

2. Whether the Town and Country Planning Board or the Ministry for Conservation were consulted?

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

1. Yes, Rotamah Island has been purchased by the State Government at a price of \$280,000. It was purchased firstly in order to prevent undesirable development immediately adjacent to nearby public land and to protect the amenity of the adjacent Lakes National Park, and secondly because it has significant value for recreation and environmental education.

2. Rotamah Island is described as having significant conservation value in the Town and Country Planning Board's guidelines for the Gippsland lakes area.

Purchase of Rotamah Island was recommended by the Director of Conservation and the Chairman of the Land Conservation Council.

NOISE AT YARRAVILLE.

(Question No. 975)

Mr. FOGARTY (Sunshine) asked the Minister of Transport—

Whether any Government authority has carried out intensive noise tests in close proximity to the newly-reconstructed railway line at the Francis Street, Yarraville, underpass; if so, what was the result of those tests?

Mr. MEAGHER (Minister of Transport): The answer is—

The Victorian Railways have conducted noise level tests in proximity to the reconstructed Francis Street bridge at Yarraville. The noise levels recorded near the homes beside the bridge were 92 dBA (decibels on the A scale).

Tests were made with sound protecting screens and a noticeable reduction in noise levels was found. Based on these tests, designs of permanent screens are in hand.

POWER HOUSE AT ANGLESEA.

(Question No. 989)

Mr. MUTTON (Coburg) asked the Minister for Fuel and Power—

1. How much electricity was generated at the Alcoa of Australia Ltd. power house at Anglesea in each of the past five years?

2. What proportion of the power generated was used for the production of aluminium in each of the past five years?

Mr. BALFOUR (Minister for Fuel and Power): The answer is—

During the past five years, all of the electricity generated was virtually for the production and fabrication of aluminium, except for extremely small purchases by the State Electricity Commission at times of system disturbances in 1970-71, 1971-72, 1972-73 and 1973-74.

Legislative Council.

Tuesday, March 18, 1975.

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

MAGISTRATES (SUMMARY PROCEEDINGS) 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.

GEELONG HARBOR TRUST LANDS BILL.

This Bill was received from the Assembly.

The **PRESIDENT** (Sir Raymond Garrett): I have examined this Bill, and in my opinion it is a private Bill.

The **Hon. MURRAY BYRNE** (Minister for State Development and Decentralization): In another place, this Bill was also ruled to be a private Bill, but it was treated as a public Bill, except in relation to the payment of fees. I propose that the same procedure should be followed in this House. Therefore, I move—

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

The motion was agreed to.

The **Hon. MURRAY BYRNE** (Minister for State Development and Decentralization): I produce a receipt showing that a sum of \$200 has been paid into the Treasury for the public uses of the State to meet the expenses of the Bill.

On the motion of the Hon. MURRAY BYRNE (Minister for State Development and Decentralization), the Bill was read a first time.

MOTOR ACCIDENTS 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.

RAILWAYS (AMENDMENT) BILL.

This Bill was received from the Assembly and, on the motion of the Hon. W. V. HOUGHTON (Minister for Social Welfare), was read a first time.

DOG (AMENDMENT) BILL.

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

It was ordered that the message be taken into consideration later this day.

DANDENONG VALLEY AUTHORITY (AMENDMENT) BILL.

The Hon. F. J. GRANTER (Minister of Water Supply), by leave, move for leave to bring in a Bill to amend the Dandenong Valley Authority Act 1963 to provide for special precepts, to increase the limit of authorized tenders and contracts, to increase the chairman's allowance and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

COMMAND PAPER.

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization) presented by command of His Excellency the Governor, the third report of the Board of Inquiry into the Victorian Public Service.

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

PAPERS.

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

Education Act 1958—Technical Teachers Registration Board Regulations 1975.

Public Service Act 1958—Public Service (Public Service Board) Regulations—Regulations amended (No. 335).

Rural Finance and Settlement Commission—Report for the year 1973–74.

Statutory Rules under the following Acts of Parliament—

Education Act 1958—No. 88.

Estate Agents Act 1958—No. 93.

Evidence Act 1958—No. 92.

Films Act 1971—No. 90.

Metropolitan Fire Brigades Act 1958—No. 86.

Mildura Irrigation and Water Trusts Act 1958—No. 94.

Motor Car Act 1958—No. 89.

Poisons Act 1962—No. 91.

Police Regulation Act 1958—No. 87.

Town and Country Planning Act 1961—

Ballarat and District Planning Scheme 1966—Amendment No. 12, 1974 (City of Ballarat).

Maffra Planning Scheme 1965—Amendment No. 6, 1973.

Phillip Island Planning Scheme, with two schedules of maps (three papers).

Shire of Mornington Planning Scheme 1959—Amendments No. 70, 1971, No. 78, 1972, and Nos. 92 and 93, 1973 (four papers).

Warragul Planning Scheme 1954—Amendment No. 20, 1974.

DOG (AMENDMENT) BILL.

The message from the Assembly relating to the amendments in this Bill was taken into consideration.

Assembly's amendments—

1. Clause 1, line 6, omit "1974" and insert "1975".

2. Clause 7, omit this clause.

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

That the amendments be agreed to.

There are only two amendments. The first changes the reference to the year 1974 to the year 1975 in the title of the Bill. The second is to omit clause 7 of the Bill. That clause proposed to extend section 24 of the principal Act which gives a special dispensation to farmers or other owners of yards enclosed by fences in which sheep, cattle or poultry are confined, and permits them to shoot or to otherwise destroy a marauding dog. The clause proposed to extend that section to include places where plants, shrubs or trees are cultivated for sale. This appeared to be a reasonable amendment, but its mere presentation brought forth a rash of further demands, and it was considered that the clause might be going too far in extending the power to arbitrarily destroy a dog. The purpose of the

section is to protect a farmer and his stock, and it was considered that the granting of further dispensations would open the door to a wide range of acts which were certainly not intended. Consequently, the Government did not proceed with the clause.

The Hon. J. M. WALTON (Melbourne North Province): I support the removal of clause 7 from the Dog (Amendment) Bill. From the beginning I believed it was extending the right either to shoot, poison or to trap a dog a little too far. It is true that farmers who have stock need protection from marauding dogs, but the provisions of this clause would have opened up the possibility that a dog could wander into a nursery which did not have a closed gate and the owner of that nursery, if he were in an area where it was possible to use a firearm, could shoot, poison or trap the dog. This type of action seemed unwarranted against wandering dogs and besides children might walk into the nursery and perhaps become the victim of a poison bait which was intended for a dog. In areas where firearms cannot be used one can only imagine the methods that nurserymen might employ to get rid of unwanted dogs thus making it dangerous for people who go along to those places. Without going into the matter in length, I wish to say that the Labor Party supports the omission of the clause.

The Hon. A. K. BRADBURY (North-Eastern Province): The members of the Country Party raise no objection to the omission of this clause. We think it makes sense.

The motion was agreed to.

MAGISTRATES (SUMMARY PROCEEDINGS) BILL.

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

That this Bill be now read a second time. This Bill is part of the Government's continuing programme of reform and revision of the law, and it completes the review of the Justices Act 1958 which commenced in 1971.

The first step towards a complete review of the Justices Act was taken by enactment of the Magistrates Courts Act 1971, which dealt with the holding of Magistrates Courts, the appointment of stipendiary magistrates, justices of the peace and clerks of courts, and related matters. A further stage of the review was the Magistrates Courts (Jurisdiction) Act 1973. As its title indicates, this Act was primarily concerned with the provisions relating to the jurisdiction of Magistrates Courts.

The main provisions of the 1973 Act are not yet in operation because the Government undertook that they would be referred to the Statute Law Revision Committee for investigation. The committee's report of 4th December, 1974, on the Bill has been considered, with a view to appropriate amendments being introduced as soon as practicable. The other provisions of the Act relate to the appointment of bailiffs for execution of civil distress warrants issued by Magistrates Courts, and they came into operation on 3rd February, 1975.

The present Bill amends and consolidates the remaining provisions of the Justices Act, mainly in relation to procedure in Magistrates Courts. It brings to a conclusion a very considerable amount of work by officers of the Law Department, and it gives effect to suggestions and recommendations made by the Statute Law Revision Committee, the Law Reform Commissioner and the stipendiary magistrates.

Attached to the Bill is a very detailed explanatory memorandum and comparative table showing the provisions of this Bill which correspond to existing provisions and it facilitates cross-reference. In view of these two documents, which are self-explanatory, it would be rather pointless for me to go into detail and explain the provisions of what is in essence a Committee Bill. I mention only one or two points.

As the explanatory memorandum indicates, the Statute Law Revision Committee in 1971 was in favour of

abolishing attachment of wages for the recovery of debts. However, the Government is concerned that this could lead to an increase in the number of persons imprisoned for non-payment of debts. English experience is that attachment provisions, similar to those in Part XIII. of the Bill, led to a substantial drop in the number of cases of imprisonment for default in maintenance payments.

The Government considers that the new procedure for attachment of earnings will greatly improve the whole process for all involved. The experience in England can be expected to be repeated here. It may be that some refinement of the detail of the procedures will be necessary, and that will be considered when the Attorney-General thinks the time is appropriate. This Bill is a positive step in reform of the law. The Law Reform Commissioner has said that he considers that—

The Bill introduces a number of very desirable amendments which are likely to improve and expedite the work of the Magistrates Courts.

I commend the Bill, its contents and explanatory memorandum and comparative table to the consideration of honorable members.

On the motion of the Hon. J. M. Walton, for the Hon. J. W. GALLABLY (Melbourne North Province), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, March 25.

GEELONG HARBOR TRUST LANDS BILL.

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 allow a proposed multi-million dollar development project by Broken Hill Proprietary Co. Ltd. to proceed in the interests of Geelong generally. I understand that it has the full support of the people of Geelong. It is in fear and trepidation that I make that announcement.

The company is in the process of acquiring an available area of freehold land at North Shore from an associated company for the purpose of constructing a rod mill. However, for the efficient and economic development of the project it is necessary that the Broken Hill Proprietary Co. Ltd. also acquires 2·467 hectares of land adjacent to that freehold land. This area of adjacent land forms part of the road known as the Esplanade and part of the land vested in the Geelong Harbor Trust Commissioners.

In consideration of the sale to it of such land the company has agreed to bear the costs of relocating the Esplanade and resiting the community and other services located in that area.

Although the Geelong Harbor Trust Act 1958 does provide that the Geelong Harbor Trust Commissioners may sell certain parts of the lands vested in them, the particular piece of land vested in the commissioners and required by the company for the project is not in that category.

In view of such vesting it is considered to be equitable for the land required by the company to be granted to the commissioners in order that it may be sold by them to the company and the proceeds of the sale paid to the Geelong Harbor Trust Fund. The council of the Shire of Corio has agreed to the proposal and the relocation of the Esplanade.

The project will stimulate commerce and industry generally in the port of Geelong. The industry will also be of considerable importance to decentralization, it being expected to instantly employ 100 persons.

The land at North Shore and the subject of the Bill was included in a permanent reservation in 1873 of certain lands on the shores of Port Phillip Bay.

