need existed for services in the Moe-Newborough area, a sub-office ought to be established in that centre. A regional office has now become a reality and currently officers of the department are accommodated in a small inadequate office in the Shire of Morwell.

During the past week, there have been persistent rumours in the area that a decision was about to be made on the siting of the new office. It has come to my notice today that an announcement will be made in the near future. Because of the importance of siting the regional headquarters in Morwell, I request the Minister to make an announcement this evening on when construction of the new office complex will take place and where it will be situated.

Mr. TREWIN (Benalla).—I bring to the notice of the Minister of Education the fact that members of the Victorian Secondary Teachers Association in my electorate are concerned over the dismissal of a teacher named Mrs. Garner. I ask the Minister whether progress has been made in settling the difficulties surrounding this dismissal and whether the honorable gentleman can inform the House on the matter.

Mr. W. J. LEWIS (Portland).—I direct to the attention of the Premier and to the Minister for Conservation a matter which I raised some time ago. The Premier has stated that a new Marine Research Institute will be built in Victoria and I suggested that, in accordance with the Government's stated policy on decentralization, it should be built at Portland. The Minister for Conservation informed me that it would not be built there but close to Melbourne. Is the Government sincere in its attitude to decentralization? This provides a chance for the Government to show that it is genuine. I am informed that the Minister for Social Welfare will lead a deputation to the Premier on this subject and I hope it will receive a favourable answer. If the institute cannot be built at Portland, it should be constructed in the Western District, perhaps at Warrnambool or Port Fairy.

Mr. BILLING (Heatherton).—I direct a matter to the attention of the Minister representing the Minister for Local Government and also to the attention of the Minister of Lands. It relates to the acquisition of land for road widening by the Country Roads Board at the intersection of Kingston and Warrigal roads, Heatherton. The Heatherton Sanatorium and the Kingston Hospital for the Aged are both adjacent to this intersection. Over a period of two and a half years, representations have been made through the Moorabbin City Council by both of these institutions and they have forwarded copies of letters and so on to me.

The situation at the intersection is chaotic for most of the day. The Kingston centre has a large staff and a large number of elderly ambulatory patients who cross the roads. Traffic signals have been provided in Warrigal Road but the increase in the east and west traffic along Heatherton Road and Kingston Road, as well as that in Warrigal Road, makes it urgent that the intersection should receive further treatment. Dr. French, the Superintendent of the Heatherton Sanatorium, as well as the administrator of the Kingston centre, has pointed out that the problem is now affecting that centre as much traffic on Heatherton Road bypasses the intersection by traversing its grounds, thereby creating a bad traffic hazard and endangering the inmates. This could also be a matter for the Minister of Health.

I do not suggest that there has been no co-operation because a letter dated 25th January, 1973, from the City of Moorabbin stated, *inter alia* —

The Country Roads Board has just produced plans for a combined treatment of both Kingston Road and Bernard Street intersections with Warrigal Road. It is anticipated that Council will formally approve the plans, at its meeting on 5th February and notify the Country Roads Board accordingly.

The Country Roads Board will then request the Government for legislation and state that the Board will advise the Kingston Centre and the Melbourne and Metropolitan Board of Works of the proposal.

I appeal to the Minister concerned, particularly the Minister for Local Government, to arrange for the Country Roads Board to treat this construction as urgent, and put into effect the plans of the Minister of Lands for acquisition of land at the intersection so that the job can be done.

Mr. E. W. LEWIS (Dundas).—I direct attention to the need for urgent consideration of the crisis facing Portland. To some extent, the Commonwealth Government has solved the problems of the port but no action has been forthcoming from the State Government. The Minister for State Development and Decentralization and the Federal member for Wannon, Mr. Malcolm Fraser, over the last month or so, severely criticized, through all the media, the alleged lack of action by the Commonwealth. But, in one month, the Federal Government did much to help Portland.

The SPEAKER (Sir Vernon Christie).—Is this a matter of State administration?

Mr. E. W. LEWIS.—Yes, Mr. Speaker.

The SPEAKER.—I think the State should be appealed to.

Mr. E. W. LEWIS.—I appeal to the State Government to act as forcefully and as quickly as the Federal Government. Within one month, the Commonwealth Government brought about a reduction in the levy on the waterside labour force from 40 cents to 3 cents a man-hour. The levy was increased to $1.15 a man-hour on 5th March. Instead, it will now be 37 cents a man-hour less than it was under the administration of the previous Federal Government.

I challenge the Minister for State Development and Decentralization, and the Government, to act as quickly and effectively as the Commonwealth Government has done so that there will be a greater throughput of cargo at the port of Portland in which $30 million of the taxpayers' money has been invested. The Government should take effective action to ensure that this valuable asset is used to the full for the benefit of the whole State.

Mr. I. W. SMITH (Minister for Social Welfare).—I am sorry that the honorable member for Morwell was misled by rumour. However, he will be aware that there have been difficulties in acquiring temporary and long-term accommodation in the area. I am not in a position to make any announcement.

Mr. HAMER (Premier and Treasurer).—The honorable member for Portland raised the question of the site of the proposed Institute of Marine Research which is a project of the three Victorian universities, the Royal Melbourne Institute of Technology, the Royal Society, and the Fisheries and Wild Life Division of the Ministry for Conservation. I have had conversations with the Minister of Social Welfare about the possibility of the institute being located in the Warrnambool area. However, the choice of the sponsors of the institute is Portsea on part of the quarantine reserve presently occupied by the Commonwealth Government. At no time has it been proposed that the institute should be established in the Melbourne area. It must, of course, be somewhere on the seaboard and, in order to do its task effectively, according to the people who wish to carry it on, it needs to have access to both bay and estuary waters and the ocean.

That is the present situation. The Government is examining the position to ascertain whether it would be possible to locate it farther away from Melbourne, but I assure the honorable member it has never been intended that it should be located in the metropolitan area.

Mr. THOMPSON (Minister of Education).—The honorable member for Benalla raised the question of the dismissal of Mrs. Garner, a matter which was raised on the motion for the adjournment of the House last night by the honorable member for Melbourne. Mrs. Garner, a temporary high school teacher at Fitzroy High School was dismissed on 14th December, 1972, for giving two extraordinary lessons on sex, which could only be described as debasing, degrading and at times nauseating. The dismissal action of the Director-General of Education was taken following investigations by the principal of Fitzroy High School and the Assistant Director of Secondary Education and an interview with the Director of Secondary Education. The children concerned were pupils in form I. at Fitzroy High School and ranged in age from eleven to thirteen years. The official subject under instruction was ancient history.

A letter of complaint, in very strong terms protesting about the action of this teacher, was received from the secretary of the parents and citizens' association, and this letter requested the dismissal or resignation of the teacher concerned.

A detailed description of the lessons given appeared in a publication called *Digger*. Because of the terms used and the practices described, it is impossible for the daily newspapers to repeat this article, and for the same reason it is inappropriate for me to quote from that particular article in the House. There is a high percentage of migrant children in this area and the reaction of migrants was typified by the report of an Italian newspaper circulating in the district. The publication of 6th March stated—

> A 30-year-old teacher Mrs. Helen Garner, has been relieved of her charge by the Education Department for having illustrated and defended in two articles in a pornographic publication, her personal sexual aberrations and for two lessons which were held, in abuse of her trust and behind closed doors with extremely obscene demonstrations and terms to a mixed class of 29 students at 1st form level (aged 11-13) in Room No. 8. 1st floor of the Fitzroy High School.
>
> Mrs. Garner has among other things, impudently used the names of her Italian, Greek and Yugoslav students, in the article which describes her repulsive experiment under the pretext of sexual instruction. Not only this but she has sought to justify (balance, equate, lit. = barter) a stomach-turning description of perversions with the necessity of 'instructing the ignorant children of immigrants'.

The Government and the Education Department both favour sex instruction in schools at the right level and in the appropriate form, but both the Government and the department also consider that children, particularly of this age, should be protected from unauthorized instruction in sexual matters, and more particularly in perverted sexual practices.

With regard to the question of procedures, the Director-General of Education has on six occasions since August had discussions with the Victorian Secondary Teachers Association. I refer to the procedures for the dismissal of temporary teachers. The last of those discussions were held on 1st and 15th March, and further discussions are to be held tomorrow. Discussions have also been held with the High School Principals Association and the Victoria Teachers Union, both of which are interested in any procedural changes that might be adopted. It is of interest to note that there are some 8,700 temporary teachers in the department, and in 1972 only four were dismissed for unacceptable class-room activities.

In conclusion, the ironical aspect of the move of the Victorian Secondary Teachers Association in beginning a week's strike in protest against

Mrs. Garner's dismissal is that in recent times it has on a number of occasions organized strikes to keep out of high schools highly respected and well-trained primary teachers. On this occasion, it is endeavouring to organize a week-long strike protesting against the dismissal of a teacher who has committed a serious breach of professional ethics.

Mr. MEAGHER (Chief Secretary).—The matter raised by the honorable member for Heatherton will be discussed by me with the Road Safety and Traffic Authority in an attempt to solve the problem.

Mr. DUNSTAN (Minister of Public Works).—Regarding the matter raised by the honorable member for Dundas, it is well known — and it should be known to the honorable member — that it is because of considerable pressure over the past month by the State Government that the Commonwealth Government approached the Association of Employers of Waterside Labour which agreed to a reduction in this levy. This news is welcomed by every member of this House. The Premier wrote to the Prime Minister about this matter before the honorable member for Dundas knew that this added problem was faced by the port of Portland. Pressure was exerted by the State through the Premier to the Prime Minister, through myself as Minister responsible for the port, to the Association of Employers of Waterside Labor, through the Minister for State Development and Decentralization on whose behalf I am answering the accusation made, and finally through the Federal member for Wannon, who exposed the obstinacy of the Federal Minister for Labor in refusing to take on the Association of Employers of Waterside Labor about this matter.

The motion was agreed to.

The House adjourned at 12.18 a.m. (Thursday).

Legislative Council.

Thursday, April 5, 1973.

The PRESIDENT **(the Hon. R. W. Garrett)** took the chair at 11.28 a.m., and read the prayer.

DECENTRALIZED INDUSTRY (HOUSING) BILL.

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

CATTLE COMPENSATION BILL.

This Bill was received from the Assembly and, on the motion of Sir GILBERT CHANDLER (Minister of Agriculture), was read a first time.

PORT OF PORTLAND.

LEVY ON CARGO.

The Hon. C. A. MITCHELL (Western Province) asked the Minister for State Development and Decentralization—

(*a*) Will the Government subsidize the levy placed on the port of Portland by the Association of Employers of Waterside Labour until the problem is solved?

(*b*) Will the Government direct wheat and other produce from the hinterland of Portland through the port of Portland?

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization).—The answer is lengthy and I seek leave of the House to have it incorporated in *Hansard* without my reading it.

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

(*a*) Following the meeting held in my office on 23rd March, 1973, the Commonwealth was asked to take immediate action to solve this iniquitous and discriminatory levy at Portland. Then, following the support of all members of this House, for

which I thank you sincerely, my motion urging the Federal Government to take the necessary steps required to safeguard the future of this important decentralized Victorian port has obviously had the desired effect. On Wednesday the Federal Minister stated that he intended to recommend to the Federal Cabinet that a new levy be raised in all ports to guarantee the minimum wage in smaller ports, including Portland.

I would also like to inform the House that I have sent a telegram to the Minister requesting the Federal Government to suspend the discriminatory levy until the new system of financing guaranteed minimum wages for waterside workers is in operation.

(*b*) The State Development Committee is finalizing its report into the handling of all grains within Victoria, and its report is expected to be presented to the Government in the very near future.

Regarding other produce which should be shipped through the port, the honorable member is aware that at the meeting I called of all interested parties in my office on 23rd March last, I promised to establish a committee to investigate trade which could logically pass through the port of Portland.

A top level three-man committee has now been appointed with the following terms of reference. To inquire into:—

1. The present methods adopted by exporters and importers within the hinterland of the port of Portland in relation to the conveyance of goods by sea.
2. The advantages and disadvantages of the present methods in this regard.
3. Potential wool, freezer and general cargo trade which could be exported or imported through the port of Portland by means of:
   (*a*) Roll-on/roll-off vessels;
   (*b*) containers;
   (*c*) conventional vessels.
4. Economic requirements to enable the port to function as the seaboard terminal for the maritime trade of its hinterland.
5. Methods by which general cargo trade should be channelled to and from the port.
6. Any discriminations against the use of the port for the handling of wool, freezer and general cargo.
7. Any incentives or inducements deemed necessary to stabilize and/or increase the wool, freezer and general cargo trade through the port.
8. Any other matters which appear to the committee to be relevant to the inquiry.

MENTAL HEALTH AUTHORITY.

MENTALLY RETARDED CHILDREN.

The Hon. I. B. TRAYLING (Melbourne Province) asked the Minister of Housing, for the Minister of Health—

(*a*) How many retarded children, who are currently on the waiting list for admission to Mental Health Authority institutions, are solely in custodial care in public hospitals, Social Welfare Department institutions and private hospitals, respectively?

(*b*) Are those children taxing the resources of the institutions to an extent which is inhibiting their normal services?

(*c*) What is the Mental Health Authority's policy in relation to placing those children in the authority's institutions, as against children similarly in urgent need of placement who are living at home?

The Hon. V. O. DICKIE (Minister of Housing).—The answer supplied by the Minister of Health is—

(*a*) It is estimated that the numbers of children who are currently on the waiting list for admission to Mental Health Authority institutions, and are solely in custodial care, are as follows:—

(i) Public hospitals	28
(ii) Social Welfare Department institutions (includes those placed by that department in private institutions) ..	46
(iii) Private hospitals	26

(*b*) The Department of Health has no information upon which an appropriate answer could be based.

(*c*) The priority for admission of each individual case is considered in relation to:—

(i) Degree of family emotional, social or financial disturbance, if at home.

(ii) The extent to which the children may be interfering with the normal services of an institution, either singly or because of accumulated numbers.

(iii) The individual child's best interest.

COLAC TRAINING CENTRE.

The Hon. V. T. HAUSER (Boronia Province) asked the Minister of Agriculture, for the Premier—

(*a*) Did the Premier state, at the laying of the foundation stone of the Colac Training Centre for the mentally retarded, that the first stage of this project to accommodate some 160 children would be completed by the end of 1974?

(*b*) Was the stated cost of the project $2·5 million?

(*c*) How much was allocated in the years 1971–72 and 1972–73 for this project and will the Premier give an assurance that an additional $1·85 million will be available for the completion of this stage?

Sir GILBERT CHANDLER (Minister of Agriculture).—The answers supplied by the Premier and Treasurer are—

(*a*) Yes. This was in accordance with the arrangements approved by the Government in November, 1971, when funds were approved for the construction of the first stage of the Colac Training Centre over the following three-year period.

(*b*) The estimated cost of the project is $3·5 million.

(*c*) Preliminary expenditure on the project in 1971–72 amounted to $62,000 and the allocation initially approved for 1972–73 was $600,000. The actual amount required to cover expenditure on a continuation of work on the approved programme in 1973–74 will be determined when the works and services programme is finalized for that year.

OMBUDSMAN BILL.

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

JOINT SITTING OF PARLIAMENT.

STATE COLLEGE OF VICTORIA: INTERIM SENATE.

The President announced that a message had been received from the Legislative Assembly acquainting the Legislative Council that the Legislative Assembly have agreed to meet the Legislative Council for the purpose of sitting and voting together to choose three members of the Parliament of Victoria to be recommended for appointment to the Interim Senate of the State College of Victoria, and, as requested by the Legislative Council to name the place and time of such meeting, name the Legislative Assembly Chamber as the place and Tuesday, 10th April, 1972, at a quarter-past Six o'clock as the time of such meeting.

COMPANY AND COMMERCIAL ACTIVITIES.

The Hon. J. W. GALBALLY (Melbourne North Province).—I wish to move the adjournment of the House for the purpose of discussing the continuing failure of the Government to take prompt and adequate action to safeguard Victoria against the improper and fraudulent activities of certain persons.

The PRESIDENT (the Hon. R. W. Garrett).—My only comment is that the words "fraudulent activities of certain persons" appear to be somewhat vague. Could Mr. Galbally be more specific on that aspect?

The Hon. J. W. GALBALLY.—Yes, I will add the words "engaged in company and commercial activities".

Approval of the proposed discussion was indicated by the required number of members rising in their places, as specified in Standing Order No. 53.

The Hon. J. W. GALBALLY (Melbourne North Province).—The fastest growing enterprise in Victoria is commercial fraud. Its growth rate is staggering and its profits are tax free. In Victoria every year millions of dollars have gone into the hands of commercial pickpockets. The commercial swindler has many disguises but his most favoured tool of trade is the company. The company provides the swindler with his springboard for action, but do not imagine for a moment he goes overboard and loses his money. He reserves that for others. Having set up one company, he then acquires what is known as an associate company. The company swindler is a magician who is able to pass money from one company to another until it eventually disappears. In due course all the companies collapse. Apart from a paragraph or two in the papers nothing more is heard of them. There is no prize for guessing who got the money.

It has been a matter of public indignation and cynicism that while companies have continued to collapse

into financial ruin the promoters are seen to be living in wealth and by no means discomforted by the losses of shareholders. This is the ninth time since 1960 that I have raised this serious matter in somewhat similar terms in adjournment motions. The Government has always taken it quite well. It appears to take the view that although the stock exchange may like a bull or a bear there is always a jackass and the people who lose their money should have been more careful anyway. Grand larceny can be stopped, but only if sweeping changes are made in our laws. During the past ten years many amendments have been made to the Companies Act but they have only succeeded in locking the company safe after it has been rifled. The pattern is familiar and depressing. The Government expresses concern at the loss of so much of the public's money, the undertakers are appointed and the burying of the company is carried out with due solemnity. There will be no fuss. Why do not dishonest company directors go to gaol?

The Hon. C. A. M. HIDER.—They do if they are dishonest.

The Hon. J. W. GALBALLY.—I will tell Mr. Hider why they do not. They can drive a coach and four through the statutory provisions. Far-reaching changes in the company law must be made in the national interests. The predatory activities of a few are imperilling and endangering our industrial and commercial enterprises. We have been told for years about our model company laws, but they have failed to protect the community and the grim harvest increases.

In Victoria more than $200 million has been lost in the past ten years in public companies. I refuse to accept that there is no answer to this problem. The changes I propose are dramatic and direct, but in no way offend the principles of our law safeguarding the innocent. I make that clear. Under common law a justice of the peace has the power on information sworn before him that theft has been committed to issue a search warrant authorizing a search of a home or premises. That system is as old as Anglo-Saxon civilization. Those provisions of our ancient law should be widened by statute to include company theft. On obtaining sworn information setting out the grounds of the complaint a magistrate should have the power to order first of all an immediate investigation of books and bank accounts, and in extreme cases to freeze bank accounts. In addition superior courts should be empowered to examine directors as to their bank accounts and assets in cases where fraud, theft or dishonest conduct is made out.

Honorable members may think this is a startling proposition but it is not novel. There is a corollary in our law, firstly, in our tax laws. The Federal Commissioner of Taxation has wide powers of interrogation of anyone in the community. He produces his authority and asks questions relating to other people and their assets and the person being questioned is bound to answer. Indeed, taxation investigators follow assets along many trails. The only people who object to that are the offenders.

I am anticipating any outcry that may be made in this House against what will be said to be novel provisions. They are not novel. The Bankruptcy Act contains similar very wide powers. Indeed, there was a case of a man many years ago who has kept in gaol for two years because he would not tell the judge where his assets were. I shall not mention his name, but it is a well-known case in the law reports.

The Hon. O. G. JENKINS.—It did not necessarily do his creditors much good and that is the point of the exercise.

The Hon. J. W. GALBALLY.—I am not making a case in that way. It does not do a person's creditors much good if a person salts his money away and nobody knows where it is.

After two years in gaol this man agreed to tell His Honour where his assets were. Mr. Jenkins will remember the case. It is Trautwein's case and it is reported in the law reports.

The Hon. H. M. HAMILTON.—It was in New South Wales in 1937 or 1938.

The Hon. J. W. GALBALLY.—Exactly, it was a case involving the Federal Commissioner of Taxation and this man was asked where his money was.

The Hon. H. M. HAMILTON.—In 1900 people where thrown into debtors' prisons and left there. Does Mr. Galbally suggest we go back to that?

The Hon. J. W. GALBALLY.—That continued to happen until a Labor Government removed the distasteful provision whereby a man who was behind in his maintenance payments was thrown into prison. That was the law until about 1946. His ability to pay was taken away from him by keeping him in prison.

The Hon. M. A. CLARKE.—That still happens.

The Hon. J. W. GALBALLY.—That is so.

The PRESIDENT (the Hon. R. W. Garrett).—Order! There is too much debate across the Chamber.

The Hon. J. W. GALBALLY.—The case I am making relates to the gentleman who has assets and to the absence in the law of provision for a method whereby those assets, which belong to other people, should be restored to them. Is that not a proper proposition? After all, if a bicycle thief is caught the bicycle is restored to its proper owner. If a company thief is caught why should not the products of his theft be restored to their owners? Why do we not apply like powers to company thieves? I will tell the House. It is because of a historical concept. The large-scale company promoter is regarded as a financial genius. It is just an unfortunate accident. There have been many accidents both here and in Britain. Chairs at the university have been named after some of these people. Another famous man, John Bottomley, used to go around bearing a John Bull sign. An aura of respectability surrounds these people, they go around in beautiful cars and are well dressed.

Dickens gave a perfect picture of this when Martin Chuzzlewit first went to America and spoke of the disinterested life assurance company with its magnificent premises selling land which on investigation proved to be a malaria-ridden swamp. The attitude of the Government to company fraud and theft is shockingly out of date. Theft is theft whether it is by the thug, the pick-pocket or the company promoter. Our laws should be shaped accordingly.

The Hon. V. T. HAUSER.—Are you going to mention any specific companies or persons today?

The Hon. J. W. GALBALLY.—Yes, my colleague has a list of them. There have been glaring examples of men who have salted away fortunes as a result of fraud who have been charged under Victoria's inadequate laws with some minor offence, served a few months' imprisonment and gone abroad to live happily ever after. In the past decade more than $200 million has been lost in company crashes in Victoria.

Sir GILBERT CHANDLER.—How do you arrive at that figure?

The Hon. J. W. GALBALLY.—Approximately $47 million was lost with the Reid-Murray crash; others were Korman's, Cox Brothers and Palmers. Not all of the crashes were due to fraud but some of them were. How many of the people responsible were caught, punished and made restitution? I can answer that in one word—none. Why does not a dishonest director go to gaol? It is because the machinery is too creaky. None of the directors ever goes down with the ship. They choose to pull away in a lifeboat, chock-full of bank

notes. Australian commercial enterprises cannot compete with the nations of the world without the financial support of Australians. They are not getting it today. Bank deposits are bulging as never before because people are frightened of being bitten by the same dog twice.

The Hon. A. J. HUNT (Minister for Local Government).—The House has become accustomed in the debate on an adjournment motion to hearing a number of vague generalities, whereas such motions ought to be specific and deal with matters of administration. This morning Mr. Galbally has attacked the law rather than the administration. The honorable member has dealt with the subject in the vaguest of generalities that I have ever heard from him. He has completely overlooked the vast range of Companies Act amendments made almost from year to year to close loopholes and tighten the law as new practices emerge. As a lawyer, Mr. Galbally is aware that as a law is amended the dishonest will seek a new loophole. The strangest philosophy has emerged from Mr. Galbally's remarks this morning. He has said that grand larceny can be stopped but only by sweeping changes to the laws. I have never heard of a law that can make people honest. Laws of themselves can never change human nature or prevent human greed or dishonesty.

The Hon. J. W. GALBALLY.—They can discourage the dishonest.

The Hon. A. J. HUNT.—All that laws can do is make it easier to sheet home guilt to those who have been guilty of dishonesty, make it easier to deal with them and easier to obtain recovery where the funds are available.

The Hon. J. W. GALBALLY.—And to prevent crime.

The Hon. A. J. HUNT.—No administration of the law can prevent crime. At times harsh penalties may act as a deterrent, although Mr. Tripovich has often argued that penalties of themselves are never a deterrent. Later in the debate my legal and accounting colleagues will, if it becomes necessary, deal with the sweeping changes that have been made in the Companies Act over recent years. I am surprised that Mr. Galbally did not refer to the South Sea Bubble which he normally uses as an example when dealing with company matters. His appreciation of company law has advanced no further than that which existed in those days, but if it becomes necessary, he will hear of the developments in the law.

Yesterday Mr. Galbally commended the Crimes (Theft) Bill, which is the greatest single advance in the law relating to dishonest appropriation of property. That one measure makes a sweeping change which will make it easier than ever before to sheet home guilt for conduct which the community at large regards as dishonest, and which results in pecuniary loss or loss of property, now or in the future, whether permanent or not to others. Mr. Galbally did not deal with administration although that should have been the subject of the motion. As the law has increased in sophistication, the high calibre of the people who administer company law has become apparent, with higher standards demanded and more accountants utilized. This week in the *Government Gazette* ten new positions were advertised in the Companies Branch to assist in investigating offences against the law.

Mr. Galbally will also be aware of the tightening of auditing and recording provisions which have been made over the years, and an increase in commercial morality generally. I use those words advisedly. The community has nothing to be ashamed of in the general standard of commercial morality in this city and in this State. It is the commercial centre of Australia and commercial morality stands at a high level. I regret any remarks that created an implication

to the contrary and anything which is calculated to create a public mistrust of the companies structure or commercial activities generally. The public should know that the companies listed on the stock exchange generally enjoy the highest of reputations.

Changes in the law will never make people honest. All that can be done is to make it easier to apprehend and deal with those who have been guilty of immorality and dishonesty in their commercial dealings. The Bill before the House yesterday makes a great leap forward in that regard.

The Hon. J. M. WALTON (Melbourne North Province).—I support the motion moved by Mr. Galbally concerning the continuing failure of the Government to take prompt and adequate action to safeguard Victoria against the improper and fraudulent activities of certain persons engaged in company and commercial activities. I add my own words that this comes following many requests over the years by members of the Labor Party, many reminders after those requests, and many demands after the reminders. The Government still does little or nothing. The Government has taken some action but only when it has been forced to. An examination of the archives reveals a huge list of inquiries that have been made into companies and company failures in this State over the past ten years or so. There is a stack of them in the Papers Room which is too high to bring out of the room. Nevertheless, these inquiries continue almost week by week. If honorable members wish to be reminded of some of these I shall read them out, but there is a list of approximately ten pages of company failures and company investigations that have been conducted right under the nose of the Government, and certainly as a result of the Government.

The Hon. H. M. HAMILTON.—The honorable member's Leader just said that the Government was doing nothing.

The Hon. J. M. WALTON.—The Government is doing nothing to stop what is happening. An inquiry is the best way to hush something up. As soon as the Government wants to hush up a matter, it has an inquiry. We are all used to that type of activity by this Government. I remind the House of a report under the Companies Act into Walana Investments which, from memory, was made in 1966, and which was drawn to the attention of the House. It was a damning report and involved some very important people in the community. Nothing was done until the Labor Party started to make inquiries and ask questions. I asked questions for many years and information was drawn out as each procedure was gone through, until finally a deadlock was reached when the Government was not prepared to do anything. I asked for the files on many occasions and was refused them, until finally I was given one small section of the file. The Minister was prepared to talk about the matter privately, but I wanted the files so that the information contained in them would be available for use by the Labor Party in this Chamber.

The Hon. A. J. HUNT.—Was that whilst investigations were proceeding?

The Hon. J. M. WALTON.—No, the report had been filed and presented to the House. I am sorry, I see the point. I think the Minister is referring to investigations by the Crown Solicitor and, ultimately, by the Company Squad of the Victoria Police. I think those investigations were conducted as a result of pressure which was exerted by the Labor Party. It was only after questions were asked by the Labor Party—twelve months later—that the Government asked for a report from the Crown Solicitor and then referred the matter to the Victoria Police for action. The investigation eventually dissolved, even though it concerned one of the greatest company failures in Victoria. Who was

prosecuted or reprimanded in connection with that failure? Investors lost thousands of dollars, and the Government's inquiry was merely a device to take the heat off it. The Government did nothing.

It is nonsense for the Minister to say that this motion will undermine public confidence in public companies. The public already has no confidence in them, and that statement is confirmed by the fact that today people are prepared to deposit their money in the State Savings Bank and other banks which pay only 3¾ per cent rather than to invest it in public companies. The public do not trust public companies. The interest they receive from the banks is barely enough to keep abreast of inflation—indeed, the depositors receive no profit—but they prefer to deposit money in banks rather than in companies.

In New South Wales action is being taken in this matter. An announcement to this effect was made this morning. In that State the Government intends to investigate 30 companies. They include Brins Australia, Citadel Ming and Investment, Halls Peak Australia, Bounty Oil, and others. It has been said of Bounty Oil, that if its scrip were to be placed end to end, it would stretch once around the world, and yet it is only a small company which operates off the coast off New Zealand and has barely managed to remain listed on the Stock Exchange. As well as New South Wales, Queensland is making an examination of companies. It was learned yesterday that that State is having trouble in relation to housing funds. We have similar funds, but has the Government conducted any inquiry into their operations?

Housing funds offer interest to the people and say that their money is completely secure. The fact is that the funds invested are not secure while they remain in the bank accounts of the funds concerned. It is only when money is lent to a person that it is guaranteed by an insurance company. Whilst the funds are held by these organizations, they are not secured at all. If the organizations do not lend the money, but use it to pay their officers or to pay directors' fees, the money is not secured and the people have no redress. If honorable members do not believe me, I invite them to ring one of the organizations.

The Hon. O. G. JENKINS.—Do you know of any conviction that has been recorded?

The Hon. J. M. WALTON.—No. All I am saying is that the money is not fully secured.

The Hon. C. A. M. HIDER.—Are you making any specific allegations?

The Hon. J. M. WALTON.—It is simply that a person puts his money into these organizations——

The Hon. C. A. M. HIDER.—Which organizations?

The Hon. J. M. WALTON.—Permanent building societies. I am not talking about ordinary building societies. I am talking about permanent building societies which have started up in opposition to the State Savings Bank and other banks in this State.

The Hon. C. A. M. HIDER.—You do not like opposition to the State Savings Bank, do you?

The Hon. J. M. WALTON.—The State Savings Bank is guaranteed by the Government of Victoria. Money deposited with these societies is only secured when it is lent. While being held in a society bank account, it is not secure. Does Mr. Hider agree with that?

The Hon. C. A. M. HIDER.—I think that is a reasonable statement.

The Hon. J. M. WALTON.—Then I have made my point. In those circumstances is it proper that these organizations should advertise in such a way that people gain the impression that their money is completely guaranteed—indeed, that it is guaranteed by the Government?

The Hon. C. A. M. HIDER.—Are you saying that they are acting dishonestly?

The Hon. J. M. WALTON.—No, I am saying that a lot of money could be lost in these circumstances if——

The Hon. HADDON STOREY (East Yarra Province).—I rise to a point of order, Mr. President. The terms of the motion which is now before the House refer to an alleged failure of the Government to take prompt action against improper and fraudulent activities of certain people, and Mr. Walton has just said that he is not making those allegations. In that case, I suggest that he is out of order.

The PRESIDENT (the Hon. R. W. Garrett).—I support the point of order.

The Hon. J. M. WALTON (Melbourne North Province).—I think the situation I have described is improper, because these organizations say that the people's money is safe, but it is only safe if it is lent to people to build. I do not want to damn these organizations, because they appear to be operating well at the present time.

The Hon. HADDON STOREY.—You have just smeared them.

The Hon. J. M. WALTON.—It is a fact. Is anything I have said incorrect?

The PRESIDENT (the Hon. R. W. Garrett).—There are too many exchanges across the Chamber. The motion which is the subject of this debate refers to the continuing failure of the Government to take prompt and adequate action to safeguard Victoria against the improper and fraudulent activities of certain persons engaged in company and commercial activities. It is my duty to ensure that the debate continues in accordance with that motion.

The Hon. J. M. WALTON.—I adhere to what I have already said—that depositors' money is only secure if it is lent. If I am wrong, I shall publicly apologize.

The Hon. A. J. HUNT.—No trust funds are safe until they are applied for the purposes of the trust.

The Hon. H. M. HAMILTON.—Would Mr. Walton like to have an adjournment for ten minutes to enable him to review his statement?

The Hon. J. M. WALTON.—No, I do not retract anything that I have said. I have tried not to exaggerate.

The Hon. C. A. M. HIDER.—I deny that they are advertised in the manner you have suggested.

The Hon. A. J. HUNT.—Improperly and dishonestly.

The Hon. J. M. WALTON.—I did not use the word " dishonestly ", but I think it is improper.

The Hon. C. A. M. HIDER.—Why do you not produce the advertisements and so justify your allegations?

The Hon. J. M. WALTON.—They appear in the newspapers every day. I can see that this is a touchy subject so far as members on the other side of the House are concerned. I can understand why. Not so long ago, during a debate on a Bill concerned with the Consolidated Fund, I drew the attention of the Minister to certain organizations which were carrying out a money-making racket —a racket which bore some resemblance to the chain-letter racket.

Letters are being received by people in Victoria from New South Wales—and there may be some constitutional difficulty in overcoming this problem because the Australian Post Office is within the jurisdiction of the Commonwealth Government—and the organizations involved are fleecing gullible people in the community and are reaping great profits. Nothing is involved, except the transfer of money. Money is sent from one person to another, but only after the organizations concerned have taken their cut.

Pyramid selling is also a questionable operation. In reply to a question which I asked concerning chain

letters, the Minister for State Development and Decentralization said that no action had been taken by the Minister of Labour and Industry with respect to the chain letter organization to which I had referred—and I remind the House that that is what the Labor Party is asserting; the Government is not taking action in regard to these organizations. The honorable gentleman also said that the Government did not propose to take any action to investigate the matter further, because there appeared to be no breach of the law involved; yet, a few weeks later, the Consumer Protection Council, of which the Government is so proud, drew attention to this small chain letter racket and suggested that it should be abolished. However, the Government said that it did not intend to do anything about it.

Is the Government really protecting the public? I have drawn this matter to the attention of the Government on two occasions, but nothing has been done about it.

The Hon. C. A. M. HIDER (Monash Province).—Mr. President, Mr. Walton said that he is prepared to publicly apologize if his statements about permanent building societies are incorrect. I suggest that they are. I have an advertisement before me which does not mention the safety and security of money deposited in the society. Therefore, I ask the honorable member for an apology.

The PRESIDENT (the Hon. R. W. Garrett).—The honorable member is right in raising the matter for Mr. Walton's attention, but there is no point of order.

The Hon. J. M. WALTON (Melbourne North Province).—Yesterday I spoke to a representative of one of these organizations and I was told that funds invested were guaranteed.

The Hon. C. A. M. HIDER.—The point is whether the organizations have advertised in the proper manner.

The Hon. J. M. WALTON.—I am not saying that they do not; but I think that some advertise in a manner which is different from others.

The Hon. H. M. HAMILTON.—I love to see Mr. Walton squirming.

The PRESIDENT (the Hon. R. W. Garrett).—There are too many interjections.

The Hon. J. M. WALTON.—I do not retract anything that I have said: There is the difference between what these societies tell one personally and what they say in their advertisements. I will not retract anything until I have perused the advertisements to which reference has been made.

The Hon. C. A. M. HIDER.—Why did you not obtain the advertisements?

The Hon. J. M. WALTON.—Do you know how many of them there are?

The PRESIDENT.—There is far too much debate across the Chamber. I suggest that the honorable member should address the Chair.

The Hon. J. M. WALTON.—As soon as I mention the chain letter racket and this Government's lack of action in regard to it, members on the Government side of the House attempt to direct my thoughts away from the point in question. No matter what the cost, Mr. Hider has tried to do that.

It is all very well for the Minister for Local Government to say that the Attorneys-General are meeting to discuss this subject and that they will do something about it. It is time that this State acted independently in the matter. We have waited too long to get rid of pyramid selling. If Mr. Hamilton knew just what pyramid selling is, how it operates, how the person at the top finishes up with everything and the person at the bottom with nothing, he would not defend it. If it is something intangible which is sold as it is with the "Dare to be

Great" organization the man at the bottom of the pyramid is left without even a product. In most cases, however, the man at the bottom finishes up with a house full of products which he cannot sell. He tries to sell them to his neighbour but finds that his neighbour has a house full of the same things. The system is organized very cleverly. The procedure is lengthy and the organization is clever.

Usually, a person's friend invites him to see a film and he attends a theatrette in the National Mutual building where people chat to him and make him feel welcome. The film depicts two people living in a humpy and then depicts them again, six months later, as millionaires. Unfortunately, many people within the community are gullible and in need of protection by the Government. The purpose of the Government is to protect people from rogues and to regulate business activities, and action should be taken in this case. Pyramid selling still operates and all honorable members know the ultimate result, that most people associated with it will finish up with nothing but a house full of products.

The Hon. H. M. HAMILTON.—Are they all dishonest?

The Hon. J. M. WALTON.—Pyramid selling, in itself, is a dishonest practice.

The Hon. H. M. HAMILTON.—Is Avon dishonest? It is a pyramid selling organization.