There are six clauses to the Bill. Clause 2 deals with the proposed deviation of the highway known as

the Esplanade. The other clauses merely carry out the intentions which I have endeavoured to enunciate to the House. There is a schedule to the Bill which indicates the area that has been gazetted as a public highway. I commend the Bill to the House.

On the motion of the Hon. A. W. Knight, for the Hon. H. A. THOMAS (Melbourne West Province), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, March 25.

MOTOR ACCIDENTS BILL.

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

That this Bill be now read a second time. The purpose of this Bill is twofold; firstly, to increase the maximum benefits payable by the Motor Accidents Board for loss of income suffered by persons involved in motor car accidents from \$120 to \$200 a week and, secondly, to correct problems which have become apparent in the determination of the loss of income of self-employed persons.

Honorable members will recall that the Motor Accidents Act was passed by this Parliament in April, 1973, and that the benefits payable thereunder commenced, following proclamation of the Act, on 12th February, 1974. Since that date it has become apparent that the maximum benefit of \$120 a week payable for loss of income is no longer sufficient in present economic circumstances to adequately compensate some motor car accident victims.

The effect of the Bill is to increase the maximum benefit payable for loss of income from \$120 to \$200 a week thereby enabling the board to award benefits in line with current values of income. The Bill also corrects three problems which the board has encountered in determining the loss of income of self-employed persons.

The first of these problems is that where a person is injured and incapacitated during a peak earning period—for instance, a fisherman during the

schnapper fishing season or a farmer at harvest time—the board is confined to assessing benefits on earnings derived over complete periods of either one, two or three years before the accident. This method may not reflect the income lost by such a person incapacitated during a peak earning period. The discrepancy would be even greater because of the inflation that has taken place over recent years. To overcome this problem the Bill will enable the board to select one of five alternative periods of income for the purposes of determining the average weekly income of a self-employed person.

These periods which are set out in clause 3 (b) of the Bill are similar to the periods applicable to the determination of the income of an employee, and will give the board sufficient flexibility to ensure that a fair and reasonable assessment of loss of income during the period of incapacity can be made.

The second problem relates to the basis of determination of a self-employed person's income as compared with the basis adopted for an employee's income. Under the current provisions of the Act the income of an employee is defined as his salary or wages less the amount required to be deducted by his employer for income tax purposes.

The income of a self-employed person is defined as his gross income less all amounts deductible from that income as allowable tax deductions less the tax payable on such taxable income. These deductions include two major components, the first being the expenses incurred in earning the gross income and the second being concessional deductions for such items as medical and education expenses, dependants, property rates and life insurance payments. This provision places the self-employed person at a distinct disadvantage as compared with an employee. The Bill corrects this problem by providing that in the assessment of income for a self-employed

person, concessional deductions will not be taken into account, and the amount to be deducted in lieu of tax will be determined as if such person's income had been salary or wages due to an employee.

The third problem encountered by the board is in the determination of loss of income in the case of a person conducting a small business where such person engages a replacement worker, at consequent additional expense, to continue the business, or where the business is temporarily closed but overhead costs such as rent continue to accrue.

At present the board is confined in its determination to the actual income of such a person before the accident and the benefits payable do not necessarily reflect the person's actual financial loss during his incapacity.

The Bill empowers the board, where it considers that the method of defining income contained in the proposed new section 21(2) does not properly reflect the effect of incapacity on the financial position of a person, to more adequately compensate the person according to the actual financial impact of the accident. The amount which the board can determine in its discretion is limited to \$125 a week.

It is intended that the provisions of clause 3 of the Bill will be deemed to operate from 12th February, 1974, the date of commencement of the principal Act. The benefits embodied in the section will thus apply to all persons who have made claims to the board since the inception of the scheme. I commend the Bill to the House.

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

It was ordered that the debate be adjourned until Tuesday, March 25.

RAILWAYS (AMENDMENT) BILL.

The Hon. W. V. HOUGHTON (Minister for Social Welfare): I move—

That this Bill be now read a second time.

The main purpose of the Bill is to assist the Victorian Railways Board in modernizing sections of the administration and management of the railways, Victoria's major public transport organization.

Broadly speaking, this measure authorizes the board to delegate to the general manager powers and duties with regard to staff; repeals a number of provisions regarding staff which relate to an earlier age; and updates other provisions to take account of changes in legislation and conditions since the Victorian Railways Commissioners Act was introduced in 1883. In the 1880s the opportunities for good secure employment were limited and positions in the railway service were keenly sought. Many of the present staff provisions of the Railways Act were framed in that era—almost 100 years ago. Changes are necessary to modernize many of these procedures.

Honorable members will recall that, in accordance with the recommendation of the report of the Board of Inquiry into the Victorian Land Transport System, legislation was introduced in 1972 to change the corporate structure of the railways by providing for the appointment of a seven-man board comprising men from business and the railway service and the appointment of a general manager.

At that time, it was recognized that further amendments to the Railways Act would be required; however, it was decided that these amendments should be made progressively on the initiatives of the railways. This measure gives effect to recommendations made by the board to streamline a number of aspects of the existing legislation.

The Railways Act 1958 provides that powers and duties with regard to staff conferred on the Victorian Railways Board or the Railway Construction Board shall be exercised only by the respective boards—there is no authority to delegate.

Honorable members will appreciate that with some 25,000 people employed by the railways, there are

many staff matters requiring day-to-day decisions which can properly be made by the general manager. Provision has therefore been made to enable the board to delegate certain powers to the appropriate level.

Clause 6 amends section 144 of the Act to enable the board to delegate powers and duties with regard to officers and employees to the general manager or any person acting in his stead. Provision is also made to enable the Railway Construction Board to delegate powers in staff matters to the chief engineer. I am sure honorable members will recognize that, in a huge organization such as the railways, it is necessary to provide these powers of delegation.

Clause 14 amends section 159 of the Act to enable the Victorian Railways Board to delegate to the general manager decisions regarding the continued employment of bankrupt employees.

As already stated, there are a number of provisions in the Act which relate to an earlier age and should be repealed. Clauses 7, 9 and 11 repeal some of these out-of-date provisions. Clause 9 also repeals section 152 of the Act which requires appointments to be made to the lowest grade in each of the various branches of the railway service. Honorable members will be aware that the repeal of this section is in line with the recommendation regarding appointments to the lowest grade contained in the recent report of the Board of Inquiry into the Victorian Public Service.

Clause 10 amends section 153 to provide that any vacancy in the railway service shall be filled by appointment of the most suitable applicant having regard to relative ability, suitability, record, experience and seniority. This amendment broadens the wording of the existing provision to include matters other than seniority and follows the provisions of Commonwealth Conciliation and Arbitration Commission

awards. The application of Commonwealth awards to the majority of staff employed in the railway service has required a number of other amendments to the Railways Act.

Clauses 18 and 20 amend the provisions of the Act regarding certain entitlements to leave and overtime to take account of rights now provided under Commonwealth awards.

Other provisions included in this measure are amendments to repeal the present requirement for the board to publish, every three years, in the *Government Gazette*, a list of all persons employed in the railway service; repeal the power of the board to make regulations determining the scale on which officers shall insure their lives; modify the present requirement for Governor in Council approval for appointments to an office in the railway service the annual salary of which exceeds \$3,000 to increase this figure to \$15,000; modify the present requirements for contracts by the Victorian Railways Board and the Railway Construction Board over \$50,000 or the performance of which extends over one year to be sanctioned by Governor in Council, to delete the reference to contracts over one year and increase the \$50,000 limit to \$100,000; make it clear that the Victorian Railways Board has power to construct additional railway tracks on existing lines; and repeal the provisions relating to officers in positions of trust as this matter is now provided for under the Audit Act 1958.

This legislation is another step by the Government to see that the railways have the necessary framework in which to play their proper role in meeting the community's travel needs. I commend the Bill to the House.

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

It was ordered that the debate be adjourned until Tuesday, March 25.

**DANDENONG VALLEY
AUTHORITY (AMENDMENT) BILL.**

The Hon. F. J. GRANTER (Minister of Water Supply): I move—

That this Bill be now read a second time. It contains seven amendments to the Dandenong Valley Authority Act 1963. Clause 2 increases the chairman's special allowance from \$1,000 to \$2,000. The allowance is made to cover the additional costs incurred by the chairman in the discharge of his duties and has not been altered since 1968. Provision is also made in the Bill for future changes in the allowance to be fixed by the Governor in Council as is done in the Latrobe Valley, West Moorabool Water Board and Geelong Waterworks and Sewerage Acts.

Clause 3 is a machinery amendment to section 20(i) of the principal Act which at present provides that the authority must obtain Ministerial approval before accepting any tender for the construction of works or for any contract costing more than \$4,000. This figure was fixed in 1963 and is thus unrealistic compared with present-day values. The proposed amendment increases the figure to \$10,000 and will bring the Act into conformity with the Latrobe Valley and West Moorabool Water Board Acts.

The most important amendment is contained in clause 4, which inserts a new section 33A in the Act enabling the authority, at the request of the majority of the ratepayers liable to be rated, and with the approval of the Minister, to raise additional local revenue to meet extra costs incurred in the provision of works or undertakings to areas where there are particular benefits provided by such works or undertakings. The additional revenue would be raised by means of special precepts, demands for payment, issued on the municipalities involved.

The need for the new provision has arisen initially in connection with the Patterson lakes project at Carrum which requires drainage and water

recirculating facilities in excess of what is normally required in urban development. To some extent the additional facilities might be regarded as a private responsibility of the estate as a whole and the requirements for maintenance are somewhat analogous to the maintenance of a large block of own-your-own flats for which a holding company is usually created. However, the development is large and could extend substantially in the not-too-distant future to something like a population of 60,000. The creation of a holding company for such a development would almost be equivalent to dealing with an additional municipality.

In this case the municipality has been encouraging the development and anticipates that, if further similar developments take place as it expects, it would be able to merge the need for higher charges in the normal municipal rating. This, of course, is a matter for the municipality to decide. With a large development of this nature, it is not only desirable but also essential that the management of services, including the additional facilities required, should be managed by a well-established statutory authority with power to levy and recover charges on the land. In this case it is the Dandenong Valley Authority and the extra cost will be met by way of a special precept.

The remaining four clauses of the Bill provide consequential amendments which are necessary because of the new section. I commend the Bill to the House.

On the motion of the Hon. I. B. TRAYLING (Melbourne Province), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, March 25.

**STATE COLLEGE OF VICTORIA
(BORROWING POWERS) BILL.**

The debate (adjourned from March 11) 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. I. B. TRAYLING (Melbourne Province): This Bill enables the State College of Victoria to borrow money on overdraft. The borrowings are protected to the extent that they are to be made on the recommendation of the Treasurer to the Governor in Council. The Bill is designed to overcome periodic shortfalls in available finance for immediate contingencies. The Labor Party has no objection to the Bill but rejects the snide implication that the Commonwealth Government may be a contributor to holding up the funds.

The Hon. B. P. DUNN (North-Western Province): The Country Party supports this small Bill which will allow the Senate of the State College of Victoria to borrow funds to be used as bridging finance or for other purposes between the time when it may become necessary for cash or money to be available and the time when grants may be received from the Commonwealth Government. With Mr. Ward of this House and Mr. Jones in another place, I am a member of the interim Senate of the State College of Victoria.

The State College of Victoria was created by an Act, passed by this Parliament in 1972 and proclaimed on 18th July, 1973. It is a body of eleven constituent colleges comprising twelve former teachers' training colleges in Victoria. Two of those colleges have amalgamated, reducing that number to eleven. The interim senate, as the governing body of the State College of Victoria, is responsible for the provision of most teachers throughout Victoria but the State College of Victoria, under the power laid down in this Act, can also offer to people of Victoria various courses in the fields of arts, humanities and sciences. The Country Party supports the Bill which will overcome administrative difficulties that can occur between the time when finance is needed and the time when it is actually made available.

The motion was agreed to.

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

VICTORIA INSTITUTE OF COLLEGES (AMENDMENT) BILL.

The debate (adjourned from March 11) 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. I. B. TRAYLING (Melbourne Province): This Bill provides for the appointment of a State College of Victoria representative to the Council of the Victoria Institute of Colleges. The other significant provision of the Bill relates to bona fide student representation on the council and some security of tenure of office after election for student members of the council. It also clears up certain ambiguities about the voting rights of students. The Labor Party does not oppose the Bill.

The Hon. B. P. DUNN (North-Western Province): The provisions of the Bill are supported by the Country Party. If the measure is passed by Parliament, the State College of Victoria will be able to have a representative on the Council of the Victoria Institute of Colleges. As the Victoria Institute of Colleges has a representative on the Senate of the State College of Victoria, it is really a reciprocal move. The State College of Victoria and the Victoria Institute of Colleges share certain responsibilities in their fields and it is reasonable that liaison between the two bodies should be established and maintained. This can best be done by the appointment of a representative of each body to the council or senate of the other body.

The provision referring to the tenure of office of a student representative of the Council of the Victoria Institute of Colleges is reasonable because it allows a full calendar year of membership. In the past when an elected student member ceased to be a student his position on the council

was relinquished. According to the Victoria Institute of Colleges this had led to no real continuity in student representation. The Country Party agrees with the provisions of the Bill.

The motion was agreed to.

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

SOCIAL WELFARE (AMENDMENT) BILL.

The debate (adjourned from March 11) on the motion of the Hon. W. V. Houghton (Minister for Social Welfare) for the second reading of this Bill was resumed.

The Hon. R. J. EDDY (Doutta Galla Province): This Bill is important to many people in the community. It should have been introduced by the Government long before 1975 because a private member's Bill, introduced by my Leader, Mr. Galbally, in 1971 contained a clause which was similar to clause 4 of the Bill now before the House. In October, 1971, the second-reading debate on my Leader's Bill was adjourned and the matter was referred to the Statute Law Revision Committee for examination and report. It took some considerable time for the committee to deal with the matter and make its report available. In the meantime many people who could have benefited from clauses 4 and 7 of this Bill have not been able to receive that assistance.

The main provisions of the Bill are included in clauses 4 and 7. Clause 4 refers to a person being convicted of an offence, whether an indictable offence or an offence punishable by summary conviction, and sentenced to a term of imprisonment. The Bill provides that when a person has been detained in prison awaiting trial for an offence, the period of imprisonment will be taken into consideration when sentence is given. In other words, when a person who is awaiting trial has been held in the remand section of Pentridge Prison or has not had the opportunity of receiving bail or has been refused bail, the judge or

magistrate will take into consideration the period of time so spent when delivering the sentence. On some occasions these people have already served, three, six, nine, or twelve months. That period of time will be counted as part of the sentence. This is a great step forward and the Bill is one of the best measures to be introduced for some time. My only concern is that it has taken the Government so long to realize what has been occurring.

Clause 7 relates to a person who appears before the Magistrates Court, the County Court or the Supreme Court on any one of a number of charges and may be ordered to attend what previously was called a detention centre and, under the Bill, will become an attendance centre. This is another move in the right direction because those persons who are sentenced will attend the centre on two nights a week and Saturdays and be lectured by persons such as social workers. Under this scheme the accused will be permitted to remain in employment and live with his family. This is an improvement on sentencing such persons to a gaol term.

As I said, it is a good Bill which will affect many people who will no doubt appreciate what the Parliament is endeavouring to do in their interests. The Opposition has pleasure in not opposing the Bill.

The Hon. B. P. DUNN (North-Western Province): Some of the provisions in the Bill are an indication of what can be initiated by a member in this House. As has been indicated, Mr. Galbally introduced a Bill which was originally explained on 31st August, 1971. Following some debate, on 6th October, the Bill was referred to the Statute Law Revision Committee for examination and report. This is a clear indication of how proposals such as this can be initiated by a member of this House. The Bill also demonstrates the important work undertaken by all-party Parliamentary committees,

and how their activities can benefit the Parliament and the people of the State.

The major clause is clause 4 which will enable the courts in imposing sentence to take into account the period during which a person has been held in custody on remand, committed for trial or awaiting determination of an appeal.

The Hon. W. V. HOUGHTON: Provided it is more than one day.

The Hon. B. P. DUNN: There are a number of exceptions, including the one mentioned by the Minister, that the period of detention has to be more than one day. This is a step forward and the Minister should be complimented on the number of initiatives he has taken to improve his department. Since his appointment as Minister for Social Welfare, a number of measures have been introduced into the House, most of which have been supported by all parties.

In its report upon clause 4 of the Crime (Sentences) Bill 1971, in paragraph 6, the Statute Law Revision Committee stated—

This Committee feels that where a person has been deprived of his freedom before he has been convicted of an offence, it is proper that the time spent in custody in relation to the particular offence should be counted as time already served in relation to that sentence.

An offender may be detained in prison in relation to a particular offence—

- (a) after he is arrested until his appearance in court;
- (b) on remand; and
- (c) on being committed for trial.

Accordingly, the Bill has resulted from the committee's recommendation. The Country Party supports the provision because it represents a step forward.

Clause 3 overcomes a clumsy administrative necessity whereby, in trafficking with prisoners, the Director-General or his representative would have to attend court to give evidence that the operation was carried out without permission or approval. Under the amendment proposed by clause 3, a certificate will

be presented to the court and thus avoid the necessity for the Director-General or his senior staff officers to attend court to prove this point.

The changes proposed in clause 7 to rename detention centres as attendance centres is good and perhaps describes these centres more aptly. The term "detention centre" connotes a place where people are detained for some time whereas these places are more aptly named as "attendance centres". The availability of such centres so that offenders can attend them whilst still enjoying family life was discussed in this House some time ago.

A further amendment in clause 7 is another administrative improvement in that a person who is attending a specific attendance centre may transfer to another centre if he moves his place of residence or employment to another district. This is a reasonable provision because it should be possible for the person concerned to attend a centre which is accessible.

The Country Party supports moves which will improve the operations of the Social Welfare Department in this State. Members of my party pay a compliment to the work done by the various Parliamentary committees, in this case the Statute Law Revision Committee, on which the legislation was based.

The Hon. J. M. TRIPOVICH (Doutta Galla Province): I trust that Mr. Eddy does not feel that the Statute Law Revision Committee was to blame for the delay in these matters. The original Bill was introduced as a private member's Bill by Mr. Gabbally and contained a provision to cover the case where two persons commit a crime and one can afford bail whilst the other cannot and where, on being found guilty, they were both sentenced to the same term of imprisonment. One of the accused may well have spent six, seven or eight months in gaol awaiting trial whilst his co-accused was on bail and yet they would both receive the same gaol sentence.

Mr. Galbally's Bill was referred to the Statute Law Revision Committee. It was a simple Bill and merely provided that time served on remand would be credited as part of the sentence. When the report of the committee came to the House, the Minister for Social Welfare pointed out that the committee had made no recommendation concerning a person who was serving a term in a youth training centre, then was re-arrested on another crime and placed in gaol on remand. This person would receive no credit at all for the time served because it was not credited to the period spent at a youth training centre. The Minister indicated that the investigation should be much wider.

The Parliament was prorogued and Mr. Galbally reintroduced the Bill. It was again referred to the Statute Law Revision Committee for further investigation of the matters referred to by the Minister. In the meantime, the present Bill was brought forward. I hasten to assure Mr. Eddy that the delay, if any existed, was not due to any tardiness by the Statute Law Revision Committee.

I join with other honorable members in eulogizing the Bill for doing something that should have been done in the past. I was informed by an eminent counsel that judges did take these matters into consideration when passing sentence. Whether they did or did not was never evident, particularly in the case of two persons one of whom was on remand and the other on bail. How can such matters be taken into consideration? Under this Bill justice can be seen to be done and members of the Labor Party are happy to see the measure go through.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 8089 s. 122).

The Hon. W. V. HOUGHTON (Minister for Social Welfare): I thank honorable members who contributed to the debate for their support of the measure. I join them in paying tribute to the work of the Leader of the Opposition in this House, who has occasionally brought forward measures partly similar to that which is before the Committee. I particularly thank the honorable member for his patience with me, because I said during the last sessional period that before the end of the session I would bring forward a Bill with provisions similar to those contained in his private member's Bill and introducing several other matters.

It is surprising what can happen to a Bill which Mr. Tripovich described as simple. I also thought it was a simple Bill until I began to examine its considerable ramifications. The Bill is not simple, but makes statutory provision for matters which were previously taken into account, although not by statutory obligation.

I read paragraphs 7 and 8 of the report of the Statute Law Revision Committee—

The committee was advised that normally most judges and magistrates take the time spent in custody into account when determining the sentence but that there is no legal requirement for this to be done. Consequently, a judge or magistrate can apply his own criteria when determining what time (if any) should be taken into account. It was stated that judges and magistrates use a "fairly broad brush" in taking the time spent in custody into account when determining sentences. Normally the court advises that the time has been taken into account, but this would not be done as a matter of careful arithmetic.

The proposed legislation would ensure that, where applicable, any time spent in custody between trial and appeal would be counted as part of the sentence of imprisonment.

After the recommendations of the Statute Law Revision Committee were made, judges had qualms about statutory provisions which compelled them to take account of time spent in custody on remand. They felt it was in order if they wished to do that, but believed there should be some other provision as well if they

did not elect to take account of the time spent on remand. Accordingly, provision has been made to give judges the option of saying whether account has been taken of the time spent in custody on remand. If the judge does not exercise that option, it becomes an administrative duty of the Social Welfare Department to ascertain the time spent on remand and to make an automatic deduction from the sentence. I pay tribute to the work of Mr. Galbally, the Statute Law Revision Committee and many of my officers in bringing this worth-while measure into effect.

It is not strictly true, as Mr. Eddy stated, that people have not had the advantage of this measure in the past. Some people may not have had the benefit of it, but it will now become a statutory obligation.

A further point made by Mr. Tripovich was that justice will be seen to be done. The persons most affected by the lack of legislation on this matter were those who came up to be sentenced and in whose minds existed uncertainty about whether the time that they had spent on remand in custody was taken into account. The Bill removes that uncertainty, and it is important that this should be done.

I should like to make another point referred to during the contributions of honorable members, which is the confusion that exists that Pentridge Prison represents the entire prison system of Victoria. I try to preach in the House that this is not so. Mr. Eddy made special reference to persons now held on remand in that dreadful section of Pentridge Prison—I agree with that part of his comments—and said that the time which they had served in custody on remand would not be taken into account. I point out that there are at least three other prisons in Victoria where prisoners may be sent on remand. Pentridge Prison is not the only prison to which this applies.