The Hon. J. M. WALTON.—I do not want to name firms. Mr. Hamilton has named one. I do not know whether it is a pyramid selling organization or not. Mr. Hamilton has said that, I did not. When Mr. Hamilton knows how pyramid selling operates, he can judge for himself whether the practice is honest. The products sold are expensive. They might cost only a few cents to produce but they cost the ultimate consumer many dollars.

The Hon. HADDON STOREY.—There are some types of organizations which have been trading honestly for many years; some are cosmetic firms.

The Hon. J. M. WALTON.—It may be that, if an organization does not insist that those within it will finish up as millionaires and if the pyramid selling system is used only to a limited degree, it can stay in existence for a lot longer than it otherwise would. But many of these organizations tell people that they will become millionaires within three months. That is not possible. It is not only dishonest; it is ridiculous.

The Hon. H. M. HAMILTON.—We have now reached the conclusion that some organizations are dishonest and some are not.

The Hon. J. M. WALTON.—It is not true pyramid selling if the system is not used to the full. There is a pyramid when those at the top have everything and those at the bottom have nothing but a house full of products and no one to sell them to.

The Hon. H. M. HAMILTON.—In some cases, that is not so.

The Hon. J. M. WALTON.—If Mr. Hamilton wants to protect pyramid selling, he should take his opportunity of speaking in the debate and protecting it then.

The Hon. H. M. HAMILTON.—You have smeared the lot of them.

The Hon. J. M. WALTON.—This is not a smear. The Labor Party is directing the attention of the Government to fraudulent activities. As the motion indicates, some of these activities are fraudulent, some are improper, and some are of a very doubtful nature indeed. The firm which Mr. Hamilton mentioned may well be legitimate but, basically, pyramid selling is not an honest way of selling. The price of the product at the final point of sale is out of all proportion to its original cost.

The Hon. C. A. M. HIDER.—Can you give one example?

The Hon. J. M. WALTON.—I can give many. One cleaning fluid is not advertised in the normal way. Those selling it have signs on their cars and so on. It costs next to nothing to produce.

Sir GILBERT CHANDLER.—How much does it cost?

The Hon. J. M. WALTON.—With all the resources at his disposal, if the Minister of Agriculture had a little interest in the matter he could find out about this. The Government's consumer protection body would be able to tell him. I do not want to state a precise price because, if I said that something cost 3 cents, the Minister may produce someone else to say that it cost 4 cents. The point is that the product originally costs little but, by the time it is sold to the consumer, with each person in the pyramid making a 50 per cent profit, its price is very high. A person who does not want to be the one who sells to the ultimate consumer can buy a higher position in the organization and obtain a higher percentage of profit on what is sold. But this costs a lot of money. Sometimes it costs $10,000 to buy out a man known as a "general" or whatever he might be called in a particular organization. Some are called "keys" as they are supposed to be key men.

The man at the top buys the product and distributes it down through the pyramid. The man at the bottom sells the product at very little profit. His aim is to be higher on the pyramid. If it were taken to its ultimate conclusion, everyone would finish up with a house full of products and no one to sell them to. The system works in the same way as chain letters. If they were carried to their logical conclusion, everyone would have a house full of letters and no one to send them on to.

If the Government is sincere in what it says about protecting consumers, it should take action against pyramid selling. The Consumer Affairs Council, which the Government set up to protect the consumers, says that the Government should do something. But the Government is doing its utmost to defend these people.

The Hon. C. A. M. HIDER.—Nobody is defending these practices; we are trying to find out what they are.

The Hon. J. M. WALTON.—I know that Government party members are busy people outside the Parliament but I suggest that they read the report of the Consumer Affairs Council for the year ended 30th June, 1972. I have directed this matter to the attention of the Government on a number of occasions and there must be dozens of State Parliamentarians who have directed attention to the questionable practices of some organizations. I will name one of them because it has already been named so many times that once more will not make any difference. It is Milleradio, which is still very active. The attention of the Government has been directed to its activities on dozens of occasions but Milleradio still has pages of advertisements in the telephone book and it still robs people, almost weekly, when they take their television sets to it to be repaired. Government party members cannot say that they do not know about that. They do not defend that organization because many of them have complained to the Government about its activities.

The Hon. H. M. HAMILTON.—We support you on that.

The Hon. J. M. WALTON.—I thank Mr. Hamilton. I hope he will also support me when I say that the Government has done nothing about that.

The Hon. H. M. HAMILTON.—No.

The Hon. J. M. WALTON.—Then what has the Government done? One of the most dishonest practices in business today is that of wholesalers and retailers using the conversion to the metric system of weights and measures to fleece the public by increasing prices. It may

well be that the price of some products would have gone up in any case—that is one of the facts of commercial life. But it is most unfortunate that many business organizations have chosen to increase prices at the time when the size of packages is being altered and the method of indicating the weight or contents on the outside of the packet is also being changed. Many packages hold smaller quantities than the packages they replace but are much higher in price.

The prices of some products have risen by as much as 50 per cent and many more have risen by about 20 per cent. Members of the public find it difficult to relate new weights and measurements with the old weights and measurements and the new prices with the old, and dishonest advantage is being taken of this difficulty. That this is being done is obvious from what can be seen in every shop in the city. Prices are being increased by much more than is justified by increases in wages or other costs.

Should the Government not protect consumers? It has not done so and that means that the terms of the motion are correct in every sense. I will be interested to hear what Government party members have to say if they do not believe that. All I have said about these things, I believe to be true.

The Hon. H. M. HAMILTON (Higinbotham Province).—The motion moved by the Leader of the Labor Party refers to the continuing failure of the Government to take prompt and adequate action to safeguard Victoria against the improper and fraudulent activities of certain persons engaged in company and commercial activities. In an airy-fairy speech, the honorable member referred to company frauds but, as the Minister stated, no law will make an honest man of a rogue; nor can any law successfully plug up all the holes which the rogue seeks to find and use. In every society and in every age there have been dishonest persons who have sought to take advantage of their fellows for the accumulation of private wealth.

But one would have expected a far more documented and factual statement of his case from a learned member of the legal profession. Instead of a vague reference to company failures, one would have expected him to point out those weaknesses and to offer constructive suggestions for doing something about them. Over the years in this House it has appeared that Mr. Galbally has a " thing " about companies, company executives and company directors generally, and at every opportunity he makes some passing reference to this aspect of business life without advancing any concrete or specific proposals.

In the course of presenting his argument, Mr. Galbally mentioned that it was the ninth occasion on which he has raised the matter in this House by way of an adjournment motion. I ask honorable members to note that he said that the Companies Act was such that one could drive a coach and four through it. That is a sweeping assertion.

The Hon. J. W. GALBALLY.—I referred to the company swindler.

The Hon. H. M. HAMILTON.—Very well, the company swindler. If our learned colleague were placed in another situation he would be asked to justify his assertion. It is an assertion which this House could rightly expect a learned member of the legal profession to justify, but Mr. Galbally made no attempt to do so.

The Hon. J. W. GALBALLY.—The facts speak for themselves.

The Hon. H. M. HAMILTON.—The facts seem to be missing in the argument that our learned colleague adduced.

I shall deal with his statement that it is the ninth occasion on which he has raised this matter and that the Government has done nothing about it. Indeed, the motion refers

to "the continuing failure of the Government" to take action. I had a look at the Companies Act 1961 to see what the Government had done. No fewer than fifteen separate amendments have been enacted in an attempt to block the loopholes which Mr. Galbally claims exist.

Sir GILBERT CHANDLER.—Mr. Galbally had the opportunity of amending those measures to close the loopholes that he claims were there.

The Hon. H. M. HAMILTON.—I shall come to that later, but I thank the Leader of the House for pointing it out. The latest substantial amendment to the Companies Act was passed by this House in the latter part of 1971. Prior to that measure being laid before the House, it had been exposed to all the responsible bodies, including the legal profession, who were given ample opportunity of commenting on it. The two principal accounting institutes in the Commonwealth of Australia—the Chartered Accountants Institute and the Australian Society of Accountants—formed a joint committee to present their views on the subject to the Government. The matter was considered by the Bar Council and the Law Institute of Victoria in depth; their recommendations were considered in detail and in many cases incorporated in the final measure which was introduced.

The Hon. M. A. CLARKE.—"In many cases"—that is the point. What about those which were not incorporated?

The Hon. H. M. HAMILTON.—That is a different question. The answer is that they were given every consideration. Aspects other than those raised by the Law Institute as such and by the accountancy institutes as such were considered, and they were all given their due weight.

The provisions of that measure received plenty of exposure to both political people and professional people interested in it throughout the Commonwealth. It was based on substantial recommendations made by a special committee established by the Attorneys-General of the Commonwealth. That committee made seven reports, which related to the disclosure of substantial shareholdings and takeovers, special investigations, accounts and audit, control of fund raising, share capital and debentures, share hawking and registration and charges. There were seven reports in all, and one or two have come out since the last amendments were made to the Companies Act, but the majority of those were given effect in the amending legislation of 1971.

That measure was based not only on the reports of the Eggleston committee. There is in existence a companies offices committee which consists of the heads of the companies department and the Registrar of Companies or his equivalent in each State of the Commonwealth. This standing committee met on many occasions and prepared the framework of the legislation based on these reports and other reports available to it.

The Hon. J. W. GALBALLY.—And still the theft goes on. The Act can growl but it cannot bite, just like Mr. Hamilton.

The Hon. H. M. HAMILTON.—I shall be diverted from the argument I am pursuing to point out that the interjection by Mr. Galbally precisely establishes the point taken by members on the Government side of the Chamber, that one can pass laws but one cannot make people honest. It is possible to encompass the whole of the company structure, company activities and commercial activities with legislation of such complexity that it breaks down under its own weight and nobody can understand it, but it is still not possible to make a rogue any more honest.

I pointed out that on no fewer than fifteen occasions since 1961 or 1962 the Government has attempted to improve the Companies Act. Not only has it tried of its own resources but it has used the assembled

resources and expertise of various bodies in the Commonwealth which claim to be able to contribute something on this subject—not only the standing committee of companies offices but also the Standing Committee of Attorneys-General which consisted of the Attorney-General of each State not all of whom were members of the Liberal Party. This Standing Committee of Attorneys-General steered the amending legislation through the various State Parliaments. The committee also had before it the extensive review of company legislation undertaken by the Jenkins committee in Great Britain and a review carried out in Canada on a similar subject.

I have briefly outlined to the House some of the measures which the Government has taken to try to close loopholes in the existing legislation. I do not agree for a moment that there has been any failure on the part of the Government to take prompt and adequate action; on the contrary, its actions show that the Government has been active and industrious in pursuing this matter and trying to establish some degree of protection for the public.

There also exists within the office of the Registrar of Companies a branch or a department whose function it is to investigate companies. Both Mr. Galbally and Mr. Walton claim that nothing has been done. The Minister pointed out that the staff of this office is being increased by ten. In 1966 the staff of this department was 4; in 1968 it was doubled to 8; in 1970 it was doubled again to 16, and the filling of positions now being advertised will virtually double the staff again to 25 effective investigators plus ancillary staff of 5, including typists. This fact alone proves that the Government has been active in trying to deal with this matter.

The Hon. R. J. EDDY.—What about company prosecutions?

The Hon. H. M. HAMILTON.—Mr. Eddy would not even understand what a company was; he would not know about the concept of limited liability or the history of company law.

I wish to refer in particular to two facets of the amending legislation which was passed by this House in 1971. One most extensive section related to the audit requirements of companies. Companies have been surrounded by an extremely complex pile of legislation to such an extent that many companies are finding it difficult to operate. The legislation is so complex and has placed such great demands not only on auditors but also on company officers that many people today are questioning the wisdom of forming companies and obtaining the incorporation of a company as a separate legal entity. The responsibility of directors and of officers is set out in the Act, and I have no doubt that my colleagues will shortly deal more fully with the legal implications of both the duties and responsibilities and the avenues open for action which Mr. Galbally suggests has not been taken.

I have been interested in Mr. Galbally's interjections to the effect that the law is still inadequate, because I took the trouble of turning back to the debate on that most important measure. Mr. Galbally will agree that any amendment to the Companies Act is extremely important. The amendment made in 1971 was probably the most important single amendment made to the Companies Act since companies were first circumscribed by law. On that occasion Mr. Galbally's comments on the subject occupied about four columns in *Hansard*. Only half a column was devoted to a general discussion of uniformity, and the remaining three-and-a-half columns dealt with vague references to company frauds. In his whole speech there was not one constructive suggestion for amending the law to close any of the loopholes about which he is grizzling and through which he alleges the public is being fleeced. Not once has Mr. Galbally drawn on the depth of his legal knowledge to give the

benefit of it to this House and to suggest a particular amendment or a particular course of action which should be taken in this regard. He has always confined himself to the vaguest and most frivolous comments on legislation.

The Hon. HADDON STOREY.—Is there anything to indicate that Mr. Galbally had read the legislation?

The Hon. H. M. HAMILTON.—On the contrary, the indications are that he had not bothered to read it. Perhaps that was because it consisted of 120 pages and took a lot of digesting. The fact remains that notwithstanding his great depth of legal knowledge, Mr. Galbally has not given the benefit of it to the House. Instead, he has made vague references to the failure of the Government. Mr. Galbally stated that in the past nine or ten years he had raised that matter nine times. Obviously, he has had more than a passing interest in the subject; he has tried to study the legislation.

The Hon. I. A. SWINBURNE.—He is like you. He has more than a passing interest in the subject.

The Hon. H. M. HAMILTON.—That is so, but Mr. Galbally has never demonstrated it in the House other than to make vague assertions about what the Government has not done. If Mr. Galbally intends to move a vaguely-worded motion of this type and present it in the inept manner that it has been presented to the House, he should first study the Companies Act and acquaint himself with the legal provisions of it. If he did this, he might be able to contribute to the debate.

The sitting was suspended at 12.46 *p.m. until* 2.5 *p.m.*

The Hon. I. A. SWINBURNE (North-Eastern Province).—Apparently an arrangement has been entered into whereby there will be no more speakers on the adjournment motion before the vote is taken. However, the Country Party should be allowed to declare where it stands on the motion before the Chair. Members of the Country Party have been waiting trying to gauge, firstly, the tenor of the motion and, secondly, the defence of the Government. However, it was very difficult to define the motion in the first place. Mr. President, I know you had some difficulty and a few words were added. Then the Minister for Local Government replied and Mr. Hamilton had a few words to say. All the time members of the Country Party have been trying to gauge what was the basis for the motion and what the defence to it was.

On some occasions it is difficult to ascertain whether there is any substance in a motion which has been moved and whether a reasonable defence has been offered by the Government. I indicate that the Country Party supports the motion on one principle, a principle which was expounded in the remarks of Mr. Galbally. In spite of all the protests of the Government that many amendments have been made to the Companies Act and that many Acts have been passed relating to consumer protection, there is no evidence about the one principle Mr. Galbally enunciated, namely, that action should be taken as it is with a common thief and appropriate treatment should be applied. If a thief steals money an inquiry is not conducted before he is arrested. He is arrested and then has to put forward his own defence.

The Country Party supports the proposal submitted by Mr. Galbally that when somebody makes a serious complaint against a firm, its assets should be frozen and the company should proceed to defend itself in the same way as the thief. Some months ago, Mr. Fry raised in this Chamber a complaint relating to pest exterminators operating in this city . When the authority moved into the field to investigate the complaint it was found that the perpetrator of the problem had flitted off to the United States of America. That is an example of what usually happens.

The Country Party believes the main principle should be that when any problem arises in connection with a firm or business or persons engaged in company or commercial activities, the Government should move in and take account immediately and place the offenders on the defensive so that they have to go to court to prove their innocence. During that period the Government would be in a position to investigate the activities of the organization and any assets or funds could be frozen.

The Hon. H. M. HAMILTON.—Mr. Swinburne is reversing the onus of proof principle.

The Hon. I. A. SWINBURNE.—If a company is guilty of a crime it should be treated in the same way as is a common thief.

The Hon. HADDON STOREY.—How would you determine that the company was guilty of a crime?

The Hon. I. A. SWINBURNE.—If I am out in the street and I steal something. I am not given an opportunity of doing anything before I am clamped in prison and then I have to go into the court, probably some six to twelve months later, to prove my innocence.

The Hon. H. M. HAMILTON.—But the matter would be investigated before you were charged.

The Hon. I. A. SWINBURNE.—Surely the Government has power under the law to investigate cases before the persons concerned have to answer a charge! If a person is carrying on a fraudulent activity, the Government should freeze the assets so that the public cannot be taken down further. As honorable members know, in some cases these persons have flitted overseas and those left behind have received nothing.

The Hon. H. M. HAMILTON.—That is what happens in criminal cases, too.

The Hon. I. A. SWINBURNE.—Yes, that is so but the criminal case is put before the court in the normal way. After following what has been said up to date the Country Party has decided to support the motion. It must be remembered that the Country Party did not submit the motion. Mr. Galbally has said that many amendments have been made to the Companies Act with which he does not agree. Mr. Galbally should have moved his amendments when the measure was before the House. However, that does not help the Country Party in trying to solve a problem which it has been trying to solve for the past twenty years. It believes the only way this can be achieved is to act and not just start investigations. Mr. Walton produced reports on companies which had not complied with the Companies Act. I have in my office similar reports. The Country Party believes that the onus of proof should be placed at the source, just as that principle applies to the normal citizen. These companies should be charged and placed in a position where they have to prove their innocence.

The Country Party believes that was the principle raised by Mr. Galbally. I am not saying that that was the only principle but nothing else of importance has been put forward. The arguments advanced by Mr. Walton were mainly in general terms. The replies of the Minister for Local Government and Mr. Hamilton were on generalities and did not prove anything. The Minister for Local Government and Mr. Hamilton have not answered the charges or the submissions advanced by Mr. Galbally—apparently they were ignored as not worthy of consideration. The Country Party has examined the submissions and finds that the principle advanced by Mr. Galbally was the only one of note to emerge from the debate, and in that event my party intends to vote for the motion.

The Hon. M. A. CLARKE (Northern Province).—In speaking to this motion, I emphatically dissociate myself from any reflection on most companies operating in the public sector in Victoria and Australia. Australia has a very high standard of

commercial and industrial management when one considers the leading companies. Unfortunately there is a fringe group, both of individuals and companies, which is operating and extracting large sums of money by fraudulent means from the public.

Mr. Hamilton and Mr. Haddon Storey referred to the thief and the analogies following on the actions of the thief. If a man is accused of stealing and found with stolen goods, those stolen goods are immediately impounded—they are frozen.

All Mr. Swinburne is saying, and what I am supporting, is that if somebody is extracting money from the public fraudulently, then those assets should be frozen until it is determined whether or not they have been stolen, so they cannot be disposed of in the meantime.

There are three aspects of the company law to which I have referred in the past. Usually the answer has been that one could not determine the actual facts and so no action has been taken. However, I raise those aspects again. The first concerns the $2 company and the proliferation of $2 companies. Primarily they are for tax evasion but on many occasions they are set up simply for the purpose of extracting money from the public generally. I have been informed that in setting up a restaurant in Toorak recently, the person promoting the company set up no less than five $2 companies. The companies were all interlocked. It is ridiculous that a person should need to form five companies to start a restaurant.

The Hon. A. J. HUNT.—Is that necessarily fraudulent or improper?

The Hon. M. A. CLARKE.—At this stage, I do not say that it is necessarily fraudulent or improper, but I am developing an argument to which I hope the Minister will listen. It is possible to conceal one's activities by the transfer of funds from one company to another.

The Hon. A. J. HUNT.—It is also possible for the individual to conceal his activities by transferring funds from one bank to another.

The Hon. M. A. CLARKE.—That is so. Undoubtedly the vast majority are operating quite honestly and within the law. There may be a saving in income tax payments and if that can be done legally I do not object.

When investigations are made into the affairs of a person whose activities have been fraudulent, quite often it becomes a matter of tracing the public's cash through a maze of companies. The initial capital necessary to start a company should be substantially higher than it currently is. It is far too easy to start up a small company which sometimes proceeds to operate on a large scale.

The building industry is an example. A good deal of publicity has ensued about the number of bankruptcies and insolvencies in the industry in recent years. Quite often, these have been the result of persons engaging in the industry who are incompetent but not necessarily dishonest or fraudulent. It has been very difficult to sheet home liability because of the number of companies that these people set up. Sometimes they will set up an individual company for each set of contracts.

I have always been concerned about nominee companies which hold shares. This subject has caused the public and the Government a lot of worry because of the difficulty in finding out who are the beneficial holders of shares in companies. Admittedly, such companies as the National Bank Nominees is quite a reputable concern because the National Bank exercises responsibility. However, many of these nominee companies are listed by initials or some other fancy name which makes it difficult to trace the shares through. If these companies operated in a small way, the problem would not be serious, but some of the bigger companies have shareholders listed as nominee companies. In some

instances, such nominee companies hold substantial parcels of shares and in fact have a controlling interest.

The Hon. H. M. HAMILTON.—They have to disclose it then.

The Hon. M. A. CLARKE.—I agree, but I am not certain whether any of our major companies may not be threatened in this way.

The Hon. H. M. HAMILTON.—It is a small percentage.

The Hon. M. A. CLARKE.—I am endeavouring to point out that it is a growing tendency.

The Hon. H. M. HAMILTON.—And one to be deplored, I agree.

The Hon. M. A. CLARKE.—I thank Mr. Hamilton for his support. The practice should be checked and kept under close scrutiny by the Government. I do not believe that the Government has applied its mind to the problem up to this stage.

The Hon. H. M. HAMILTON.—The Eggleston committee produced a voluminous report and its recommendations have been incorporated in the Companies Act.

The Hon. M. A. CLARKE.—The Eggleston report did not deal with the problem as it is today, nor were its recommendations fully incorporated in the Companies Act, certainly not those relating to nominee companies.

The Hon. H. M. HAMILTON.—I am referring to the report on substantial shareholdings.

The Hon. M. A. CLARKE.—I agree in relation to substantial shareholdings, but not in relation to minor holdings which may be important when it comes to the election of directors and so on.

Another matter which the Government should correct is the listing of shareholdings in subsidiary companies. Public companies often include in their balance-sheets and reports an entry that shares are held in a subsidiary company. Sometimes the subsidiary company is quoted on the stock exchange and sometimes it is not. Often the name of the subsidiary company is not given. When I brought this matter up on a previous occasion, I was informed that the committee of the stock exchange was looking into it, that it was causing concern, and that the problem would be overcome by an amendment of the stock exchange rules. There has been no amendment of those rules to eliminate this reference to unnamed and unidentified subsidiary companies in the balance-sheets presented to the shareholders. Some companies have gone down the drain merely because they had given an unsecured loan to a subsidiary company which loan was repaid by the issue of shares in the company, but when the subsidiary went broke the shares were worthless and the loan disappeared.

These are not matters which are new to honorable members or which are being raised for the first time. They have not been effectively dealt with by the Government. The Country Party expresses its grave disquiet at the Government's attitude.

The House divided on the motion for the adjournment of the House (the Hon. R. W. Garrett in the chair)—

Ayes	15
Noes	16
Majority against the motion	1

AYES.

Mr. Bradbury	Mr. Swinburne
Mr. Elliot	Mr. Thomas
Mr. Galbally	Mr. Trayling
Mr. Kent	Mr. Tripovich
Mr. Knight	Mr. Walton.
Mr. McDonald	*Tellers:*
Mr. Mansell	Mr. Eddy
Mr. Mitchell	Mr. Clarke.

NOES.

Mr. Campbell	Mr. Hunt
Sir Gilbert Chandler	Mr. Jenkins
Mr. Fry	Mr. Nicol
Mr. Gleeson	Mr. Haddon Storey
Mr. Gross	Mr. Ward.
Mr. Hamilton	
Mr. Hauser	*Tellers:*
Mr. Hider	Mr. Grimwade
Mr. Houghton	Mr. Granter.

PAIRS.

Mr. Dunn	Mr. Dickie
Mr. May	Mr. Byrne.

MAGISTRATES' COURTS (JURISDICTION) BILL.

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

PAPERS.

The following papers, pursuant to the directions of several Acts of Parliament, were laid upon the table by the Clerk:—

Farm Produce Merchants and Commission Agents Act 1965—Farm Produce Merchants and Commission Agents (Amendment) Regulations 1973 (S.R. No. 55).

Firearms Act 1958—Firearms (Military Historical Society of Australia Museum) Regulations 1973 (S.R. No. 58).

Motor Car Act 1958—Motor Car (Renumbering of Schedule) Regulations 1973 (S.R. No. 57).

Public Service Act 1958—Public Service (Public Service Board) Regulations—Regulations amended (No. 396).

Tattersall Consultations Act 1958—Tattersall Football Pool Regulations 1973 (S.R. No. 56).

Town and Country Planning Act 1961—Shire of Mornington Planning Scheme 1959—Amendment No. 74, 1972.

DECENTRALIZED INDUSTRY (HOUSING) BILL.

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization).—On behalf of the Minister of Housing it gives me a great deal of pleasure to move—

That this Bill be now read a second time.

Mr. Swinburne and Mr. Tripovich have said *ad infinitum* that the key to the Government's policy and the community's policy on balanced development is the provision of housing throughout Victoria and particularly in country areas. The purpose, the basis and the reason for this Bill is to provide decentralized housing in country areas.

Many of the homes required by industry to house their work force are already supplied by the Housing Commission provided that the employee's income does not exceed $80 exclusive of overtime. However the greatest difficulty which a decentralized secondary industry has had to contend with up to this stage has been to find suitable houses for key personnel and technical staff who are earning more than $80 a week exclusive of overtime and for whom there are no houses available in a country town. Houses have been built in certain circumstances by the Housing Commission with the full agreement of all political parties for key personnel but the proposed Commonwealth–State Housing Agreement for 1973–77 could prohibit this type of assistance in the future.

In September I had a survey of industry undertaken. I also sent questionnaires to all municipalities and to all members of Parliament. The purpose of the survey was to inquire into the needs of decentralized industry in Australia, and to ascertain its requirements. If an industry is unable to attract key personnel it does not get very far. I am now able to prove that it is economically better for an industry to be established in the country than in the metropolitan area. My next problem is to try to convince key personnel that they should leave the metropolitan area. The Government has spent a lot of time on this. Next week-end 30 key personnel are arriving from South Australia with their families and they will stay in a country centre. I shall not name it. The Government will be explaining to them the advantages of living in the country. They will be living in the country for the week-end with their wives and emphasis will be placed on persuading their wives of the advantages of living in the country. Results of the survey indicate that one of the problems in this regard is housing. The wives do not want to sell their homes in the metropolitan area and go to what they regard as the Sahara.

The Hon. I. A. SWINBURNE.—That is not right; it is raining now in the country.

The Hon. MURRAY BYRNE.—I am not speaking literally. It is important to provide housing immediately they

arrive in a country area. This will be an important factor in the policy of the Government

Under the provisions of this Bill a Decentralized Industry Housing Authority will be appointed comprising three members. One member who shall be chairman shall be nominated by the Minister of Housing, one member shall be nominated by the Minister for State Development and Decentralization and one member shall be nominated by the Treasurer. They shall be appointed for a term of five years. Subject to the Public Service Act 1958 there may be appointed a secretary and such other officers as are necessary.

The moneys required by the authority to build homes for key personnel and technical staff employed in industry will be completely separate from that which is already made available under the Commonwealth–State Housing Agreement and which is used to build homes for needy people.

There will be established and kept in the Treasury in the Public Account as part of the Trust Fund, a trust account to be called the Decentralized Industry Housing Fund into which will be paid moneys which may from time to time be appropriated by the Parliament for the purposes of the Act, moneys borrowed by the authority under the powers conferred by the Act and moneys which are received by the authority as rent for properties and as instalments for the sale of houses and land pursuant to the provisions of the Act and also moneys obtained under the leasing provisions of the Act.

However the main source of funds will be moneys borrowed from the State Savings Bank of Victoria by the authority or on the authority's behalf by the Victorian Development Corporation for this purpose. These funds will be over and above those which the State Savings Bank is already lending privately for housing purposes. I have been involved in negotiations on this since September and I know that already substantial sums are available for this purpose.

The Hon. J. M. TRIPOVICH.—From the State Savings Bank.

The Hon. MURRAY BYRNE.—Yes, and from other institutions which are happy to become involved in the programme.

The Hon. J. M. TRIPOVICH.—They know that it will be a safe investment.

The Hon. MURRAY BYRNE.—Yes, it is guaranteed by the Government and it involves the development of the State. This money represents the savings of the people of Victoria and it is becoming available because the loans will be guaranteed by the Government.

The Hon. R. J. EDDY.—It is not a very good guarantee.

The Hon. MURRAY BYRNE.—It is the best guarantee the State can offer.

The Hon. R. J. EDDY.—I mean the Government.

The Hon. MURRAY BYRNE.—It is a good guarantee no matter which Government is in office. It is difficult to assess at this stage the number of houses that will be built with these funds each year.

The Hon. I. A. SWINBURNE.—That depends on the amount of money in the fund.

The Hon. MURRAY BYRNE.—There will be a substantial sum in the fund.

The Hon. I. A. SWINBURNE.—Then there will be a substantial number of houses.

The Hon. MURRAY BYRNE.—Yes, and that is indicative of the success of the policies that the Government has adopted. If there was no development there would be no need for housing. I have recently returned from an annual conference in Traralgon at which reference was made to the problems caused by the development of country centres. That is not a reference to what has been happening during the past 50 years.

The Hon. J. M. TRIPOVICH.—Under the Bolte Liberal Government?

The Hon. MURRAY BYRNE.—No, development over the past 50 years. The number of houses required will be known only after a complete survey has been undertaken of the housing needs of all country industries which are in receipt of an approved decentralized certificate or which are firmly committed to establish in a country town. It is contemplated that the authority would require a minimum of $3 million annually for this purpose.

A division of industrial housing will be established within the Ministry of Housing and experienced officers will discuss with decentralized industry their housing needs. A programme will be arranged which will assess the number of houses which the industry or their employees should provide themselves, how many houses could be provided by the Housing Commission and how many houses could be provided by the authority. It may be necessary in some cases to programme houses to be built over a number of years.

The powers of the authority are very wide and it will be able to do all things relative to the provision of housing for country industry. It can purchase land and houses, lease land and acquire land for houses, they can subdivide and re-subdivide land purchased, it can lay out and construct streets on land so purchased, leased or acquired, and it can expend moneys on works and operations to render this land suitable for housing. It can erect or cause to be erected on this land houses which may in turn be sold, leased or rented to industry. It can sell land and houses or lease land to industry for housing purposes, it can make loans under terms and conditions as it thinks fit for the provision of housing to persons employed in country industry and it can make loans to country industry to enable industry to build houses for its employees.

The authority is empowered under the Bill to enter into an arrangement or agreement with the Housing Commission constituted under the Housing Act 1958 whereby the commission shall be and act as the agent of the authority for the purposes of this Bill upon such terms and subject to such conditions as are agreed upon by the authority and the Housing Commission. This means that the full services of the Housing Commission will be made available to country industry and the architectural and engineering branches of the Housing Commission will be of great assistance to industry in so far as the design of these homes is concerned.

The commission will buy individual blocks of land if necessary, or will use the land which could be made available by the particular industry itself, will call tenders, will contact builders and will give as complete a service to industry to house their key personnel and technical staff as it is already doing in the day-to-day operations of the Housing Commission in providing homes for needy people. The Housing Commission is already geared to do this work as part of its day-to-day operations. There will be no interference with or overloading of the commission's responsibilities under the Housing Act.

The Hon. J. M. TRIPOVICH.—The Housing Commission is already doing this by agreement.

The Hon. MURRAY BYRNE.—That is so. As Mr. Tripovich and Mr. Swinburne will be aware, the commission will have real problems in getting into this field. I do not suggest that the commission will be going outside its charter but it will have problems in carrying out this function, and also in the use of moneys allocated to the housing of needy people. This will be distinct from other funds used by the Housing Commission.

The Hon. D. G. ELLIOT.—But the commission has already done so for many years.

The Hon. MURRAY BYRNE.—That is so, possibly outside its charter, and I do not want to stress that.

The Hon. D. G. ELLIOT.—No one has objected to it.

The Hon. MURRAY BYRNE.—I agree. The five main clauses of this Bill are clauses 4, 12, 13, 14 and 15. Clause 4 provides the powers which are indicated in the second reading notes. These are all-embracing powers to carry out the purpose of the Act.

Clause 13 empowers the authority to enter into agreements with the Housing Commission whereby the commission shall act as the agent of the authority to implement any of the authority's functions as set out in the Bill.

Clause 14 authorizes the authority, with the consent of the Treasurer, to borrow money for the purpose of implementing the provisions of this Bill. This clause further empowers the Governor in Council to approve of the Treasurer guaranteeing money loaned to the authority by any person or institution and authorizes the Treasurer to guarantee repayment of such money. This clause also stipulates that in fulfilling any guarantee the Treasurer may pay such moneys out of the Consolidated Fund.

Clause 15 provides for the establishment of a trust account in the Treasury which will be part of the trust fund and will be known as Decentralized Industry Housing Fund into which shall be paid any moneys appropriated by Parliament or moneys borrowed, earned or otherwise received by the authority. The fund so established will be available to the authority to enable it to carry out its functions under this Bill.

I sincerely hope the Bill will fulfil its function, and will be the key to a great deal of development throughout the State. I commend the Bill to the House.

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

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

OMBUDSMAN BILL.

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

That this Bill be now read a second time.

The Government has announced the appointment of an Ombudsman and this Bill seeks to give effect to the proposal. Democracy depends upon public confidence. Honorable members will accept that proposition. It is important to maintain that confidence. The public at large should have a remedy wherever it is believed or even suggested that there may have been bureaucracy or unfairness in the determination of matters affecting the individual citizen. The Bill affords the remedy to the ordinary citizen wherever there is a suggestion of an abuse of administrative power or lack of application of the proper principles in the exercise of administrative discretion.

In introducing the measure, the Government does not suggest for one moment that this is a common occurrence or anything more than a remote or occasional occurrence. Over many years, honorable members have had the opportunity of dealing with the Public Service. All honorable members will acknowledge that the vast majority of public servants carry out their jobs effectively, efficiently, courteously and with real consideration for the citizens whom it is their task and often their onerous duty to serve. Equally, it will be admitted that at times, through some oversight, some small lack of care, through sheer pressure of overwork, or for some other reason, a lapse may occur which ought to be remedied. Human nature being what it is, a decision which is made at one level, endorsed at another and re-endorsed higher up the echelon, becomes difficult at times to overturn.

The Hon. I. B. TRAYLING.—Is Sir Henry being considered for the job?

The Hon. A. J. HUNT.—No, I understand not, although I could not think of a better man. There may have been some defect in the original decision and the purpose of the Bill is to provide a remedy. The position of Ombudsman was first created in Sweden where it has over a century of history and where responsible government as we know it in the democracies of the British Commonwealth never existed.

The Hon. J. M. TRIPOVICH.—The Ombudsman operates effectively in New Zealand, too.

The Hon. A. J. HUNT.—Yes, but the position originated in Sweden.

The Hon. J. M. TRIPOVICH.—All it does is to ensure the continuation of effective service and correct any wrongs that arise.

The Hon. A. J. HUNT.—Exactly. Mr. Tripovich has epitomized the whole purpose of the Bill in a simple way. In 1962 an Ombudsman was appointed in New Zealand and in 1967 one was appointed in the United Kingdom. Although in the Bill the formal title of the officer is stated to be Commissioner for Administrative Investigations, doubtless he will be popularly known as the Ombudsman. That is the intention of the Government. The Victorian Ombudsman will have a greater degree of independence than is afforded to the Ombudsman in New Zealand and in the United Kingdom. Not only will he decide for himself the cases that he will investigate but he will also be entitled to hold office until he attains the age of 72 years without interference by the Executive and will be removable from office only on an address to both Houses of Parliament praying for his removal, in the same manner as applies to judges.

The limitations placed on the Ombudsman are set out in the Bill and are very few. He has no prerogative to investigate policy decisions as distinct from administrative decisions, nor will he be authorized to investigate the decisions of a court, a legal adviser, a trustee, the Auditor-General, or a municipality. Normally, the Ombudsman will not investigate where there is an appeal pending to either a court or a tribunal, nor will he be entitled to interfere with a decision of a quasi-judicial tribunal which acts already in the capacity that an Ombudsman is designed to fulfil.

A detailed explanatory memorandum has been circulated with the Bill. I commend the Bill to the House. I believe it will fulfil a real need against those occasional—I emphasize the word "occasional"—cases of error or perhaps dereliction of duty which may sometimes occur. At the same time the establishment of the office should greatly assist in maintaining public confidence in the Public Service, which is essential to democracy.

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

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

MAGISTRATES' COURTS (JURISDICTION) BILL.

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

That this Bill be now read a second time.

As I indicated yesterday, in connection with legal Bills I have been accustomed to circulating explanatory memoranda rather than explaining the measures in detail. Honorable members will notice that the explanatory memorandum attached to this Bill is quite clear. It is also available to members of the public.

To a large degree, the provisions of this Bill constitute a re-enactment in a more convenient form of existing law. It affects procedural changes, but there are also some changes of substance. They are set out in the memorandum attached to the Bill.

Clause 6 of the Bill gives effect to recommendations made by the Statute Law Revision Committee and

undertakings given by the Government to take the execution of civil warrants away from the duties of members of the Victoria Police Force, and sub-clause (2) of clause 10 of the Bill frees police officers of the duty of serving warrants. It will enable them to carry out more essential duties.