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

The Hon. W. V. Houghton.

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

SCAFFOLDING (AMENDMENT) BILL.

The debate (adjourned from March 11) on the motion of the Hon. F. J. Granter (Minister of Water Supply) for the second reading of this Bill was resumed.

The Hon. A. W. KNIGHT (Melbourne West Province) : The Minister of Water Supply stated that this was a simple and short Bill, and I agree with him.

The only remarks I wish to make about the measure are that I hope every municipality will follow the lead set in this Bill, in which the City of Hawthorn is added to the list of cities in the schedule to the Act, so that the responsibility for scaffolding inspection will be carried out by officers of the Department of Labour and Industry.

Although I have great respect for the local government inspectors who do most of the building inspections, scaffolding which is used in the erection of buildings has now reached an advanced stage. I should like to see scaffolding inspections which are at present carried out by municipal inspectors taken over by inspectors for the Department of Labour and Industry, because they have done a marvellous job. The accident rate has dropped considerably since these officers have been responsible for inspections.

The Hon. K. I. WRIGHT (North-Western Province) : The Bill proposes amendments to the Scaffolding Act, which makes safer the use of scaffolding by building workers, painters and similar people. The Act has been successful in this regard because there has been a tremendous reduction in the number of accidents which have occurred in the building industry and allied trades where scaffolding is used. As Mr. Knight said, this is a short Bill but it involves

matters of principle. It adds the City of Hawthorn to the seven inner municipalities which are already included in the schedule to the Act. In his second-reading speech the Minister said this—

The council of the City of Hawthorn has requested the Government to take over responsibility for scaffolding inspection in its municipality because it considers that the enforcement of the regulation would be better undertaken by the Department of Labour and Industry. This Bill meets that request.

I hope that by "better undertaken" the Minister meant "more conveniently undertaken" because in my view inspectors employed by local government bodies are every bit as competent, capable and efficient as those employed by the Department of Labour and Industry. I have every respect for the officers and inspectors of the Department of Labour and Industry because they also do an excellent job. However, various municipalities are better equipped for different types of inspection. Probably those inner municipalities in which there are a large number of high-rise buildings are better suited to having inspections made by a Government department.

Possibly the Hawthorn City Council had two things in mind. The first was the onerous and time-consuming task it had of reporting monthly on permits issued and inspections made. Members of this House will appreciate the vast amount of paper work involved in municipal administration, and municipalities find the additional work of the scaffolding regulations a burden. The second thing the Hawthorn City Council possibly had in mind was that the fees collected for these services were insufficient to cover the cost of properly carried out inspections. However, since the council made its decision to request this amendment to the legislation, changes have occurred in relation to both the matters that I have mentioned. One is that inspection fees have been increased to 12 cents per \$100, that on a \$30,000 building the fee would be \$36. This is at least a

100 per cent increase, and it means that inspections are quite a lucrative business for municipalities.

Also as a matter of interest, the cost of a building permit has been increased to one-quarter per cent of the value of a building. On a building valued at \$30,000, a building permit would cost \$75. So the owner then must pay a total amount of \$111 for a building permit and inspection. This is now a lucrative business for councils and they are able to employ additional staff to ensure that the job is done properly.

On the matter of time consumed in forwarding monthly reports on permits, Statutory Rules 1974, No. 492, Regulation 3(1) states—

The Council shall upon request make available to the Supervisor or any Assistant Supervisor a complete record of permits granted and inspections made.

This means that councils are no longer automatically responsible to complete these returns monthly, but only when requested by the department. This would only be required, I imagine, when it is absolutely necessary. A detrimental result arising from the Department of Labour and Industry doing scaffolding inspections is that the poor unfortunate builder would have to obtain his scaffolding permit from the department, and a building permit from the council. I have been informed by some members of this House that sometimes owners obtain permits, but in any case whoever obtains the permit, it will be dealt with more easily when the council is responsible for both permits.

Local government is one of the three arms of government—Federal, State and local. I did not say three tiers of government because that would give the impression that one is on top, one is in the middle and one is on the bottom. That is not the case. Those three levels of government are equal, and I believe that local government must accept all the responsibility it can, particularly for building activities, streets, footpaths, parks, libraries and the like. Here

we see the Hawthorn City Council opting out of its responsibilities. It could well be that had the council known there was no necessity for monthly reports, and that the fees were being increased, it would not have requested this Bill.

I want to refer to one other matter. Mr. Clarke asked me to mention a matter affecting the Uniform Building Regulations which was referred to him by the Shire of East Loddon. These regulations are applied in every municipal district in Victoria, of which there are 211. Clause 201 (c) of these regulations states that a municipality may exempt certain buildings which include such out-buildings as fowl-houses, sheds, stables, hay-sheds, pig-sties, dairies, milking sheds and barns. However, the problem is that although those buildings can be exempted under the Uniform Building Regulations, there is no provision in the scaffolding regulations for them to be exempted. A municipality knows that building activities are taking place only when a builder or owner comes into the municipality to obtain a building permit. A builder may be doing work which requires a scaffolding permit, but he is not issued with a permit from the council because the council does not know about it, and under the Uniform Building Regulations he does not have to report to the council.

On behalf of the East Loddon council, Mr. Clarke wrote to the Minister of Labour and Industry, on this matter. The honorable gentleman replied that this was the first time that this problem had been brought to his notice. The Minister did say that the council had the options, by general resolution or otherwise, to exempt the requirements of the Uniform Building Regulations. However, that is not the point. The point is that there is no provision in the scaffolding regulations to exempt this type of building. Mr. Clarke and I would like the Minister to consider a further

amendment to bring these outbuildings into line with the Uniform Building Regulations. These are important matters of principle concerning regulations under the Act, and I commend them to the Minister. In regard to the amendment embodied in the Bill, if the Hawthorn City Council wishes to take this course of action, in spite of what I have said on the general principle of the matter the members of the Country Party will support it.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Schedule).

The Hon. F. J. GRANTER (Minister of Water Supply): I thank Mr. Wright and Mr. Knight for their contributions. I still believe it is the wish of the Hawthorn City Council for the provisions of this Bill to be enacted. I have had no communication from either the Minister of Labour and Industry or the municipality that they do not wish to proceed with this provision.

I do not wish to enter the controversy of which scaffolding inspectors are the best but I should have thought inspectors from the Department of Labour and Industry, if not the best, would be efficient. I have had little to do with scaffolding but I know that for the protection of the worker it should be well erected. I believe today scaffolding is well erected and the worker is fairly well protected, as he should be under the provisions of the principal Act, no matter which authority is in charge of inspections.

I will refer to the Minister of Labour and Industry the matter raised by Mr. Wright on behalf of Mr. Clarke, following representations made to him by the East Loddon Shire Council. It relates to section 201c of the Uniform Building Regulations. I realize that under those regulations many buildings do not require the issue of a building permit but I will

draw to the attention of the Minister of Labour and Industry the suggestions made by Mr. Wright.

The Hon. K. I. WRIGHT (North-Western Province): I want to make it abundantly clear that in my remarks there was no criticism, implied or otherwise, of the inspectors of the Department of Labour and Industry. In fact, I commend their work. The basis of my remarks was just that, under the circumstances, I consider that the inspection should be the prerogative of local government.

The clause was agreed to.

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

ADJOURNMENT.

FLOODING OF MERRI CREEK.

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization): By leave, I move—

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

The motion was agreed to.

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization): I move—

That the House do now adjourn.

The Hon. J. M. WALTON (Melbourne North Province): It is raining, and the sound of the rain on the roof of the Legislative Council Chamber reminds me that on 15th and 16th May last year, following heavy rain, many of my constituents in the Melbourne North Province were inconvenienced and suffered great hardship as a result of the flooding of Merri Creek.

Recently honorable members received a report from the Melbourne and Metropolitan Board of Works on what it could do about controlling flooding of Merri Creek. Because of increasing development and building construction in areas to the north of the city, flooding is occurring with greater regularity. This problem will increase from time to time. It is not

just a natural phenomena that happens every so many years; it will keep getting worse as development occurs in the watershed of Merri Creek.

I am not satisfied that the recommendations of the Melbourne and Metropolitan Board of Works will receive the attention they should. It has been suggested that the only way to alleviate flooding is to construct a retarding basin at Campbellfield, and perhaps a similar basin at the Coburg Lake, together with straightening portions of the watercourse of Merri Creek. If action is not taken quickly, flooding will occur again, especially if there is a repetition of the heavy rains which occurred last winter. On that occasion the Premier and the Chief Secretary inspected the damage and made all sorts of promises, which doubtless were fulfilled, but we do not want flooding to occur annually as it is costly for the Government, as well as being costly and disheartening for the local people who do not want their houses to be flooded year after year.

I ask the Minister of Water Supply to consider the matter as urgent and to ensure that action is taken to prevent a repetition of the flooding that occurred on 15th and 16th May, 1974.

The Hon. F. J. GRANTER (Minister of Water Supply): In respect to the flooding of Merri Creek, two or three weeks ago I received a deputation which was introduced by Mr. Wilkes, the honorable member for Northcote in another place, a colleague of Mr. Walton. The deputation comprised a group of local residents who pointed out to me these problems they had suffered during the floods. I do not believe they were referring only to the last floods as the problems have arisen and caused inconvenience on previous occasions.

I promised to make representations to the Federal Minister for Urban and Regional Development requesting an allocation of \$6 million so that the Government could go ahead and build a retarding basin, dam, or whatever Mr. Walton calls it.

The Hon. J. M. WALTON: Has this been done?

The Hon. F. J. GRANTER: It is on the way.

The Hon. J. M. WALTON: Has the letter been sent?

The Hon. F. J. GRANTER: Yes. I said that I would take up with my colleague, the Minister for Local Government, the question of development taking place in the Craigieburn area, to which the deputation also referred. The deputation claimed that most of the flooding arose from this area. The deputation did not say that development in that area caused the whole trouble but that it accentuated the flooding of Merri Creek. I have discussed this matter only briefly with my colleague but I will take it up further with him and suggest that consideration be given to the imposition of closer control over future permits being issued in that area. The Government cannot stop work proceeding under permits which have already been granted but it may be able to do something about the issue of permits for future development.

With regard to the Coburg Lake, that is still under the control, as I understand it, of the Coburg City Council. The Board of Works has had discussions with the Coburg City Council but to date, it is still under the control of the council.

The Hon. J. M. WALTON: I am sure the council would be happy to allow the Minister to have it under his control.

The Hon. F. J. GRANTER: That question can be taken up with the Coburg City Council. I, personally, would like to visit the lake and see the problems that exist there.

I assure Mr. Walton that the Board of Works and I are very conscious of the report and the need for action. Only today I discussed with Mr. Croxford a request by the deputation that a retaining wall should be constructed on a site that is used by the Board of Works as a depot. Mr. Croxford informed me

that the matter was being investigated and that he would report to me later this week.

The motion was agreed to.

The House adjourned at 6.45 p.m. until Tuesday, March 25.

QUESTIONS ON NOTICE.

MALLACOOTA BUILDING PERMIT.

(Question No. 279)

The Hon. D. E. KENT (Gippsland Province) asked the Minister for Local Government—

What are the reasons for the delays in the granting of a permit to the Abalone Fishermen's Co-operative Ltd. at Malla-coota for its proposed new building, and when is it expected that a decision will be given?

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

The proposal as put to the Government was dependent, *inter alia*, upon legislation emanating from the Lands Department to release reserved Crown land, but there was at no stage any agreement for presentation of such legislation. Following preliminary Cabinet consideration, officers of the Department of State Development visited the area and discussed the possible relocation of the project, but again no agreement was reached. I personally visited the area in August, 1973, saw the proposed site, discussed the matter with several members of the co-operative, and gathered that the proposal as submitted was not being pursued further. I have had no subsequent representations or requests concerning the original proposal, or any variation of it, and am unaware of any other approaches to Government concerning the matter.

LAND CONSERVATION COUNCIL STUDY OF MALLEE.

(Question No. 285)

The Hon. K. I. WRIGHT (North-Western Province) asked the Minister of Housing, for the Minister for Conservation—

When is it expected that the recommendations of the Land Conservation Council for the Mallee study area will be released?

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

The Chairman of the Land Conservation Council informs me that it is expected that the proposed recommendations of the council for the Mallee study area will be published about October this year.

The honorable member will, of course, be aware that further submissions may be made to the council within 60 days thereof and that these will need to be considered by the council before its final recommendations are formulated and submitted to the Government.

HIGH SCHOOLS IN NORTHERN PROVINCE.

(Question No. 286)

The Hon. M. A. CLARKE (Northern Province) asked the Minister for State Development and Decentralization, for the Minister of Education—

(a) Which high schools in the Northern Province were still short of teaching staff at the commencement of the third week of this school term?

(b) In each such school, which subjects were not adequately staffed, and how many additional teachers were requested in the various subjects?

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization): The answer supplied by the Minister of Education comprises many pages of information, 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) The Secondary Schools Division has for some time voluntarily improved school staffing as set down in the Teachers Tribunal Schedule—Regulation 18. In recent years this has resulted in a marked improvement in school staffing. For example, under the regulation 18 staffing schedule the Shepparton High School entitlement is 47 teachers whereas the actual staff employed at the school is now 59.6 teachers—an improvement of 12.6 teachers. A similar situation prevails throughout all secondary schools.

The Secondary Schools Division is endeavouring to staff schools on a base figure which is determined for individual schools on the premise of the number of teachers considered necessary to provide an adequate curriculum for a school of that size. Further, where it considers that schools have special needs every effort is made to meet these needs. For example, 172 of our secondary schools are staffed above the base figure.

When 1975 staffing was determined in December, 1974, not one school was staffed below the base figure. However, changes in personnel establishments due to such things as resignations, leave, transfers for

compassionate reasons, marriage, and secondments resulted in some schools being staffed below the base figure.

(b) Boort—Requests have been received for one English-history teacher, one art-needlework and one physical education teacher.

Echuca—Requests have been received for one English and one maths teacher.

Kyabram—Requests have been received for two geography-history-English and one maths-science teacher. This school is two teachers short of the base figure.

Numurkah—Requests have been received for one home economics teacher, two physical education teachers, and one music teacher.

Rushworth—Requests have been received for art-craft, one social studies and one English-history teacher. Appointments to social studies and English-history would put school above base figure.

Shepparton—Requests have been received for one English-history and two humanities teachers. The appointment of the humanities teachers would put school above base figures.

PENSIONER RATE CONCESSIONS.

(Question No. 294)

The Hon. M. A. CLARKE (Northern Province) asked the Minister for State Development and Decentralization, for the Treasurer—

Will he give consideration to the extension of municipal rate concessions for pensioners to include sewerage and water rates?

The Hon. MURRAY BYRNE (Minister for State Development and Decentralization): The answer supplied by the Premier and Treasurer is—

The Government has already announced its willingness to examine this matter and it will be under consideration in connection with the preparation of the next Budget.

GRETA WEST AND MIDDLE CREEK WEIRS.

(Question No. 299)

The Hon. A. K. BRADBURY (North-Eastern Province) asked the Minister of Water Supply—

(a) Who is responsible for the operation of the—(i) Greta West weir on the Fifteen Mile Creek; and (ii) Middle Creek weir?

(b) Are dates set down for the opening and closing of these weirs; if so, what are the dates?

The Hon. F. J. GRANTER (Minister of Water Supply): The answer is—

(a) The operation and maintenance of both the Greta West weir and the Middle Creek are the responsibility of the Fifteen Mile Creek Improvement Trust.

The actual works are usually operated by Mr. A. K. Schubert, an employee of the Fifteen Mile Creek Improvement Trust.

During the late spring and early summer months, the weirs are operated in consultation with the commission's senior diversions inspector at Wangaratta, having regard to the requirements of water users on the Fifteen Mile, One Mile and Middle creeks.

(b) No. Apart from the period outlined above, the regulation of the weirs is solely the responsibility of the trust.

Mr. Schubert is also paid a small gratuity by the Water Commission for acting as a part-time diversions officer.

RESIDENTIAL ACCOMMODATION FOR DEAF-BLIND CHILDREN.

(Question No. 300)

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

(a) What residential accommodation is available for deaf-blind children in Victoria, giving the location and the number of children accommodated in each case?

(b) Will the Government undertake to provide further accommodation for these children; if so, when?

The Hon. V. O. DICKIE (Minister of Housing): The answer supplied by the Minister of Health is—

(a) Accommodation is available at some institutions specializing in the care of either deaf or blind children. However, the Royal Victorian Institute for the Blind provides some accommodation for multi-handicapped children, most of whom are deaf-blind. This multi-handicapped unit, located at Burwood, accommodates 24 children of which 21 are deaf-blind. A waiting list for this unit is not kept and admission is granted to children who are assessed by the medical officer in charge as being either trainable or educable.

(b) No proposals or plans are under-way at present to provide further accommodation for these children.

MURTOA HIGH SCHOOL.

(Question No. 301)

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

When will the staff-room extensions and facilities approved in 1973 for the Murtoa High School be provided?

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

Following a request from the Murtoa High School on 16th January, 1975, the Public Works Department was asked to examine an alternative scheme for staff accommodation improvements drawn up by the school.

Preliminary examination by the department's architect have disclosed a number of shortcomings in the revised scheme and accordingly that department will be asked to prepare a fresh scheme incorporating facilities that are now regarded as standard for this type of school.

HOBSON PARK HOSPITAL, TRARALGON.

(Question No. 302)

The Hon. R. J. EDDY (Doutta Galla Province) asked the Minister of Housing—

As the Mental Health Authority hospital at Traralgon is at present closed owing to shortage of staff, will the Minister of Health ensure that staff will be made available so that the hospital can be reopened; if so, when?

The Hon. V. O. DICKIE (Minister of Housing): The answer supplied by the Minister of Health is—

Only the admission ward of the Hobson Park Hospital at Traralgon is closed. The Mental Health Authority is at present actively endeavouring to recruit medical staff from within Australia and overseas. When medical staff, who are willing to work at Traralgon can be recruited, the admission ward will be reopened.

COWDEROY STREET DRAIN AND ELWOOD CANAL.

(Question No. 305)

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

What will be done, and when, about—(i) the Cowderoy Street drain; and (ii) the Elwood canal?

The Hon. F. J. GRANTER (Minister of Water Supply): The answer is—

From time to time the Melbourne and Metropolitan Board of Works carries out regular maintenance of these drainage outlets as conditions warrant it.

At this stage the board does not propose to undertake any major works on the Cowderoy Street drain or the Elwood canal as there are other works of more urgent priority.

HOUSING COMMISSION HOMES IN NORTH-WESTERN PROVINCE.

(Question No. 304)

The Hon. K. I. WRIGHT (North-Western Province) asked the Minister of Housing—

(a) The following applications are current—

			Two and three-bedroom	Lone person	Darby and Joan
Swan Hill	..	..	38	10	3
Nyah West	..	..	8	Nil	Nil
Robinvale	..	..	46	1	Nil

Approximate waiting times—

			Two and three-bedroom	Lone person	Darby and Joan
Swan Hill	..	..	18 months	Indefinite	Indeterminate
Nyah West	..	..	2 years	Indefinite	Indeterminate
Robinvale	..	..	2 years	Indefinite	Indeterminate

(b) The commission's building programme for 1975-76 is currently being formulated.

(Question No. 308)

The Hon. K. I. WRIGHT (North-Western Province) asked the Minister of Housing—

(a) How many applicants for 2 and 3-bedroom houses, lone person units and Darby and Joan flats, respectively, are there at Mildura, Merbein, Red Cliffs and Irymple, giving the waiting period in each case?

(a) The following applications are current—

			Two and three-bedroom	Lone person	Darby and Joan
Mildura	..	..	92	30	8
Merbein	..	..	15	2	Nil
Red Cliffs	..	..	18	27	6
Irymple	..	..	7	Nil	Nil

(a) How many applicants for 2 and 3-bedroom houses, lone person units and Darby and Joan flats, respectively, are there for Swan Hill, Nyah and Robinvale, giving the waiting period in each case?

(b) What is the building programme for next year in each of those towns?

The Hon. V. O. DICKIE (Minister of Housing): The answer is brief but statistical, 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—

(b) What is the building programme for next year in each of those towns?

The Hon. V. O. DICKIE (Minister of Housing): The answer is brief but statistical, 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—

Approximate waiting times—

			Two and three- bedroom	Lone person	Darby and Joan
Mildura	..	..	2 years	Indefinite	Indefinite
Merbein	..	..	18 months	Indefinite	Indefinite
Red Cliffs	..	..	1 year	Indefinite	Indefinite
Irymple	..	..	1 year	Indefinite	Indefinite

(b) The commission's building programme for 1975-76 is currently being formulated.

Legislative Assembly.

Tuesday, March 18, 1975.

The **SPEAKER (the Hon. K. H. Wheeler)** took the chair at 4.4 p.m., and read the prayer.

QUESTIONS WITHOUT NOTICE.

INQUIRY INTO VICTORIA POLICE.

Mr. WILKES (Northcote): Can the Chief Secretary inform the House what protection will be afforded three categories of people who may decide to give evidence before the inquiry into allegations against the police? What protection will be given to police, what protection will be given to the public and what protection will be given to prisoners who desire to make statements to the commissioner or to the person conducting the inquiry?

Mr. ROSSITER (Chief Secretary): It is too early to ask that question as the board of inquiry was officially instituted only at 10 a.m. today. The question of protection can arise only after the board meets. If the board makes recommendations to the Government, they will be considered.

MARTIN DEARAUGO AND PETER STAFFORD.

Mr. ROSS-EDWARDS (Leader of the Country Party): Will the Chief Secretary lay on the table of the Library a file relating to charges made against Martin Dearaugo and Peter Stafford in June or July, 1974,

and later withdrawn after representations had been made by the Honorable P. D. Block?

Mr. ROSSITER (Chief Secretary): I did not quite hear the names of the two people involved.

Honorable members interjecting.

The SPEAKER (the Hon. K. H. Wheeler): Order! The Leader of the Country Party asked a question of the Chief Secretary and I ask honorable members to listen in silence while the Minister answers or refuses to answer.