Clause 9 contains much of the substance of this measure. As I have already said, the Bill generally represents a re-enactment of the Magistrates' Courts Act 1971, and it is designed to assist the work of the courts and the administration of justice.

Proposed new section 69, which is contained in clause 9 of the measure, increases the jurisdiction of Magistrates Courts, in the case of larceny and allied offences, to matters which involve amounts of up to $1,000. This Bill will avoid the necessity of many small cases having to be heard in the lower court and being referred to higher courts. It will avoid duplication and enable the lower courts to deal with cases in a final way, so long as the consent of the accused is obtained.

In view of another matter which has been the subject of debate in this Chamber, it is interesting to note that the measure provides increased penalties for the destruction of trees whether on Crown or private land. However, that is another matter. The Bill provides for increased jurisdiction of Magistrates Courts in relation to a wide range of offences.

I commend a study of the memorandum which is attached to the Bill to honorable members who are interested in amendments to the law. The amendments have been explained in another place. I commend the Bill to the House.

The Hon. R. J. EDDY (Doutta Galla Province).—I move—

That the debate be now adjourned.

The Hon. A. J. HUNT (Minister for Local Government).—I suggest that the debate be adjourned until Tuesday next.

The Hon. M. A. CLARKE (Northern Province).—The Minister has explained that there is a memorandum attached to this Bill, but it seems to me that it has taken the place of the introductory second-reading speech in which the Minister should explain the meaning of the Bill. I do not object to that, but I wonder what will be the effect of it on the *Hansard* record of the debate. Normally, the Minister would have spent considerable time in explaining the Bill, and his explanation would have appeared in *Hansard*. I appreciate that the Minister has saved time by adopting this course, but I wonder what will be its effect on the record in *Hansard*.

The Hon. A. J. HUNT (Minister for Local Government) (*By leave*).—Mr. Clarke has raised this matter on previous occasions. I have adopted the same course with Bills which have originated in another place because a debate has taken place and honorable members can study it. I have never done that with Bills which have been initiated in this House. If Mr. Clarke insists that the course I am adopting is not the correct one, I shall abandon it; although the result of that will be that there will be interminable explanations of individual clauses during second-reading speeches.

Wherever possible, I have tried to avoid wearying the House with long, intricate explanations of measures in which only a handful of honorable members are interested. I have tried to do what I have believed to be reasonable in the circumstances. If the course that I have adopted does not accord with the wishes of the House, I shall abandon it.

The Hon. M. A. CLARKE (Northern Province) (*By leave*).—I do not object to the approach which has been adopted by the Minister. It saves much time. The Minister says that there has been lengthy discussion of a matter in another place, but that does not assist honorable members in this place. Any reference to the other debate is ruled out of order.

The Hon. A. J. HUNT (Minister for Local Government) (*By leave*).—Mr. President, is there any means by which this problem can be overcome?

The PRESIDENT (the Hon. R. W. Garrett).—I see no reason why the explanatory memorandum should not be incorporated in *Hansard.*

The Hon. A. J. HUNT.—Then I seek leave to have the explanatory memorandum incorporated in *Hansard* without its being read.

The PRESIDENT.—I suggested this arrangement concerning legislation with which the present Minister for State Development and Decentralization was involved some years ago. This suggestion was adopted in order to avoid what would have been a second-reading debate of some two and a half hours' duration. It is doubtful whether explanatory notes of that length should be incorporated in *Hansard,* but in this case the explanatory memorandum consists of only a few pages and I think the matter could be well handled by having it incorporated in *Hansard.*

The Hon. A. J. HUNT.—Mr. President, your suggestion may be of real importance to the future practices of this House. For that reason, I think I should clarify a matter. It has been my practice on some occasions—including one yesterday—to circulate two documents, one of which is a general explanation of the Bill which is more complete than my oral explanation of it, and the second of which is a detailed memorandum which is designed to assist honorable members when the Bill is being considered in Committee.

The PRESIDENT.—As this is a serious matter, and one which may arise in the future, when the Minister moves that explanatory notes be incorporated in *Hansard,* I think the House should give the matter full consideration and that the decision to take such action should be unanimous.

The motion for the adjournment of the debate was agreed to, and it was ordered that the debate be adjourned until Tuesday, April 10.

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

That the explanatory memorandum attached to this Bill be incorporated in *Hansard.*

Sir GILBERT CHANDLER (Minister of Agriculture).—I take it, Mr. President, that you have deeply considered this matter. Although it might not be appropriate in this case, I think that an objection can be taken: I do not think the House should depart from its long-standing practice of having a second-reading speech delivered and the Minister's remarks appearing in *Hansard.* It is possible that in explaining a Bill a Minister might abbreviate his remarks too much. I agree that any decision should be unanimous, and that this motion should not be accepted if there is objection from only one or two members.

The PRESIDENT (the Hon. R. W. Garrett).—Honorable members are aware that on some occasions I have been asked to approve of the incorporation of documents in *Hansard. Hansard* records the speeches of honorable members, but the explanatory notes in connection with technical Bills are another matter. The incorporation of an explanatory memorandum does not replace a second-reading speech; it is an auxiliary to it, and it helps honorable members to understand the technical terms. It also enables honorable members to understand the provisions of the Bill before the resumption of a second-reading debate. If an exception is taken, I agree that the motion should not be accepted.

The Hon. I. A. SWINBURNE (North-Eastern Province).—In this case, Mr. President, I do not object, but I think motions of this kind should be dealt with individually and that the motion which has been moved by the Minister for Local Government should not be regarded

as setting a precedent for future similar motions. A second-reading speech should be delivered, although, in connection with this Bill, I agree that some explanation is necessary to enable honorable members to understand the technicalities which it embraces. I shall support the motion, but I do not wish it to be regarded as a precedent.

The PRESIDENT (the Hon. R. W. Garrett).—I understand the reasoning of Mr. Swinburne and the Minister of Agriculture. The unanimous agreement of the House would be necessary for that and I point out that it would be necessary to have that on each occasion this was done.

The Hon. A. J. HUNT (Minister for Local Government) (*By leave*).—An issue of principle and precedent which may well affect the practices of the House in the long term has been raised. If honorable members think it preferable, I would agree to have the motion I have moved by leave adjourned to enable you, Mr. President, to consider whether a more general principle of statement should be made and, if you so desire, to discuss it with the Leaders of the parties and other senior members of the House and perhaps the Standing Orders Committee.

The PRESIDENT (the Hon. R. W. Garrett).—I can see the points of view of the Leader of the Government and of the Leader of the Country Party, and I must give some consideration to their attitude. The position would be resolved if the Minister withdrew his motion and concentrated purely on a motion to have the explanatory memorandum attached to this Bill incorporated in *Hansard*.

The Hon. A. J. HUNT.—That is what I have done, that is the basis of my motion.

The PRESIDENT.—I ask honorable members to indicate their consent by standing in their places.

I declare the motion carried unanimously.

The explanatory memorandum attached to the Bill was as follows:—

The Bill has three objects. First, it proposes the re-enactment, as provisions of the Magistrates' Courts Act 1971, of provisions of the Justices Act 1958 in respect of jurisdiction of Magristrates' Courts, appeals from and review of decisions of Magistrates' Courts, and miscellaneous matters affecting Justices and Magistrates' Courts. In the result the provisions that will remain in the Justices Act for the time being are those concerned with the procedure and practice of Magistrates' Courts and the practice of Justices in relation to indictable offences. As appears from the comparative table annexed hereto, some existing provisions have been re-enacted with amendments and some new provisions have been introduced.

The second object of the Bill is to provide for warrants of distress issued out of Magistrates' Courts in civil matters to be executed by bailiffs appointed for the purpose. Thirdly, the Bill provides for the amendment of various Acts in consequence of the re-enactments and new provisions that are contained in the Bill.

THE CLAUSES OF THE BILL.

Clause 1 contains provisions in the usual form as to the title of the Act, reference to the Magistrates' Courts Act 1971 as the Principal Act, and commencement of the Act by proclamation.

Clause 2. This makes a consequential amendment of section 1 (3) of Principal Act, in light of the provisions of clause 9 of the Bill.

Clause 3 contains an amendment of section 3 of Principal Act by inserting a new definition of "Civil Matter", which is designed to reduce the length of later provisions in the Bill.

Clause 4. This re-enacts section 31 (1) of the Justices Act 1958, as section 22A of the Principal Act, with two substantive amendments—

(*a*) Paragraph (*c*) is a new provision, enabling a Justice to endorse on a warrant to apprehend or search for any person a direction that the person, when apprehended, be released upon a recognizance either with or without sureties or the deposit of a sum of money in lieu of sureties. This is intended to facilitate, in appropriate cases, release on bail.

(*b*) Paragraph (*g*) has been amended by expressly empowering a Justice to take a recognizance to prosecute an appeal to the County Court. The amendment will remove any doubt as to the power of a Justice to do so.

Clause 5. Section 24 (1) of the Principal Act requires that the register of a Magistrates' Court include minutes of convictions and orders of the Court and "of such other proceedings as are directed by any rule . . . . to be registered".

The amendment proposed by this clause (namely to insert the words "by this Act or" after the word "directed" in the quotation above) requires the register to include minutes of such other proceedings as are directed by the Act, as well as by rules under the Act. The amendment is directed particularly to the entry of a memorandum of the decision of the County Court in accordance with proposed section 75 (1) (i) of the Principal Act, which is contained in clause 9 of the Bill.

Clause 6 proposes the insertion in the Principal Act of new sections 31A, 31B and 31C, and the amendment of sections 1 (3) and 43 in consequence thereof.

The proposed new sections, together with the amendments contained in subclause (1) of clause 10, are designed to establish a system of bailiffs of Magistrates' Courts to execute civil warrants of distress, and to relieve members of the police force of this work. It is unnecessary to comment on the proposed new sections which are self-explanatory. Further comments in respect of the proposed system of bailiffs are made hereunder in relation to clause 10.

Clause 7 amends section 46 of the Principal Act to make special provision for dealing with groups of people who interrupt proceedings of Magistrates' Courts.

Clause 8 makes two amendments of section 49 of the Principal Act, which empowers the Governor in Counicl to make rules for the purposes of that Act.

The amendments in paragraph (*a*) of the clause consolidate in section 49 the separate rule-making powers at present contained in sections 4 (2) and 68 (7) of the Justices Act 1958 which are used to complement regulations made under section 152 of the Evidence Act 1958.

Paragraph (*b*) of the clause amends section 49 (*c*) of the Principal Act, so as to enable rules to be made in respect of the keeping by bailiffs of accounts of the proceeds of execution of warrants of distress.

Clause 9 proposes the insertion in the Principal Act of new sections 50 to 101. As appears from the annexed comparative table, the new sections mainly re-enact provisions of the Justices Act 1958. The following notes set out the provisions of the new sections which are completely new or which involve substantive amendments of existing provisions.

Proposed section 57. This new provision is designed to give legislative approval to the existing practice in respect of fixing monetary penalties and, indeed, to ensure that the financial circumstances of an offender are taken into account.

Proposed section 58. The proposed section re-enacts section 75 of the Justices Act 1958 with two substantive amendments. These are—

(*a*) The provision in the Bill requires that notice of a recognizance shall be given to every person bound thereby. It has long been a requirement that notice of a recognizance in respect of indictable offences be given to persons bound by the recognizance—see section 53 of the Justices Act. This serves the useful purpose of supplying the person bound with written advice of his obligations, and there is no good reason why such notice should not be given in respect of recognizances under proposed section 58.

(*b*) The Bill omits the final sentence of section 75 of the Justices Act, which provides that the section is not to apply where a person has pleaded guilty in relation to an offence of which he could not be convicted summarily if he had not pleaded guilty. Formerly, section 77 of the Crimes Act 1958 enabled certain indictable offences to be dealt with summarily only when the accused pleaded guilty. However that section was repealed in 1962 and the power under section 102A of the Justices Act to deal summarily with certain indictable offences no longer depends upon the accused pleading guilty, but upon his consenting to the charge being determined summarily. In these circumstances the final sentence of section 75 of the Justices Act is redundant and it has, therefore, been omitted from the Bill.

Proposed section 59. This provision re-enacts section 76 of the Justices Act, which requires that a Magistrates' Court shall not impose cumulative sentences of imprisonment exceeding in the whole *two* years in respect of offences committed at the same time. However, Magistrates' Courts are empowered in some instances to impose terms of imprisonment in excess of two years for a first offence. For example, section 8 of the Vagrancy Act 1966 fixes a maximum penalty of three years imprisonment for the offences of being armed with certain weapons with felonious intent or escaping or attempting to escape from lawful custody. Section 377 of the Water Act 1958 prescribes a maximum penalty of ten

years imprisonment or a fine of $1,000, or both imprisonment and fine, for the offence of destroying or damaging certain works. In these circumstances it is considered appropriate that proposed section 59 fix the maximum term of cumulative sentences at four years in lieu of two years.

Proposed section 69 re-enacts with amendments section 102A of the Justices Act 1958, which confers jurisdiction upon a Magistrates' Court to deal summarily with certain indictable offences. The main amendments are contained in the following paragraphs of sub-section (1) of the proposed section—

Paragraph (*a*). This paragraph deals with larceny and similar offences, where the value or amount involved does not exceed $1,000.

The Bill extends the existing provision by—

(i) adding "larceny as an agent" in a new sub-paragraph (vi). The provision already includes larceny as a bailee and larceny as a clerk or servant, and there is no logical reason why larceny as an agent should be excluded.

(ii) extending the existing provisions in sub-paragraph (iv) in respect of "Larceny as a clerk or servant" and those in sub-paragraph (vii) in respect of "Embezzlement as a clerk or servant" to servants of the Crown.

There appears to be no reason why any distinction should be drawn between Crown servants and other employés.

Paragraph (*e*). This is a new provision. Like the other amendments comprised in proposed section 69, it is designed to enable the summary disposal of indictable offences in appropriate cases, particularly when the amount or value of the property involved in an offence is not very large. In this instance the provision confers jurisdiction to deal with larceny or killing of cattle when the value of the cattle does not exceed $1,000.

Paragraph (*i*). This is also a new provision, and deals with the receipt or solicitation of secret commissions of an amount not exceeding $200. The need for the amendment made by this paragraph was brought to attention by a case in which a $10 bribe was offered to a driving licence testing officer. This necessitated a preliminary hearing and a jury trial, and it is considered desirable that provision for summary proceedings should be available, where appropriate. It will be noted that the paragraph is limited to cases where the amount of the valuable consideration does not exceed $200.

Paragraph (*l*) is another new provision, dealing with the destruction or damage of trees, where the amount of injury does not exceed $1,000. It appears consistent with the general policy of the existing provision that the offences involved should be added to the summary jurisdiction of Magistrates' Courts in relation to indictable offences.

Paragraph (*m*) is a new provision and confers jurisdiction in relation to forgery and other offences in respect of bills of exchange and promissory notes. Magistrates have jurisdiction to deal with the forgery and uttering of Social Service cheques under the Commonwealth Crimes Act, and it is desirable that their jurisdiction be extended to similar offences under Victorian legislation.

Sub-section (1) of proposed section 69 also amends the existing provision by providing that the Court may convict the person charged "notwithstanding that the information may have been laid more than twelve months after the time when the matter thereof arose". Section 215 of the Justices Act provides that, in the absence of any other statutory time limit, informations for offences punishable on summary conviction must be laid within twelve months of the commission of the offence. However, it is clear from decisions of the superior Courts that section 215 is not self-operating but only applies if relied upon by the defendant. Furthermore, the offences involved in the proposed section are indictable offences and the operation of section 215 could be avoided if the person charged were proceeded against by indictment without information. In these circumstances, and having regard to the fact that summary jurisdiction can be only exercised if the person charged consents to the summary disposal of the charge, it is considered desirable that the position be clarified by amendment of the existing provision in the manner indicated.

Sub-section (4) *of proposed section* 69 is a new provision, requiring a notice of recognizance to be given to any person released upon a good behaviour bond. This adopts the principle referred to in the comments on proposed section 58.

Proposed sections 71 *and* 72. These provisions re-enact, with amendments, section 102CA of the Justices Act 1958. Basically, the purpose of that section is to enable a Magistrates' Court to order that a person under the age of 21 years be detained in a youth training centre, rather than to be sentenced to imprisonment.

As the provision stands, it applies only to young persons convicted of indictable offences, but there are a number of summary offences under the Vagrancy Act 1966 for which the maximum penalty for a first offence is two years or three years imprisonment. It appears desirable, therefore, that the provision for detention in a

youth training centre be extended to cases of convictions under the Vagrancy Act and *proposed section* 71 makes provision accordingly.

Proposed section 72 re-enacts the proviso to section 102CA, which enables a Court to direct that an offender convicted in the same proceedings of more than one offence be detained for an aggregate period of not more than two years. The re-enacting provision retains the principle of a maximum period of two years, but it now enables a Court, in appropriate circumstances, to direct that the period of detention in respect of any offence referred to in proposed section 71 be concurrent, rather than cumulative, with the period of detention in respect of any other such offence.

Proposed section 74 re-enacts section 141A of the Justices Act 1958, which provides for an appeal by the Attorney-General against sentences or orders of Magistrates' Courts in respect of offences punishable summarily. Sub-section (4) includes an amendment to make it consistent with proposed section 75 (1) (*h*), which enables the County Court to release an offender upon a recognizance to undergo sentence when called upon. This provision is a re-enactment of section 142 (7A) of the Justices Act 1958.

Proposed section 75 re-enacts, with amendments, section 142 of the Justices Act, which deals with the procedure on appeal to the County Court from a conviction or order of a Magistrates' Court. The amendments are contained in the following paragraphs of sub-section (1) of proposed section 75:—

Paragraph (*a*). Section 142 requires an appellant, in addition to giving notice of his appeal to the other party and to the clerk of the Magistrates' Court, to enter the appeal with the Registrar of the County Court within 14 days after giving notice of appeal. The section provides in paragraph (3) that if the appeal is not so entered within that time it will be dismissed.

Difficulties have arisen from time to time where an appellant without legal representation has overlooked the necessity to cause his appeal to be entered with the Registrar of the County Court. In any event the Judges of the County Court have advised that the needs of the County Court can be met by the Registrar being served with notice of appeal in the same way as the clerk of the Magistrates' Court. Paragraph (*a*) makes provision accordingly and the former provisions for entering the appeal have been omitted.

Paragraph (*d*). This is a new provision requiring notice of a recognizance to be given to every person bound thereby. It adopts the principle as to notice of recognizances referred to in the comments on proposed section 58.

Paragraph (*e*).

Sub-paragraphs (i) *and* (ii). The substantive amendment effected by these sub-paragraphs is to increase from $40 to $100 the minimum amount of a recognizance in respect of an appeal. The amount of $40 has remained unchanged since the provision was first introduced in 1938, and it appears appropriate to increase it to $100.

Sub-paragraph (iii) re-enacts paragraph (6) (*c*) in section 142 of the Justices Act, but with an amendment to make it clear that the release of an appellant on bail requires a specific order for release by the Court, Stipendiary Magistrate, or Justice.

Sub-paragraph (vi). This paragraph is a new provision and is designed to simplify proof of respital of a recognizance. It provides for the Judge signing an endorsement on a recognizance to the effect that the recognizance has been respited (i.e. extended) and specifying the day upon which and the Court at which the appellant is required to appear. Such an endorsement is to be sufficient evidence of the respital.

Sub-paragraph (vii). The change made in this provision is to substitute for the expression "metropolitan district", defined by reference to the Labour and Industry Act 1958, the expression "metropolitan area" defined by reference to the Town and Country Planning Act 1961. "Metropolitan district" is no longer defined in the Labour and Industry Act, and the amendment made by the Bill substitutes an appropriate definition.

Proposed section 77 extends the existing section by making new provisions as to procedure.

Proposed section 88 re-enacts section 155 of the Justices Act 1958, with one substantive amendment. That amendment is the increase from $10 to $50 of the amount specified in sub-section (5). The existing provision is to the effect that an order to review shall not be granted in respect of an order in civil proceedings unless the amount involved exceeds $10 or unless it appears to the Supreme Court that the order should be reviewed by reason of some important matter of law or other ground.

As the sum of $10 has remained unchanged since 1915, the proposed increase to $50 appears justified. It will be borne in mind that irrespective of the amount involved, the Supreme Court may review a decision on various grounds, including the fact that it decided some important public matter of law or some matter of general application.

Clause 10. *Sub-clause* (1) of this clause of the Bill contains a number of amendments of the Justices Act 1958 consequential upon the earlier provisions of the Bill. With a few exceptions, the amendments are of a verbal nature and relate to matters of detail in respect of warrants of distress or the execution thereof. The paragraphs of the sub-clause which call for comment are as follows:—

Paragraph (*a*). This extends the rule-making provision of section 4 (1) of the Justices Act to enable limitation of the time for which warrants of distress are to remain in force unless renewed under the rules. Difficulties can occur if a warrant of distress is issued and is lost or goes astray in the mail. It would be undesirable to issue a duplicate warrant because of the problems which would arise if the original and duplicate were in existence at the same time. These problems can be overcome by providing in the rules for a warrant to cease to have any force by effluxion of time.

Paragraph (*d*).

Sub-paragraph (iii). Sub-paragraph (iii) of this paragraph proposes the insertion of new paragraphs (*ea*) and (*eb*) in section 115 (2) of the Justices Act. The new provisions are along the lines of New South Wales legislation in respect of property seized under a distress warrant, and are designed primarily to overcome the problem of storage of seized property, particularly when, by reason of the bulk or nature of the property, the person executing the warrant does not have suitable storage facilities readily available to him, or when it is undesirable that the property be removed to another location.

The scheme of proposed paragraphs (*ea*) and (*eb*) is that the person charged with the execution of a warrant may serve a notice on the person against whom distress is levied, or on the person having custody of the property impounded, informing the person served with the notice that he is responsible for safe-keeping of such property.

Proposed paragraph (*eb*) prescribes penalties upon conviction of any person who, without consent in writing of the person executing the warrant of distress, interferes with or disposes of impounded property, defaces or removes any mark on such property to signify that it has been impounded, or removes the property from the place at which it is situated when notice under proposed paragraph (*ea*) is served.

Sub-paragraph (viii) proposes the insertion in section 115 of the Justices Act of new sub-sections (2A) and (2B). They provide in effect that a member of the police force shall not execute a civil distress warrant in any municipal district or subdivision thereof specified by proclamation for the purposes of section 115 before the warrant was issued.

The new sub-sections are modelled on section 24 of the Act in relation to service of civil process by the police, and are designed to ensure that, if necessary, the transfer of execution of civil distress warrants from the police to bailiffs can be carried out in stages as bailiffs are recruited and trained.

Paragraph (*k*) provides for the repeal of provisions of the Justices Act 1958 which will be replaced by provisions in the Bill.

Sub-clause (2) of Clause 10 preserves the operation of existing rules made under sections 4 (2) and 68 (7) of the Justices Act (which are repealed by the Bill) pending the making of new rules.

Clause 11 amends section 45 of the Public Service Act, which enables a person appointed to the office of clerk of a Magistrates' Court or to some other court office to be authorized to act in the same capacity at any place in Victoria when so directed by the Minister or permanent head. The amendment is consequential upon the provision in clause 6 of the Bill for the appointment of bailiffs.

Clause 12 provides for verbal amendments of various Acts in consequence of the amendment and repeal of provisions of the Justices Act by clause 10 of the Bill.

CRIMES (THEFT) BILL.

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

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

(1) The principal Act is amended as follows:—

. . . . . .

(*b*) For subdivisions (1) to (18) (both inclusive) of Division 2 of Part I. and the headings thereof there shall be substituted the following:—

. . . . . .

73.

. . . . . .

(7) A person who picks mushrooms growing wild on any land, or who picks flowers, fruit or foliage from a plant growing wild on any land, does not (although not in possession of the land) steal what he picks, unless he does it for reward or for sale or other commercial purpose.

The Hon. A. J. HUNT (Minister for Local Government).—Yesterday, there was extensive discussion of sub-section (7) of proposed new section 73 which is contained in this clause. A similar provision was the subject of considerable debate in Great Britain and it was adopted by a majority of one by the committee

which recommended the Bill there. There were further discussions on the provision in the House of Commons but it was ultimately agreed to. By implication, although not by expressed statement, the Chief Justice's Law Reform Committe regards this as a suitable provision for incorporation in the Victorian measure.

However, in the light of the arguments advanced yesterday and after consultation between the Attorney-General and the Chief Parliamentary Counsel, the Government has recognized that, although it believes the purpose of the exculpatory clause is of a common-sense nature, its specific existence in the measure could have the effect of a change of law in practice and of leading people to believe that they were entitled, without permission, to enter onto another person's property and to strip any uncultivated trees or plants growing there.

That is not the purpose of the subsection. Its purpose is merely to afford a carefully stated defence to a person who, in a casual way, picks mushrooms or wildflowers rather than strips premises. But it is conceded that, in the public mind, the effect of the proposal could well be treated as granting a licence which does not exist and where none was intended to exist. Therefore, in a moment, I shall propose that the subclause be omitted. The effect of its omission would be to leave the law on this point precisely as it is now. At present, a mushroomer who goes onto property and picks a reasonable quantity of mushrooms for his family's use would never be charged.

The Hon. J. W. GALBALLY.—Never charged or never convicted?

The Hon. A. J. HUNT.—It is not likely that he would be charged with larceny. If he were charged at all, it is much more likely that he would be charged with trespass, for entry without the consent of the owner, or for refusing to leave when requested to do so.

The Hon. J. W. GALBALLY.—What do you say the position is now?

The Hon. A. J. HUNT.—If the quantity of mushrooms was large enough to indicate that it was likely that they were collected for sale, there could well be a conviction. If the quantity was reasonable, sufficient only for the needs of a family, it is not likely that any court would convict him although a person might be charged with trespass or being found on an enclosed yard or premises without lawful excuse. What is likely, under the larceny charge or a theft charge under the new proposals, is an adjournment of the case without conviction or a finding that the offence was proved but a dismissal of the charge as being trifling. That is the situation under the present law.

Similarly, if someone picked a bunch of wattle while passing through a bushland setting, perhaps in ignorance of whether it was growing on Crown or private land, it could not be imagined by any lawyer that he would be charged, let alone convicted, of larceny although other charges may well lie, such as a charge of damaging trees or shrubs to which I referred in relation to the measure just dealt with by the House. In respect of Crown lands, there are invariably offences under by-laws under the Land Act itself. That is the position at present. It has occasioned no particular problem. I have never heard of a mushroomer being charged with larceny although I have heard of many who have been threatened that they would be charged with trespass.

The Hon. D. G. ELLIOT.—They enter onto properties without the courtesy of asking permission, appropriate things, and cause inconvenience. In Mr. Grimwade's case, a person shot one of his Angus stud bulls in the eye.

The Hon. A. J. HUNT.—Clearly, the answer is that the person who wishes to enter onto another's land should seek permission. If it were obtained, there could be no suggestion of trespass or theft.

On reflection, the Government has accepted the argument advanced and agreed that it would be better to omit the sub-clause and leave the practice and law as they stand at present and so avoid any possible suggestion that a new right is being granted which did not previously exist. Therefore, I move—

That sub-section (7) of proposed new section 73, as contained in clause 2, be omitted.

The amendment was agreed to, and the clause, as amended, was adopted, as were the remaining clauses, and the schedule.

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

BALLARAT (SOVEREIGN HILL) LAND BILL.

The debate (adjourned from April 3) on the motion of the Hon. Murray Byrne (Minister for State Development and Decentralization) for the second reading of this Bill was resumed.

The Hon. H. A. THOMAS (Melbourne West Province).—The purpose of the Bill is to add about 29 acres of Crown land to Sovereign Hill Reserve at Ballarat where much energy, time and planning has been put into the development of a park and museum in which are exhibited various aspects of Ballarat's history. Having visited Ballarat on a number of occasions, I have pleasure in saying a few words about that city which has played an important part in the history of this State. The Begonia Festival which is held there is a most colourful spectacle for visitors, who may also visit the shell house, Adam Lindsay Gordon's cottage, and the Chinese joss house. The latter might have partially influenced the Minister's visit to the People's Republic of China.

Ballarat has become a city with many unique attractions. In its early colourful history there were many turbulent times, particularly for the persons who worked and lived in Sovereign Hill, one of whom was Peter Lalor. He was a quiet but courageous man. He demonstrated his courage when he led the rebellion at Eureka Stockade on Bakery Hill and hoisted the flag of the Southern Cross on the morning of 3rd December, 1854. Peter Lalor later represented the Ballarat area in this Parliament and rose to the position of Speaker.

In 1966 a group of twenty persons formed a committee, with Mr. J. L. Trevenen as president. To put its ideas into effect the committee raised from donations the sum of $270,000, which was a great effort, to get the project off the ground.

Sovereign Hill museum and park is a magnificent project. It is a great tourist attraction and is also an important educational facility. This is recognized by the Education Department which has seen fit to make available permanently a primary teacher whose responsibility it is to educate the children on the history of Ballarat.

Honorable members who have visited Sovereign Hill Reserve in the past few years have seen the extent of the project undertaken by the Ballarat Historical Park Association. It has re-created a mining village as a worth-while tourist attraction and memorial to the pioneers. It controls an area of 36 acres of land and to date has expended $500,000 on the project. Within the next two years it plans to expend a further $280,000 to $290,000. Various working exhibits have been installed—a blacksmith's shop, a pottery, a mine and a tinsmith's shop. In addition, one can also pan for gold.

Sovereign Hill has been open to the public since 1970, and since then approximately 1 million persons have visited the park and museum. About 50 persons are employed permanently, and a similar number work part-time. Members of the Labor Party wish the project well and offer no objection to the Bill.

The Hon. C. A. MITCHELL (Western Province).—My knowledge of Ballarat is not as great as that of

the Minister or of Mr. Thomas, but I am pleased to be able to give the Minister some support for this project in his district. I find that activities in Western Province keep me busy, and that I need some assistance from the Minister. Therefore it is with pleasure that I offer him a little support for Ballarat and district through this Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2, relating to interpretations.

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization).—I cannot resist the temptation to rise briefly to sincerely thank honorable members for their excellent speeches. I also thank members of this Chamber and of this Parliament for the wholehearted and remarkable support, encouragement and backing which Parliament has given to the Sovereign Hill project. I wish to put on record and assure honorable members that the people of Ballarat deem it a privilege and a pleasure when any member visits that city to see how this project operates. It is a wonderful success story. I recall that I donated $20 to the project in the initial stages, although I thought it might be just another project for which one's constituents "bite" one on many occasions, and that it may not become a reality. However, it has become a fantastic success. From a dirty, sludgy mining area which was an insult to every one, Sovereign Hill has been converted into the greatest tourist attraction in Australia. It is not only of great benefit to Ballarat where it is one of the largest industries, providing employment for a number of persons, but it has altered the whole aspect of tourism in that city.

As honorable members are aware, it is difficult to obtain accommodation in the new motels which have been built in Ballarat because visitors come not merely to see the wonderful historic exhibits of which Mr. Thomas spoke but to remain and spend their money there. Therefore, Sovereign Hill is not only an asset to Ballarat but also to the State. Mr. Thomas was obviously well briefed on this subject because he stated that 1 million persons have visited the Sovereign Hill project, which is only just commencing. Last night the committee presented me with some plans showing stages 1 and 2, and I am sure honorable members will be happy with what is going to be developed there.

The committee also gave me some figures about visitors to Sovereign Hill and where they came from. Of the 1 million visitors, 5·5 per cent were from overseas. The value of these visitors to the city amounts to many hundreds of thousands of dollars. The figures relating to interstate visitors are interesting because Victorians who travel to Queensland assist in making tourism in that State its second biggest industry. Attempts are being made to persuade Victorians to travel within Victoria. About 22 per cent of the number of persons who visited Sovereign Hill came from interstate; about 12 per cent were from Victorian country areas; 4·8 per cent from the Geelong area; 51 per cent from the Melbourne area; and only 3 per cent from Ballarat.

In view of the success of this project the Government has made commitments in regard to other tourist attractions. Victoria has led Australia in this field. Unfortunately, at my last meeting I could not persuade the Commonwealth Government to back Victoria in this sphere. I am to visit Echuca tomorrow to launch another great tourism attraction which will benefit not only the people of that area but also the State and the nation. I was happy to see that project advertised all over Asia when I visited there; it did not get much publicity in China although it did in Hong Kong. On Saturday I am to visit Swan Hill which has another tourist project which will be of great value to Victoria.

The Hon. S. R. McDONALD.—Is the Minister to launch that special project at Echuca?

The Hon. MURRAY BYRNE.—Yes. That is the project in which Mr. McDonald is personally involved. I point out to Mr. Swinburne that many other projects are on the drawing board. With the support of local members I hope to announce another major tourist project at Beechworth. The stage has been reached when planning for tourism goes a little beyond the construction of red brick toilets on which many millions of dollars were expended although I do not think they attracted too many tourists. Tourist facilities are being provided which are of real benefit to the State and the community. I thank honorable members for the encouragement and support they have given this project, and I know that they will be happy about other major projects in which the Government is involved.

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

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

TAXATION APPEALS. (COMMENCEMENT) BILL.

The debate (adjourned from March 28) on the motion of the Hon. Murray Byrne (Minister for State Development and Decentralization) for the second reading of this Bill was resumed.

The Hon. J. M. TRIPOVICH (Doutta Galla Province).—Twelve months ago the Government introduced a Bill which is now the principal Act, and this measure seeks to amend it. The Act in question—the Taxation Appeals Act 1972—established a new department and provided for the setting up of a Taxation Board of Review to which people could take their complaints about taxation for investigation and could seek relief. The Bill that was passed by Parliament contained three provisions. It set out the machinery for the establishment of the proposed new board and envisaged the proclamation of the various provisions of the legislation on the one day. The Government has now found this difficult to carry into effect. I do not wish to chide the Government for the situation. Possibly, members of the Labor Party were recreant in their investigations when they did not realize that it was not possible to have proclaimed at the one time the various provisions which will allow a chairman and office staff to be appointed, the office to be established, the accommodation to be arranged, and the regulations to be written.

The Government seeks a logical solution by asking the permission of the House to allow the different provisions of the Act to be proclaimed, as necessary, on different days. I suggest that the Government first proclaims the section appointing the chairman; the chairman can then arrange accommodation, select staff and make the necessary arrangements through the Public Service Board, so that he and his staff can have the regulations written and considered by the Governor in Council and brought into operation. As the various works associated with the establishment of the board are carried out, the appropriate portions of the Act will undoubtedly be proclaimed to allow this to be done, and eventually the entire Act will come into operation.

The Labor Party has no objection to the measure. It is reasonable that the proposed action should be taken. Probably, it was an oversight in the drafting of the original measure that the situation which exists was not foreseen. We hope it will not be long before the Taxation Appeals Act 1972 becomes operative for the benefit of persons seeking relief on taxation appeals. The measure will function in the interests of the people and therefore the Labor Party supports it.

The Hon. I. A. SWINBURNE (North-Eastern Province).—In his usual efficient manner, Mr. Tripovich has made a thorough examination of

the measure and has outlined its history. When the original Bill was debated, it was not foreseen that it would be necessary to have the various provisions proclaimed at different times. It is now realized that in order to appoint a chairman of the board, the different provisions will have to be proclaimed in sequence. The Bill is designed for that purpose, and the Country Party offers no objection to it.

The motion was agreed to.

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

PATRIOTIC FUNDS (AMENDMENT) BILL.

The debate (adjourned from April 3) on the motion of the Hon. V. O. Dickie (Minister of Housing) for the second reading of this Bill was resumed.

The Hon. R. J. EDDY (Doutta Galla Province).—The Bill is designed to deal with two problems. The first is that frequently the terms upon which a fund has been established restrict the amount of money payable from the fund. The second problem occurs where trustees of a patriotic fund wish to provide assistance for beneficiaries of the fund, but the funds available for the purpose are insufficient. The best way to overcome the problems would be to empower trustees to transfer either the fund or portion of it to a charitable organization which will look after beneficiaries of the fund. The Bill enables those bodies which are administering funds to achieve these aims. For those reasons the Labor Party does not oppose the Bill.

The Hon. M. A. CLARKE (Northern Province).—There are many different aspects of the administration of patriotic funds. It is obvious that some of the organizations concerned with patriotic funds encounter difficulties. Because the Bill will help them to solve some of their difficulties, the Country Party supports it.

The Hon. F. J. GRANTER (Bendigo Province).—As one who has had a great deal of interest in this amending Bill, I offer my support for it. Legacy and Returned Services League clubs have requested this amendment to allow them to use their funds more liberally and to assist charitable organizations to build houses or units for the widows for whom they are obligated to care. At St. Lawrence Court in Bendigo four magnificent units have been provided by the Church of England for Legacy war widows. Since they were built, the units have been constantly used by the Bendigo Legacy Club. This is a good principle, and I know it has been emulated in Melbourne, and probably in Geelong. The Bendigo Legacy organization, which is most active, has raised considerable sums of money by raffles under the Patriotic Funds Council Raffles Board and it wishes to extend its activities in this field in future years.

Returned Services League clubs, which are also active in raising money for welfare funds, largely through the Anzac Day race meetings and by raffles, hope to extend their activities in local districts and so have the right to have a home unit at a place which is under the Crown. The clubs will also be able to care for war widows.

I pay tribute to Mr. Press, the Chairman of the raffles board, for his work. It has not been easy to formulate the principle that is espoused in the Bill and to bring in a suitable amending measure. Mr. Press has spent a lot of time on it, and his efforts, together with those of the Parliamentary Counsel, and the Attorney-General, Sir George Reid, have made the Bill possible. I am sure it will meet with a great deal of support from Returned Services League clubs and Legacy clubs.

The motion was agreed to.

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

CRIMES (AMENDMENT) BILL.

The debate (adjourned from the previous day) on the motion of the Hon. A. J. Hunt (Minister for Local Government), for the second reading of this Bill was resumed.

The Hon. J. W. GALBALLY (Melbourne North Province).—As the Minister for Local Government has said, this is a small tidying-up Bill. The Opposition has no objection to it but there may be some matters which the Labor Party desires to raise in the Committee stage.

The Hon. M. A. CLARKE (Northern Province).—This Bill was introduced into the House only last night. It remedies a number of mistakes already made. The Country Party has not had sufficient time in which to consider the measure, which makes some major changes following recommendations by the Statute Law Revision Committee. The Country Party desires to have time to satisfy itself that the Bill carries out the recommendations which led to its introduction. I move—

That the debate be now adjourned.

The motion for the adjournment of the debate was agreed to, and it was ordered that the debate be adjourned until the next day of meeting.

JOINT SELECT COMMITTEE (OSTEOPATHY, CHIROPRACTIC AND NATUROPATHY) BILL.

The debate (adjourned from the previous day) on the motion of the Hon. V. O. Dickie (Minister of Housing) for the second reading of this Bill was resumed.

The Hon. J. M. TRIPOVICH (Doutta Galla Province).—This simple measure constitutes a joint Select Committee of inquiry into the practices of osteopathy, chiropractic and naturopathy. The measure is apparently a very hastily thought up solution to a Government dilemma. The Minister of Housing put his finger on the dilemma when he said during his second-reading speech—

One of the very real difficulties associated with any form of recognition is that there are a number of organizations each representing one or more of these arts, and in some cases one organization will have nothing to do with the others and, in fact, will decry the abilities of members of the other organizations at every opportunity.

It is not the responsibility of the Parliament to set up an arbitrary authority to negotiate an agreement between these organizations. However, there is a responsibility on the Government to introduce a measure to set up another paramedical service which will serve the community and not let it be taken down by quacks and charlatans, by people who are not properly trained, and will accept responsibility for its own action.

Probably more than ten inquiries have been conducted into the science of chiropractic, most of them in Canada, but one in Western Australia. All of the inquiries have found that chiropractic is a science; that it does offer medical relief; that it should be limited to persons properly qualified in the discipline; and that graduates are properly registered to practice to ensure that the community is protected from people who put up signs but are not qualified to administer the discipline of the health aid.

At one time the Australian Medical Association took strong exception to dentistry being taken away from its control and set up as a separate discipline or paramedical aid. Opticians had similar difficulty in establishing themselves as a science in their own right. I am on record nearly ten years ago as stipulating the necessity to register people properly qualified in the treatment and the repair of bone structure. The Australian Medical Association has truthfully stated that in the past the chiropractor claimed that once the spine had been balanced in every detail and put into its proper condition, it would automatically cure all ills and there should be no need for other services. The chiropractor does not now subscribe to that point of view.

At one time the Australian Medical Association would not agree that optometrists should be removed from its control and made a separate

science. It was claimed that optometrists would not know anything about the body and should be allowed to operate only in areas associated with the eyes. That was the belief of the doctors. The science of optometry has developed and it is now accepted that an optometrist, after making an eye examination, may say to the patient, " I think you have blood pressure " or " I think you have some other problem which is not within my field of science and I recommend that you see a doctor immediately ". That is the way that co-operation should exist.

I believe the same principle applies to chiropractors. I shall give an illustration. I realize that Government supporters can give illustrations supporting the other side of the argument. I informed the House before—I do not want to go over it again at length—that for years I suffered with a back problem. I was told by a qualified doctor that as I was more than 60 years of age I must expect arthritic pains and that I had to live with them. When the pain was severe I should take dispirin, because it would relieve my discomfort. However, it was not a matter of age. I subsequently discovered that I had had a rib out of place for more than five years. That period was identical with the period in which I had had these problems. I saw a doctor of naturopathy and in exactly five minutes he put the rib back into position. I have not had any problem since. I am still more than 60 and getting younger every day! Possibly the House can note the difference in appearance.

The facts I have related do not constitute proof why the principle of the measure should be accepted. My own doctor informed me that a female patient believed she had problems associated with the spine and used to get immense relief from a chiropractor after bone manipulation. She was X-rayed and the qualified doctor who examined the X-ray diagnosed cancer of the bladder. The chiropractor did not tell her, or was not qualified to tell her, of this problem and used to manipulate the spine at regular intervals, and from that treatment she received much relief. As honorable members know the disease from which she suffered manifests itself in a short period, and the problem was eventually revealed to her. That is a danger that can arise.

In order to ascertain what the Government had done before proposing the setting up of this committee, I carried out a chronological survey of the Government's interest in this subject. On 10th February, 1971, the Victorian branch of the Australian Chiropractors Association called on the State Government either to register qualified chiropractors or to ban them all. The State secretary of the association, Mr. G. Hunt, said that the Minister had been very encouraging. On 11th February, 1971, the *Age* published this statement attributed to the Minister of Health—

> Mr. Rossiter yesterday promised the Victorian Branch of the Australian Chiropractors Association he would put their case for registration to Cabinet.

On 6th April, 1971, Mr. Lind, who also is interested in the registration of people engaged in this profession or purported discipline, asked a series of questions of the Minister of Health in another place. The question and answer appear in volume 302 of *Hansard* at page 4617. Part seven of Mr. Lind's question was—

> Whether the Government will set up an inquiry to allow all interested parties to state their cases for registration.

The Minister replied—

> Representatives of various groups of chiropractors have been submitting cases for recognition of practitioners of this art for many years. The nature of their case is fully understood and no inquiry is necessary.

According to the *Age* newspaper of 13th October, 1972, the Australian Chiropractic Association accused the Minister of Health of delaying legislation to control chiropractors. The Minister had assured the association that he would make a decision on legislation to control the profession in December. The president of the association said that its members had

been putting up with the Minister's assurances since February, 1971, but that nothing had happened.

In December, 1972, the *Age* newspaper commented that the State Government seemed certain to legislate early in 1973 to register chiropractors in Victoria. According to the paper, the Minister of Health said that there were about 150 chiropractors and that the decision to prepare draft legislation had followed two years of intense investigation by the State Council of the Liberal Party and the State Parliamentary Liberal Party.

After saying in April, 1971, that there was no need for an investigation, apparently the Minister's State Council had different views and set up a committee to inquire into the matter. It sought the views of the Australian Chiropractors Association, the Australian Medical Association and the physiotherapists. The Australian Chiropractors Association welcomed the news that legislation would be introduced.

In an article in the *Age* newspaper of 2nd March, 1973, the Australian Chiropractors Association accused the State Government of stalling to avoid a controversy. The article stated that the Australian Medical Association was opposed to the registration of chiropractors and that it would take action at Parliamentary level to block the legislation.

In retrospect, in April, 1971, the Minister said that there was no need for an investigation but apparently the Liberal Party State Council decided that there was such a need. Accordingly, the party set up a working committee to investigate the matter. The committee held many meetings and heard a lot of evidence but failed in only one thing, to negotiate or to arbitrate an agreement between people who wanted to disown one another and fight at every opportunity. I have had a little association in this area. Those chiropractors who have qualified in Canada or the United States of America under the ethics and requirements set up in those countries should be registered by the Government. I do not commend those persons who set themselves up as a college for chiropractors and charge people to be taught what they themselves had learned from books.

The Hon. H. R. WARD.—How does Mr. Tripovich know that?

The Hon. J. M. TRIPOVICH.—An examination of their qualifications and their backgrounds reveals that that is the limit of their knowledge. Some honorable members may say that Mr. Saunders has been a blessing to many Victorians, and I agree. He possibly learnt the art from his father who in turn learned it from books. However, when one talks of separating this particular science from the Australian Medical Association, then ethics must be established. It may have been satisfactory some years ago to allow persons to set up a college to teach what they learned from books, but it is not good enough for today's society.

Currently, the Government's reputation with the chiropractors stinks but it is apparently in the top rank with the Australian Medical Association. The Government is compromising by setting up a committee to take the heat off until after the elections, but what will happen later? Will the chiropractors be forgotten or will the Australian Medical Association be informed in similar terms to the Dental Association concerning the dental technicians' legislation, that the Government will legislate for these people as a separate science?

The Labor Party will not oppose the Bill. It realizes the Government's dilemma. The Government should have shown some intestinal fortitude and should not just be looking for votes. Chiropractic is a paramedical science that has a part to play in the medical treatment of people in this State. The Government has to decide whether it will recognize the science and enable those presenting it to establish ethical standards. It will

be impossible to obtain agreement between those who want to fight this thing out.

No principles are associated with this type of legislation. The Government has been dilly-dallying over the matter for a long time and even this measure will not please anybody. It will leave the Government in the position that nobody will trust it. The Labor Party will support the Bill but I have given the background to it.

The Hon. M. A. CLARKE (Northern Province).—Mr. Tripovich has sprung quite a surprise by suddenly announcing that the Labor Party will support the Bill. I thought Mr. Tripovich was putting a very good case against the measure. It is a simple Bill to constitute a joint Select Committee to inquire into and report upon the practice of osteopathy, chiropractic and naturopathy and for other purposes. At the outset, I indicate that the Country Party will support the Bill. I regret that Mr. Tripovich had a rib out of place but I suggest that he is in good company because Adam had the same complaint. Mr. Tripovich seemed to be in very bad temper over the measure. He accused some of these practitioners of learning from books and passing on their knowledge. There are good and bad in all professions. If all medical practitioners were first-class and really knew their job, the death rate in the community would be extremely low and even the number of deaths from accidents would decrease because the doctors would be able to save the lives of the victims.

The Hon. S. E. GLEESON.—Death would eventually catch up with us.

The Hon. M. A. CLARKE.—Eventually, even without the assistance of the doctors, some of whom may be hastening us to our graves. One matter which puzzles me is that the Minister's second-reading notes state that the Select Committee to be set up will consist of three members from the Legislative Council and three members from the Legislative Assembly and appointed according to the practices of Parliament in regard to the appointment of Select Committees. However, sub-clause (2) of clause 2 provides—

> The Committee shall consist of six members of whom two shall be members of and be appointed by the Legislative Council and four shall be members of and be appointed by the Legislative Assembly according to the practice of Parliament with reference to the appointment of members to serve on Joint Select Committees of the Council and the Assembly.

It is confusing when a statement appears in the Minister's notes and the Bill contains a different provision. I indicate at this stage that the Country Party will be supporting the reference in the second-reading notes, three members from the Assembly and three from the Council, which, as the notes state, is the practice of the Parliament in the appointment of Select Committees. The Country Party will oppose sub-clause (2) of clause 2 as it appears in the Bill. Perhaps the Minister could provide some reconciliation of the divergence between his notes and what appears in the Bill as presented. Perhaps the measure was amended in another place.

When the committee is set up, it should consist of six members with open minds. It is of no use appointing to the committee a person who is either for or against the proposal. Anybody who has been committed one way or the other in the past is unsuitable for appointment to the committee. Not only are the members of the profession divided amongst themselves, but so are members of the public divided about the relative merits. It should be possible for the committee to take evidence and to give impartial and inquiring consideration to the matter. I trust this will be the case.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Joint Select Committee to be appointed).

The Hon. A. J. HUNT (Minister for Local Government).—I thank honorable members for their contributions. Certain statements ought to be made arising from the remarks by Mr. Tripovich. The honorable member rightly referred to an article from the Australian Chiropractors Association some time ago asking the Government to either register them or ban them. This is a fair enough approach in a matter which so clearly relates to the health of the individual. If chiropractice is a science and if the practitioners are qualified, they ought to be registered and the State ought to be prepared to act accordingly. If, however, they are a danger to health, the law ought not allow them to practise.

The present situation does nothing to protect the public. On the one hand, it does nothing to keep out quacks and charlatans. On the other hand, it leaves a glorious state of uncertainty.

It is true that investigations were carried out within the Department of Health, within the Government and within the Parliamentary Liberal Party. These investigations indicated that there were in fact some with high standards. That, however, does not justify a registration Bill which purports to settle all matters. This was not the case of an ordering between rival factions in which some members of a group may have been adequately qualified and others were not. When estate agents or certain tradesmen were being registered there was a grandfather clause which allowed those already in the industry to be registered. It is singularly inappropriate to have a grandfather clause in a Bill which vitally affects the health of the community. It is important to determine concisely the standards that would be acceptable and those that would not be.

The Hon. D. G. ELLIOT.—That did not happen with the dentists.

The Hon. A. J. HUNT.—It may have happened many years ago but it would not be done today in a matter vitally affecting the health of the community. At least the West Australian Government did not do it on the same subject that the Committee is now debating and I am not suggesting that it should be done. We should not allow a quack who has been practising without proper qualifications to continue to practise because he was doing so the day before registration legislation came into force.

The Hon. D. G. ELLIOT.—Unfortunately it includes people like Ernie Saunders and Mitchell.

The Hon. A. J. HUNT.—I hope the Select Committee that is to be appointed by the Bill will examine the type of qualifications and the record of past service to the public which ought to enable registration. That at least will provide guidelines for distinguishing between quacks and those who are in a position to assist the public.

The terms of reference of the committee are designed to allow the committee to go further. Mr. Tripovich has indicated quite clearly that he does not accept the claims that have always been made in the past by some supporters of chiropractic and by some chiropractors. He quoted the case of the lady who was suffering from cancer, which at that stage was undiagnosed, who received relief as a result of manipulative treatment, but, of course, this did not effect a cure. The terms of reference authorize the committee to inquire into the circumstances in which this treatment ought to be utilized or reference made to a medical practitioner. The sixth term of reference authorizes investigation of regulations. There will be involved the question of whether this ought to be by reference from doctors or whether the treatment ought to be limited to specific ailments and the like. Those are subsidiary questions other than the general question of registration. I came down on the same side as Mr. Tripovich did in the last resort, and that was to support the Bill.

Mr. Clarke raised the question of the composition of the committee; two from this place and four from another place. This does not agree with the notes on the Bill distributed by the Minister. That is because the notes were prepared to accord with the original draft of the Bill.

The Hon. I. A. SWINBURNE.—The Bill as originally introduced.

The Hon. A. J. HUNT.—Yes. That was changed after negotiations in another place. That place has approximately twice the number of members of this Chamber, and I suppose it is not really unfair that it should have twice the number of representatives on the committee.

The Hon. I. A. SWINBURNE.—Is the Minister prepared to walk away from the principle that this House has always had equal representation? I am not.

The Hon. A. J. HUNT.—The principle differs from place to place and from committee to committee. The principle of equal representation from the three parties is being maintained. It is envisaged that there will be two representatives from each political party.

The Hon. J. M. TRIPOVICH.—Why did not the Government do this with the dental mechanics?

The Hon. A. J. HUNT.—I do not consider that it is necessary for me to answer any other points at this stage.

The Hon. M. A. CLARKE (Northern Province).—Sub-clause (2) of clause 2 provides—

(2) The Committee shall consist of six members of whom two shall be members of and be appointed by the Legislative Council and four shall be members of and be appointed by the Legislative Assembly according to the practice of Parliament with reference to the appointment of members to serve on Joint Select Committees of the Council and the Assembly.

I move—

That, in sub-clause (2), the word "two" be omitted with the view of inserting the word "three";

and

that, in sub-clause (2), the word "four" be omitted with the view of inserting the word "three".

If the amendments are accepted representation on the committee will be three from each House. I do not think it is necessary for me to speak at length on the amendments. It has been a long-established practice that on a joint Select Committee there has been equal representation from each House of Parliament. It is extraordinary that a principle of this standing and importance has been quietly changed. Even when the Bill came into this House the notes circulated with it did not indicate that this change had been made by the Legislative Assembly. The change must have been made recently because there was no reference to it in *Hansard* last week.

The CHAIRMAN (the Hon. G. J. Nicol).—Order! Can the Minister give an indication of his intentions regarding the amendments?

The Hon. A. J. HUNT (Minister for Local Government).—It is not my wish to precipitate a crisis between the two Houses or anything of that nature, but Mr. Clarke has raised what he considers to be an important principle of precedent in the relations between the two Houses as they affect the composition of Select Committees. It is true that every Parliamentary committee established by special Act has differed in composition but I cannot think of any joint Select Committee where the representation has been other than equal.

It could be that the amendment to the measure passed by another place was accepted without adequate thought, without recognition of past practice and without appreciation or realization of the principle behind it. If this Chamber accepts Mr. Clarke's amendments, another place will have a second and perhaps a more careful look at the principle. It may do this rather than change past practice which resulted in a hasty or maybe ill-considered amendment being agreed to. I do not know whether it was ill-considered; it may have been badly considered.

I am adopting on this occasion the view that you adopt, Mr. Chairman, from time to time in the chair when your actions result in further consideration being given to a matter. On those occasions you cast your vote accordingly to enable further consideration to be given. The Government has no intention of using its numbers in this place to defeat Mr. Clarke's amendments. The result will be, I assume, that the amendments will be passed on the voices. They will then go back to another place, in the form in which the Bill was originally prepared, for further consideration and for attention to the principle involved. If the Legislative Assembly refuses to accede to the amendments, a different situation may arise but I do not prejudge it at this stage.

The CHAIRMAN (the Hon. G. J. Nicol).—Order! There is one point that ought to be made clear; that is that the amendment that there should be two members from the Legislative Council and four from the Legislative Assembly was in fact accepted in another place.

The Hon. A. J. HUNT.—That is so.

The CHAIRMAN.—There is no possibility that anything occurred between there and here to change this. Does the Minister follow what I mean?

The Hon. A. J. HUNT.—I do.

The Hon. J. W. GALBALLY.—Perhaps the Minister could assist the Committee by saying how the Government proposes to allocate the members of the committee on party lines.

The Hon. A. J. HUNT.—I indicated that previously when Mr. Galbally was absent from the Chamber.

The CHAIRMAN.—Order! Two separate amendments are proposed but I shall put them together rather than go through each in detail. Another point which arises is that this was a Bill introduced into the Legislative Assembly on message and it is frequently accepted that the Legislative Council may not make an amendment to such a Bill. However, these amendments will not result in an additional charge on the Consolidated Fund because clause 3 is the important financial clause. These amendments merely change one aspect of the Bill, and therefore the Committee may accept them as being proper amendments.

The Hon. W. V. HOUGHTON (Templestowe Province.).—There is a precedent for a difference in the numbers from each house on a joint Select Committee. That was in the Company Take-overs Committee in which there were three members from the Legislative Council and four from the Legislative Assembly. Obviously the precedent is not inviolable.

The Hon. C. A. MITCHELL (Western Province).—On the Subordinate Legislation Committee there are three members from the Liberal Party, two from the Labor Party and one from the Country Party.

The amendments were agreed to, and the clause, as amended, was adopted, as were the remaining clauses.

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

SOCIAL WELFARE (AMENDMENT) BILL.

This Bill was received from the Assembly and, on the motion of Sir Gilbert Chandler (Minister of Agriculture), for the Hon. V. O. DICKIE (Minister of Housing), was read a first time.

ADJOURNMENT.

Sir GILBERT CHANDLER (Minister of Agriculture).—By leave, I move—

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

The motion was agreed to.

The House adjourned at 4.47 *p.m., until Tuesday, April* 10.

Legislative Assembly.

Thursday, April 5, 1973.

The SPEAKER **(Sir Vernon Christie)** took the chair at 11.4 a.m., and read the prayer.

QUESTIONS ON NOTICE.

The following answers to questions on notice were circulated:—

LAW DEPARTMENT.

MAGISTRATES COURTS

(Question No. 1224)

Mr. LOVEGROVE (Sunshine) asked the Attorney-General—

1. What additional administrative facilities are being made available to overcome existing deficiencies and delays in Magistrates Courts?

2. What additional administrative facilities will be made available to enable the Magistrates Courts to effectively function in accordance with additional responsibilities contained in the Magistrates Courts (Jurisdiction) Bill?

Sir GEORGE REID (Attorney-General).—The answer is—

It is not clear to me precisely what the honorable member has in mind in referring to additional administrative facilities. If the honorable member provides me with more detailed information I shall advise him as soon as practicable.

HOUSING COMMISSION.

HOMES AT WINCHELSEA

(Question No. 1336)

Mr. ROSS-EDWARDS (Shepparton) asked the Chief Secretary, for the Minister of Housing—

1. Whether the Housing Commission has any plans to construct adequate fencing to ensure privacy on the commission's estate at Winchelsea?

2. When it is expected that all commission homes at Winchelsea will be fitted with hot water systems?

Mr. MEAGHER (Chief Secretary).—The answer supplied by the Minister of Housing is—

1. Yes. During 1973-74 financial year.
2. August, 1973.

FENCING CONTRACTS

(Question No. 1343)

Mr. AMOS (Morwell) asked the Chief Secretary, for the Minister of Housing—

1. What is the contract rate paid by the Housing Commission to fencing contractors for the renewal of fences on commission estates in—(*a*) the Latrobe Valley; and (*b*) other areas in Victoria?

2. When this rate was fixed and whether requests have been made for the rate to be increased?

3. Whether the commission's low pricing structure for this work has directly or indirectly resulted in delays in obtaining timber from suppliers; if so—(*a*) what is the average waiting time for the supply of timber to contractors in the Latrobe Valley; and (*b*) whether the commission will increase the rates payable for this work as a means of overcoming these delays and, if not, why?

Mr. MEAGHER (Chief Secretary).—The answer supplied by the Minister of Housing is—

1 and 2. Rates are determined by public tender as called, from time to time.

3. No delay has been experienced by refencing contractors for execution of the work following the acceptance of their tender.

INCINERATORS AT PORTS.

OPERATION.

(Question No. 1337)

Mr. LEWIS (Portland) asked the Minister of Public Works—

Whether incinerators located at Victorian ports are not operating due to a dispute over the method of financing this operation; if so, whether he will take the necessary steps to ensure that this service will be restored immediately?

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

All incinerators in Victorian ports have been completed and in operation. However, because of a strike by Melbourne Harbor Trust maintenance electricians and fitters, the incinerator in the port of Melbourne is not currently working. There is no dispute regarding the financing of the operation.

ABSENCE OF MINISTER.

The SPEAKER (Sir Vernon Christie).—The Minister of Water Supply has been detained for a short while on State business.

QUESTIONS WITHOUT NOTICE.

DISMISSAL OF TEACHER.

Mr. DOUBE (Albert Park).—I ask the Minister of Education: In view of the fact that a teacher, Mrs. Garner, whose character the Minister so ruthlessly assassinated last night——

The SPEAKER (Sir Vernon Christie).—Order! The honorable member knows there must not be deliberate comment in the content of questions. I invite him to ask a direct question.

Mr. DOUBE.—I ask the Minister whether it is a fact that Mrs. Garner was dismissed as a result of a preliminary hearing only and whether the Education Department denied her the right to be represented by her union at the hearing. If so, is this the sort of justice which this Government——

The SPEAKER (Sir Vernon Christie).—Order! The honorable member knows that that is asking for an opinion. The question has been asked.

Mr. DOUBE.—On a point of order, Mr. Speaker, am I not asking a question of fact if I ask whether that is the sort of justice which the Government provides?

The SPEAKER (Sir Vernon Christie).—There is no point of order. The Minister's opinion is being sought when that sort of question is being asked and that is out of order.

Mr. THOMPSON (Minister of Education).—As I indicated to the House last night, Mrs. Garner was dismissed following a very serious complaint received by the Parents and Citizens Association of Fitzroy High School requesting that she either be dismissed or resign. Investigations were carried out by the principal of the high school and by an assistant director of secondary education, and an interview was conducted by the Director of Secondary Education. The same procedures that have existed for many years in the Education Department were adopted. The Director of Secondary Education then conferred with the Director-General of Education, and following a study of the case, Mrs. Garner was dismissed. I take it that the inference from the question by the honorable member for Albert Park was that this woman was in order in doing what she did. Our belief is that she committed a gross breach of professional ethics.

GOVERNMENT REVENUE.

Mr. FORDHAM (Footscray).—Will the Treasurer make available to any interested member a projection of Government revenue for the next three years from present sources at the present rates charged? If not, why will not the Treasurer make this projection available?

Mr. HAMER (Premier and Treasurer).—I shall be glad to confer with the honorable member on what he really wants. It is almost impossible to make that sort of projection under conditions in which nearly half the State Budget is dependent on tax reimbursement grants from the Commonwealth which are not known until the Premiers Conference in June each year. If the honorable member desires other figures and will advise me precisely what he wants, I shall obtain the information for him.

SECONDARY SCHOOL LIBRARIES.

Mr. LIND (Dandenong).—I ask the Minister of Education whether the Education Department in 1972 spent only approximately 20 per cent of its Commonwealth allocation for ten secondary school libraries. If so, why, and when are Doveton and Dandenong high schools likely to get their promised libraries?

Mr. THOMPSON (Minister of Education).—Commonwealth money is granted for a three-year period and totals approximately $7 million. The Public Works Department divides

the expenditure on a financial year basis. For the financial year 1972-73 it was estimated that Victoria had $2.7 million to spend. By the end of February the Public Works Department sheets indicated that we were over-committed on Commonwealth private libraries to the extent of more than $300,000; in other words, contracts had been let for more than $3 million and there was only $2.7 million available to be spent. Further contracts are about to be let for another $250,000 and we have been told that no more contracts may be let this financial year. Therefore, a completely wrong picture was presented by the statements made in the Federal House yesterday by the Commonwealth Minister for Education. We were forced to allocate $750,000 to State loan funds to subsidize the Commonwealth library fund and it is believed that this year we will have committed the full $7 million twelve months before the total amount must be spent, namely, by the end of 1974.

CRASH BARS ON MOTOR CYCLES.

Mr. EDMUNDS (Moonee Ponds).—Is the Chief Secretary aware of the increasing number of serious leg injuries resulting from motor cycle accidents because of the increasing use of motor cycles on the roads? If he is aware of the matter, will he examine the need to make compulsory the installation of crash bars on motor cycles in the same way as motor cycle riders must wear crash helmets?

Mr. MEAGHER (Chief Secretary).—I am aware that numerous injuries are suffered by motor cyclists and recently I launched a campaign through the Road Safety and Traffic Authority to invite motor cyclists to make themselves more visible as one of the means of overcoming the problem. The compulsory use of crash bars will be examined in the survey currently being made on road traffic accidents and associated subjects.

SUNDAY ENTERTAINMENT PERMIT.

Mr. GUY (Gisborne).—Has the Chief Secretary received an application for a Sunday entertainment permit from the promoters of the rock opera, *Tommy*, to stage an additional performance next Sunday night at the showgrounds for the people who missed this entertainment last Sunday at the Sidney Myer Music Bowl? If the honorable gentleman has received an application, will he grant the permit? If not, why not?

Mr. MEAGHER (Chief Secretary).—I received the application this morning. The rules provide that applications must be received ten days before the performance. On inquiry I find that no formal application was made to the Essendon City Council. The council strongly opposed the granting of the permit. The police also opposed the granting of a permit and there are transport difficulties. In view of all these facts and the fact that the proposed performance is to be held next Sunday evening in a heavily built-up area, I felt compelled to refuse the application.

GEELONG NORTH SHORE CROSSING.

Mr. TREZISE (Geelong North).—In view of the fact that last Monday yet another collision between a train and a motor car occurred on the controversial North Shore crossing at Geelong, which has added to the numerous accidents and fatalities at this crossing in recent years, I ask the Minister of Transport to give immediate consideration to improving the safety facilities at the crossing and to speed up construction of the long delayed overpass at this crossing.

Mr. WILCOX (Minister of Transport).—I am unaware of the recent accident at the crossing referred to by the honorable member but I know that considerable attention has been given to this crossing with a view to getting it properly placed in the

priority list. I will certainly examine the matter again to see that it is given its proper priority.

MAXIMUM SECURITY PRISON.

Mr. BORNSTEIN (Brunswick East).—Can the Minister for Social Welfare give an estimate of the cost of the maximum security prison which the Government intends to construct somewhere in the country, including the cost of the land purchased, the construction of the actual prison and any equipment used in the prison, such as electronic surveillance devices?

Mr. I. W. SMITH (Minister for Social Welfare).—I am not in a position to supply an answer to the question.

SOLDIER SETTLERS.

Mr. E. W. LEWIS (Dundas).—Is the Minister of Soldier Settlement aware that a number of years ago many soldier settlers freeholded their land to take outside employment owing to economic conditions? If he is aware of this, will he, in view of the present rural economic situation, consider sponsoring legislation to enable the soldier settlers who are getting on in age to come back into the scheme and benefit from the low-interest rate that the scheme affords?

Mr. BORTHWICK (Minister of Soldier Settlement).—Honorable members will recall that the Government introduced legislation that has been of tremendous advantage to soldier settlers throughout the State along the lines referred to by the honorable member. If the honorable member is asking me whether the legislation will be made retrospective, I point out that when I introduced the relevant Bill I gave an undertaking that I would keep the matter under review in the light of experience.

One of the difficulties confronting the Government in establishing any degree of retrospectivity is the variety of reasons which caused individual soldier settlers to make their decisions in the years prior to the enactment of the legislation. It is not true that the majority of soldier settlers freeholded their land because of a particular difficulty. The great majority did so for a wide variety of reasons, usually in the belief that it was to their advantage to do so. That is the difficulty the Government has been faced with, but on behalf of the Government I am still watching the matter quite closely.

CHEMIST SHOP BREAKINGS.

Mr. W. J. LEWIS (Portland).—Can the Chief Secretary advise whether it is a fact that this year there has been an increasing number of breakings into chemist shops, presumably to procure drugs; if so, what action has been taken by the Victoria Police to stop this?

Mr. MEAGHER (Chief Secretary).—It is a fact there has been an increase in breakings into chemist shops; there has also been an increase in breakings into banks, service stations and other establishments. The police is actively discussing with all the organizations concerned with these establishments better ways of ensuring their security. A series of conferences is being held with banks in particular at present, and out of this the police hope, with the assistance of the electronics expert who is here from London, to develop a system under which breakings will be more quickly notified to the police so that more effective action can be taken to overcome these breakings.

COMPULSORY TRAM STOPS.

Mr. KIRKWOOD (Preston).—Would the Minister of Transport be prepared to restore compulsory stops for trams in the metropolitan area?

Mr. WILCOX (Minister of Transport).—I am not sure exactly what the honorable member is driving at. Within my memory of Melbourne trams there have always been some compulsory stops and other stops which are not compulsory. If people wanted to catch a tram at such a

stop, they hailed the tram—I think that is what the notice says. For some years now, with a view to assisting traffic flow—this has happened in some of the city blocks—what previously were compulsory stops have been made voluntary stops, if that is the expression. Although I would expect the Tramways Board to have this matter under review, I will certainly direct it to the board's attention and see that it keeps the matter under review. I believe it would be an impediment to the ordinary flow of traffic—including trams, of course—if all stops were to be compulsory.

MITCHELL RIVER.

Mr. B. J. EVANS (Gippsland East).—Has the Premier received any request from the Commonwealth Government for further investigations to be carried out into the proposal for a water storage on the Mitchell River and, if so, what is the nature of any requests which may have been made?

Mr. HAMER (Premier and Treasurer).—I take it that the honorable member for Gippsland East is referring to the letter which I forwarded to the Prime Minister some weeks ago. Apart from an acknowledgement, I have not yet had a reply.

EDUCATION DEPARTMENT ACCOUNTS BRANCH.

Mr. FELL (Greensborough).—Further to my question answered by the Minister of Education last October regarding the management consultants in the Accounts Branch, can the honorable gentleman inform the House how many of the 130 recommendations made by the management consultants have been implemented in addition to the 50 reported by the Minister on that occasion? What action has been taken regarding the rest of these recommendations to ensure the prompt payment of the teachers' salaries?

Mr. THOMPSON (Minister of Education.—I have had a discussion with the newly-appointed secretary of the department, Mr. Scully, who is supervising the implementation of these recommendations. I imagine now that twice the original number have been implemented and that nearly all the others are in the process of being implemented. The department has had some severe setbacks in the salaries area due to the breakdown in health of the chief finance officer and the breakdown in health of the assistant accountant. I have personally investigated a number of claims that studentship holders have not been paid since the beginning of January. I checked on 35 cases yesterday and of those 34 had been awarded late studentships, in the third batch of awards, and that was the reason for the non-forwarding of the cheques. If the honorable member cares to furnish details of particular cases, I shall have them investigated immediately.

HOSPITAL BEDS.

Mr. WILKES (Northcote).—Can the Minister of Health inform the House of the priorities which have been allocated to hospitals to enable them to increase bed depth?

Mr. ROSSITER (Minister of Health).—Bed what?

Mr. WILKES.—More beds.

Mr. ROSSITER.—I ask the honorable member to place that question on the Notice Paper.

MEAT INDUSTRY STRIKE.

Mr. TREWIN (Benalla).—What action has the Minister of Labour and Industry taken to have the present meat strike settled?

Mr. RAFFERTY (Minister of Labor and Industry).—This is a matter for the Commonwealth Government. The strike of lift mechanics is also a matter for that Government. I sent an urgent telegram to the Minister for Labour in Canberra asking him to intervene in the lift mechanics strike, and I am taking the same action in regard to the meat industry. I will ask the Minister to carry out

the programme of industrial conciliation and arbitration that he has spent so much time espousing.

VICTORIAN CIVIL AMBULANCE

Mr. LIND (Dandenong).—Can the Premier inform the House whether any Minister is responsible for the Victorian Civil Ambulance Service; if so, who is he, and is his responsibility direct or indirect?

The SPEAKER (Sir Vernon Christie).—I hardly think the question is in order, but I am prepared to call on the Minister.

Mr. HAMER (Premier and Treasurer).—I cannot reply fully to the honorable member, because I do not know what he has in mind. The Minister who has most to do with the service is the Minister of Health.

DANDENONG RANGES.

Mr. WILTON (Broadmeadows).—Will the Minister of Lands inform the House whether sections of the Dandenong Ranges have been zoned, and whether there is a prescription that private landowners in that zoned area must sell their properties to the Government if they wish to dispose of them and are prohibited from offering them for sale on the open market?

Mr. BORTHWICK (Minister of Lands).—The Minister of Lands is not involved in town planning. I think the question is ill-directed.

The SPEAKER (Sir Vernon Christie).—The honorable member may redirect his question to the Minister who represents the Minister for Local Government.

Mr. WILTON (Broadmeadows).—Thank you, Mr. Speaker. Can that Minister inform the House whether sections of the Dandenong Ranges have been zoned and whether it has been prescribed that privately-owned land in the zoned area can be sold only to the Government and cannot be offered for sale on the open market?

Mr. WILCOX (Minister of Transport).—I will refer the question to the Minister for Local Government, but the simple answer is, "No".

KIEWA HYDRO-ELECTRIC SCHEME.

Mr. MITCHELL (Benambra).—Can the Minister representing the Minister for Fuel and Power establish the position concerning the blockage in the subterranean channels feeding the generators at the Kiewa hydro-electric scheme?

Sir GEORGE REID (Attorney-General).—In the absence of the Minister for Fuel and Power through illness, I will have investigations made from the State Electricity Commission and advise the honorable member.

ROAD SAFETY.

Mr. McLAREN (Bennettswood).—Has the attention of the Chief Secretary been drawn to a decision by the Commonwealth Government to institute a Select Committee into road safety? Has the honorable gentleman had any contact with the Federal Minister for Transport concerning the terms of reference relating to co-ordination of State activities and State accidents?

Mr. MEAGHER (Chief Secretary).—I have had no approach along these lines as yet, but if such an approach is made it will be given consideration. Perhaps I could simply add by way of comment that if Victoria had had the wet blanket of Commonwealth control and uniformity imposed on it in the past, the Government would never have initiated some of the legislation with which Victoria has led Australia in road safety.

INCREMENTS FOR APPRENTICES.

Mr. SIMMONDS (Reservoir).—Can the Minister of Labour and Industry indicate when the provisions of the State incremental payments

scheme agreement, which was finalized in August, 1972, will be extended to cover apprentices employed by Government departments and instrumentalities?

Mr. RAFFERTY (Minister of Labour and Industry).—It will be implemented when the Government has an unqualified response from the Trades Hall Council in response to an offer that was made to the council at 9.15 a.m. today after it decided to call off the strike that it had engendered in relation to apprentices in the community.

BARRETT RESERVE, MAIDSTONE.

Mr. FORDHAM (Footscray).—Will the Minister of Lands lay on the table of the Library this afternoon the Lands Department file on the Barrett Reserve at Maidstone?

Mr. BORTHWICK (Minister of Lands).—I know that the honorable member wants to study the history of this reserve and I did suggest that perhaps the file could be laid on the table of the Library. I have been unable to ascertain this morning what time the file will be available today, but as soon as it is I will inform the honorable member.