Mr. ROSSITER: I never refuse to answer, but the Leader of the Country Party should take a little more care in his articulation of the names; one cannot hear what he says if there is a hubbub in the House.

The SPEAKER: Order! The honorable member will ask the question again.

Mr. ROSS-EDWARDS (Leader of the Country Party): The names are Martin Dearaugo and Peter Stafford. It is alleged that the charges were withdrawn after representations were made by the Honorable P. D. Block, M.L.C.

Mr. ROSSITER (Chief Secretary): I shall be honored and delighted to lay the file on the table of the Library.

AUSTRALIAN HOUSING CORPORATION LEGISLATION.

Mr. EDMUNDS (Moonee Ponds): In view of the obvious benefits to Victorians contained in the Australian Housing Corporation legislation which will materially assist

people to obtain houses of their own and which is at present before the House of Representatives, can the Attorney-General inform the House whether he intends to recommend that the Victorian Government should institute a High Court challenge to this legislation also?

Mr. WILCOX (Attorney-General): I will be happy to give earnest consideration to the matter. I am not particularly acquainted with this legislation, although we try to consider most Commonwealth legislation. However, the Commonwealth Government is introducing a spate of legislation, much of which is contrary to the Constitution.

If legislation is passed by the Commonwealth Parliament—one cannot do anything until that happens—and if in our view it is contrary to the Constitution, of course the Victorian Government will look at it with a view to challenging it. This course is available to us under the system in which we live. Whether the legislation relates to the housing industry or not, the Victorian Government is happy if any benefits flow to the community. However, that does not always happen and many promises that come forward from the Commonwealth Government are like pie-crust and amount to nothing. Where there is a clear benefit, the Victorian Government is happy to have it sheeted home to the benefit of the community so long as it is done by constitutional means. If it is not, the Victorian Government will challenge it.

SPORTING ORGANIZATIONS.

Mr. EBERY (Midlands): I ask the Minister for Youth, Sport and Recreation: How many sporting organizations are there in Victoria? As many of these organizations have financial problems, can the Minister indicate to the House how he can help them solve those problems?

Mr. DIXON (Minister for Youth, Sport and Recreation): To the best of my knowledge there are some 77

parent bodies controlling or exercising management control over various sporting associations and clubs in Victoria. Of course, literally thousands of clubs are affiliated with those parent bodies. Of those, 55 parent associations have been registered after advice has been received from the Sports and Recreational Council. The Department of Youth, Sport and Recreation has made available approximately \$250,000 to be distributed between those parent bodies, and the amounts of funds have been determined individually by the needs of each parent association. One important change to be made is that each major parent body will receive a grant of \$7,000 per annum for use for either a coach or an administrator.

MEDIBANK.

Mr. HOLDING (Leader of the Opposition): Is it a fact that on 6th September, 1974, the Minister of Health received a letter from the Australian Minister for Social Security inviting discussions at Ministerial or officer level with respect to the implementation of the scheme known as Medibank? Is it also a fact that at the end of last week the Minister had not even replied or sent an acknowledgement of the receipt of this material?

Mr. SCANLAN (Minister of Health): The statement of the Leader of the Opposition is correct, primarily because at the time the letter was received a number of officers of the Hospitals and Charities Commission had had discussions with Commonwealth officers, and those discussions have continued from time to time. For the benefit of the Leader of the Opposition, I point out that as recently as last Monday week—once again, I understand, at the request of the Prime Minister and the State Premiers—the Ministers of Health of all States met in Sydney to discuss Medibank and the hospital programme. From our discussions with representatives of South Australia, we are aware of the nature of its

agreement, hopes and aspirations about Medibank. Unfortunately, a representative of Tasmania could not attend. We are having further discussions with the other State Governments and the Commonwealth Government, and we are well informed of the situation.

COMPANY LAW.

Mr. McLAREN (Bennettswood): Has the attention of the Attorney-General been drawn to the statement in this morning's press by Mr. Enderby, the Commonwealth Attorney-General, that Victoria and three other States favoured continued risk of scandal and shady dealings in the stock exchanges and securities industry, and that the States' regulation of those activities had been negligent and indifferent? I ask the Attorney-General whether he is of the opinion—

The SPEAKER (the Hon. K. H. Wheeler): Order! The first part of the question is in order. The second part is asking for an opinion.

Mr. McLAREN: The second part is whether the Corporations and Securities Industry Bill in any way affects the approach made to the securities and stock exchange industries, and whether the proposed companies Act at the Federal level will in turn further affect these activities?

Mr. WILCOX (Attorney-General): The question was long and detailed and I will endeavour to be as short as I usually am in answering it. The Bill which has been introduced in the Commonwealth Parliament, and to which the honorable member for Bennettswood referred, does all sorts of things to the corporation law and the securities industry legislation, but it has not yet been passed. If it is passed, it will certainly create great confusion because the States can offer certainty in this regard and, indeed, through the Interstate Corporate Affairs Commission, are offering certainty and a viable alternative to what is going to be a terribly confused situation if the Commonwealth Bill becomes law.

Concerning the earlier part of the honorable member's question, I emphatically refute what was said, as reported in the newspapers. I refer honorable members to an answer given in December last to a question asked by the Leader of the Opposition, which referred to the Rae report and what had been done in this State following the report. It was a long answer, because a long story about what had been done was involved.

With the give and take that applies in being able to sheet home these matters in the corporate affairs area, only recently the Victorian Government lost a case which will cost many thousands of dollars. However, I am glad to say that the Government has won quite a few cases. The question and the answer to which I referred were given no publicity by the media at large. The answer sets out fully the facts on corporate administration affairs in Victoria and, as I said then, fortunately the Victorian Government has a good record in these matters. I will be happy to supply the honorable member for Bennettswood with a copy of the question and the answer and perhaps he might forward it to the gentleman to whom he referred.

IRRIGATION CHARGES.

Mr. HANN (Rodney): Following a deputation to the Premier and Treasurer about two weeks ago seeking a reduction in water rates and charges in irrigation areas because of the severe economic situation in the beef industry, can the honorable gentleman indicate whether a decision has been made and, if so, what are the details?

Mr. HAMER (Premier and Treasurer): I am writing to the people who introduced the deputation and also to the irrigators' leagues, but perhaps I can summarize the proposals which the Government intends to implement in conjunction with the State Rivers and Water Supply Commission to assist in particular those irrigators who come within the category of beef producers.

It is proposed that, if they seek it, the Water Commission will grant them a full deferment of this year's rates—not just the increase but the whole of the rates. If they wish, they can spread payment over the next three years at an interest rate of 4 per cent. In addition, if irrigators other than beef producers are in a difficult financial position, they will be able to apply for similar assistance.

The Government is not prepared to defer the operation of the whole rate, because, as the honorable member well knows, the irrigation districts have some obligation to maintain their own operating costs although they are not called on to contribute to the cost of headworks or the channels, or to pay interest or sinking fund charges. Under the law they are required to meet their own operating costs. It would be a very backward step if a reduction in the over-all rate resulted in retrenchments in the State Rivers and Water Supply Commission staff and a reduction of services in the irrigation districts. The Government is not prepared to do that but intends to give direct help to the people who most need it in the present circumstances. The purpose is to enable them more readily to maintain stock on their properties in the hope that by the end of the year, or soon afterwards, there will be a recovery in the beef export prices.

One further thing that the Government is prepared to do after examining the requests made by the deputation is to remove from the costs of the irrigation districts the whole of the money spent on beautification and improvements made by the commission around water storages—expenditure on what could be called tourist activities and facilities for tourists. To date these costs have been carried by the irrigation districts, but in future the Government will provide for them separately in the State Budget.

BINGO EQUIPMENT.

Mr. CURNOW (Kara Kara): Is the Chief Secretary aware that bingo equipment and stationery is being freely advertised in Melbourne? If so, is this legal? Is it legal for people to buy it? Do those people who advertise it know more than this Parliament, or if bingo is not to be legalized, what will happen to the people who have already bought the equipment and used it?

Mr. ROSSITER (Chief Secretary): I wish to inform the Parliament that the Parliamentary Liberal Party this morning rejected—

MR. WILKES: After all you have said!

Mr. ROSSITER: I have said nothing. The Parliamentary Liberal Party has rejected the proposition that the law should be amended to legalize the playing of housey-housey in Victoria.

I ask the honorable member to put the question on notice because I do not know whether people have been storing up bingo machines or clicking castinettes. Whatever has been done has resulted from some strange assumption regarding Government action. No statement on the subject has been made except that the Government was examining the matter. I feel very strongly for some of the elderly citizens of this State.

The SPEAKER (the Hon. K. H. Wheeler): I respect the Chief Secretary's feelings for elderly citizens, but they have no bearing on the question asked by the honorable member for Kara Kara.

Mr. ROSSITER: The representatives of elderly citizens' clubs are well worthy of all my special feelings.

DRIVERS' LICENCES.

Mr. CHAMBERLAIN (Dundas): I ask the Chief Secretary: In view of past rackets involving motor car licences, particularly licences obtained fraudulently by non-English speaking migrants, will the Chief Secretary

investigate the possibility of having photographs of drivers incorporated in drivers' licences?

Mr. ROSSITER (Chief Secretary): There is no easy "Yes" or "No" answer to that question. The Government has received representations from a number of organizations requesting that this be done, and the matter is being investigated. It is a matter of funds and concerns procedures within the Police Department.

MILK REFRIGERATION CHARGES.

Mr. B. J. EVANS (Gippsland East): Is the Minister for Fuel and Power aware of a State Electricity Commission decision to charge \$85 per horse-power to dairy farmers who convert water-cooled milk vats to refrigeration? Is the honorable gentleman aware that this would amount to \$1,000 or more for an average sized 600-gallon milk vat, and will he take up this matter with the State Electricity Commission with a view to having the decision reviewed?

Mr. BALFOUR (Minister for Fuel and Power): Yes, I am well aware of this decision; I can claim to be party to it. Over the years in areas where farmers have been changing from water-cooled bulk milk to refrigerated bulk milk, there has been a need to augment the electricity supply, and in many places the farmers have borne the costs of that augmentation.

In an effort to assist the dairying industry, the Federal Government recently introduced a scheme whereby interest-free loans will be made available for ten years to assist farmers to change from water-cooled bulk vats to refrigerated bulk milk. This was brought to a head in the Western District, where the managements of two factories which had changed from cans to water-cooled bulk vats now believe that because of thermiduric tests and because of the interest-free loans being available, their suppliers should change to refrigerated vats.

In order to assist farmers and because of the cost of augmenting the electricity supplies and the number of vats involved—approximately 1,200 are to be changed over within eighteen months—my colleagues, the Minister of Agriculture and the Minister of Lands, and I conferred and endeavoured to devise a means by which the matter could be resolved. The cost to the State Electricity Commission will be approximately \$2.7 million, and the commission will bear most of the cost.

We have devised a scheme whereby farmers can obtain interest-free loans to enable them to make the necessary changes to their vats or milk rooms, including rewiring, and to assist them to meet the augmentation costs.

The SPEAKER (the Hon. K. H. Wheeler): Order! This is a lengthy answer.