SEIZURE OF PRINTS.

Mr. BIRRELL (Geelong).—Is the Chief Secretary heartened by the support that he received from the Prime Minister in the Federal Parliament over his action concerning the seizure of prints of Michelangelo's "David"?

The SPEAKER (Sir Vernon Christie).—Order! The honorable member is asking for an opinion on the matter and it is out of order.

TEMPLESTOWE TECHNICAL SCHOOL.

Mr. FELL (Greensborough).—I ask the Minister of Education whether it is a fact that thousands of dollars worth of machinery and equipment are lying idle at the Templestowe Technical School because of the lack of benches and ancillary equipment. Also, is there only one stove in the cooking room for the whole school and what action does the Minister propose to take?

Mr. THOMPSON (Minister of Education).—I did not inspect the kitchen of the Templestowe Technical School on my way to the House this morning. I will be pleased to call for a report on the matter.

SEIZURE OF PRINTS.

Mr. JONES (Melbourne).—Following the question by the honorable member for Geelong to the Chief Secretary about the remarks of the Prime Minister yesterday, will the Chief Secretary assure the House——

The SPEAKER (Sir Vernon Christie).—Order! That question was out of order.

Mr. JONES.—Following the attempted question by the honorable member for Geelong, will the Chief Secretary assure the House that he understands the Prime Minister's references to him were satirical and not commendatory?

The SPEAKER.—Order! I do invite honorable members to take question time seriously. Any question asking for comment, and especially asked purely to create an idea of facetiousness, is completely out of order.

VICTORIAN CIVIL AMBULANCE SERVICE.

Mr. LIND (Dandenong).—I ask the Minister of Health whether local government has representation on the Victorian Civil Ambulance Board and, if not, why not?

Mr. ROSSITER (Minister of Health).—The organization of the Victorian Civil Ambulance Board is laid down in regulations made by the Hospitals and Charities Commission. Two of the representatives on the board come from municipalities, one from those north of the Yarra and one from those south of the Yarra. They have not been taken off the board, as is suggested by the honorable member. Local government has its due representation and it will continue to have it.

SOCIAL WELFARE DEPARTMENT STAFF.

Mr. BORNSTEIN (Brunswick East).—Will the Minister for Social Welfare confirm that there is a critical shortage of staff in the foster care and adoption section of the Social Welfare Department, to the extent that a duty social worker cannot be provided to process applications for adoption so that any new applications have to wait?

The SPEAKER (Sir Vernon Christie).—The honorable member should ask the question.

Mr. BORNSTEIN.—Is the honorable gentleman aware of the serious implications of this shortage on the workings of other sections of his department, and what action does he propose to take to overcome this critical situation?

Mr. I. W. SMITH (Minister for Social Welfare).—I get sick of repeating myself in this House for the benefit of the honorable member for Brunswick East, who knows full well that there are 27 vacancies for social workers in the department and that I have predicted that there might be as many as 50 vacancies by the end of the year. This is partly because of expansion within the department and partly because most of the social workers are females who leave the service.

Honorable members interjecting.

The SPEAKER.—I have invited the honorable member for Brunswick East not to interject at question time on many days. I again invite him not to interject. He should ask the question and listen to the answer.

Mr. I. W. SMITH.—Part of the wastage of social workers is caused by the fact that most of them are females who, from time to time, have children, or get married, and who travel more widely than males and as a result, leave the service.

As the honorable member also realizes, there is tremendous competition for social workers between Governments and their agencies and church and voluntary organizations. The shortage of social workers is not confined to Victoria—it is Australia-wide.

Last year, in an attempt to overcome the shortage in the department, I had officers travel interstate and I sponsored advertisements in interstate newspapers with the view of recruiting more social workers. These attempts were mildly successful and a few were recruited. Not content with that, I have sent three officers overseas to recruit workers from the United States of America, Canada and the United Kingdom. Only when more social workers are available can the vacancies be filled and only then can the department undertake the services which are desired.

In relation to foster care and adoption of children, I should make the point that there is a common misunderstanding within the community that large numbers of children are available for adoption. That is not the case. There is a waiting list of two years for people who wish to and are suitable to adopt children, but there are no children available for adoption.

PRICE CONTROL.

Mr. TREZISE (Geelong North).—I direct a question to the Premier. Did the honorable gentleman inform the House last year that he was not in favour of any form of price justification in the public interest? If so, is he still of the opinion; if not, will he state why he has changed his mind?

Mr. HAMER (Premier and Treasurer).—I have consistently made the points that no prices justification tribunal of any kind is likely to be effective by itself and that, if inflation and price rises are to be tackled, all the causes must be tackled. I have made that clear

whenever a question on this subject has been put to me. The causes are many and I have discussed them, as the honorable member well knows. I have not varied at all in my thinking.

PETITION.

INDECENT LITERATURE, ENTERTAINMENT AND ADVERTISING.

Mr. SUGGETT (Bentleigh) presented a petition from certain residents of Victoria praying that action be taken to resist commercial interests exploiting the community through indecent literature, entertainment and advertising and to curb the declining moral trend in the community. He stated that the petition was respectfully worded, in order, and bore 10,682 signatures.

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

MAGISTRATES' COURTS (JURISDICTION) BILL.

The debate (adjourned from March 27) on the motion of Sir George Reid (Attorney-General) for the second reading of this Bill was resumed.

Sir GEORGE REID (Attorney-General) (*By leave*).—My object in speaking briefly by leave is to make clear something which may have the effect of shortening this debate. I understand that the Opposition desired to refer the whole of this Bill to the Statute Law Revision Committee. Certain clauses of the Bill give effect to the Government's policy, enunciated in the Governor's Speech, of providing that for the service of civil process bailiffs will be appointed to relieve the police of this duty. I am prepared to give an undertaking that, if this Bill is passed all clauses of the measure, other than those which give effect to the system of appointing bailiffs for the service of civil process in lieu of police, will be referred to the Statute Law Revision Committee and those clauses will not be proclaimed until the committee has examined them. That applies to all clauses other than those relating to the appointment of bailiffs.

Mr. LOVEGROVE (Sunshine).—I thank the Attorney-General for his undertaking and propose, therefore, to address myself not so much to the Bill as to the implications of this and similar legislation. However, as this is the last occasion on which the Attorney-General and I will face each other across the table, it is fitting that I should make it clear that what I have to say is in no way any reflection upon the honorable gentleman but is a criticism of the Government.

I take the opportunity of paying a compliment to the Attorney-General—I understand that the Deputy Leader of the Opposition did so yesterday—and of stating that, in common with other members of Parliament, I have the highest regard for both his integrity and his ability and also the refinement and decencies which he has brought to his high office during the eighteen years I have had the privilege of seeing him in this Chamber. Although our political philosophies are poles apart, I go on record as saying that he is a great credit to both his party and the Parliament and that the Parliament will be the poorer for his leaving us.

This Bill is one of a number originated by an inquiry instituted by the Government, and designed to improve the functioning of all the court systems in Victoria. Various investigations have been conducted before Bills of this type have been introduced. I understand that the Bar Council of Victoria, the Law Institute, and the Chief Justice's Law Reform Committee were made aware of their contents, and also that an inquiry headed by Mr. Molomby was held. In addition to those inquiries the Statute Law Revision Committee has, over the past six years, examined in fairly close detail means by which the functioning of Magistrates Courts may be improved. The results of these examinations have been communicated to the Government in

the form of reports, and quite a number of the recommendations have been adopted by the Government.

The first point I wish to make is that, despite the enormous amount of research, investigation and legislative consideration which has been given by the bodies I have named and by the Attorney-General himself, the Magistrates Courts in Victoria today are in a poorer position to function effectively than they were before those investigations and legislative enactments were effected.

As I said earlier, this is no reflection on the Attorney-General, but it certainly is a reflection on the Government. When the clauses of the Bill to which the Attorney-General referred are considered by the Statute Law Revision Committee, that committee should examine them from two angles. Firstly, it should look at the law of the proposition; and secondly, it should examine the administrative possibilities which are open to the Law Department and the Magistrates Courts to give effect to legislation. I think Gladstone said, "Good law makes it easier to do right and harder to do wrong." This is the first point which should be considered in examining how the Magistrates Courts may be made to function adequately. It has also been said that it is easier to make laws than to make them function effectively. The criticism which I direct against the Government is that it has failed pitifully to make existing laws function effectively and to make provision so that the legislation now under consideration will enable Magistrates Courts to function with an effectiveness equal to their present functioning. Several weeks ago I asked the Attorney-General question No. 1224, which reads as follows:—

1. What additional administrative facilities are being made available to overcome existing deficiencies and delays in Magistrates Courts?

2. What additional administrative facilities will be made available to enable the Magistrates Courts to effectively function in accordance with additional responsibilities contained in the Magistrates Courts (Jurisdiction) Bill?

I refer the House briefly to the Attorney-General's second-reading speech on this Bill on 27th March, in which he stated—

> Clause 6 and the provisions of clause 10 relating to bailiffs and warrants of distress in civil matters are in accordance with the undertaking of the Government to relieve members of the police force of the burden of executing such warrants. These provisions will enable the considerable amount of time spent by the police on this work to be devoted to normal police duties, with consequent benefits for the community.

The Opposition supports the provisions in question and believes they will have most important and far-reaching effects in satisfying the requirements of the Attorney-General. However, although the majority of the provisions in clause 9 already exist in the Justices Act, the proposed new section 69 seeks an extension of the jurisdiction of Magistrates Courts to deal summarily with indictable offences. The Opposition therefore welcomes the Attorney-General's statement that matters other than the provisions to free police from bailiff duties will be examined by the Statute Law Revision Committee and that evidence will be called in connection therewith.

I propose to refer to the courts under two headings, namely, the large increase in crime in Australia, and the inadequacy of the existing Magistrates Courts to deal with this increase. The courts are inadequate in this respect owing to the failure of the Government to deal effectively with the crime rate by its lack of a proper approach, and its failure to make provision for properly staffing the existing courts. I should like to quote a statement which appeared in today's issue of the *Sun News-Pictorial* attributed to the Assistant Director of the Australian Institute of Criminology, Judge Muirhead. The newspaper report reads, in part—

> Australian society was becoming more dishonest, more violent and more selfish, the assistant director of the Australian Institute of Criminology, Judge James Muirhead, said in Perth yesterday.

The growth rate of crime in Australia was outstripping the population growth rate.

"There are many reasons for this and it would take all day to give the full story," he said.

"But among the most significant are the competitive nature of our society, the type of advertising that tells a boy he must have a car to get a girl, the increasing violence on television and in films, the lack of ability of parents to understand their children, and the pressures of urban development."

Judge Muirhead said that crime would always exist, but in Australia there was still time to do something constructive about controlling it.

The Government has failed to deal with the deterioration in Australian society as reflected by the mounting crime rate. I do not pretend that this is the sole responsibility of the Government, but I believe the Victorian Government, and Governments generally, must adopt a completely different approach to the rising crime rate compared with the approach that has been adopted by the Government up to date.

I have just been handed an answer by the Attorney-General to the question which I read a few minutes ago concerning the additional administrative facilities that are being made available to the Magistrates Courts to enable them to cope with their existing functions and the additional functions proposed by the Bill. The reply is in the nature of a request by the Attorney-General for more detailed information. There is no time now for me to make detailed information available to the Attorney-General, but I propose to give some evidence in regard to the crime rate, because it vitally concerns the area which I represent in the western suburbs, the electoral district of Sunshine. The annual report of the Police Department of Victoria for the year 1970 states at page 13—

CRIMINAL INVESTIGATION BRANCH.

The year saw a general increase in major crimes with disturbing rises in armed hold-ups, assaults, larceny and illegal use of motor vehicles, and drug offences.

Pharmacy breakings, principally to obtain drugs of addiction, rose from forty-five to one hundred and thirty-eight.

The authorized strength increased by twelve to 574 with an actual strength of 562.

Reported crime totalled 142,244 compared with 135,868 in 1969. 56,903 crimes were solved representing approximately 40 per cent of the total compared with 54,249 or 39·9 per cent for the previous year.

The index of crime on page 15 of the report indicates that the increase of homicide in Victoria from 1969 to 1970 was 66·12 per cent. The number of homicides increased from 66 in 1969 to 107 in 1970; serious assaults increased from 1,613 to 2,055, an increase of 27·40 per cent; robberies increased in 1970 from 650 to 773, an increase of 18·92 per cent; rapes increased from 144 to 172, an increase of 19·44 per cent; breaking and enterings increased from 28,051 to 31,752, an increase of 13·19 per cent; motor vehicle thefts increased from 10,062 to 12,109, an increase of 20·34 per cent; frauds, forgeries and false pretences increased from 4,554 to 5,505, an increase of 20·88 per cent. During that year the strength of the Police Force increased by twelve to 574, with an actual strength of 562.

In regard to the Government's failure to deal with the problem of crime, and that of the courts, one must consider not only the failure of the Government adequately to increase the size of the Police Force in Victoria, but what would have happened if the Government had increased the size of the force in Victoria and there had been no reduction in the percentage increase in the crime rate. If that had happened, obviously the courts—including the Magistrates Courts—would have been in a far worse position in 1970 than they were.

The annual report of the Police Department for the year 1971 indicates on page 12 by means of a graph entitled "1971 Crime Clocks" that in terms of total crime, one crime is committed every 3·3 minutes. One major crime is committed every four minutes. This information appears on the one-hour clock graph. The 24-hour clock graphs shows that there is one

larceny every nine minutes, one breaking every fourteen minutes, one motor vehicle theft every 40 minutes, one assault and grievous bodily harm every 80 minutes, one natural sex offence every 100 minutes, one offence of false pretences every 80 minutes, one robbery with violence every 10·7 hours and one unnatural sex offence every 11·1 hours.

The Social Welfare Department annual report for the year ended 30th June, 1972, states, and I quote from page 49—

An indication of the increasing work passing through the Children's Court is as follows:—

Year	*No. of cases*
1967-68	10,173
1968-69	11,954
1969-70	13,493
1970-71	14,541
1.1.72–30.6.72	8,267

If that rate had continued, approximately 16,000 cases would have gone through the Children's Courts in 1972 compared with 10,000 cases handled by those courts in 1968.

I relate those figures to the reports of offences committed by juvenile offenders, as published in the *Werribee Shire Banner* on 28th March, 1973. A whole page of the newspaper is directed to listing the types of offences committed in the Werribee and Laverton areas.

I also refer honorable members to the *Mail*, a newspaper circulating in Footscray, in which on 4th April, 1973, under the headline "Crime Wave Continues Unabated—Alarming Rate" the following article appears:—

The rash of violent crime in the Footscray district continued at an alarming rate during March.

Footscray Criminal Investigation Branch detectives have been investigating an average of about five violent crimes a week.

The district had been hit by an outbreak of violence, the problem has become even worse—despite the punishment of a number of offenders by the courts?.

In some cases, the motive for attacks is robbery, but many attacks are made—often by groups of youths—for no apparent reason.

Mr. Lovegrove.

There follows a list of crimes of violence, assaults and robberies illustrating the alarming increase in the crime rate in the western suburbs during the month of March.

The Opposition suggests that consideration of this measure must be surrounded not only by an appreciation of the good intentions of the Attorney-General and the good work the honorable gentleman has not only initiated but carried through with the assistance of numerous investigations in recent years, but considered against a background of catastrophic Governmental neglect, not only in regard to the increase in crime or the policing of crime by the Police Force but also from the aspect of a proper judgment of crime in the courts.

I shall now deal with the courts, and in doing so, I shall pay the Attorney-General a compliment by referring honorable members to the voluminous answers he has provided Parliament on the workings of the courts in recent years. I do not wish to quote all of the answers but I refer honorable members to those answered by the honorable gentleman on 9th November, 1971, in regard to persons in custody on remand and the Coroners Courts. I next refer to the answers to questions asked by the Leader of the Opposition on 29th September, 1971, covering committals, trial notices, cases dealt with and the staff of the Crown Solicitors Office. The illuminating survey provided by the Attorney-General occupies a number of pages of *Hansard*; it describes the workings of the courts and the difficulties being encountered in September, 1971.

I next direct the attention of honorable members to the reply given by the Attorney-General on 28th September, 1971, in regard to cases awaiting determination, and police difficulties in connection with the Supreme Court and the County Court. On 6th April, 1971, the Attorney-General answered questions asked by the honorable member for

Brunswick West in regard to delays in Supreme Court and County Court hearings. On 26th April, 1972, the Attorney-General supplied extensive replies to questions asked by the Leader of the Opposition concerning County Court appeal cases, causes of action in the County Court, and sexual offences. Further replies on the same day related to the law courts, court lists, persons awaiting trial and abortion cases. On 24th October, 1972, the Attorney-General furnished extensive information in reply to a question asked by the Deputy Leader of the Country Party concerning the Law Department and delays in court hearings.

Honorable members should acquaint themselves with the difficulties experienced by the Law Department because of inadequate staffing and facilities made available by the Government to the law courts and to the Police Force. I suggest this problem is one which cannot be cured by the measure before the House with the present resources established by the Government. What is the situation according to members of the legal profession practising in the Magistrates Courts today? I quote from the *Herald* of 21st March this year in which, under the heading "Courts second-rate says law body", the following article appears:—

The Victorian court system was today called second-rate, and "the poor unwanted relation".

The president of the Law Institute, Mr. John Cain, said: "When it comes to handing out money, the Government treats the courts as the unwanted poor relation."

"The whole system is sadly lacking, particularly in the field of qualified manpower."

"There are just not enough magistrates to cope with the work," he said.

Yesterday a Melbourne barrister, Mr. Maurice Goldberg, told the City Court that barristers were wasting their time trying to get cases heard when there were so few magistrates.

Lawyer Mr. Frank Galbally said the lack of magistrates in the courts was "frustrating the process of justice."

"The magistrates are working under impossible conditions with the courts overcrowded," he said.

I digress to emphasize that these conditions are not the responsibility of the Attorney-General, but should be laid at the door of the Government which, despite the answers the Attorney-General has given to this Parliament for many years, has refused to supply finance for the Law Department and the Chief Secretary's Department to provide the necessary recources to establish an adequate court system in Victoria and to maintain an adequate Police Force. The article continues:—

At Sunshine court earlier this week 200 cases had been listed to be heard.

"The magistrate did an excellent job but many cases had to be adjourned. It is just not humanly possible to deal with them all," he said.

"Members of the Government should see this overcrowding at first hand. Money for more magistrates is needed quickly."

"The problem is that politicians don't think this area will win them any votes—they tend to regard the courts as remote from the political game."

Mr. Cain said there were at present about 30 people in Victoria who had the qualifications to become magistrates.

"It's purely a matter of money that the Government will not have them appointed," he said.

Under date 23rd March, 1973, I received a letter from the Western Suburbs Law Association. It reads:—

Dear Sir,

The Western Suburbs Law Association is a regional group representing the interests of solicitors practising in the western suburbs of Melbourne, namely, the municipalities of Williamstown, Footscray, Altona, Werribee and Sunshine.

The association has for some time been concerned with respect to the delay being currently experienced in Magistrates Courts, especially in the western suburbs wherein substantial delays have been incurred, especially in civil matters which, in a number of cases, have been adjourned for several months, despite the fact that they have been listed with priority.

The association is of the view that the only way in which the matter can be resolved is for the appointment of additional magistrates and it has requested the Law Institute of Victoria to make approaches to the Attorney-General in this regard.

We have been informed by the Law Institute of Victoria that the Council of the Institute, noting with concern the time which is frequently being taken before cases reached in the Magistrates Court made representations to the Attorney-General for the appointment of more magistrates to overcome delays in hearing such cases.

The Attorney-General, before November of last year, advised the institute that investigations were being made in respect to the staffing of Magistrates Courts and financial provisions had been sought to permit the appointment of additional magistrates to help relieve the pressures in the metropolitan area.

No doubt, you have noticed in the media recently the statements of the president of the Law Institute with respect to the failure of the number of magistrates in Victoria to keep pace with the increasing population over the past 100 years.

My association has directed that I write to you seeking your assistance in overcoming this problem.

On 27th March, 1973, I replied to the Western Suburbs Law Association stating that I had asked questions in the House. I also forwarded a copy of the Bill which is now under consideration and asked the association if it wanted to make any comments to please let me have them before the following Tuesday. I received the following reply, dated 2nd April, 1973, from the association:—

In reply to your recent correspondence I wish to advise that it is the association's view that the Bill in extending the jurisdiction of the Magistrates Courts will aggravate the existing delays, congestion and problems.

I repeat that I bring this correspondence forward in criticism not of the Attorney-General but of the Government for its failure and its obvious refusal to staff the courts in Victoria in a manner which will permit their effective functioning.

I now compare the present situation in the courts with the population increase. As the Attorney-General informed the House in his second-reading speech, this is the second piece of legislation concerning Magistrates Courts which the honorable gentleman has introduced within recent years, the last one being the Magistrates' Courts Bill, which was introduced on the 31st August, 1971, and on which I stated the case for the Opposition during the second-reading debate on 14th October, 1971.

After dealing with the activities of the Organization and Methods Section of the Public Service Board, whose services had been secured by the Attorney-General to assist in arriving at some rational review of the organization of courts of justice in Victoria—I ask honorable members to remember that these remarks were made on the 14th October, 1971—as reported at page 1440 of volume 304 of *Hansard*, I said—

This illustrates the approach of the Government concerning the administrative reform of the Magistrates Courts. Currently, 214 courts are operating in Victoria, one in Melbourne, and 28 as headquarters of 13 circuits which comprise 175 courts. Thirteen stipendiary magistrates sit in Melbourne and 38 work on the circuits, making a total of 51 magistrates. Moreover, 5,124 justices of the peace work on the circuit.

The last mentioned figure is incorrect in that it referred to the number of justices in Victoria and not the number of justices who actually sat on the bench. The latest figure is given by the Attorney-General on 3rd April in answer to question No. 1223 which I asked. The question was—

1. How many Magistrates Courts are located in Melbourne and elsewhere in Victoria, respectvely?

2. How many magistrates work in the courts in Melbourne and how many work on the circuits?

3. How many justices of the peace work in Victorian courts?

4. What increases in—(*a*) Magistrates Courts; and (*b*) magistrates, have occurred in the past four years?

The answer supplied by the Attorney-General was—

1. There are 45 Magistrates Courts located in the metropolitan area and 163 in the remainder of Victoria.

2. At the present time 34 stipendiary magistrates are allocated to Magistrates Courts within the metropolitan area and fifteen stipendiary magistrates are allocated to circuits of courts outside the metropolitan area.

3. During the period of twelve months ending 31st December, 1972, approximately 1,150 justices of the peace sat as members of properly constituted Magistrates Courts. At the majority of courts a roster system

operates in relation to the services of honorary justices. The figure of 1,150 is the total number of justices who sat at Magistrates Courts during the period of twelve months. Information is not available as to the frequency of attendance of justices at Magistrates Courts.

4. (*a*) Nil.

(*b*) Five.

To give the House some idea of the relevant position of the number of magistrates and Magistrates Courts in December, 1972, and today as compared with the 1968 population and the number of courts and magistrates in October, 1971, I point out that the population of Victoria increased from 3,353,711 as at 31st December, 1968, to 3,562,200 as at September, 1972, an increase of 208,489. A mere increase in total population cannot adequately express the relationship of population increase to the functioning of Magistrates Courts or indeed the functioning of any other institution in society. To ascertain that with more precision requires an analysis of the respective age groups within that population increase.

But the number of Magistrates Courts and magistrates in Victoria today compared with the total population increase affords sufficient evidence on which to indict the Government for its neglect of the many difficulties encountered by the Attorney-General, by every section of the judiciary, by the staffs of Magistrates Courts and by the police whose job it is to combat crime.

Alongside the population increase one must consider the actual number of courts. In 1971 there were 214 courts and 51 magistrates of whom 13 worked in Melbourne and 38 worked on the circuits. According to the Attorney-General this week, in April 1973, there are only 49 magistrates, of whom 34 work in the metropolitan area and 15 work the circuits outside the metropolitan area.

Although the Attorney-General has undoubtedly made the best possible use, in view of the mounting incidence of crime in the metropolitan area, of the resources at his disposal, they are totally inadequate. I am unable to refer to the precise number of justices of the peace, but there again the Minister has said that 1,150 justices sat in Magistrates Courts in the twelve months ended September, 1972.

Members of the Statute Law Revision Committee, who include the Deputy Leader of the Country Party and the Honorable M. A. Clarke, M.L.C., who is a solicitor, have during inquiries by the committee into a multiplicity of legal problems in recent years heard a good deal of evidence reflecting the considered view of magistrates on the use of justices of the peace in certain legal cases. I say that without reflecting on the justices. There was no doubt in the minds of members of the Statute Law Revision Committee that if Magistrates Courts are to function more effectively than they have in the past there must be a large increase in the number of qualified stipendiary magistrates whether or not there is any increase in the number of justices of the peace. I think I reflect the views of other members of the committee when I say that—I certainly reflect the view of a section of the magistrates, of whom there were 51 in 1971 and 49 in April, 1973.

I do not desire to labour the problem further. The figures I have quoted reflect no discredit on the Attorney-General. They highlight the fact that over the honorable gentleman's long and distinguished career in Parliament he has had an uphill fight to discharge his responsibilities in the face of the neglect of the Government to implement an effective social philosophy in combating crime.

Whilst on that subject, I again refer to the statement by Judge Muirhead with which I began my remarks. Any philosophy favoured by any Government that dignifies acquisition and aggression with the status of social values of importance in the community must itself, by virtue of its philosophy, stand indicted for whatever increases in

the crime rate occur separate and distinct from the various factors which are common in the community.

I say that without blaming the Government exclusively for the increase in the crime rate. The Government and its counterpart in Canberra until last year can with every justification be judged by His Honour's second observation about the deplorably low moral character of commercial television in Australia today, the shocking mercenary standards, and the poor social values which have become an every-day feature of the Government's philosophy and which are reflected in commercial advertising. Therefore the Government must take a substantial part of the responsibility for the astronomical increase in the crime rate in the metropolitan area. The Police Force is inadequate to deal with the crime rate in Melbourne. Every piece of evidence I have brought before the House today illustrates its inadequacy not only in the western suburbs but elsewhere. Crime is not now related to or dependent on the existence of a low-income group in any part of the community. The old measuring rods and the old standards have gone overboard. It is part of the general deterioration of social values brought about by false and misleading concepts by Governments and others.

Finally, the Government must take responsibility for the obvious inadequacies of the Magistrates Courts. Against this background I compliment the Attorney-General on the statement he has made. I thank him for his undertaking to send the new measures in this Bill which extend the jurisdiction of the Magistrates Courts to the Statute Law Revision Committee. I applaud that section of the Bill which relieves members of the Police Force of the job of acting as bailiffs.

Mr. ROSS-EDWARDS (Leader of the Country Party).—The Country Party supports the Bill which amends the Magistrates' Courts Act 1971 and the Justices Act 1958. Mainly it is a Bill which consolidates the laws contained in those Acts. I commend the honorable member for Sunshine for asking the Attorney-General to refer the greater part of the Bill to the Statute Law Revision Committee for consideration and report. No doubt the committee will take evidence from various people, particularly from members of the legal profession, and this will result in amendments being made to the Bill.

Other parts of the Bill will come into operation at the earliest possible date to relieve the police of certain bailiff duties. This has the support not only of all parties but of the community in general. Members of the Police Force should be helping in preventing crime in the community and not carrying out administrative duties. I do not intend to comment on those provisions in the Bill which are to be referred to the Statute Law Revision Committee because the community at large will have the opportunity of giving evidence on them and anything I say here will not assist in improving the Bill. However, I should like to make some comments on what the honorable member for Sunshine said about the organization of magistrates courts. My comments will also refer to the County Court and the Supreme Court.

These courts are operating as though we were living 100 years ago. Everyone has to attend at the court at 10 a.m. They come in their hundreds; ordinary witnesses, solicitors, professional witnesses called to give expert evidence, businessmen, employees, women with young children and the elderly. They sit on the seats in the rain or in the sun, that is if they can find a seat, and the magistrate or the judge is the Almighty when he gets there. If someone is slow in getting into court he gets the usual rebuke. Surely our courts can be organized better than that. At the Seymour and Kilmore courts which are located on the Hume Highway there are hundreds of traffic cases a week. Why should every person be called to those courts at 10 a.m. It is the old-fashioned idea that

the magistrate or the judge is the Establishment and everybody will adjust their day to suit him. It is a ridiculous state of affairs and I have mentioned it in this House before. Surely it is better occasionally for a judge or a magistrate to have an hour to spare than to interrupt the day of about 100 or 200 witnesses who have their own lives to lead and important duties to perform in the community. No consideration is given to the public.

It is time some thought was given to having different hours of attendance. It would not be too much to expect that half the people could attend at 10 a.m. and the other half at 2 p.m. That would give witnesses some chance of knowing when they would be called. The Attorney-General has spent a life-time in the law and he knows how hard it is to change age-old habits. Someone will have to take a broom through the courts and try to impress on them that there are activities that go on in the business community other than the operation of the courts. The situation is developing where medical practitioners and other professional men will not touch a case if they think there is a possibility of being called as a witness in a court. Doctors, dentists, engineers, surveyors and others object to taking a case if they think they will be called. For example, they might be informed that they have to be at Shepparton at 10 a.m. on the Tuesday, but they might not be called as a witness until the Thursday morning. If they are away from the court for five minutes they can be accused of being disrespectful to the court. It is time the courts were made to adjust to twentieth century living.

The amendments contained in the Bill are a common-sense consolidation of the law. I support the comments of the honorable member for Sunshine and I join with him in congratulating the Attorney-General for making one further move in amending the law in Victoria, which is a mammoth undertaking.

The motion was agreed to.

The Bill was read a second time and committed, *pro forma*.

Sir GEORGE REID (Attorney-General) presented a message from his Excellency The Governor recommending that an appropriation be made from the Consolidated Fund for the purpose of this Bill.

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

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

Clause 1 was agreed to.

Clause 2 (Amendment of No. 8184 s. 1).

Sir GEORGE REID (Attorney-General).—I acknowledge with deep gratitude the warm and generous tribute the honorable member for Sunshine paid to me for my work as Attorney-General and for my work as a Minister generally over the years in which we have been acquainted. I appreciate this very much as I also appreciate the further tribute of the Leader of the Country Party. I am sorry that neither the honorable member for Sunshine nor I will be in this House after the dissolution of this Parliament. Although the honorable member and I have been opposed on many occasions in the various Bills that I have introduced relating either to the Law Department or to other departments, I have always greatly respected his industry in putting forward his arguments and his exceptional grasp of any subject he has dealt with. He has always put his arguments forcibly and constructively to this House. I also thank him for his personal friendship over the years.

I do not propose to speak at length on the substance of the honorable member's criticism of the present deficiencies in the court system. It is not appropriate for me in dealing with the Bill to speak on the matter but I point out that the administration of the law is always faced with the difficulty that there is a shortage of funds for public administration in various phases.

Efforts have been made by the Law Department and by myself to have the services improved, and those efforts will continue. The solution to delays in legal processes does not lie only in overcoming the shortage of magistrates. The legal profession should consider methods of shortening evidence and more up-to-date ways of presenting it to courts. Much time might be saved if the evidence of some witnesses were presented not orally but by affidavit. Law reform bodies should pay attention to these matters with a view to abbreviating and simplifying court procedure.

I note the remarks of the Leader of the Country Party on the system of summonsing people to attend court at a certain time of day. The Statute Law Revision Committee, which is to sit in judgment on the provisions of the Bill, might well consider these matters.

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

The schedule was adopted with verbal amendments.

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

CATTLE COMPENSATION BILL.

The debate (adjourned from March 28) on the motion of Mr. Balfour (Minister for Fuel and Power) for the second reading of this Bill was resumed.

Mr. GINIFER (Deer Park).—The purpose of the measure is to distribute funds standing to the credit of the Cattle Compensation Fund and the Swine Compensation Fund. Instead of lying idle, this money should be utilized for research and for extending facilities for primary producers. Accordingly, the Opposition endorses the proposals contained in the measure.

Mr. BURGIN (Polwarth).—This is a small but important Bill to primary producers. It proposes further amendments to the Cattle Compensation Act and the Swine Compensation Act and allows moneys in the compensation funds to be used for the erection and equipping of veterinary diagnostic laboratories.

Legislation passed in 1967 authorized expenditure for the building of diagnostic laboratories in various parts of the State. I understand the last one to be completed was at Hamilton. This has been of immense benefit to Western District graziers and farmers as their diagnostic work is now carried out locally, and they do not have to travel to and from a central laboratory. For many years, the amount of money in the two funds has been increasing quickly, and consideration has been given to reducing the funds. The industries involved have acted reasonably in allowing this compensation pool to be used for veterinary diagnostic laboratories throughout the State with a guarantee from the Treasurer that if a serious outbreak of disease occurs the funds will be reimbursed.

As a result of the work of the laboratories the incidence of disease in Victoria will be reduced, because serious problems can be handled much more rapidly if facilities are spread throughout the State. I compliment the farmers and their organizations for allowing these funds to be used in this way. I commend the Bill to the House.

Mr. TREWIN (Benalla).—I support the Bill and commend the Government for introducing it. For many years the Department of Agriculture has wished to build veterinary diagnostic laboratories throughout the State. I offer a word of praise for the Chief of the Division of Animal Health, Dr. Flynn, and also to the Director of Agriculture, Dr. Wishart. These two men have achieved much in all phases of agriculture, and the primary producers of the State will be forever grateful for their efforts. Dr. Grayson, Dr. Flynn's predecessor, also did much in the establishment of diagnostic laboratories in Victoria. Primary producers in my district are

grateful that a laboratory will be established in Benalla. For many years the local farmers have given much assistance to the department, and they will now receive the benefit of a long desired project.

Before the Bill was introduced last week, a country newspaper published a press release indicating that a laboratory would be established at Bairnsdale. Some years ago land at Bairnsdale and Benalla was purchased by the Government. The announcement was made not by the local member but by a member from an adjoining electorate, the honorable member for Gippsland South. There are ethics in politics, and I remind the honorable member that there are occasions when respect for his fellow members of Parliament should be considered. The fact that he announced this project is not appreciated. The local member had not had an opportunity of announcing it because the Bill had not been presented to Parliament, and he was therefore at a disadvantage. I do not believe inside information should be used in this way. I draw the matter to the attention of honorable members.

I support the Bill. The development of the laboratories will benefit the stock industry throughout the State, especially following the passing of the Abattoir and Meat Inspection Bill. Much can now be done in the interests of our great national stock and meat industry.

Mr. B. J. EVANS (Gippsland East).—I express the heartfelt appreciation of stock owners in my electorate and in Gippsland generally at the introduction by the Government of this measure to finance the veterinary diagnostic laboratories at Bairnsdale and Benalla. It is true that this is no great concession by the Government because the money has been provided by cattle owners throughout the State. The cattle owners wholeheartedly agree with the proposal.

I reinforce the remarks of the honorable member for Benalla because it was a serious breach of ethics for the honorable member for Gippsland South to advise the newspapers circulating in my electorate, before the Bill was even introduced into Parliament, that this project was to be implemented. I know that the honorable member made no attempt to indicate that he supported the proposal. This is a cheap political trick which is designed to obtain credit immediately before the elections are held. It indicates a complete lack of ethical behaviour by the honorable member and is typical of the Liberal Party's attitude.

I have been a keen supporter of this proposal. Last year I put it to the Government, and I am pleased that it has been adopted. However, I confess that it is not my own idea. The person behind the proposal is the Minister of Agriculture, who is about to retire from Parliament. I pay tribute to the Minister for the work that he has carried out in preparing this Bill. I am sure the honorable gentleman will be regarded as one of Victoria's best Ministers of Agriculture. He is highly regarded and respected, and I know that he has taken no part in this cheap political trick of the honorable member for Gippsland South. The Minister has served the people of this State, particularly those interested in agriculture, very well indeed.

Mr. MACLELLAN (Gippsland West).—I welcome this Bill. The honorable member for Gippsland South and I are anxious to see diagnostic centres built in other parts of the State, particularly in those parts of Gippsland which are not served by the centres to be built at Bairnsdale. The honorable member for Gippsland East has overlooked the fact that members of this House look beyond the boundaries of their own electorates and realize, for example, that the needs of the far eastern parts of Gippsland can be better served by a local diagnostic centre than by the Melbourne centre. The needs of East Gippsland must be served first, and that can best be done by the establishment of a local centre. I hope

that in the years ahead a centre will be established in the area of the honorable member for Gippsland South and also in my own electorate.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clauses 2 and 3 were verbally amended, and, as amended, were adopted, as was the remaining clause.

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

The sitting was suspended at 1.10 *p.m. until* 2.15 *p.m.*

SOCIAL WELFARE (AMENDMENT) BILL.

The debate (adjourned from March 28) on the motion of Mr. I. W. Smith (Minister for Social Welfare) for the second reading of this Bill was resumed.

Mr. BORNSTEIN (Brunswick East).—The Opposition welcomes this Bill but is intrigued at the lateness of its presentation. As long ago as December, 1967, firm proposals for the introduction of work release and periodic detention arrangements were made to the Government, particularly to the then Chief Secretary, Sir Arthur Rylah, whose department administered the whole field of social welfare. Yet this Bill, which encompasses three new innovations in the penal system, not only work release and periodical detention but also week-end imprisonment, has been introduced in the dying hours of the Parliament. They are also the dying hours of the Government. Even honorable members on the Government benches will concede that the Bill has been a long time in coming when they realize that it was foreshadowed in the Governor's Speech last September.

The Opposition supports the concepts of work release and periodic detention but opposes the concept of week-end gaol. This attitude will be elaborated later.

Another aspect of the Bill which surprises the Opposition is that it raises more questions than it answers. Neither the Bill nor the Minister's second-reading speech provides any detailed background of what led to the introduction of the measure. The Minister referred only briefly to investigation undertaken by the Government. The honorable gentleman admits that investigations were made only into the system of periodic detention. This implies that no investigation was carried out for the Government into work release and week-end imprisonment. The introduction of these concepts within the Prisons Division, which has long-established traditions of administrative behaviour, will not be accomplished without some major changes, but there is no reference to them in the Bill.

There is little indication of what the Government intends in the purchase or construction of new institutions. The only indication of the Government's intention to the Opposition or the community at large is its announced decision to buy a school property Fortuna House the residential section of Chanel College in Geelong, for Victoria's first work release hostel. That purchase seems to have been made without consultation with the local community and certainly not with other sections of the college. Yesterday, a Government party member directed attention to widespread unrest in Geelong at the proposed advent of the work release centre there. That indicates that the Government has once again failed adequately to consult the community on its intentions and, more partcularly, that part of the community most directly affected by its actions.

From this the Opposition can only draw the conclusion that this purchase was announced only because the Government wanted to make political capital. The Government has highlighted one purchase and used it as a smokescreen behind which to retreat on questions of what other institutions will be

needed to put into effect the whole programme, including week-end imprisonment and periodic detention.

As I have indicated, in December, 1967, Mr. David Biles, a lecturer in criminology at the University of Melbourne, presented a detailed report to the then Chief Secretary, Sir Arthur Rylah. The Government had asked for a report on work release of prisoners and week-end imprisonment, and when it was completed the report received extensive publicity in the daily newspapers. Mr. Biles recommended that the Government should introduce work release of prisoners so that prisoners nearing the end of their sentences would be allowed to go into the community to the extent necessary for them to engage in employment. At the end of each day, they would report back to the work release hostel administered by the Prisons Division. Mr. Biles reported adversely on the introduction of week-end imprisonment and, in a detailed recommendation, suggested the alternative periodic detention of the kind which the Minister for Social Welfare has outlined.

Under a system of periodic detention, the courts would have an additional disposition of assigning some categories of offenders to a periodic detention centre—a non-residential centre—either at week-ends or during the week, preferably at times which would not interfere with their normal employment, education, or training. They would carry out community activities such as cleaning at public institutions or tasks of a menial nature under the supervision of officers of the department. They would also be engaged in counselling and other group therapy work during the period of detention. The object would be to bring them under the sanction of the Prisons Division without actually incarcerating them.

I should like to quote at length from a document submitted by Mr. Biles to the Government as it indicates not only his thinking and that of other staff members of the Criminology department of the University of Melbourne, but also the thinking of senior administrators of the Prisons Division and other employees.

The SPEAKER (Sir Vernon Christie).—I suggest that the honorable member does not quote at length; that is really debating by proxy. It would be far better to give a précis.

Mr. BORNSTEIN.—Perhaps I gave the wrong impression when I said I wanted to quote at length; the passages to which I refer are not really lengthy. The report states, *inter alia*—

> Whereas work release, as proposed here, may be thought of as "half-way-out", weekend imprisonment could be described as "half-way in". Thus work release is seen as a technique to facilitate the adjustment of prisoners on their return to the outside world, and week-end imprisonment is seen as a moderately severe punishment for offenders who are likely to re-offend at the week-ends. The aims of week-end imprisonment are therefore punitive and preventive.
>
> Week-end imprisonment is being considered here particularly for serious traffic offenders; that group for whom the courts may feel that normal prison sentences are too severe while fines are not severe enough. To the extent that such a provision would increase the number of possible dispositions available to the courts, it is highly desirable and there is no theoretical reason why it should not contribute to a reduction in the number of offences of this type.
>
> The difficulties associated with the introduction of week-end imprisonment would be administrative rather than theoretical. For the reasons given with respect to work release, it would be undesirable for week-end prisoners to be associated with normal prisoners and therefore separate institutions would be needed. The problem with this is that separate institutions for use only at week-ends would probably not justify their cost, and there would be considerable difficulties with staffing.
>
> It is indeed extremely difficult to visualize the implementation of a system of week-end prisons for adults who are serious traffic offenders without a huge increase in the staff and expenditure of the Prisons Division, the only logical body to administer such a scheme. Much of this increase would also be uneconomical because of the limited period that the system would be used. It could perhaps be argued that a proposal which is aimed at a reduction in the road toll, should not be rejected simply on the basis of cost alone, but any crime prevention proposals must be kept within the limits of

the community's willingness and capacity to pay for them, and there is no evidence to suggest that Victorians are willing to pay more for their prison. For this, and other reasons, week-end imprisonment for adults is not recommended for Victoria at this stage.

When the report was compiled, the Government was thinking of week-end imprisonment for traffic offenders; I do not know whether or not that is still so. In his second-reading speech the Minister foreshadowed the creation of separate institutions. Mr. Biles was not the only person who recommended strongly against the introduction of week-end imprisonment. On 8th September, 1971, a committee was established by the Government to investigate the feasibility of introducing forms of periodic detention in Victoria. I wish to name the members of that committee because the implications of that membership and their viewpoint is of importance in relation to the measure now introduced by the Minister. Members of the committee were—

Mr. E. V. Shade, Director of Prisons, Social Welfare Department;

Mr. David Hundley, former Supervisor of Classification and Treatment, Prisons Disison, Social Welfare Department;

Mr. David Biles, Senior Lecturer, Department of Criminology, University of Melbourne;

Mr. Alan Jordan, Senior Research officer, Department of Labour and National Service;

Mr. Jack Johnson, Legislative Officer, Chief Secretary's Department;

Mr. Ian Grindlay, Governor, H. M. Prison, Pentridge.

Co-opted members:

Mr. G. Cuddihy, Director of Probation and Parole, Social Welfare Department;

Mr. David Green, Director of Regional Services, Social Welfare Department;

This information was conveyed to me by the Minister for Social Welfare in answer to a question which I asked on 8th March, 1972.

On 6th December, last year, I asked a further question in regard to the operations of this committee. I asked—

Whether the committee established last year to investigate the feasibility of introducing forms of periodic detention in Victoria has completed its investigation; if so —(a) when it presented its report to him; (b) what recommendations were contained in the report; and (c) what action the Government contemplates in respect of the findings?

The Minister informed me that the committee had presented a report on 11th April, 1972. I should like honorable members to consider the lengthy period of time which elapsed between the presentation of that report and the introduction of this Bill. The Minister sidestepped my question about the committee's findings by simply stating that the committee's recommendation "consisted of general principles of legislation considered to be necessary for the purpose", whatever that means. I am sure you, Mr. Speaker, would be as puzzled as I as to its precise meaning. The legislation was foreshadowed when it was prepared in finally acceptable form.

In his second-reading speech and in the answers to my questions the impression has been wrongly given that this committee only considered periodic detention as a system to be introduced into the operations of the Prisons Division. In fact, that committee considered week-end imprisonment together with periodic detention. The concept of week-end imprisonment can easily come beneath the broad heading of periodic dentention. The members of that committee unanimously—I stress that word—rejected the concept of week-end imprisonment. They did so, for reasons similar to those advanced by Mr. Biles, not on theoretical grounds but on practical grounds that in administrative terms it was simply impossible to operate. Some of the members of this committee are the closest advisers the Minister has in the whole field of correction.

Other members of the Opposition and I are frankly incredulous at the action of the Minister for Social Welfare in introducing a system of week-end imprisonment in direct opposition to that unanimous viewpoint of his closest advisers. If other members of the Government party are not aware of those facts, they also will be somewhat surprised at the fact that this system has been introduced.

In considering the learned opinions of the gentlemen to whom I have referred, it is understandable that the Minister makes no attempt to explain in any detail the manner in which week-end imprisonment will be introduced as a new system in the whole area of prisons administration. I do not believe the Minister himself is particularly optomistic that week-end imprisonment will become a viable concept, but I am sure its introduction may have a lot more to do with the fact that an election is impending. Perhaps a concept such as this may have some limited appeal to the electorate, although, as the Minister himself interjected, there are not a great number of votes in prisons or prison reform. Any Government has a clear obligation to re-make the whole prison system, which the Minister concedes is extremely antiquated and still adheres to nineteenth century philosophies. But it is a courageous Government—this is not such a Government—that tackles the serious problems which exist within the Prisons Division, gives the community a lead and takes actions which initially may be unpopular but which in the long run will only be commended by the community.

Mr. BIRRELL.—Like at Geelong.

Mr. BORNSTEIN.—The Government went part of the way in a minor area of prisons administration, and I am happy to concede that. But I point out to the honorable member for Geelong that it seemed apparent that the Government had not adequately consulted the community most likely to be affected by the operation of this work-release hostel. If consultations had been held, I consider that fewer objections would have been raised to the hostel. The honorable member for Geelong will probably concede that point.

To make up for the lack of content in the Bill and in his second-reading speech, the Minister prefaced his remarks by a general reference to the kind of problems which his department has been facing in the area of prisons. They are problems with which every honorable member and a great number of people in the community are familiar because of the great deal of publicity which has been accorded to them. However, there is no indication in the Minister's remarks or in this Bill that the Government has in any way altered its piecemeal approach to prison reform. There is no indication of meaningful planning for a modern correctional system. We are still being sold *ad hoc* proposals for a maximum security gaol, and *ad hoc* proposals for the three innovations proposed in the Bill, because they do not seem to be related to the operations of other sections of the Minister's department. There is no explanation of how staff is to be acquired for these centres. The whole department is experiencing critical staff shortages. The Minister is well aware of the fact that he provided 43 custodian officers at Pentridge, at short notice, following an angry deputation from prison officers some time last year, when a detailed submission by his department for 78 new officers for the whole Prisons Division was ignored in the last Budget speech. So, the honorable gentleman is well aware of the serious staffing problems which exist merely for the functions that are being carried out by the prisons at this stage. I have no doubt that unless there is a major change in the Government's attitude towards prisons, work-release, week-end imprisonment and periodic detention will not get very far.

I wish to refer briefly to the Minister's past statements and his statements earlier today at question time on the maximum security prison which is planned for a country area of Victoria. The kind of disturbances which have occurred in Pentridge over the past two years seem to have created the same political pressures as were created in New Zealand by similar disturbances in the Mount Eden prison. Those pressures in New Zealand resulted in the New Zealand Government building a maximum

security prison at a cost of $7·2 million. That was several years ago, and the prison, which is called Paremoremo Prison, has a capacity of 248. It is referred to as a maximum security prison. I understand that its stated functions are similar to the functions which would be deputed to a maximum security prison in Victoria. In May last year that prison, with a capacity of 248, held 160 prisoners. An official investigation by the New Zealand Ombudsman, Sir Guy Powles, ascertained that no more than 40 per cent of the persons incarcerated in that maximum security prison were correctly imprisoned as maximum security prisoners. In other words, the New Zealand Government panicked following political pressure and had built a gigantic white elephant which was extremely wasteful to construct and extremely wasteful of public money to administer.

I warn the present Minister for Social Welfare that if he and his Government proceed with a similar scheme for Victoria they will be heading in exactly the same direction. This Government has not indicated any need for a new maximum security prison in the country. There is no indication that it will need to accommodate 200 prisoners as the Minister has asserted.

The honorable gentleman, in answer to a question which I asked this afternoon, was unable to give me any cost estimate of the prison, namely, for purchase of land, for construction or for the implementation or introduction of equipment such as electronic surveillance devices of which there seems to be a plentiful supply in the Paremoremo Prison in New Zealand. It is quite possible that the prison envisaged by the Minister and the Government could cost about $10 million.

To the Prisons Division, $10 million is like the pot of gold at the end of the rainbow. Far more beneficial use can be made of the money than to build a maximum security prison. A new remand section outside the existing physical confines of Pentridge prison, within the metropolitan area, should receive a far greater priority than a maximum security prison. The need for maximum security emanates largely from the antiquated—in some cases barbaric—conditions which exist in our prisons. Maximum security should be provided solely for persons who are a threat to others in the community. I do not believe there are 200 prisoners out of the 2,250 prisoners who come under the category of needing to be incarcerated in conditions of maximum security. The Government would be well advised to reconsider its intentions in this regard.

The Opposition is unhappy with some provisions of the Bill. Certainly it intends to oppose the entire section which deals with week-end imprisonment, and I shall move three other amendments, one of which, if adopted, would have a substantial effect. I do not intend to canvass argument on my proposed amendments during the Committee stage. The Opposition considers that work release and periodic detention are innovations that could be incorporated within the operations of the Prisons Division to the benefit of the community as a whole, and certainly to the benefit of people who will be selected for these forms of treatment. However, it strongly opposes the concept of week-end imprisonment.

The Opposition is surprised that this measure was introduced by the Government. I appeal to the Minister, before proceeding with the legislation, unless he can justify it in view of the expert opinion he has received about week-end imprisonment, to delete the provisions relating to this type of imprisonment from the Bill before it is transmitted to another place.

Mr. TREWIN (Benalla).—Although the Country Party supports the Bill, I wish to comment on some of its provisions. History shows that prisons have always been a part of life in any ordinary, well-regulated community. The history of Europe and

other countries reveals that penalties have always been imposed for misdeeds and inhuman activities. In 1973, in what is known as the permissive society, more opportunities exist for wrongdoing than would have been available in the past. At some time in their lives, many well-thinking, happy persons have committed misdemeanours, been apprehended by the law, and no doubt have paid the appropriate penalties. The natural instincts and backgrounds of many people have led them to commit serious crimes for which they have spent long years in detention. The Bill provides an opportunity for those who commit minor offences, which cause no difficulty in the community, to receive punishment that is not of any great severity. Many of the people who have comitted offences in the past have been useful, community-minded people, who have worked at their occupations and served their community well. If this measure is passed, they will be given an opportunity to serve their detention in certain ways.

The three methods suggested by the Bill, namely, periodic detention, week-end imprisonment and work release, are not new. In the past, a person serving a term of imprisonment could gain some relief from his sentence; if he behaved in accordance with the rules of the prison and carried out certain duties for his own welfare and that of the prison, a certain period could be deducted from his over-all sentence. Under the proposed legislation, people who have been sentenced to not less than one month and not more than twelve months' imprisonment will be given the opportunity to rehabilitate themselves, but they will not be cut off altogether from their families or the community. This is a reasonable idea, which could serve a useful purpose in assisting the person concerned and those close to him. I often wonder what offenders, whether men or women, must think of their immediate relatives when committing a crime. Some offenders have doubtless had years in which to meditate over their crimes, and probably they have paid the penalty in more ways than one.

The motel-type of prison which would be necessary to implement the scheme proposed in the Bill would cost millions of dollars. Many of our prisons are out of date and archaic and remind us of the dim past. Every reasonable thinking person in the community would like to see such prisons either destroyed or preserved as monuments to the progress achieved by the human race.

The Bill envisages that the opportunities for week-end imprisonment, work release or periodic detention will be subject to acceptance by the persons involved. Irrespective of the area of the community from which a person comes, human relations must be considered. The proposal will enable certain offenders to serve their sentences under reasonable conditions.

In the permissive society in which we live, it is evident that many people would like everything to be free. This provides a good illustration of the origin of some Australians and how they have developed. Many Aboriginals who have been brought into the permissive society desire to return to their own way of life, which was a type of permissive society in which the rules were much stricter than in ours. The Aboriginal race would annihilate an offender for many crimes and misdeeds for which our society would impose detention. Although progress has been made, we must be careful in a permissive society to develop it in the interests of the human race and not to create something which will be uncontrollable in the future.

I hope our young Minister for Social Welfare—I assume he will be back here after the election—will be able to carry on the work of improving and developing the social welfare structure in the Victorian community. I do not know how people can blend on a national scale, but important work can be done in local areas to ensure that human

beings can adequately express themselves and blend into the community. The proposed legislation will prove beneficial in this regard and will assist a nation of which we can be proud.

Mr. MUTTON (Coburg).—The purpose of the Bill is to amend the Social Welfare Act 1970, the Crimes Act 1958 and the Maintenance Act 1965 with respect to the service of terms of imprisonment, the custody and treatment of prisoners, work release for prisoners, and for other purposes. Irrespective of the adverse comment on the Bill during the debate, this is the first occasion in the history of the Government that it has embarked on a project of prison reform. The Government should be applauded for its approach to a serious problem.

In his second-reading speech the Minister for Social Welfare stressed several important proposals envisaged in the Bill which honorable members will doubtless appreciate.

The Minister for Social Welfare mentioned a system of rehabilitation which will allow persons who have been sent to a penitentiary to at least realize that they have not been cast into a place which can be classified as a limbo of the lost. These people will be given a second chance and be assisted to rehabilitate themselves. This is a step in the right direction because some of the inmates of Pentridge Gaol have not lost all interest in our society although they have made a mistake. Under this measure they will be assisted in their rehabilitation so that they may become useful members of society.

Another aspect stressed by the Minister for Social Welfare was the proposed system of periodic detention. This system shall apply to short term prisoners and will also provide an opportunity for their rehabilitation. I applaud the actions of the Government in trying to provide an initial approach to penal reform. However, I must criticize the Minister for Social Welfare on a subject I mentioned yesterday during question time. I have obtained irrefutable proof of the problems confronting Pentridge staff officers and warders and also historical data about Pentridge Gaol.

To obtain additional information, at the beginning of the sessional period I placed on the Notice Paper a series of questions which have not yet been answered by the Minister for Social Welfare. If honorable members study those questions they will realize that not only are they being deprived of information but also that members of the community are being treated in a similar fashion. I am denied that information which I could have used in debating this important Bill. I urgently request the Minister to provide answers to those questions so that I can make the information available to my constituents.

In his second-reading speech, the Minister for Social Welfare specifically referred to an important matter which concerns the 25,000 electors in my electorate of Coburg and many other residents in the metropolitan area. The public is upset whenever a gaol break occurs at Pentridge. Since the inception of Pentridge Gaol in 1857, the lives of many people have been held in jeopardy or they have been apprehensive that a vicious criminal would scale the wall and be at large in the community. Some escapees are so irresponsible that before they are recaptured they make a silent oath that they will take someone with them if they are to be destroyed. I am concerned about that aspect.

Over the past two years a hush-hush policy has emerged when an escape has occurred. This policy has surrounded not only Pentridge but the Social Welfare Department and for some unknown reason the facts are not made known to the public until honorable members raise the matter in this Chamber. When the last escape occurred, residents of Champ Street, which adjoins the main entrance to Pentridge Gaol,

observed a number of warders looking in the bushes against the wall. The residents asked what they were looking for, and were informed by prominent members of the staff that they were looking for an escaped dog. That reference may have been to the animal nature of the prisoner who had escaped, but I honestly believe that proper warning should be given and an announcement made immediately in the press when a person escapes.

The warning device which is used when an escape occurs should be improved. The existing alarm is so weak that a person would need a special ear device to hear it. It is high time the Government paid heed to the complaints lodged by persons who reside in the vicinity of Pentridge Gaol.

To counter the accusations against the Social Welfare Department, in his second-reading speech the Minister for Social Welfare said—

> I am foreshadowing the construction of a new security prison in a locality outside Melbourne where the community and the municipality are receptive to having this facility constructed. We propose that a security prison shall be constructed to remove the most difficult prisoners from the environment of Pentridge Gaol. This will enable security arrangements at Pentridge to be scaled down and the provision of an atmosphere that is more conducive to rehabilitation and work programmes. At the same time, as we have previously announced, we are studying the feasibility of splitting Pentridge Gaol into three separate prisons.

The announcement by the honorable gentleman is accepted by people in my electorate because they realize that Pentridge Gaol is not a maximum security prison. The inmates claim that they can get out of Pentridge just by using their fingernails. It is common knowledge that they can scrape away the cement which holds the bluestone blocks together. Admittedly that is a slight exaggeration, but the cement used in the olden days was composed mainly of crushed shell grit and this can easily be scraped away. Several years ago the whole northern wall collapsed because of the weak cement.

It is heartening to learn that the Government is considering the establishment of a maximum security prison. I have had overtures made to me by people as far away as Ararat applauding this proposal and requesting that, when consideration is given to the proposal, the Government will consult with the City of Ararat. Earlier in the debate the honorable member for Brunswick East, by interjection, asked the Minister for Social Welfare when it was proposed to establish the maximum security prison. The honorable gentleman refrained from stating a timetable. I hope that later in the debate the Minister will state when the Government intends to establish a maximum security prison. I trust that the time is not far distant when the Government will satisfy the wishes of the people and embark on this important project.

In his second-reading speech, the Minister for Social Welfare also said that provided that the decentralization and re-constitution of Pentridge Gaol proceeded satisfactorily, it could ultimately mean the complete phasing out of the operation of Pentridge Gaol. Many people living in the vicinity and many honorable members of this House agree with me that the existence of Pentridge Gaol in Coburg is stifling development.

It was heartening to hear the honorable gentleman state that if all these proposals are put into effect successfully it will mean that ultimately Pentridge Gaol will cease to operate as a penal establishment. However, two important factors must be kept in mind. If the Government is contemplating the demolition of Pentridge, it should consider an important aspect, that is, that the gaol is probably preventing important projects from being established on the land. For instance, honorable members can observe that to the east of the Pentridge stockade the Government has developed a high school and a teachers' college on land which was once surrounded by the stockade. If the Government carries out its policy of phasing out Pentridge

Gaol the land made available could well be put to a similar use and so benefit the people of the City of Coburg.

I suggest to the Minister for Social Welfare that, if the Government actually gets to the stage of demolishing Pentridge Gaol, consideration should be given to retention of the frontal part of the gaol as a tourist attraction. In Tasmania the first penal establishment at Port Arthur is probably one of the most valuable tourist attractions providing revenue for the Government of that State. I am sure many members of historical societies would agree with me that the Government should consider preserving the front portion of Pentridge Gaol for posterity. I am disappointed that the Minister for Social Welfare did not make available to me additional data which I could have in turn provided to the House. The honorable gentleman has had ample time in which to provide the information sought in my questions. I hope it is forthcoming before Parliament is dissolved, so that if I consider it necessary I can raise the matter in the House. I again congratulate the Government on this, its first "fair dinkum" approach to some type of penal reform.

Mr. TREZISE (Geelong North).—I take the opportunity of briefly raising with the Minister the concern felt in the Geelong area over the proposal to establish a work-release hostel. Naturally, the Labor Party, myself, and I believe every local member of Parliament from the Geelong area agrees with the principle, as does the Geelong community. However, we are all concerned about the recent announcement that the Government has purchased for approximately $85,000 Futuna House in Anakie Road, Geelong, for development as a work-release hostel.

Although we agree with the principle, we do not agree with the action of the Government in purchasing the property and making the announcement without consulting the members of Parliament who represent the Geelong area. The Shire of Corio, which is the municipality involved, is irate that it was not consulted or even informed about the matter. The principal of Chanel College, Brother Robinson, was not consulted. The Geelong community is up in arms, particularly the parents of students at the college. The Minister for Social Welfare is visiting Geelong this evening to discuss the matter with the local community.

However, this confusion should have been avoided. I trust that in the future the Government will be prepared to talk with the local people concerning its projects, even if such discussions are in confidence. Many implications could be involved in some projects. In this instance, I place on record the objection of the entire Geelong community to the principle involved in purchasing this property for a work-release hostel without any consultation with the local community.

The motion was agreed to.

The Bill was read a second time and committed, *pro forma.*

Mr. I. W. SMITH (Minister for Social Welfare) presented a message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Fund for the purposes of this Bill.

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

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

Clause 1 was agreed to.

Clause 2 (Division Table).

Mr. I. W. SMITH (Minister for Social Welfare).—I thank honorable members for their contributions to the second-reading debate. I will defer my remarks on some of the points raised until the Committee is dealing with the particular clause involved or the amendment that is proposed.

I was amazed to hear the honorable member for Coburg suggest that some of Pentridge Gaol should be

retained. There is never a dull moment when the honorable member can put forward that sort of suggestion! However, I think he is right. If the proposal which I foreshadowed as a goal which the Government is aiming at is eventually attained, then the honorable member's suggestion is sensible.

I can understand the difficulties encountered by the honorable member for Brunswick East concerning the Government's proposal for week-end prisons. I have not the same enthusiasm for week-end imprisonment as I have for periodic detention and work release. I do not envisage that at any stage week-end imprisonment will be wide-spread because of the practical administrative difficulties mentioned by the honorable member for Brunswick East. Nevertheless, it will be available as an alternative for a small number of prisoners who are essentially good workers and family men and who ought not be removed from or penalized in their employment—when their normal behaviour during the week is all right—for an anti-social week-end offence, if one can put it that way. There would be only a small number in this category but the facility ought to be available. Accordingly, the Government intends to insist on that provision being included in the Bill.

The clause was agreed to, as was clause 3.

Clause 4, providing, *inter alia*—

For section 114 of the Principal Act there shall be substituted the following section :—

. . . . . .

(2) In and by any proclamation under sub-section (1) the Governor in Council may set aside a prison or any part of a prison for the accommodation of any class or classes of prisoners specified in the proclamation and in particular, without in any way limiting the generality of the foregoing, for the accommodation of prisoners—

(*a*) who are permitted to serve sentences by periodic detention within the meaning of Division 6 of Part IV.; or

(*b*) who are permitted to serve sentences by week-end imprisonment within the meaning of Division 7 of Part IV.

Mr. I. W. SMITH (Minister for Social Welfare).—I move—

That, in paragraph (*a*) of sub-section (2) of proposed new section 114, the expression "to serve sentences by periodic detention within the meaning of Division 6 of Part IV." be omitted with a view of inserting the expression "under the provisions of section 179 to live in a work-release hostel".

The Government feels that it is undesirable to term a periodic detention centre as a prison. To call it a work-release hostel is not only more publicly acceptable, it is also more acceptable to the people who will be in the hostel. Subsequent amendments will be necessary to empower a magistrate to issue a warrant for the arrest of a person who absconds or escapes from a periodic detention centre.

Mr. BORNSTEIN (Brunswick East).—The Opposition does not object to the amendment.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 5.

Clause 6, providing, *inter alia*—

After section 145 of the Principal Act there shall be inserted the following headings and sections :—

"DIVISION 6.—PERIODIC DETENTION.

145A. (1) In the exercise of its powers under section 476 of the Crimes Act 1958 a court shall not permit a sentence of imprisonment upon an offender to be served by way of periodic detention within the meaning of section 476 of the Crimes Act 1958—

. . . . . .

145D. (1)

. . . . . .

(3) No person shall be directed under this section to engage in any employment so as to take the place of some other person who would usually be engaged in that employment for hire or reward and who is available and willing to perform the work required in that employment.

. . . . . .

145E. (1) An order for periodic detention may at any time on the application of the offender or of the Director-General be cancelled or varied by the court which made the order where the court is satisfied by evidence on oath or by affidavit or otherwise—

. . . . . .

(c) that the offender—

. . . . . .

(iii) has been absent without reasonable excuse from a place of detention during a period of detention;

(iv) has departed without reasonable excuse from any premises at which he was directed to perform work before the time he was authorized by the superintendent to depart; or

(v) has been idle or careless at work or behaved in an offensive, threatening, or disorderly manner whilst undergoing detention.

. . . . . .

145F. (1) Subject to the Public Service Act 1958 there may be appointed as many superintendents of periodic detention as are necessary for carrying out the provisions of this Division.

(2) Superintendents appointed under this section shall in relation to persons coming under their supervision carry out any directions given by the courts but shall otherwise be subject to the control and direction of the Director-General.

DIVISION 7.—WEEK-END IMPRISONMENT

145G. (1) In the exercise of its powers under section 476 of the Crimes Act 1958 a court shall not permit a sentence of imprisonment upon an offender to be served by way of week-end imprisonment—

(*a*) for a term of less than one month or more than twelve months;

(*b*) unless it is satisfied that appropriate facilities are reasonably available for the week-end imprisonment of the offender: and

(*c*) unless the offender consents thereto.

(2) A person who serves a term of imprisonment by way of week-end imprisonment in accordance with the provisions of this Division shall be regarded as having served that term of imprisonment and is wholly discharged therefrom.

145H. (1) In making an order permitting week-end imprisonment the court shall specify the place in which and the days and hours of the day during which the offender is to be imprisoned from week to week during the term of the sentence and may impose upon the offender any condition the court thinks fit for securing the regular and orderly attendance of the offender at the prison to which he is committed.

(2) An order permitting week-end imprisonment shall specify periods commencing at 8 o'clock in the evening on Fridays and ending at 4 o'clock in the afternoon on Sundays for the duration of the term of imprisonment imposed.

145J. (1) A person permitted to serve a term of week-end imprisonment shall report at the prison from time to time as specified by the court and shall be detained therein from week to week as directed by the order.

(2) The officer in charge of a week-end prison may on account of illness or other good cause excuse a person from reporting for detention on any occasion and, if he excuses a person, shall fix another day or week-end (as the case requires) in lieu thereof.

(3) A person undergoing a sentence under this Division shall obey any instructions given by the officer in charge of the prison with respect to the manner of reporting at the prison and whilst he is serving his sentence shall be subject to the several provisions made for the regulation, discipline, management, and care of prisons and prisoners.

145K. (1) An order for week-end imprisonment may at any time on the application of the offender or of the Director-General be cancelled or varied by the court which made the order where the court is satisfied by evidence on oath or by affidavit or otherwise—

(*a*) that the circumstances of the offender—

(i) have changed since he was sentenced; or

(ii) were wrongly stated or were misrepresented to the court before sentence—

to such an extent that week-end imprisonment should not be commenced or continued (as the case requires);

(*b*) that the offender is in prison awaiting trial or under another sentence of imprisonment; or

(*c*) that the offender—

(i) has failed without reasonable excuse to report as required by the order of the court permitting the week-end imprisonment; or

(ii) has contravened or failed to comply with any condition imposed by the court to which the offender is subject.

(2) Where a court cancels an order for week-end imprisonment pursuant to the provisions of this section the court shall issue or cause to be issued a warrant for the apprehension of the offender and his being brought before the court to be further dealt with.

(3) Where an offender is brought before a court upon a warrant under the provisions of sub-section (2) the court may, in addition to committing him to prison for the unexpired portion of the term of imprisonment to which he was sentenced and to imposing any penalty upon him for any breach of this Act or the regulations, sentence the offender to be imprisoned for a further term of not more than twelve months in respect of his failure to comply with the terms and conditions of the week-end imprisonment order but may permit the offender to serve the aggregate of the terms by way of week-end imprisonment.

(4) In the absence of an order under sub-section (3) permitting week-end imprisonment the offender shall be imprisoned in accordance with the order."

Mr. I. W. SMITH (Minister for Social Welfare).—I move—

That, in sub-section (1) of proposed section 145A, the expression "section 476 of the Crimes Act 1958" be omitted with the view of inserting the words "this Division".

This amendment is in line with the new provision that I mentioned earlier.

The amendment was agreed to.

Mr. BORNSTEIN (Brunswick East).—I move—

That, in sub-section (3) of proposed section 145D, the words "and who is available and willing to perform the work required in that employment" be omitted.

Sub-section (3) of proposed section 145D, as drafted, provides—

No person shall be directed under this section to engage in any employment so as to take the place of some other person who would usually be engaged in that employment for hire or reward and who is available and willing to perform the work required in that employment.

The provision relates to periodic detention and the Opposition considers that the words proposed by the amendment to be omitted should be deleted. I do not believe it was the intention of the Government that prisoners could be employed as strike-breakers, but that is the effect of the wording. There is ample opportunity for the Government either to include an exemption in the provision relating to strike action or simply amend the provision to make it less ambiguous.

The Opposition strongly adheres to this view because it is a reasonable assumption for anyone who reads the sub-section as it is drafted. If some workers were engaged in industrial action, under this provision, it would be possible for prisoners to be used. Although it might not be a practical likelihood, it is certainly a theoretical one and the Labor Party is not satisfied with the present wording.

Mr. I. W. SMITH (Minister for Social Welfare).—I am staggered. Obviously, the honorable member for Brunswick East is not as familiar with prisoners as I am because nobody can persuade me that, if prisoners were used as strike breakers, they would do any work. On the contrary, I suggest that they would be even more determined not to work than the strikers themselves. The honorable member is dealing with a theoretical possibility and he must know that it is not a practical possibility. In any case his argument would fall down because the Director of Prisons has power to release prisoners temporarily for a variety of reasons and there is no reason why the director could not have a work force for the purpose suggested by the honorable member. This has never been done and it will not be done in the future. If the amendment were agreed to it would be difficult to find some type of employment on which offenders could be employed. There would always be someone who would argue that it is taking the place of labour that could be done by someone else. These people are human. They will be returned to the work force at some stage and the sooner we remember that and provide for work release and periodic detention so much the better. The Government cannot concede the amendment.

Mr. JONES (Melbourne).—I support the honorable member for Brunswick East on this matter and I hope the far-sighted, experienced and compassionate Minister will take the view that it is not merely a matter of what the situation would be. I agree with the honorable gentleman that prisoners, unless they are convicted of political crimes, are unlikely to assume the role of strike-breakers. It is a matter of what the Bill provides and what the Minister is actually saying. The honorable gentleman is in fact saying, "Yes, it is true that the statute is drawn widely enough to encompass what would in effect be strike breaking. However, the reality is that it will not be like that."

Probably that is the reality, but if it is the case why not express it in the legislation? There have been a

number of examples in this brief session, and perhaps there will be more, where members of the Opposition have raised an objection to a particular provision in a Bill and the relevant Minister has said that it does not really mean that. He has contended that it may be what the words suggest but the Government does not intend to interpret it in that way. That is a dangerous way to consider things, even though we are happy to accept the verbal assurance of the Minister. If in the future a Minister who was not so forward looking was appointed——

Mr. ROSS-EDWARDS.—Was appointed?

Mr. JONES.—If we had the Leader of the Country Party as a Minister——

Mr. ROSS-EDWARDS.—There would be changes.

Mr. JONES.—If he were Minister of Labour and Industry he might try to deregister the trade unions. I cannot see that the words contained in sub-section (3) of proposed section 145D add anything to the measure. In fact, they may cause a degree of resistance from the trade union movement that the Minister might regard as unwarranted. I ask the Minister to examine the suggestion made by the honorable member for Brunswick East before the Bill goes to another place because the provision may cause more trouble than it is worth.

Mr. BORNSTEIN (Brunswick East).—I am sure the Minister will concede that no party which is founded on an industrial basis as the Labor Party is and of which members of the Opposition are members could conceivably accept the wording of the proposed section in its present form. I appeal to the Minister to take the action suggested by the honorable member for Melbourne and at least to reconsider the matter between the passage of the Bill here and its introduction in another place.

I add further comments to the remarks I made earlier. A further reading of sub-section (3) of proposed section 145D leads me to stress again the ambiguity of the wording because it can be deemed to mean that the phrase "and who is available and willing to perform the work required in that employment" could apply to prisoners or to the people whom they are replacing. For that added reason I urge the Minister to give an undertaking that the wording of the sub-section will be closely examined and any changes that are required will be made in another place.

Mr. I. W. SMITH (Minister for Social Welfare).—I thank the two honorable members for trying to point out to me the ambiguity of the phrase. I am not completely happy with its present wording but I can offer no alternative at the moment. After the honorable member for Brunswick East had spoken first I was about to make the suggestion made by the honorable member for Melbourne. The Government will do what the honorable member asks before the Bill is passed by another place. If the clause can be redrafted to achieve what we both want, that will be done.

The amendment was negatived.

Mr. BORNSTEIN (Brunswick East).—I move—

> That, in sub-paragraph (iii) of paragraph (c) of sub-section (1) of proposed section 145E, after the word "detention", where second occurring, the word "or" be inserted;

and—

> That, in sub-paragraphs (iv) and (v) of paragraph (c) of sub-section (1) of proposed section 145E, the expression :—
>
> "or
>
> (v) has been idle or careless at work or behaved in an offensive, threatening or disorderly manner whilst undergoing detention".
>
> be omitted.

These amendments relate to an order for periodic detention being cancelled because of certain failures by the person who is carrying out periodic detention. The Opposition has no objection to the other provisions in the sub-section. I have pointed out to the Minister that in every other sub-paragraph the words "with-

out reasonable excuse" are included but for some reason it is arbitrarily stated in sub-paragraph (v) that periodic detention could be revoked if a prisoner has been idle, or careless at work, or behaved in an offensive, threatening or disorderly manner while undergoing detention. Behaviour of this kind could adequately be dealt with under the other provisions and particularly under paragraph (c), which provides that the offender has failed without reasonable excuse to obey any regulations or requirements relating to his detention or any of the other rules of the superintendent. I submit to the Minister that idleness, carelessness and offensive or disorderly behaviour could come under that category. There is certainly no need to include them in a separate category where no recourse is given to the person whose behaviour is complained of.