Mr. BALFOUR: In order to save the time and trouble which would be taken if all the individual farms had to be assessed, it was agreed by the State Electricity Commission that charges would be fixed at \$85 per horse-power, so that the amount of the costs will depend on the horse-power of the motors of the vats. These loans will be interest free.

MILK BOARD INQUIRY.

Mr. WILTON (Broadmeadows): Has the attention of the Minister of Agriculture been directed to an article which appeared in the *National Times* on 3rd March regarding the current Milk Board inquiry into the price of milk, alleging that the firm of auditors which conducts audits for Consolidated Foods Pty. Ltd. is involved in the inquiry? Is the honorable gentleman aware that the article also alleges that the chairman of the board has a brother who is a director of Consolidated Foods Pty. Ltd., and that that firm owes the Milk Board \$2.5 million? In view of the allegations contained in the article, has the honorable

gentleman caused investigations to be made to satisfy himself that during the current inquiry, justice will not only be done but will appear to be done?

Mr. I. W. SMITH (Minister of Agriculture): Firstly, my attention has not been drawn to the article. Secondly, today I have answered a series of questions placed on the Notice Paper, and the answers will be available to honorable members in the next issue of *Hansard* or, if honorable members approach the honorable member for Sunshine I am sure he will provide them with some of the answers. It is the responsibility of the Milk Board under its Act to conduct inquiries and for it to satisfy itself that people who give evidence give it properly. To that extent on this occasion the Milk Board has employed counsel to assist in the inquiry.

PRIVATE BUS SERVICES.

Mr. BIRRELL (Geelong): I refer to the current transport inquiry into fares, services and subsidies for private bus services. Can the Minister of Transport confirm whether outside submissions can be made to that inquiry?

Mr. MEAGHER (Minister of Transport): I assume that the honorable member for Geelong is referring to the inquiry into private bus services and, if so, the answer is, "Yes".

FREEWAY F19.

Mr. JONES (Melbourne): Further to the question I asked the Minister of Transport last week about the socio-economic and environmental impact survey on Freeway F19 in which Clarke Gazzard Voohees Pty. Ltd. has been involved, did the Minister last Thursday instruct the Reverend Richard Wootten, representing the sub-contractors, that Urban Issues Consultants must resign from the project or face dismissal? If Urban Issues Consultants abandon work on the project will they have to be paid a fee amounting to \$28,332 from taxpayers' funds? Further, is

it a fact that the participation of Urban Issues Consultants was known to the Country Roads Board before the contract with Clarke Gazzard Voohees Pty. Ltd. was signed?

Mr. MEAGHER (Minister of Transport): I did have a conference with Urban Issues Consultants last week. As I regard that conference as confidential, I am not prepared to divulge what took place at it. I have no charges of any form of impropriety to make against Urban Issues Consultants. However, I believe their continued association with the study will derogate from the authority of that study because of their association with the pressure group associated with the study. Action has been taken to have their participation withdrawn from the study and the work so far done will be audited by an independent consultant.

BULLET IN PRISONER.

Mr. BILLING (Heatherton): Has the attention of the Minister of Health been drawn to an article in this morning's *Sun News-Pictorial* alleging that the Department of Health had been negligent in omitting to have a bullet removed from the body of a prisoner at Pentridge Prison? If so, can the Minister throw any light on the truth or falsity of that article?

The SPEAKER (the Hon. K. H. Wheeler): Order! The honorable member for Heatherton cannot ask whether an article is true or false. He can refer to it. The first part of the question is in order but the second part is not.

Mr. BILLING: I withdraw the latter part of my question. Can the honorable gentleman give the House any information on this statement?

Mr. SCANLAN (Minister of Health): My attention was drawn to the statement by officers of the Department of Health who were deeply concerned at what they believe is a misreporting of the facts in the *Sun News-Pictorial* this morning—not due to any fault on the part of the *Sun News-Pictorial*. There is a

prisoner who still has a bullet in his body, and he will have that bullet in his body probably to the day he dies. If attempts were made to remove the bullet, they would constitute a very grave hazard to his life and chances of survival. Expert surgeons have been asked to give advice on the matter and they have stated that the bullet should not be removed. The prisoner was advised of this, and is well aware of it. The Ombudsman is also aware that the prisoner was advised.

Regarding the general question of facilities for prisoners at Pentridge Prison, it must be stated that the Government has plans for the construction of a twenty-bed air conditioned hospital. These plans have been in existence for quite some time and are well advanced.

PETITION.

FLUORIDATION OF WATER SUPPLY.

Mr. FORDHAM (Footscray) presented a petition from certain citizens of Victoria praying that the House take action to amend existing legislation to ensure that fluoridation of any public water supply is not undertaken unless requested by a majority of voters in a referendum held in the area administered by the water trust concerned. He stated that the petition was respectfully worded, in order, and bore 119 signatures.

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

COMMAND PAPER.

Mr. HAMER (Premier and Treasurer) presented, by command of His Excellency the Governor, the third report of the Board of Inquiry into the Victorian Public Service.

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

PAPERS.

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

Education Act 1958—Technical Teachers Registration Board Regulations 1975.

Public Service Act 1958—Public Service (Public Service Board) Regulations—Regulations amended No. 335.
Statutory Rules under the following Acts—
Education Act 1958—No. 88.
Estate Agents Act 1958—No. 93.
Evidence Act 1958—No. 92.
Films Act 1971—No. 90.
Metropolitan Fire Brigades Act 1958—No. 86.
Mildura Irrigation and Water Trusts Act 1958—No. 94.
Motor Car Act 1958—No. 89.
Poisons Act 1962—No. 91.
Police Regulation Act 1958—No. 87.
Town and Country Planning Act 1961—
Ballarat and District Planning Scheme, 1966, Amendment No. 12, 1974 (City of Ballarat).
Phillip Island Planning Scheme.
Phillip Island Planning Scheme, Amendment No. 1.
Shire of Maffra Planning Scheme 1965 (Maffra Township), Amendment No. 6.
Shire of Mornington Planning Scheme 1959, Amendment No. 70, 1971; No. 78, 1972; Nos. 92, 93, 1973 (four papers).
Shire of Warragul Planning Scheme 1958, Amendment No. 20, 1974.

MEDIBANK SCHEME.

Mr. HOLDING (Leader of the Opposition): 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 of Victoria to ensure Victoria's participation as from 1st July next in the Australian Government's Medibank proposal.

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

Mr. SCANLAN (Minister of Health): I raise a point of order. I direct the attention of all honorable members to the exact wording of the motion, which relates to—

the failure of the Government of Victoria to ensure Victoria's participation as from 1st July next in the Australian Government's Medibank proposal.

I wish to quote from an advertisement issued and authorized by the Australian Department of Social Security. It states—

Medibank is the new Australian health insurance programme which will be introduced on July 1.

Medibank will provide free medical insurance cover for every man, woman and child in Australia.

My point of order is that Medibank will operate in Victoria from 1st July. This is also clearly stated in advertisements which appeared in this morning's *Sun News-Pictorial*. Therefore, the Opposition's motion is not in accordance with the facts and, further, advertisements indicate that the introduction of Medibank on 1st July is beyond the powers of this State Parliament.

Mr. HOLDING (Leader of the Opposition): The point of the motion is the failure of the Government of Victoria to ensure Victoria's—that is the Victorian State Government's—participation in the scheme.

Mr. SCANLAN: That is an assumption.

Mr. HOLDING: That is a matter upon which we can join issue, and therefore I submit that there is no substance in the point of order.

Mr. WILCOX (Attorney-General): I support the Minister of Health, who has stated the proposition simply. I had no prior knowledge of the motion. The subject-matter is not a matter of urgent public importance simply because Victoria's participation in the scheme can only be determined to be a fact or not a fact when 1st July is reached. If the House were presented with adjournment motions about what might, should or should not happen months ahead—as in this case—that would make a farce of the adjournment motion procedure. The position is as simple as that.

Mr. WILKES (Northcote): As usual, the Attorney-General did not read the motion thoroughly and therefore does not fully appreciate its ambit. It refers to "the failure of the Government of Victoria to ensure Victoria's participation as from 1st July next in the Australian Government's Medibank proposal". The Minister cannot deny that it has already been established that, no matter what unilateral action Victoria takes, this State cannot participate in

the scheme by 1st July. Therefore, members of the Opposition are asking you, Mr. Speaker, to rule against the point of order because of the failure of the Victorian Government to make it possible for the people of Victoria to be insured against hospitalization on and after 1st July through Medibank.

Mr. WILTON (Broadmeadows): In support of the Leader of the Opposition and the Deputy Leader of the Opposition, I point out that the proposed Medibank scheme covers two areas of medical service in Victoria—firstly, the medical service offered to the community by the general practitioners, and secondly, the service offered by the public hospital system, which is under the direct control of the Hospitals and Charities Commission of which the Minister of Health is the Ministerial head.

The SPEAKER (the Hon. K. H. Wheeler): Order! I am hearing the honorable member on the point of order; I do not want him to debate the matter.

Mr. WILTON: I do not intend to do so. I am merely adding this ground in support of the points raised by the Leader of the Opposition and the Deputy Leader of the Opposition that there is no point of order. Clear statements have been made by Federal Ministers that Victoria will miss out on that section of the Medibank scheme which covers the public hospital system. The House is entitled to hear arguments from the Opposition which are designed to clarify the position and which will afford the Minister an opportunity of clearing up the doubt that exists in the community. The Opposition is concerned about the public hospital system. That area is clearly a State responsibility. The House is entitled to debate this matter for the purpose of determining what is the situation.

Mr. LACY (Ringwood): The motion obviously is not in order. It is a confusion of past and future tenses. It says that the Government

has failed to do something in respect of something in a future tense. How can the Government possibly fail to do something in respect of a situation that has not yet taken place? The Opposition is confused and does not know what it is talking about.

Mr. DOUBE (Albert Park): The motion is in order, and the main point made by the Minister of Health is irrelevant. It is true that Medibank is composed of two parts and that as pointed out by the honorable member for Broadmeadows, the Victorian Government has nothing to do with the medical part. However, the hospital provisions of Medibank are an enormous and integral part of the scheme. The Opposition submits that the Victorian Government has had opportunities of taking steps to ensure that the hospital part of Medibank would come into operation. It has failed to take these steps. Because it takes a number of months to get a huge scheme like Medibank off the ground, the Victorian Government is responsible for the failure of Victoria to participate fully as from 1st July, 1975.

Mr. EDMUNDS (Moonee Ponds): On the point of order, it is fairly obvious that it is a matter of urgent public importance that the Government's attitude to participation in the Medibank scheme should be clarified. The motion states that irrespective of tenses—and the point of order must fail. How else can the people of Victoria be informed if not through this debate continuing along the conventional course? The Government's attitude in this matter should be known and broadcast in the widest possible field. As the honorable member for Albert Park has indicated, the hospital section of Medibank is the question that has to be resolved. The Government and the people of Victoria are confused. This is a matter of urgent public importance, and the point of order should fail.

Mr. THOMPSON (Minister of Education): On the point of order, I believe acceptance of this adjournment motion would create an awkward

precedent for the future. Clearly it is dealing with a hypothetical situation. One can conceive innumerable situations that might or might not arise in what remains of 1975, in 1976 or 1977, and if this motion were accepted clearly it would be hard for you, Mr. Speaker, to rule out of order all types of hypothetical situations that could be concocted by the Opposition. For that reason, I strongly support the arguments raised by the Minister of Health and by the Attorney-General.