Mr. I. W. SMITH (Minister for Social Welfare).—I am not persuaded by this argument because the purpose of this provision is that if somebody does break down whilst on periodic detention for the reasons given—admittedly they would have to be substantial—an order must be obtained on the application of the Director-General with the permission of the Minister for the court to reconsider the detainee's sentence and presumably do something about upgrading it from periodic detention to something more severe. Clearly the court would act only on substantial evidence of gross idleness, or carelessness or a combination of these. I do not think any court would alter an order on a vital matter for a minor breach. It would be necessary to retain the provision to have some control over the performances of prisoners on periodic detention.

The amendments were negatived.

Mr. I. W. SMITH (Minister for Social Welfare).—I move—

That the following sub-sections be added to proposed section 145F :—

"(3) For the purpose of this Division the Governor in Council may from time to time by notice published in the Government Gazette appoint places establishments or institutions in Victoria or any part or parts thereof to be periodic detention centres for the reception of offenders undergoing periodic detention and may in the like manner revoke or alter any such appointment.

(4) Where a place establishment or institution appointed to be a periodic detention centre is a prison or part of a prison the Governor in Council may in and by a notice under this section revoke or vary any appointment thereof as a prison.

(5) Periodic detention centres shall be under the management and control of superintendents appointed under this section and shall be the places specified by courts under this Division in which terms of periodic detention are to commence".

I have already outlined the reasons for the amendment. The Government simply wishes to remove that system of periodic detention from the jurisdiction of a prison and this amendment is consequential upon one moved previously.

The amendment was agreed to.

Mr. BORNSTEIN (Brunswick East).—I move—

That the heading "DIVISION 7.—WEEK-END IMPRISONMENT." and proposed sections 145G, 145H, 145J, and 145K be omitted.

This is in line with the Opposition's approach to the measure. As I pointed out earlier, the Opposition support the concepts of work release and periodic detention but opposes the concept of week-end imprisonment. I listened with a great deal of interest to the Minister for Social Welfare partially agreeing with the objection of the Opposition. His agreement was in the form, "Yes, it would be practically difficult to put week-end imprisonment into operation, but nevertheless the provision needs to be in the Bill in case the Government wants to use it." I do not think that reply was good enough. It certainly did not justify the retention of week-end imprisonment as a concept or the retention of the provisions relating to it in the Bill.

The Minister has not adequately answered the question I posed in the second-reading debate when I pointed out that Mr. David Biles and

all members of the committee which the Minister appointed and which consisted of the heads of the three divisions in his department and the Governor of Pentridge Gaol and other experts in this field opposed week-end imprisonment, not in theory but as a practical concept. I do not see the point of the Government's proceeding with a measure which is not a practicality.

If the community is to have confidence in a Government, the measures undertaken by that Government must be viable. The Minister has half admitted that week-end imprisonment is not a viable and practical proposition. I concede that he has not gone the whole way but there is no enthusiasm in his remarks for the Government proceeding with week-end imprisonment. Consequently, the best course of action to follow is to delete all reference to week-end imprisonment from the Bill or, alternatively, for the Minister to give an undertaking that he will consider the very valid objections that have been raised. The Opposition has been backed in its objections by expert opinion. It objects to the concept of week-end imprisonment as a measure to be undertaken by the Prisons Division. The Opposition will press this amendment to a division.

Mr. I. W. SMITH (Minister for Social Welfare).—In spite of that terrible threat, I am not persuaded that the provision for week-end imprisonment should be withdrawn from the Bill. I do not have the same enthusiasm for week-end imprisonment as I have for periodic detention and work release, but that does not mean that week-end imprisonment will not be successful. I am sure it will work, but its application will be limited. The Government offers this alternative to the courts and to persons who are capable of holding down a job and supporting their families financially, emotionally and parentally during the week but who nevertheless have offended and by the court's decision must be detained for some time. It seems reasonable to remove their liberty at the week-end so that it does not upset their normal opportunities for employment and support of their families. Practical difficulties are involved and much more study will need to be carried out. I envisage a small pilot scheme to determine whether the proposition is feasible. Theoretical arguments can be advanced on both sides. My opinion is that week-end imprisonment should be tried, and that is supported by the Government.

The Committee proceeded to divide on the question that the words proposed by Mr. Bornstein to be omitted stand part of the clause (Sir Edgar Tanner in the chair).

Mr. LOXTON (Prahran).—On a point of order, during a division may not the Whip write up the pairs in the pairs book?

The CHAIRMAN (Sir Edgar Tanner).—Order! Once the question is put and the doors are locked, he may not. The book should be written up before the doors are locked.

The result of the division was—

Ayes	33
Noes	18
Majority against the amendment ..	15

AYES.

Mr. Austin	Mr. Maclellan
Mr. Birrell	Mr. Meagher
Mr. Borthwick	Mr. Reese
Mr. Broad	Sir George Reid
Mr. Crellin	Mr. Ross-Edwards
Mr. Dixon	Mr. Rossiter
Mr. Dunstan	Mr. Scanlan
Mr. Evans (*Ballaarat North*)	Mr. Smith (*Bellarine*)
Mr. Evans (*Gippsland East*)	Mr. Smith (*Warrnambool*)
Mr. Guy	Mr. Suggett
Mr. Hamer	Mr. Thompson
Mr. Hayes	Mr. Trethewey
Mr. Jona	Mr. Trewin
Mr. Loxton	Mr. Wheeler.
Mr. McCabe	
Mr. McDonald (*Rodney*)	*Tellers:*
Mr. McLaren	Mr. Stephen
	Mr. Templeton.

NOES.

Mr. Amos	Mr. Lind
Mr. Bornstein	Mr. Lovegrove
Mr. Curnow	Mr. Mutton
Mr. Doube	Mr. Trezise
Mr. Fell	Mr. Wilkes
Mr. Fordham	Mr. Wilton.
Mr. Jones	
Mr. Kirkwood	
Mr. Lewis (*Dundas*)	*Tellers:*
Mr. Lewis (*Portland*)	Mr. Ginifer
	Mr. Shilton.

PAIRS.

Mrs. Goble	Mr. Simmonds
Mr. MacDonald (*Glen Iris*)	Mr. Turnbull
Mr. Manson	Mr. Floyd
Mr. Rafferty	Mr. Holding
Mr. Wilcox	Mr. Edmunds.

Mr. WHEELER (Essendon).—I rise to a point of order. The arrangements have been for the Whips to pair certain members. When the Ayes and the Noes were being counted, some names were not written in the pairs book. What is the situation? Are those members now allowed to be paired or are they disfranchised?

The CHAIRMAN (Sir Edgar Tanner).—Order! Pairs are arranged under a gentlemen's agreement. They are not provided for in the Standing Orders. When the doors are locked, members are supposed to be seated on the respective sides of the House on which they intend to vote. The question is immediately put when the doors are locked.

Mr. WILKES (Northcote).—On a point of order, I am not disagreeing with the Standing Order, but I am bound to say that on many occasions I have been told that the Chair acts on precedent. I was a Whip for eight and a half years and it was always the practice for Whips to be permitted to enter the names in the pairs book when a division was called. I wonder whether the Chair will consider allowing that practice to continue?

The CHAIRMAN (Sir Edgar Tanner).—The question raised by the Deputy Leader of the Opposition will be noted.

The clause was agreed to.

Clause 7, providing, *inter alia*—

(3) For sub-section (4) of section 179 of the Principal Act there shall be substituted the following sub-sections :—

'(4) Any person who fails, before the expiration of a period of temporary leave permitted under this section, either to return to the place of custody from which he was released on leave or to report at some other place of custody specified in the permit shall be deemed to have escaped from the place of custody within the meaning of section 98 or section 132 (as the case requires).... "

Mr. BORNSTEIN (Brunswick East).—I move—

That, in proposed new sub-section (4) of section 179 of the principal Act, after the word "who" the words "without reasonable cause" be inserted.

This reasonable suggestion makes the sub-section flexible, as it should be, because the Opposition can conceive of situations where a person fails to return to the place of custody from which he was released on leave and can show good cause for his failure to return. At present the sub-section is worded in an arbitrary fashion and a person with a reasonable excuse will still be subjected to the very rigorous action contemplated in the sub-section.

Mr. I. W. SMITH (Minister for Social Welfare).—I understand what the honorable member is suggesting. If an offender has an accident or some sickness which is not his fault and does not front up to the periodic detention centre, he can be charged. Nevertheless, the expression, "without reasonable cause" is a problem. What is reasonable cause? I should like to examine the wording of the proposed sub-section when the Bill is between this House and another place, with the agreement of the honorable member, to see if the drafting can be improved to ensure that a person is not penalized for something that is legitimate, but that others who offend against the section do not trump up an excuse and put it across as a reasonable cause. The definition of "reasonable cause" is a problem and I should like to examine the matter.

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

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

VICTORIAN DEVELOPMENT CORPORATION BILL.

The Order of the Day for the resumption of the debate on the motion for the second reading of this Bill was read.

Mr. WILTON (Broadmeadows) (*By leave*).—Mr. Speaker, on the motion for the adjournment of the debate following the Premier's second-reading explanatory speech, the Opposition complained about the brief amount of time allowed for a proper consideration of the Bill. On that occasion the Premier stated that if the Opposition was not ready to proceed the period of the adjournment would be extended. I understood from a discussion that I had with the honorable member for Morwell today that he wished to accept the offer of the Government.

Mr. SCANLAN (Minister without Portfolio) (*By leave*).—I learned only a few minutes ago that the Opposition was not prepared to proceed with the debate, but, in view of the undertaking that was given, the Government is happy to accede to the Opposition's request for an extension of the debate.

Mr. ROSS-EDWARDS (Leader of the Country Party) (*By leave*).—Customarily, the Country Party desires to co-operate with the Opposition, but I remind the House that the Government has a tight programme to carry out. My party is most anxious that this legislation should be enacted and that the Act should be proclaimed during the life of this Parliament. If there is doubt about that, members of the Country Party completely oppose the Opposition's request. We demand that this measure should not be swept under the carpet.

Mr. SCANLAN (Minister without Portfolio) (*By leave*).—Perhaps this matter can be discussed later this day. I appreciate the attitude of members of the Country Party. The proposed legislation is most important, and, I assure the Country Party that the Bill will be enacted during this sessional period. I suggest that the House should now proceed to another item of business.

The Order of the Day was postponed until later this day.

PUBLIC RECORDS BILL.

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

Discussion was resumed of clause 2—

(1) In this Act unless inconsistent with the context or subject-matter—

"Prescribed" means prescribed by this Act or the Regulations.

"Public Office" means—

(*a*) any department branch or office of the Government of Victoria;

(*b*) any public statutory body corporated or unincorporated;

(*c*) any municipality or other body constituted by or under the Local Government Act 1958; and

(*d*) any other local governing body corporate or unincorporate.

"Public officer" means any person employed in a public office.

"Public record" means—

(*a*) any record made or received by a public officer in the course of his duties; and

(*b*) any record made or received by a court or person acting judically in Victoria.

"Record" means any document within the meaning of the Evidence Act 1958.

(2) The Governor in Council may conclusively determine—

(*a*) that any office or body is or is not a public office within the meaning of this Act; and

(*b*) that any record is or is not a public record within the meaning of this Act—

and notice of any such determination shall be published in the *Government Gazette*.

(3) The Governor in Council may by Order published in the *Government Gazette* declare that all or any specific provisions of this Act shall not apply to or in relation to a record or record of a class of records specific in the Order.

Mr. MEAGHER (Chief Secretary).—I move—

That, in sub-clause (1), after the interpretation of "Prescribed", the following definition be inserted:—

'"Prescribed record" means a record declared by the Governor in Council pursuant to section 16 to be a prescribed record for the purpose of this Act'.

This amendment relates to a new clause 16 which it is proposed to insert in the Bill. I suggest that the Committee should deal briefly with the amendment, because there will be opportunity to discuss it further when a later amendment is under consideration.

The amendment was agreed to.

Mr. JONES (Melbourne).—I move—

That the following expression be inserted to follow paragraph (*d*) of sub-clause (1):—

"but does not include—

(*e*) any University;

(*f*) the Victoria Institute of Colleges or any affiliated college; or

(*g*) any museum declared by the Governor in Council by order published in the *Government Gazette* not to be a public office.".

In his second-reading speech the Chief Secretary indicated that he regarded the university as a public office. Perhaps, the honorable gentleman is right. However, I think the legislation is extremely broadly drawn, and that it should be made clear whether a university comes within it. When the Library Council of Victoria set up the Public Records Advisory Committee—a body which is composed of distinguished people from various Government departments, such as the Treasury, the Education Department and the Chief Secretary's Department, the State Librarian and the Chief Archivist—that committee was concerned with the records which Government departments control from week to week. I think it is fair to say that the council did not mean to include universities. No doubt the State Library of Victoria should be included, but I do not think that a regional museum, such as the Beechworth Burke Museum should be included.

There is reference in the clause to "public offices", "public officers" and "agencies of the State". I believe the Act is unsatisfactory because it treats the words "public offices" too broadly and does not specifically define whether a statutory body, incorporated or unincorporated, falls within the definition of the normal understanding of the word "public". It seems to me to be ambiguous. I do not know whether the provision is intended to refer to a museum, a university or the Victoria Institute of Colleges and affiliated colleges. I remind the Committee that many organizations, particularly universities, are interested in keeping their own archival records. This appears to be one of the areas in connection with which the community is not satisfied with having a universal system. I believe the community would wish to have a plurality of systems. Once the situation is resolved, we will know where we are but I am inclined to think that the university should not be included. Museums which, by definition, are capable of storing and housing material and making it available should not necessarily be under the control of the Chief Secretary in relation to public records although I realize that they are accountable to the honorable gentleman in other respects.

Mr. MEAGHER (Chief Secretary).—The Government is endeavouring to set up a system for the preservation of public records which are of importance to the history of the State. Universities, colleges of advanced education, and so on, are important parts of the State structure and their activities have a bearing on the history of the State. If there is to be an effective system of preserving public records it should be possible to bring State records of all types within the ambit of the legislation.

Clause 14 provides for the declaration of bodies other than the Public Record Office to be repositories or places where records may be kept. This achieves the type of plurality of which the honorable member for Melbourne spoke. Plurality should not be achieved by placing some people outside the ambit of the law. If the law is good, it should apply to all organizations. The Government rejects the amendment.

The amendment was negatived.

Mr. JONES (Melbourne).—I move—

That, in the definition of "Public record", as contained in sub-clause (1), paragraph (*a*) be omitted with the view of inserting the following paragraph:—

"(*a*) any record made or received in pursuance of State law or in connexion with the transaction of public business by a public office of the State;"

Paragraph (*a*) of the definition in the Bill is extraordinarily broad. It has already been agreed, for example, that the University of Melbourne is a public office. By definition, the archivist of that university is a public officer. Therefore, documents received by him in the course of his duties become public records even though they do not originate in a public or Government office. In other words, the definition of public records relates not to the origin of a document but to its being received by a public officer.

It is notorious that the records of the Liberal Party of Victoria are deposited with the archives department of the University of Melbourne. The party has been identified with the Government of Victoria for some time but it is difficult to regard those documents as public records. But it could be argued that, as they were received by a public officer in the course of his duties, they were in fact public records. Many public companies have deposited records with the university. Does that make them public records? The history of the selection of Liberal Party candidates for Parliament in Brighton in 1955 or in Mentone in 1955, or even in 1967, could be of great interest to historians, but could the documents referring to those selections be regarded as public records?

The Chief Secretary's 72 tons of pornography are documents received by the police in the course of their duties. Surely the police are public officers. Is it suggested that this material shall be regarded as public records. If it is, presumably it could not be got rid of without a disposal schedule.

Mr. TEMPLETON.—What is the basis of the amendment?

Mr. JONES.—In answer to the unusual but courteous interjection from the honorable member for Mentone, I point out that the provision proposed by the Opposition has an honorable lineage. It is the definition proposed by the committee appointed by the Minister. The report of the Public Records Advisory Committee presented to the Library Council of Victoria which has been relied upon heavily by the Government in its drafting of the Bill states, *inter alia*—

(*i*) "Public records comprise all written or printed books, papers letters, documents, maps and plans and all motion pictures, photographs, sound recordings and other records conveying information by any means whatsoever, made or received in pursuance of State law or in connexion with the transaction of public business by an agency of the State".

The definition proposed by the Opposition is that definition with a minor amendment. The reference to written records, maps, plans and so on, in the view of the Opposition, is covered by the definition of "record" which means any document within the meaning of the Evidence Act 1958. As it is covered there, it is not necessary that it should be repeated and, therefore, the Opposition has taken it from the definition proposed by the Public Records Advisory Committee.

Therefore, what the Opposition proposes is that "Public record" will comprise all records—

made or received in pursuance of State law or in connexion with the ransaction of public office of the State.

I am sure that the Parliamentary Counsel believe the term "agency of the State" has an American sound and frowns upon it. "Public office" has been defined and, as my earlier amendment was rejected, it is agreed that it includes universities and so on. I cannot do better than to point out that the definition I propose is that proposed by the Public Records Advisory Committee, an extremely distinguished group. If it is not accepted, there will be an absurd situation as the definition will be too wide.

If private family papers or diaries were left to the University of Melbourne under an embargo that they were not to be quoted for so many years or until somebody died, according to the ordinary use of language they would be regarded as private documents which would be available in the future for archival purposes. However, once they passed into the possession of a public officer, under the terms of the definition in the Bill they would come under the provisions of the Act. This is contrary to what was intended by the Parliamentary Counsel but is what was intended by the Public Records Advisory Committee.

The honorable member for Bennettswood, who raised this matter earlier, may well have sympathy with my proposal. The honorable member for Mentone took the view that it did not matter, that "public record" really did mean something which emanated from a public office. He agreed that it was not in the Bill but said that that was what it meant. Everyone has thought of public records as being records which emanated from a public source. But, philosophically, the definition in the Bill relates the documents not to their origin but to where they terminate. It is not a matter of who compiles the document but into whose hands it falls for custodial purposes. Paragraph (*b*) of the definition refers to—

> any record made or received by a court or person acting judicially in Victoria.

The paragraphs should have a certain balance but paragraph (*b*) refers to documents made or received in a judicial capacity and paragraph (*a*) refers to documents made or received in an administrative or political capacity by an agency of the State. The paragraphs do not balance. Paragraph (*a*) outweighs paragraph (*b*). Clearly, the wording covers a wide variety of records, including the records of the Liberal Party and many other public and private documents. It also covers private and other papers already deposited and not intended to be regarded as public records in the ordinary use of the language.

Mr. MEAGHER (Chief Secretary).—The amendment proposed by the honorable member for Melbourne refers to any record made or received in pursuance to State law. That is no different from the definition in the Bill which refers to any records made or received by a public officer in the course of his duties. The provisions are virtually identical. The amendment also uses the words, "or in connection with the transaction of public business". That comes within the ambit of acting under law. The amendment concludes with the words, "by a public office of the State.". The principal difference between what is in the Bill and what is in the amendment relates to whether the document is received or made by an officer or an office. I can visualize considerable legal argument on whether an office, of itself, could make or receive a record. Surely it must be made or received by an officer within an office. What appears in the Bill, although it has an identical meaning, is more specific rather than wider than what is proposed by the honorable member for Melbourne.

I also point out to the honorable member that the documents of the Liberal Party and other documents

deposited for preservation with various organizations will be more particularly dealt with in the amendments I intend to propose later. They will make it perfectly clear that private papers are not to be regarded as public documents. After discussion with Parliamentary Counsel on this definition, I am of the opinion that what appears in the Bill is superior to what is proposed by the honorable member, for the very reasons which he advanced for proposing it. Under the definition within the Bill, at least a person must be identified as having received the records. Under the amendment, it is merely an office which would be identified without any identification of the responsible officer. Therefore, I suggest that the honorable member's amendment, contrary to his belief, is wider than the provision in the Bill, and for that reason it should be rejected.

Mr. JONES (Melbourne).—Perhaps I am over-tired, but I really cannot grasp the drift of what the Minister is saying. I cannot see that to have a recipient in the sense of an identified person adds much to the resolution of the problem. The Minister has not challenged the point that I made previously.

Mr. MEAGHER.—It is dealt with by a later amendment.

Mr. JONES.—The later amendment certainly is better, but it refers to the question of beneficial ownership. I agree that that situation is certainly better than it was before, but I am concerned that the Minister seems to be prepared to cast the net very wide and to say, "Perhaps it is not the perfect definition, but later we will make it better." It is like the way in which a boy is prone to make a bed; he smooths it out on the surface and says, "That's all right; I'll kick it straight when I get in."

At the beginning of the Committee debate I thought the Minister, in a sense, gave the game away somewhat when he said, in effect, "We think this is a pretty good Bill as it is, but one undertaking I will give is that the first time the advisory council meets the Bill will be handed over and it will be asked to give it back to us in an improved form." If ever there was an admission that there was something wrong in the Bill and that it was not precise enough in its wording, I thought that was the occasion.

I agree that the later amendment of the Minister improves the situation but members of the Opposition will stick to our definition and want it included in the Bill.

Mr. MEAGHER (Chief Secretary). —Although the honorable member persists in claiming that his definition narrows the provision rather than widens it, it has the opposite effect. I put to him this proposition: What constitutes receipt of a document by an office of the State? Can it be said to have been received by that office if somebody pops it through the letter box or under the door? It is on the premises, whether or not a responsible officer has seen the document. Does that constitute receipt by an office? I do not think it does, and it could lead to endless argument whether a document was in or out. The definition in the Bill at least requires the document to be in the hands of an officer before it can be said to have been received.

The honorable member's comment that I gave the game away and admitted that the Bill was inadequate when I made the suggestion that one of the things I would ask the advisory council to do would be to examine the measure and see whether it could suggest improvements in the light of its experience is a complete distortion of what I meant to convey. I believe the honorable member realizes this. Surely for a Minister to say, in effect, "I am setting up an advisory board and I will seek its advice" is hardly a derogation of authority or an admission of failure. Surely it is the most natural thing to do.

Yesterday the honorable member was heard to remark in this Chamber that this place was only a rubber stamp for administrative decisions, and that in fact debate in the House

had little or no bearing on the legislation. Yet he knows that this Bill was deliberately held over from the last sessional period to enable this sort of discussion to take place. He knows equally well that the amendments I am proposing today are the result of those discussions, in which he played a leading role. I am extending the same principle a little further by saying that, having arrived at these amendments in an attempt to meet all the conflicting points of view, I am still prepared to go further and ask a qualified body, like the advisory council which will be set up under this Bill, to advise whether any further amendments are necessary. I make no apology for that suggestion. I think it is a sensible one, and I challenge the honorable member's claim that it is any admission of defeat on my part.

I am still convinced that the definition in the Bill as drafted is superior to that suggested by the honorable member for Melbourne for the reasons I have given, because of the doubt as to the exact meaning of "office" compared with "officer". Unless one can show that a responsible officer has either issued or received a document, it is hardly a fair deal to say that because some anonymous person might have pushed it under the door it comes under this Act. Therefore, for safety and in the interests of all concerned, it is better to leave the Bill as it stands.

Mr. McLAREN (Bennettswood).—I support the view which the Minister has put before the Committee. The debates on the definitions, particularly the definition of "public record", have been of great importance because that is the centre of the Bill. If that definition is not clarified it is impossible to proceed with the rest of the measure. The honorable member for Melbourne has placed before the Committee a recommendation which possibly does not go quite as far as the addition proposed by the Minister to the definition of "public record". The paragraph which the honorable member for Melbourne proposes should be substituted for paragraph (*a*) of the definition of "public record" is still not satisfactory. I point out that there is no definition of "public business". The amendment proposed by the honorable member refers to "the transaction of public business by a public office of the State". There is some doubt about the situation.

Originally it was suggested that the Bill might apply, for example, to the archives of the University of Melbourne. It has already been agreed that the University of Melbourne should be regarded as a public office. However, if it goes out after private records it would be carrying on public business, and therefore any documents received by the university would in fact be in the course of public business by a public office. I doubt whether the intention behind the amendment proposed by the honorable member for Melbourne is in fact carried out, and I agree with the Minister in this respect.

Under the proviso that is proposed to be added by the Chief Secretary, I consider that the University of Melbourne archives will be well covered because if any gifts of material to or any deposits of material in the uinversity archives were subject to an embargo for a period or a complete embargo, this would remove any doubt that the university or the Business Archives Council had about the reception of records by the University of Melbourne. Therefore, I consider that the proviso suggested by the Minister will cover those bodies more effectively than the amendment proposed by the honorable member for Melbourne.

The Committee divided on the question that the paragraph proposed by Mr. Jones to be omitted stand part of the clause (Sir Edgar Tanner in the chair)—

Ayes	31
Noes	18
Majority against the amendment ..	13

AYES.

Mr. Austin	Mr. Reese
Mr. Birrell	Sir George Reid
Mr. Borthwick	Mr. Ross-Edwards
Mr. Crellin	Mr. Rossiter
Mr. Dixon	Mr. Scanlan
Mr. Dunstan	Mr. Smith *(Bellarine)*
Mr. Evans *(Ballaarat North)*	Mr. Smith *(Warrnambool)*
Mr. Evans *(Gippsland East)*	Mr. Stephen
Mr. Guy	Mr. Stokes
Mr. Hayes	Mr. Suggett
Mr. Jona	Mr. Templeton
Mr. Loxton	Mr. Trewin
Mr. McCabe	Mr. Wheeler.
Mr. McDonald *(Rodney)*	*Tellers:*
Mr. McLaren	Mr. Broad
Mr. Meagher	Mr. Maclellan.

NOES.

Mr. Bornstein	Mr. Lind
Mr. Curnow	Mr. Lovegrove
Mr. Doube	Mr. Mutton
Mr. Fell	Mr. Simmonds
Mr. Fordhan	Mr. Trezise
Mr. Ginifer	Mr. Wilkes
Mr. Jones	Mr. Wilton.
Mr. Kirkwood	*Tellers:*
Mr. Lewis *(Portland)*	Mr. Amos
	Mr. Shilton.

PAIRS.

Mrs. Goble	Mr. Turnbull
Mr. Manson	Mr. Floyd
Mr. Mitchell	Mr. Lewis *(Dundas)*
Mr. Rafferty	Mr. Holding
Mr. Wilcox	Mr. Edmunds.

Mr. MEAGHER (Chief Secretary).—I move—

That, in the definition of "Public record", as contained in sub-clause (1), the following words be added:—

"but does not include a record which is beneficially owned by a person or body other that the Crown or a public office".

The amendment is designed to protect personal possessions, such as marriage certificates, birth certificates, railway tickets, wills—whatever they may be—which are beneficially owned by a person, and to allay the fears which have been expressed that an entirely personal document would be regarded as a public record.

Mr. JONES.—Except that in many cases they are documents which originated from a public office.

Mr. MEAGHER.—It has been pointed out to me by the honorable member for Melbourne that the original definition stated that these documents were public records because they were issued from a public office. The suggested amendment, which could be termed a proviso to the definition, will not include documents that are entirely personal. The purpose of the amendment is obvious.

The amendment was agreed to.

Mr. MEAGHER (Chief Secretary).—I move—

That, in sub-clause (2), the word "conclusively" be omitted.

As drafted, sub-clause (2) provides that the Governor in Council may conclusively determine whether an office or body is a public office or whether a record is a public record. It has been suggested that there should be room for litigation in the event of a person feeling he has been damaged by a decision of this type. The Government has therefore agreed to delete the word "conclusively" to enable litigation to take place when it is deemed necessary.

The amendment was agreed to.

Mr. JONES (Melbourne).—At least I feel that I have had a small victory in having the word "conclusively" deleted from sub-clause (2). I move—

That, in sub-clause (2), after the word "may" the words "after consideration on a report from the Public Records Advisory Council" be inserted.

The Public Records Advisory Council appears to be a somewhat mysterious, shadowy body. It seems that it would be possible for the Minister to call the council together, and although the council has an obligation to make an annual report, its duties are not clearly spelt out. We believe that in practical terms the Governor in Council would not act on its own motion but would consider the recommendations of the Public Records Advisory Council. One submits that the words should be included in the Act to clarify what the functions of the Public Records

Advisory Council are and to indicate that it is there to be consulted. The Governor in Council ought to consult with the council even if it did not necessarily follow the council's recommendation on every occasion. The Opposition believes the words in question should be inserted in the sub-clause.

Mr. MEAGHER (Chief Secretary).—The Government opposes the amendment on the ground that the Governor in Council, being the supreme executive body in the State, should not be required by an Act of Parliament to consider or reject a report. In later provisions of the Act, the Public Records Advisory Council is required to advise the Minister who, in turn, advises the Governor in Council. In practice, as the honorable member for Melbourne stated, decisions would not be remitted to the Governor in Council until the consultations had taken place. As a matter of principle I consider it undesirable to include the words in question in the Bill. For that reason, the Government rejects the amendment.

The amendment was negatived.

Mr. MEAGHER (Chief Secretary).—I move—

That the following new sub-clause be added:—

"(4) This Act does not apply in relation to a record transferred for the purpose of preservation to a public office by a person or body other than the Crown or a public office".

The honorable member for Melbourne will be relieved to know that the inclusion of this additional sub-clause in clause 2 will ensure that the records of the Liberal Party do not come within the ambit of the legislation. It will also safeguard the records of any other body which hands over its records to an organization such as the Business Archives Council for the purposes of preservation.

Mr. JONES (Melbourne).—I am pleased that the sub-clause will be included in the Bill, and I thank the Chief Secretary for it.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 3.

Clause 4, providing, *inter alia*—

(1) There shall be a Public Records Advisory Council consisting of seven members appointed by the Governor in Conncil of whom—

(*a*) four shall be persons holding the position of permanent head of a department specified in the Second Schedule to the Public Service Act 1958 or their nominees;

(*b*) one shall be appointed from a panel of three names submitted by the executive committee of the Municipal Association of Victoria;

(*c*) one shall be a person holding a senior academic office in a tertiary institution in Victoria; and

(*d*) one shall be the State Librarian or his nominee.

(2) The Governor in Council shall appoint one of the members to be Chairman of the Council.

. . . . . .

(8) Each member of the Council shall be entitled to the travelling expenses (if any) prescribed.

Mr. JONES (Melbourne).—I move—

That, in paragraph (*a*) of sub-clause (1), the word "four" be omitted with the view of inserting the word "two".

Compared with the Public Records Advisory Council of Victoria, the Public Records Advisory Committee in Great Britain—which has, one might suggest, a longer and more elaborate history to be recorded archivally than Victoria—has a much broader membership. I am concerned that the Victorian membership is so narrow. The members consist of four persons holding the position of permanent head of a department, one to be chosen from three names submitted by the Municipal Association of Victoria, a senior officer from a tertiary institution and the State Librarian.

It is not clear who the four public servants will be. One will be connected with a university or College of Advanced Education and another with the State Library. The members will have very limited functions—those functions are set out in clause 5.

I point out that the Public Records Advisory Committee in Great Britain has a much wider membership. As the honorable member for Broadmeadows mentioned during the second-reading debate, the chairman is the Master of the Rolls. The members include two members of Parliament, Mr. Philip Goodhart from the Conservative Party and Mr. David Marquand from the Labor Party. The committee also has as members, Lord Justice Buckley and historians Sir Herbert Butterfield, Sir Alan Bullock and H. J. Habbakuk. The public servants include Lord Caccia, a former ambassador to the United States of America, and Dame Mary Smieton, who was the permanent secretary of the Ministry of Education.

Mr. ROSS-EDWARDS.—All the aristocracy.

Mr. JONES.—Not really. They are certainly the recipients of Imperial honours. The Leader of the Country Party would know that Sir Herbert Butterfield and Sir Alan Bullock are distinguished historians who have worked their way up. The result is that in the United Kingdom there is a committee the membership of which has no concentration of members of the Public Service.

Under this measure there is to be a concentration of members of the Public Service. This is not in any sense critical of the Public Service but the Opposition suggests that such a high concentration is undesirable. Public servants will run the Public Record Office on a day-to-day basis and there ought to be another point of view expressed in the committee which exercises an oversight. The public servants will be running the Public Record Office for 365 days of the year or, more correctly, taking out public holidays and so on, for 250 days of the year, and if there is to be an advisory committee to exercise oversight it ought not to be composed of the same kind of people who operate the day-to-day running of the office.

Mr. TEMPLETON.—A Public Record Office must have public servants.

Mr. JONES.—One day I shall explain to the honorable member for Mentone the basic political philosophy of checks and balances. It is not desirable to have the same type of people on a committee. It is preferable to seek out people with slightly different points of view from those held by the staff who carry out the functions of the day-to-day running of an office. That is exactly the way in which this Parliament is supposed to work, Parliament exercising oversight of what happens in the Public Service. That is the theory but whether it works in practice is somewhat doubtful. The theory is to have different points of view to get a balanced outlook. The effect of the amendment that the Opposition has moved is that reference to four permanent heads will be replaced by reference to two permanent heads.

Mr. MEAGHER (Chief Secretary).—This is the first formal amendment of a series being proposed by the honorable member for Melbourne and it is difficult to discuss one in isolation. The honorable member for Melbourne suggests that membership of the Public Records Advisory Council should be along the lines of the advisory council in Great Britain with members from outside the Public Service. It must be recognized that the basic difference between Great Britain and the State of Victoria is that Victoria in its relatively short history has not built up the number of non-Public Service organizations which exist in Great Britain. For practical purposes the bulk of the important references which are to be preserved will in all likelihood be found within Government departments.

The Government believes that in the early stages of this proposed legislation it is desirable to have

people on the council who know where to look for records, and know where they are likely to be found. It is for this reason that basically they must be within the Public Service. The four permanent heads of the departments will probably come from departments having some degree of historical importance. The other members of the advisory council are to be appointed because they are likely to have special knowledge of their own specialized areas.

A suggestion has been made that the Government should obtain the services of a qualified archivist from outside the Public Service. I suggest that would be pretty difficult to achieve in this State because there are not many archivists "lying around loose" waiting to be recruited. In a few years the situation may be different, but at this stage the Government believes the most practical and logical way to create a Public Record Office is by having an advisory committee composed of members who are in the Public Service and who know precisely where to look for and how to identify the type of records which will be preserved for the future.

The amendment was negatived.

Mr. JONES (Melbourne).—I move—

That paragraph (*b*) of sub-clause (1) be omitted with the view of inserting the following paragraph :—

"(*b*) one shall be appointed from a panel of three names submitted by the governing body of The Municipal Officers' Association of Australia, Victoria State Branch;".

The reason for the amendment is that the measure provides that one member shall be appointed to the advisory council from a panel of three names submitted by the executive committee of the Municipal Association of Victoria. The Opposition believes the principle enunciated by the Minister on paragraph (*a*) is appropriate to this paragraph.

The Chief Secretary has submitted that the people who ought to be members of the advisory council and making the decisions should be drawn from the Public Service because they are the people who run the archives. The amendment proposed by the Opposition suggests that one member of the advisory council should be appointed from a panel of three names submitted by the Municipal Officers Association of Australia, Victorian State Branch. What is the difference? The Municipal Association of Victoria consists of a gaggle of municipal councillors —I am not sure what the collective noun is but "gaggle" will do for the purposes of the argument.

Mr. McLAREN.—The honorable member is not calling them geese?

Mr. JONES.—No, indeed not. Under the measure the people who have the right of nominating are the councillors. The view of the Opposition is that the advisory council will deal with municipal records, which are referred to in the measure, so that the people who ought to be making the decision are the permanent officers, the town clerks, the librarians and other officers looking after the records. I have some hope that the Chief Secretary's hard heart will weaken on this amendment because it is precisely in line with the principle he enunciated earlier.

The view of the Opposition is that if the Government wants someone to represent the people who look after municipal records, the appointee should be someone representing the Municipal Officers Association of Australia. The councillors do not deal with the records. The councillors no doubt read the records, but the responsibility for keeping them in a safe place rests with the permanent officers. The Opposition hopes that the Chief Secretary will agree to substitute a nominee from the Municipal Officers

Association of Australia as the argument in suport of the amendment is completely in accord with his own principles.

Mr. MEAGHER (Chief Secretary).—I suggest that the original paragraph is also completely in accord with the views I have enunciated. It provides that one member of the advisory council shall be appointed from a panel of three names submitted by the executive committee of the Municipal Association of Victoria. All three persons could be municipal officers. Not one need be a councillor under this paragraph. The amendment moved by the honorable member for Melbourne limits the selection to members of the Municipal Officers Association.

Mr. JONES.—It may nominate councillors. The logic is the same.

Mr. MEAGHER.—I suggest that the honorable member may be hoist with his own petard. His amendment is no different from the provision in the Bill, which is simpler, and, for that reason, should be accepted. The Government does not accept the amendment moved by the honorable member for Melbourne.

Mr. JONES (Melbourne).—It seems that the Government will insist on asking inappropriate bodies to recommend appointments. If the Government wanted a specialist in medicine to be appointed to a committee, apparently it would consult the College of General Practioners. It is a nonsensical attitude. It is just as if the Government approached an Orangeman to suggest the appointment of a Roman Catholic to a committee. I suggest that it is more likely that the best nominee will be appointed if an appropriate association is asked to make the nomination.

Mr. MEAGHER (Chief Secretary).—I point out that the Municipal Association of Victoria deals every day with the affairs of municipal councils, while the Municipal Officers Association is used to dealing only with its own affairs. I would expect the Municipal Association to nominate somebody who is suitable for the job.

The amendment was negatived.

Mr. JONES (Melbourne).—I move—

That the following sub-clause be added:—

" (9) The office of member of the Public Records Advisory Council shall not constitute an office or place of profit under the Crown for the purposes of section 27 of The Constitution Act Amendment Act 1958."

Sub-clause (8) of the clause states—

Each member of the Council shall be entitled to the travelling expenses (if any) prescribed.

Members of Parliament could be affected by this provision and, if adequate provision is not made for payment of members, it will be a rather arduous task to persuade them to attend many meetings.

Mr. MEAGHER (Chief Secretary).—I think the honorable member for Melbourne should consult section 27 of The Constitution Act Amendment Act 1958.

Mr. JONES (Melbourne).—I shall do so. I am thinking of members of Parliament such as the honorable member for Bennettswood, who is tailor-made for apointment to the Public Records Advisory Council. Although he may not be present in this House for much longer, it would be a pity for him to be disqualified under the provisions of The Constitution Act Amendment Act. However, it seems that now there is no basis for my amendment, and I therefore withdraw it.

By leave, the amendment was withdrawn.

The clause, as amended, was adopted.

Clause 5—

The Public Records Advisory Council—

(*a*) in consultation with the Keeper of Public Records, shall promote co-operation between the Public Record Office and public offices; and

(*b*) may report and make recommendations to the Minister on any matter relating to the administration of this Act.

Mr. JONES (Melbourne).—I move—

That paragraph (*b*) be omitted with the view of inserting the following :—

" (*b*) shall at least once in every year and not later than the 30th day of September in each year make a report to the Minister as to the records transferred to the Public Record Office and the records destroyed or transferred from the Public Record Office pursuant to section 18 in the period of 12 months ending on the preceding 30th day of June.

(2) Every report made pursuant to subsection (1) shall be laid before both Houses of Parliament within 14 days after the making thereof if Parliament is then sitting and if Parliament is not then sitting within 14 days after the next meeting of Parliament."

I am aware that the Minister proposes later to move for the insertion of a clause which is similar to this amendment.

Mr. MEAGHER (Chief Secretary).—The Government does not accept the amendment.

The amendment was negatived, and the clause was agreed to, as were clauses 6 to 9.

Clause 10, providing, *inter alia*—

(1) The Minister by notice published in the *Government Gazette* may—

(*a*) declare that any specified records or records of any specified class shall not be available for public inspection for a period of five years after the date of their transfer to the Public Record Office; and

(*b*) from time to time for reasons specified in the notice extend, for not more than five years at any one time, any period so declared—

but except so far as is otherwise provided in section 9, access by the public to any public record shall not be withheld for a period exceeding 25 years after its transfer to the Public Record Office.

Mr. JONES (Melbourne).—I move—

That, in sub-clause (1), after the word "Minister" the words "after consultation with the Public Records Advisory Council" be inserted.

Earlier, the Minister explained why he thought there were constitutional objections to requiring the Governor in Council to consult with the Public Records Advisory Council. Even if honorable members accept that view, I do not think it can be said that it is objectionable that the Minister should have to consult the council.

Throughout the Bill reference is made to the fact that the Minister can determine matters on his own motion. However, there is no reference to what these poor lonely figures in the Public Records Advisory Council will have to do. I should like their duties to be spelt out one by one. The whole purpose of several of the amendments that I propose to move is to ensure that there is some task for these lonely people to carry out. Accordingly, we suggest that the Minister should have to consult the council, and if the Minister makes up his mind without consulting that body or if he rejects its advice, that is up to the Minister. It ought to be spelt out that the Minister has to consult the Public Records Advisory Council.

Mr. MEAGHER (Chief Secretary).—The clause empowers the Minister to declare that certain records shall not be made public because living persons may be adversely affected, and for other reasons of that sort. If a statutory provision is included that the Minister must consult with the Public Records Advisory Council, it could be unfair to the person whose record was under discussion. In such a delicate area where a Minister is dealing with possible

damage to individuals, whilst I imagine the honorable gentleman would aways be desirous of consulting with the advisory council on general principles, he should have the right, without having to consult anyone other than perhaps the permanent head of the appropriate department, to say that a record is so important that it should not be made public.

I can see this sort of situation arising and I point out that the Minister can only defer the availability of a record to the public for five-year periods; it is not a permanent deferment. I think it is wise and in the interests of a person who might be adversely affected to keep the discussions on a particular record in a minimum number of hands. Accordingly, it would be unwise to amend the provision in the way suggested.

The amendment was negatived, and the clause was agreed to, as was clause 11.

Clause 12—

The Keeper of Public Records shall establish standards for the efficient management of public records and in particular with respect to—

(*a*) the creation, maintenance and security of public records;

(*b*) the selection of public records worthy of preservation;

(*c*) the transfer of public records to the Public Record Office; and

(*d*) the segregation and disposal of public record not worthy of preservation—and shall assist public officers in applying these standards to records under their control.

Mr. JONES (Melbourne).—I move—

That, after the words "Keeper of Public Records," the words "after consultation with the Public Records Advisory Council" be inserted.

The same argument applies to this amendment as to the last one which was negatived.

Mr. MEAGHER (Chief Secretary). —The clause proposes that the Keeper of Public Records shall establish standards for the efficient keeping of public records and with respect to creation and so on. The amendment proposes that he should do this after consultation with the Public Records Advisory Council. The Keeper of Public Records is the executive officer who must establish the standard. Clause 5 provides that the Public Records Advisory Council shall in consultation with the Keeper of Public Records promote co-operation between the Public Record Office and public offices and that it may report and make recommendations to the Minister. To my mind, all the consultation and co-operation that is necessary can be achieved under clause 5. It seems to be a matter of tweedle-dum or tweedle-dee, that it would not matter whether the amendment was included or not included. I think the position is covered by the earlier clause. However, I am prepared to consider the amendment between now and when the Bill reaches another place.

Mr. JONES (Melbourne). — The age of miracles has not passed. I am heartened by the Minister's comments. Under paragraph (*a*) of clause 5, the Public Records Advisory Council shall in consultation with the Keeper of Public Records promote co-operation between the Public Record Office and public offices. That may mean no more than sending a Christmas card, as the Minister for State Development and Decentralization does every Christmas. It would be splendid if perhaps the Keeper of Public Records took the members of the advisory council to dinner and just prior to the port being served said that he wanted to discuss something with them. I hope we can speed the Minister's plough to see whether the Government can do something between this Chamber and another place. I hope something can be done.

Mr. MEAGHER (Chief Secretary). —I have not the slighest doubt that that happy occasion will occur frequently.

The amendment was negatived, and the clause was agreed to, as were clauses 13 and 14.

Clause 15 (Purchase of records).

Mr. MEAGHER (Chief Secretary). —I ask the Committee to vote against this clause and the next clause because they have both been recast and later I will be proposing two new clauses.

The clause was negatived, as was clause 16.

Clause 17 was agreed to.

Clause 18—

Where public records have been transferred to the Public Record Office for the purpose of permanent preservation and the Keeper of Public Records, for any reason, is of opinion that the records should no longer be preserved, he may, after consultation with the officer in charge of the public office from which they were transferred or, if the case so requires, of the officer in charge of the public office at the time exercising the functions to which the records relate, authorize the destruction of those records or their transfer to any person or body wishing to receive them.

Mr. JONES (Melbourne). — I move—

That, after the words "consultation with," the words "the Public Records Advisory Council and" be inserted.

The same argument applies with respect to this amendment.

Mr. MEAGHER (Chief Secretary). —Again, the Government cannot accept the amendment.

The amendment was negatived.

Mr. JONES (Melbourne). — I move—

That, after the word "relate," the words "and with the approval of the Minister" be inserted.

The clause relates to the destruction or transfer of documents to the Public Record Office and gives to the Keeper of Public Records the power of disposal. The Opposition feels that in this case the matter ought to be referred to the Minister. I do not suggest that the Minister would necessarily have to exercise his jurisdiction by going through each record page by page or photograph by photograph; it could be done in a general way. The Minister ought to at least inform himself of the type of records that are proposed to be destroyed by the keeper. This is one case where we suggest that the responsibility should not be shared with the Public Records Advisory Council; that it should be shared with the Minister himself. I hope the Minister will be pleased to take this power unto himself.

Mr. MEAGHER (Chief Secretary). —The Government accepts the amendment.

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

Mr. MEAGHER (Chief Secretary). —I propose the following new clause to follow clause 14:—

AA. (1) The Keeper of Public Records may, out of moneys lawfully available for the purpose, purchase any record which in his opinion is worthy of preservation.

(2) The owner of any record worthy of preservation may, with the consent of the Minister and subject to any terms and conditions agreed upon by the owner and the Minister, transfer the record to the custody of the Keeper of Public Records for safe-keeping.

The purpose of this new clause and those which I shall propose to follow it is to replace clauses 15 and 16 which, as a result of discussions which took place during the recess, were found to be deficient in some respects. The object is to try to reconcile the various points of view expressed on the means by which the Keeper of Public Records will operate and the way in which the Act will be administered generally. The adoption of this and other new clauses will, without changing its objective or nature, substantially improve the Bill.

Mr. JONES (Melbourne).—I have examined the new clauses carefully and, in my opinion, they are an improvement on the original provisions. The Opposition will be happy to accept them. With respect, I suggest that there is some slight naïvety about the Bill. Apparently it is thought that, by legislation, all things wanted will be acquired in a public records collection. When Governments set out to acquire those which are in private hands, whether their origin is a public office or not, it is extraordinary how easily those who hold them suddenly suffer from

a collective amnesia. They cannot remember where they are and, therefore, they cannot be handed in. This applies to war weapons and all sorts of things and, no doubt, it will apply to public papers.

Unless the Minister intends that the Keeper of Public Records should head a large private army or call on the services of Australian Security Intelligence Organization or the Special Branch of the Police Force in collecting these things, it will be extraordinarily difficult to acquire them. I suggest that it will be impossible if there is any suggestion of coercion. They will be acquired only as a result of co-operation.

It is probable that the purposes of the Bill will be frustrated by the clandestine sale on the international market of much of the documentary material still in private hands. No legislation enacted in Victoria will have the slightest effect on the international trade in documents. All honorable members know that Australiana fetches enormous prices overseas. No matter how laudable the intentions of the measure, it will not prevent material being sold at Sotheby's. Only more coercion than any honorable member would want to see would prevent documents leaving the country.

Victorian libraries, now lagging so badly behind those in New South Wales, cannot afford the additional handicap of entering into unremitting competition with private collectors and of indisposing potential benefactors. Melbourne is now obviously inferior to Sydney as a centre for Australia's antiquarian book trade, itself an indispensable adjunct to successful collecting by public libraries.

There is a famous short story by Dostoevsky about an old lady who had been very mean during her lifetime. When she died, she was transported to Hell. The angels in Heaven, who are well known to be sympathetic to defaulters, asked St. Peter if he would not relent and let her enter Heaven. St. Peter said that he would allow her to enter Heaven if they could find one good thing she had ever done. The angels searched back through the records—they have a better public records office there than Victoria will ever have—and found that she had done one good thing; she had once given a peasant an onion. The angels tied an onion to a long string and lowered it all the way to the nether regions. When the old woman reached out to grab the onion, all the other damned souls tried to grab it, too. As they did, she said, "Get away, it is mine". As soon as she said that, the string broke. She had the onion but the string went back to Heaven.

Mr. WHEELER.—What has that to do with anything?

Mr. JONES.—The honorable member for Essendon has not understood the spirit of the story. The honorable member for Bennettswood realizes that one can try too hard, and say, "I will be the only one to secure available material." If the Government tries too hard to get its hands on all the early Government records which come under the ambit of the Bill, it may find that the string will break. It may be left with some records, but a large number of them will be sold on the international market. The last thing anyone wants is to see more Australiana or Victoriana being sold at Park Burnett's in New York or at Sotheby's in London. But that might be the result if the provisions of the measure are pushed too hard.

As I have said, this and the other new clauses will be an improvement on the original provisions. Despite our many tussles over the past few months, I commend the Chief Secretary for bringing down a Bill which is much superior to that originally drafted.

The new clause was agreed to.

Mr. MEAGHER (Chief Secretary). —I propose the following new clauses:—

"BB. (1) Where the Governor in Council upon the recommendation of the Public Records Advisory Council is satisfied that a record—

(*a*) would be a public record within the meaning of this Act but for the fact that it is beneficially owned by a person or body other than the Crown or a public office;

(*b*) is of special historic significance to Victoria; and

(*c*) should be preserved by the State—

he may by notice published in the *Government Gazette* declare that record to be a prescribed record for the purposes of this Act.

(2) The owner of a prescribed record shall, within 60 days after the record is declared to be a prescribed record or within 60 days after acquiring the record, lodge a notice of possession in or to the effect of the form prescribed with the Keeper of Public Records.

Penalty: $100.

(3) The Keeper of Public Records may by notice in writing—

(*a*) require the owner of a prescribed record to produce the record within 21 days to the Public Record Office for copying; and

(*b*) give any directions in relation to the safe-keeping of the record that in his opinion are necessary for its protection or preservation.

(4) Where a requirement or direction contained in a notice given under sub-section (3) is not complied with the owner of the record concerned, unless the record has been transferred in accordance with this Act to the custody of the Keeper of Public Records, shall be guilty of an offence.

Penalty: $100.

(5) Where pursuant to a notice under sub-section (3) a prescribed record has been produced for copying, the Keeper of Public Records shall not cause or permit any copy of the record retained by him to be published or a facsimile of any such copy to be made by a member of the public."

"CC. (1) The owner of a prescribed record shall not sell the record otherwise than in accordance with the provisions of dispose of the record without the consent this section and shall not in any other way of the Minister.

(2) Before entering into an agreement to sell a prescribed record the owner shall give to the Minister at least seven days notice in writing of his intention to do so.

(3) An agreement to sell a prescribed record—

(*a*) shall be in writing;

(*b*) shall set out—

(i) the full name and address of the parties to the agreement;

(ii) a description of the record concerned; and

(iii) the purchase price of the record; and

(*c*) shall be subject to the consent of the Minister.

(4) Upon entering into an agreement to sell a prescribed record the owner of the record shall forthwith send a copy of the agreement to the Minister.

(5) Within 30 days after receipt of a copy agreement and after consultation with the Public Records Advisory Council, the Minister by notice in writing—

(*a*) shall advise the owner of the record whether or not he consents to the sale; and

(*b*) where he refuses to consent, may advise the owner that he intends to acquire the record.

(6) A notice advising of the Minister's intention to acquire a prescribed record shall require the owner to transfer the record to the custody of the Keeper of Public Records within the time, being not less than 14 days, specified in the notice.

(7) Where a prescribed record is acquired by the Minister pursuant to this section the Minister shall out of moneys lawfully available for the purpose pay to the person from whom it is acquired the amount of the purchase price set out in the copy agreement of sale of the record forwarded to the Minister under sub-section (4).

(8) A person who—

(*a*) fails to comply with any provision of this section; or

(*b*) fails to transfer a record to the custody of the Keeper of Public Records in accordance with a requirement of the Minister under this section—

shall be guilty of an offence.

Penalty: $500."

"DD. (1) Upon the death of the owner of a prescribed record, the record shall become the property of the State and shall be transferred to the custody of the Keeper of Public Records.

(2) The Minister shall out of moneys lawfully available for the purpose pay compensation to the estate of the deceased owner of any prescribed record transferred to the custody of the Keeper of Public Records in accordance with this section.

(3) The amount of compensation payable shall be the value of the record as assessed by an independent valuer appointed by the Minister.

(4) Any dispute as to the amount of compensation may be referred by the Minister or the claimant to a Magistrates' Court and the decision of the Court shall be final."

"EE. (1) The Keeper of Public Records shall at least once in every year and not later than the 30th day of September in each year lodge with the Minister a report on the carrying out of his functions under this Act during the year ending on the preceding 30th day of June.

(2) The Minister shall cause every report lodged with him under this section to be laid before both Houses of Parliament within three weeks after receiving the report or if Parliament is not then sitting within three weeks after the next meeting of Parliament."

In his remarks, the honorable member for Melbourne has covered the complete Bill. I can only say that I hope that the State of Victoria will not suffer the fate of the legendary lady. The measure will at least set in motion the machinery which should result in the preservation of some of our records. I trust that it will be even more successful than honorable members anticipate.

The new clauses were agreed to.

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

BENDIGO AERODROME BILL.

The debate (adjourned from March 28) on the motion of Mr. Borthwick (Minister of Lands) for the second reading of this Bill was resumed.

Mr. SHILTON (Midlands).—This small Bill is most important to the people of Bendigo, Eaglehawk, Huntly, Strathfieldsaye and Marong because it allows that consortium to borrow a sum not exceeding $40,000 to match a grant from the Commonwealth Department of Civil Aviation for the purpose of making improvements to what is known as the Bendigo Aerodrome. Honorable members will agree that an aerodrome is an important adjunct to any city, whether it is a provincial city or a metropolis. Bendigo enjoys the honour of being the only one of the five chosen centres for advanced development which has shown a growth rate in the past twelve months. However, unlike many chosen centres, Bendigo lacks an aerodrome of importance. Indeed, the existing aerodrome was classified only as class "D". The proposed extensions will upgrade the aerodrome to class "C".

The motion has the support of all the councils and the general public in Bendigo and its environs, but it has not the wholehearted support of everyone. I have received a letter from a conservation group in the Bendigo area which is concerned at the noise pollution which may emanate from the aerodrome. I am sure the fears of this group will be allayed when it is realized that even though the aerodrome will be classified class "C", it will be impossible for the Jumbo jets or the larger aircraft to land there.

Mr. BORTHWICK.—And Concordes.

Mr. SHILTON.—The Minister assures me that Concordes will be able to land.

Mr. BORTHWICK.—I did not assure the honorable member of that.

Mr. SHILTON.—I hope the Minister does not purposely intend to mislead me because last week-end when Bendigo was honoured by a visit from the Prime Minister he expressed concern that the aerodrome was too small for his VIP plane to land. It is hoped the proposed improvements to the aerodrome will result in a return of the Prime Minister to the electorate in the near future.

The motion was agreed to.

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

VICTORIAN INLAND MEAT AUTHORITY (AMENDMENT) BILL.

The debate (adjourned from March 27) on the motion of Mr. Balfour (Minister for Fuel and Power) for the second reading of this Bill was resumed.

Mr. WILTON (Broadmeadows).—The Bill amends the Victorian Inland Meat Authority Act 1958 in several unrelated ways. It changes the

title of the secretary of the authority to that of general manager. It also deals with the restructuring problems confronting the authority. In his second-reading notes, the Minister explained that the current debt owed to the Treasury by the authority was in the vicinity of $3·7 million. According to the Minister the Government has accepted the fact that it is beyond the capacity of the authority to service that debt. A set amount of $1 million will be taken as being the standing debt to the Treasury, so that the Government is wiping off approximately $2 million of the authority's outstanding debt.

In addition to establishing the debt at $1 million, the Bill also rewrites sections 16 to 20 of the principal Act by the provisions contained in clause 5. The proposed new sections will enable the authority to borrow money under terms and conditions approved by the Treasurer, and funds will be made available to the authority with the approval of Parliament. The Opposition does not object to these proposals.

The Victorian Inland Meat Authority has been established for many years. The Opposition considers it to be a very good example of decentralized industry. The authority's two main operations are located in Bendigo and Ballarat. In his second-reading speech the Minister mentioned that the authority has a large annual pay-roll of $3 million, and that between 700 and 800 persons are employed at both the Bendigo and the Ballarat works. This sum is injected into the business of those two cities, so it is a significant factor.

Primary producers, particularly those close to the two centres I have mentioned, can market their livestock to the authority, which processes it. This is a highly desirable feature of the authority's activities.

The authority is also involved in export trade. The current trend in the meat industry is for Australia to develop overseas markets, some of which are in Asia. Japan, for instance, has become——

The SPEAKER (Sir Vernon Christie).—Order! I do think the subject of overseas marketing is a little wide of the Bill.

Mr. WILTON.—I do not propose to go into the subject of overseas marketing. The Victorian Inland Meat Authority plays an important role in what has now become an Australia-wide industry. I merely referred to Japan as being one country where significant changes have taken place and the effect this trade has had on Australia and the Victorian Inland Meat Authority. The export trade should continue to expand at an even faster rate. If the authority is to function to its fullest capacity, the people who are charged with the responsibility of controlling its operations, planning its future and development must give full scope to their talents, and take advantage of every opportunity that arises. Therefore, they must have access to the necessary finance.

The Bill provides for part-time members of the authority to be covered by insurance. Any person engaged in business in this type of organization is subject to the same dangers as the rest of the community and members of the Opposition consider it reasonable for these members to be covered by insurance while they are engaged on authority business and travelling in Victoria. For these reasons the Opposition does not oppose the Bill.

Mr. TREWIN (Benalla).—The Country Party supports the Bill which will give the Victorian Inland Meat Authority increased borrowing powers and will clarify some administrative details. The Bill will consolidate the position of the authority. Persons who have followed its development over the years will acknowledge that it has served a good purpose and will continue to do so. The two established works in Bendigo and Ballarat have been operating extensively for the past few years and have

experienced some difficulties. The authority extended its activities to Shepparton for a short period, but it become difficult to continue there, especially in rented buildings. At least the authority was able to carry out slaughtering operations and this relieved the position during the drought. The position at Shepparton has been clarified and the Victorian Inland Meat Authority has no further interest in that area.

The authority has consolidated its operations in Ballarat and Bendigo, and it now forms an integral part of the meat processing industry in Victoria. It has conducted its affairs effectively since it was reconstituted and new members added to its administration. This move assisted tremendously in the progress made by the authority. The Country Party supports the Bill and considers that the meat processing industry must accept a State-wide responsibility. Because it is virtually a private industry, the combination of State and private interests can result only in a consolidation of the work which has already been carried out.

Mr. STEPHEN (Ballaarat South).—I support the measure, which is to amend the Victorian Inland Meat Authority Act 1958. The Bill, which substantially affects the City of Ballarat, will also benefit a large sphere of activity in the rural field. The measure will reduce the indebtedness of the Victorian Inland Meat Authority from $3·7 million to $1 million as at 1st January, 1973, and this will give the authority a better opportunity of servicing its smaller liability than it has had in the past.

In his second-reading speech the Minister for Fuel and Power indicated that in 1971-72 the Victorian Inland Meat Authority had been trading profitably and that trading to date in the current financial year was also proceeding favourably. It appeared that at the end of the season a substantial profit would be available. This is heartening because the authority has had problems in the past.

It is proposed that the authority shall borrow $1·6 million to be spent on its Ballarat works to upgrade and modernize the present facilities. This will ultimately result in the abattoirs at Ballarat being equal to any abattoirs in Australia. Honorable members are aware of the severe and stringent requirements of overseas countries to which Australia is exporting and realize the necessity to bring the abattoirs up to a high standard for health and efficiency.

The fact that between 700 and 800 men are employed in the abattoirs at Bendigo and Ballarat is a matter of major importance in the over-all plans of this Government to foster decentralization. The amount of money placed into circulation because of this employment is estimated to total some $3 million each year and this provides a tremendous boost to the livelihood of the two cities.

It is interesting to note that a large number of new abattoirs are in the course of construction in a radius around Melbourne. One is at Naracoorte.

The SPEAKER (Sir Vernon Christie).—The honorable member is out of order in referring to the industry at large. This Bill deals with the financial matters of the Victorian Inland Meat Authority.

Mr. STEPHEN.—That is right, Mr. Speaker, but in the over-all field of activity the Government must be concerned that it is playing a proper part in the development of the two cities. It is necessary to complete this ring of abattoirs to serve the whole community so that there are no gaps in servicing the killing of stock which will be of benefit to primary industry and the State. The Bendigo works are up to date at the moment, and when the Ballarat works are upgraded, along with those of the other centres at Kyneton, Albury and Wagga——

The SPEAKER.—I have already advised the honorable member that the Bill deals with the financial matters of the Victorian Inland Meat Authority and no other activity as such.

Mr. STEPHEN.—I was just concluding my remarks by giving some background on the importance of this measure to primary industry. I support the Bill and look forward to the future of the meat industry.

Mr. A. T. EVANS (Ballaarat North). —This measure is most welcome, and possibly overdue. As most honorable members are aware over the past few years the management of the Victorian Inland Meat Authority has been changed but prior to that it had accumulated substantial losses. These had occurred because of bad management which had been allowed to continue for a number of years. However, it is to the credit of the Government that, with one notable exception which I believe will be rectified within a month or two, in the past two years it has strengthened the management tremendously. This is reflected in the advantages which have recently flowed to the authority and I have no doubt that this is due to the improved management.

The SPEAKER (Sir Vernon Christie).—I would be pleased if the honorable member would explain how he can discuss the composition of the Victorian Inland Meat Authority under this measure?

Mr. A. T. EVANS.—A considerable portion of the measure deals with the writing off of past debts as well as the borrowing of $1·6 million for new buildings. I believe the new look management now existing in this organization is responsible for the improved position. The new appointees to the Victorian Inland Meat Authority have included Mr. Cyril Watson of Bendigo, Mr. George Wilson of Cranbourne, and the Chairman of the Rural Finance and Settlement Commission who holds a position on the board of management by virtue of being Chairman of the commission. I am referring to Mr. Ian Morton, who is a man whom most country people would admire. I believe over the past few years these gentlemen have made the Victorian Inland Meat Authority a functional and properly operating organization.

For a number of years the Victorian Inland Meat Authority works in Ballarat, and to a lesser extent those in Bendigo, were regarded as most unsatisfactory, and this was doubtless due to bad management and the unsettled conditions of the men. However, under the present management a new spirit of co-operation exists. Little industrial trouble has occurred in Ballarat in the past two years since the Victorian Inland Meat Authority started to govern the whole organization. The men are on strike at the moment but that has nothing to do with the Victorian Inland Meat Authority. It is a general strike throughout Victoria. The men at Ballarat and Bendigo establishments take great pride in the new management and are thrilled with the plans that the Victorian Inland Meat Authority has for the extension of the works. Apart from the board of management I must commend Mr. Somerset, who has had considerable experience in the management of meat works and has also contributed to the improvement.

The SPEAKER (Sir Vernon Christie).—I take it that Mr. Somerset is the present general manager.

Mr. A. T. EVANS.—Yes. I direct the Minister's attention to an important suggestion which I believe should be instituted in the near future regarding the over-all strength of the management of this organization. A few months ago Mr. Watson from Bendigo——

The SPEAKER.—Order! I do rule that debate cannot take place on the general management or the membership of the board of management of the Victorian Inland Meat Authority. This Bill deals with the financial reconstruction of the Victorian Inland Meat Authority and if I allow the honorable member to debate the aspect of management, any honorable member would likewise be

entitled to do the same. I rule that the honorable member must stick to the Bill.

Mr. A. T. EVANS.—Mr. Speaker, I draw your attention to the Minister's second-reading speech. At page 4455 of *Hansard* of 27 March, 1973, the Minister is reported to have said—

> The financial structure of the authority on the passing of the legislation will be as follows:—
>
> Owing to the Treasurer pursuant to the new section 17—$1 million.

The SPEAKER (Sir Vernon Christie).—The honorable member may not discuss the composition of the board of management, and I have so ruled.

Mr. A. T. EVANS.—With your permission, Mr. Speaker, may I refer to the fact that this measure also allows for an amount of $1·6 million to be spent on works?

The SPEAKER.—The honorable member is making his own speech.

Mr. A. T. EVANS.—It has not been possible for the original works, which were constructed about 50 years ago, to be kept up to date with modern meat work practices. The export market is a lucrative field at the moment, but it is highly competitive and it is essential that the works be brought up to a standard which will meet the high hygienic demands of meat importing countries. The amount of $1·6 million is being spent towards that business. Another aspect of the matter was referred to by my colleague from Ballaarat South. He referred to the benefits to be gained by establishing these works in the western part of Victoria. They will be of great assistance to rural industries in that area.

In conclusion, I draw the Minister's attention to the fact that there is no resident director of the board in Ballarat, although there is one at Bendigo; and I urge the honorable gentleman to appoint a local member to the board to fill a vacancy which will soon occur.

The motion was agreed to.

The Bill was read a second time and committed, *pro forma.*

Mr. BORTHWICK (Minister for Conservation) presented a message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Fund for the purposes of this Bill.

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

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

JOINT SELECT COMMITTEE (OSTEOPATHY, CHIROPRACTIC AND NATUROPATHY) BILL.

This Bill was returned from the Council with a message relating to amendments. It was ordered that the message be taken into consideration next day.

ABATTOIR AND MEAT INSPECTION BILL.

The message from the Council relating to an amendment in this Bill was taken into consideration.

Mr. BORTHWICK (Minister for Conservation). — The Legislative Council amended the Bill by inserting the following sub-clause after sub-clause (2) of clause 29:—

> " ( ) The suspension or cancellation of a licence under paragraph (*a*), (*b*), (*c*) or (*d*) of sub-section (1) shall remain in abeyance—
>
> (*a*) until the expiration of the time for lodging an appeal to the Minister against the suspension or cancellation pursuant to sub-section (1) of section 31; or
>
> (*b*) where such an appeal is duly lodged under section 31 until the giving of the decision by the Minister on the appeal."

It provides that there shall be a prescribed time in which the holder of a licence which has been cancelled can appeal to the Minister. Such a person's licence cannot lapse until

the prescribed period has closed. I move—

That the amendment be agreed to.

Mr. EDMUNDS (Moonee Ponds).—The Opposition offers no objection to the amendment.

Mr. TREWIN (Benalla). — The Country Party had this matter brought to the notice of members in another place, and the Minister accepted it. Accordingly, my party supports the amendment.

The motion was agreed to.

VALUATION OF LAND (VALUERS) BILL.

The message from the Council relating to an amendment in this Bill was taken into consideration.

Mr. SCANLAN (Minister without Portfolio).—When the Bill was considered in this place, an amendment was entertained as the result of a submission by the honorable member for Lowan on the problems that occur in remote areas. Unfortunately, before transmitting the Bill to another place this House failed to amend the reference to other provisions in paragraph (*b*) of sub-section (14) of proposed section 13E. In another place, the reference in the paragraph to sub-sections (3), (4) and (5) was altered to sub-sections (5), (6) and (10) to ensure that it related to the proper sub-sections. Therefore, I move—

That the amendment be agreed to.

The motion was agreed to.

ADJOURNMENT.

VICTORIAN EDUCATION ACTION GROUP: DISTRIBUTION OF PAMPHLETS TO SECONDARY SCHOOL STUDENTS—ENVIRONMENT PROTECTION AUTHORITY: LICENSING FEES.

Mr. SCANLAN (Minister without Portfolio).—I move—

That the House, at its rising, adjourn until Tuesday next at Two o'clock.

The motion was agreed to.

Mr. SCANLAN (Minister without Portfolio).—I move—

That the House do now adjourn.

Mr. JONA (Hawthorn).—I direct to the attention of the Assistant Minister of Education a circular which is being distributed outside a number of high schools in Melbourne including one in my electorate and also, according to a report that I received from a parent who was seeking to contact the honorable member for Essendon today, outside the Coburg High School. Apparently, the circular is authorized by the Victorian Education Action Group.

The SPEAKER (Sir Vernon Christie).—Order! I take it that it is a matter for the department?

Mr. JONA.—It very much concerns high school students for whom the Minister of Education is responsible.

The SPEAKER.—I will hear the honorable member, but the matter must relate to Government administration.

Mr. JONA.—It is necessary for me briefly to inform the House of the nature of the circular in order that the Minister will appreciate——

The SPEAKER.—Order! I believe it is far more appropriate that the Chair should be informed first how the matter the honorable member wishes to bring up is directly related to the department or the Minister.

Mr. JONA.—My reason for bringing the matter to your attention, Mr. Speaker, and to the attention of the House is that a number of students, according to reports that I have received today, have been intimidated when the circulars have been handed out to them to attend a rally which is scheduled to be held in the City Square next Wednesday afternoon. The honorable member for Melbourne will be interested to know that it is an assembly for which a permit is required from the Melbourne City Council and that no permit has been issued.

The SPEAKER.—It might possibly be a matter for the Chief Secretary.

Mr. JONA.—I am quite happy to direct my remarks to the Chief Secretary, but as the Minister of Education is responsible for the activities of secondary school students whilst they are attending State educational institutions, I consider that the parents are entitled to know whether the Minister of Education will afford them protection.

The SPEAKER.—Order! The honorable member for Hawthorn might reflect on what I said at the beginning. The Minister of Education and the Education Department have a responsibility for the students when they enter the gate to the school and they are under their control. But as to something that happens at large—the honorable member alleges intimidation which is a social problem and could be a matter for the police and the Chief Secretary—the honorable member has not shown to me or suggested to the House that it is a matter for the Education Department.

Mr. JONA.—Very well, I will redirect my remarks to the Chief Secretary.

The SPEAKER.—I would like to find out whether it is a matter of Government administration. I have not found out yet.

Mr. JONA.—It is a matter of Government administration when any student in this State is intimidated. The parents are entitled to an assurance from the Chief Secretary that no students will be subjected to the sort of threat which has accompanied the circular being issued for a particular meeting which, I might add, is an unauthorized meeting on a site for which a permit has not been granted. I seek an assurance from the Chief Secretary that any request from parents for the protection of their children will be acceded to.

Mr. FELL (Greensborough).—I draw to the attention of the House and the Minister for Conservation a problem concerning the charging of licence fees by the Environment Protection Authority. Municipalities in my electorate have complained that, as taxing authorities, they are expected to pay to another taxing authority licence fees to the extent of $400 per annum for garbage tips, and between $200 and $400 per annum for septic tanks.

Apparently, the Environment Protection Authority, through the Minister for Conservation, has been directed to tax local government authorities for the provision of services. It is quite proper and within the province of the authority to charge private organizations, but where a local government taxing authority is involved, and that authority already has financial problems of its own, surely the Minister can exercise his prerogative to release it from paying tax to another taxing authority. I urge the Minister to comment on the matter because I should like the fears of the municipalities allayed.

Mr. MEAGHER (Chief Secretary).—If the honorable member for Hawthorn will supply me with the material about which he complains, I will have the situation examined to ascertain whether an offence has been committed.

Mr. BORTHWICK (Minister for Conservation).—The fees imposed on polluters are not taxes and are not levied for the purpose of raising revenue. Indeed, it is expected that the fees collected for licensing of waste discharges will be relatively insignificant when compared with the total cost of administering, inspecting and laying down pollution control requirements. The honorable member will be well aware that drainage systems are one of the worst sources of pollution.

The licence fees payable by municipalities for drainage will be on a *pro rata* basis according to the population of the municipality. The fees do

not apply to individual drains. The one licence fee is charged for the whole municipality and can be as low as, from memory, $200. That is not a large fee. I remind the honorable member that State and Commonwealth Government agencies are charged a licence fee if in fact they desire to discharge wastes into the environment at large.

The honorable member mentioned septic tanks, but I remind him that private or household septic tanks are exempt from the fee. The only licence relating to septic tanks is for multiple-use septic tanks, such as in motels or hotels. The Government purposely fixed fees applicable to municipalities at the minimum as it realized that substantial sources of pollution would take a great deal of expensive monitoring in the interest of ratepayers and the community as a whole.

If the honorable member reflects a little further on the philosophy of the Environment Protection Act, which is that the polluters pay, whether they are Commonwealth or State instrumentalities or private persons, he would not be as alarmed as he appears to be today.

The motion was agreed to.

The House adjourned at 6.26 *p.m., until Tuesday, April* 10.

Legislative Council.

Tuesday, April 10, 1973.

The PRESIDENT **(the Hon. R. W. Garrett)** took the chair at 4.28 p.m., and read the prayer.

PUBLIC RECORDS BILL.

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

BENDIGO AERODROME BILL.

This Bill was received from the Assembly and, on the motion of the Hon. MURRAY BYRNE (Minister for State Development and Decentralization), was read a first time.

VICTORIAN INLAND MEAT AUTHORITY (AMENDMENT) BILL.

This Bill was received from the Assembly and, on the motion of Sir GILBERT CHANDLER (Minister of Agriculture), was read a first time.

EGG INDUSTRY STABILIZATION BILL.

The PRESIDENT (the Hon. R. W. Garrett) announced that he had received a report from the Clerk of the Parliaments calling attention to clerical errors in this Bill.

Sir GILBERT CHANDLER (Minister of Agriculture).—I move—

That the errors be corrected as follows:—

Clause 22, line 39, omit "(4)" and insert "(5)".

Clause 22, line 42, omit "(4)" and insert "(5)".

Clause 22, line 44, omit "(2)" and insert "(3)".

Clause 22, page 15, line 31, omit "(2) and (3)" and insert "(3) and (4)".

The motion was agreed to.

It was ordered that the report of the Clerk of the Parliaments be transmitted to the Assembly.

DEATH OF PATRICK KEITH SUTTON, ESQUIRE.

Sir GILBERT CHANDLER (Minister of Agriculture).—I move—

That this House place on record their deep regret at the death of Patrick Keith Sutton, Esquire, and their deep appreciation of the valuable services rendered by him to the Parliament and the people of Victoria during his long and honourable career as member of the Legislative Assembly and Speaker.

Those who were associated with the late Patrick Keith Sutton agree that as Speaker in another place he was outstanding and carried out the tasks involved in that high office with dignity and impartiality. He was a