Mr. SIMMONDS (Reservoir): The Deputy Premier has mentioned a hypothetical situation. The situation is factual. The Victorian Government has taken no action to ensure that Medibank operates in this State on 1st July. It has obstructed the Australian Government in its endeavours to carry it out, and the Opposition wishes to debate—

The SPEAKER (the Hon. K. H. Wheeler): Order! I will hear the honorable member on the point of order but I do not wish him to debate the issue. I have asked other honorable members to confine their remarks to the point of order, and not to debate the issue.

Mr. SIMMONDS: The Opposition simply asks the House to debate the failure of the Victorian Government to take the steps that are necessary to ensure that Medibank is fully operative in Victoria on 1st July. It is impossible for Parliament without hearing the debate, to make a decision on this, and I submit that the point of order is out of order.

The SPEAKER (the Hon. K. H. Wheeler): Order! There has been enough discussion on the point of order. Some honorable members have raised the matter of anticipation, but I do not believe the rule of anticipation applies here. The matter is referred to on page 365 of the seventeenth edition of May where it says it must be of recent occurrence and raised without delay. In view of the recent happenings, I believe that is the case. I rule that the matter is in order.

Mr. HOLDING (Leader of the Opposition): I move—

That the House do now adjourn.

Over the past week the Parliament and the people of Victoria have been subjected to misrepresentation, deceit and mendacity as the Minister of Health and the Premier have both tried to explain and rationalize the stand the Victorian Government has taken on the Medibank proposals. The Premier, who talks of a constructive federalism, and likes to appear as a man of pristine political purity, was forced to contend that his Government was still considering the problems involved in the implementation of Medibank, when he knows that despite two requests from the Prime Minister, and a request received by the Minister of Health, not one conference has taken place.

The Premier was first written to by the Prime Minister on 15th August, 1974. At least the honorable gentleman, unlike the Minister of Health, had the courtesy to reply. On 26th August, 1974, he replied saying that he would discuss the matter with the Minister of Health. On 5th September, 1974, the Federal Minister for Health wrote to the Victorian Minister of Health. I invite the Minister of Health to table all the files and correspondence because they will show that if ever there was an offer that would benefit the people of Victoria—an offer free of strings and inviting genuine participation—and if ever there was an offer based on the understanding that on an issue such as this there must be different approaches in respect of each State because each State has a different system of public health, this was the offer.

Despite the offer and despite the terms nothing was done. As was pointed out by the Minister of Health today, he still has not had the courtesy of replying to the Federal Minister. Not only has there been no reply, but no conferences have taken place between the State Minister of Health and the Federal Minister who

made the offer, or between departmental officers. When the Minister talks about the conference that he attended last week or a fortnight ago he is endeavouring to mislead the House and the people of this community, because he knows that that was a meeting of State health Ministers. On television he was happy to leave the impression with the media that there had been on-going and continuing discussions at both officer and Ministerial levels. The Minister knows that is not true. He knows that to date there has not been a single discussion authorized by him as Minister of Health by any officer of his department with any officer of the Federal department for the purpose of sorting out some of the provisions of this scheme.

In this House the Minister says, "Yes, I have appointed officers". The honorable gentleman may have appointed them to talk to him or to the Liberal Party committee, or to advise him when he goes interstate, but no discussion has taken place with the Federal officers who have been waiting since August of last year, ready, willing and able to discuss with the Minister or his officers nominated for that purpose the problems involved in the implementation of this important project within Victoria.

I invite, as I have already invited, the Minister to table all correspondence in this House. I also invite any honorable member, even the most devout State rights member on the Government side of the House, to examine the terms of the letter between the Federal Minister and the State Minister and to say whether, irrespective of the view he may take about Commonwealth health proposals, the critical question affecting both Governments is whether the offers provide the basis for a genuine rational discussion about the problems that undoubtedly surround this State and any other State in the implementation of Medibank. This is the basis of the Opposition's case,

that no analysis of that correspondence could reach a conclusion other than that the offers made to the Minister were wide open, both in range of discussion and as regards the problems which he might want to put forward on behalf of the Government in accordance with its policy.

The Opposition should like to hear from the Minister why these discussions have not taken place. The people who are being affected because they have not taken place—it is now too late, as the Premier knows, for Victoria to participate in this scheme on 1st July to enable the full benefits of the scheme to flow to the people of Victoria—are not the people on high incomes who can afford to pay high hospital insurance but the people who either cannot afford to be privately insured or who are insured at the lowest level.

As a result of the political philosophy of the Minister of Health and the fact that the Premier did not insist that these discussions take place, from 1st July, 1975, a minimum fine of at least \$2 a week will be imposed on every Victorian family that uses any form of private health insurance. I shall be delighted to hear the explanations of this blackguard Minister who believes he knows everything but who understands nothing. The Minister is not only a blackguard but, when it comes to the point, a political gyp. He tried desperately to avoid this debate because he does not want the House or the people of Victoria to know the shameful role that he has played in this matter.

For the benefit of the Minister and some of his backwoodsmen on the Government side of the House, perhaps it is important to explain what Medibank is. Despite all the propaganda about socialized medicine and national health schemes, Medibank is simply a method of paying medical accounts. It preserves intact the right of the patient to choose his doctor, to choose his hospital and to decide whether he wants to receive

public, intermediate or private ward treatment. That is simply what it is all about.

If the Minister had been prepared to act responsibly and put his political shibboleths and backward political views to one side and enter into real discussion, the benefit which would have flowed to Victoria would be that, from 1st July, 1975, it would not be necessary for any Victorian citizen, unless he so chose, to insure privately for medical benefits. The basis of the offer made to Victoria involved a totally new deal for Victorians. Those who in the past had been unable to afford to insure themselves or their families would receive free medical treatment. Moreover, no medical service, no matter how expensive, sophisticated or complicated, would have cost the patient more than \$5.

Mr. JONA: Who is going to pay for it?

Mr. HOLDING: I shall be happy to deal with that matter. It was proposed that Medibank would pay for medical services whether performed inside or outside hospitals and whether the patient chose public, intermediate or private ward treatment. The Secretary of the Cabinet ought to understand that Medibank is essentially about health funds and not health services. It does involve some important basic political issues in that it revolves around the basic concept that the whole community should accept responsibility for the community's health, and members of the Opposition make no apology for that. Every citizen should receive adequate medical treatment as a basic right, and the responsibility ought to be treated by this Parliament and the national Parliament in the same way as education is accepted as a community responsibility.

It is a sad commentary on our social processes that Victorians can still be brought to court and even gaoled because of their inability to pay medical accounts. Even while the House debates this motion, more

than 1 million Australians have no protection against medical or hospital expenses, and these are the people who stand in the most need of protection. The most recently available figures have been taken out in Adelaide.

Mr. STEPHEN: What are the Victorian figures?

Mr. HOLDING: If the honorable member for Ballarat South visited the Debtors Court he would see people being processed like sausages through a machine as part of the debt-collecting process, and many of the debts are for medical services. A recent survey conducted by the Adelaide University has shown that 40 per cent of all cases in the Debtors Court involved people who were unable to pay for hospital and medical services.

Mr. HAMER: That is in Adelaide, where there is a Labor Party Government.

Mr. HOLDING: These are the most recently available statistics. Admittedly, the figures relate to Adelaide, but the Victorian Government will not undertake the basic research that would reveal the true situation here. The Premier believes he has some virtue in saying that there are no statistics available in Victoria to show the misery and the problems that can be created because large sections of the community cannot afford to be insured under the existing private scheme.

I deal now with political philosophy, because that is at the heart of the Government's refusal to participate in the Medibank scheme. Probably no issue has been debated more lengthily than the Australian Government's national health proposals. It was first debated when it became Labor Party policy in 1967. It was put to the people of Australia in the 1969, 1972 and 1974 elections and in the last two elections it received the mandate of the people. It has twice been approved as a major issue and comprised one of the Bills which

formed the basis of a double dissolution of the Federal Parliament. It was passed a fourth time at a joint sitting of the House of Representatives and the Senate. It is probably true that many people in the community feel that the issues have been debated almost *ad nauseam*.

The scheme as it now comes before the Victorian Government has been attacked by the medical profession, by the private health insurers and by the Liberal Party. The scheme has gone through the Senate and now incorporates amendments which emanated from the Liberal Party. Therefore, it cannot be argued and should not be argued, even by a Minister who is not so quick to understand these things as the present Minister of Health, that with national debate and discussion, any responsible Minister would not have known enough about the issues involved to enter into meaningful dialogue—I think that is the fashionable term now—with the relevant Commonwealth Minister.

What does it mean to the people of Victoria? If Victoria had been a party to the scheme, it would not have been necessary for great numbers of people in our community to take out private health insurance. Obviously the Secretary of the Cabinet does not know anything about the figures because he was a little credulous when it was suggested that it amounted to a fine of \$2 a week. The cheapest form of medical insurance cover for a family involves the payment of \$94.64 a year. This amount would be saved on the cheapest form of cover if the proposals had been willingly accepted by the Government of Victoria. For the person who takes out a family cover for medical and hospital treatment in a public ward the saving would amount to \$185.64, for an intermediate ward it would be \$169.52 a year, and for a private ward it would total \$183.56 a year. Therefore, I was being generous when I said that the Government's actions involved a minimum fine of \$2 for Victorian families who insure

for medical and public ward treatment. Those who insure for medical and public ward treatment, because of the political philosophy of the Minister, are involved in a financial burden of \$185 a year.

At the same time there was an offer from the Commonwealth to contribute 50 per cent of the net running costs of the Victorian public hospital system which, on the figures from the Commonwealth, involved an offer of \$25 million. It is public knowledge that the Victorian hospital system is sorely in need of funds. There may be some argument if one looks at the more recent statements by the Premier that the figure of \$25 million is too low. Nowhere in the correspondence from the Federal Minister or from the Prime Minister to the Premier was the amount of \$25 million mentioned. It was simply an offer to meet 50 per cent of the cost of running our hospital services.

Accordingly, there was an offer of considerable funds; an offer which would relieve tremendously the financial burden on many members of our community, a minimum of \$2 a week; an offer which in no way affected the doctor-patient relationship, the patient's right to choose, or the doctor's financial or professional standing. The more honest members of the medical profession understand that what is being offered is an alternative method of settling their accounts. For many doctors the payment will be more prompt, more simple and more reliable.

Mr. JONA: Are you accusing the medical profession of being dishonest?

Mr. HOLDING: Certain sections of the medical profession have acted with great dishonesty and have done themselves a disservice in their spurious allegations about the effect of the scheme on doctor-patient relationships. Many medical practitioners are dedicated to the profession, but there are those whose aim in life is to make a quick dollar and as much as they can.

All that the scheme proposed was, for the first time in the history of this State, to ensure that medical care was the basic right of every citizen, and not just a purchasable commodity in the market place.

I turn to the correspondence which I invite the Minister to table, because I have only a summary of it. On 26th August, 1974, the Prime Minister indicated the nature of the offer and said specifically that many machinery matters would no doubt require a mutually acceptable determination.

In his letter on 5th September, the Minister for Social Security indicated to the Minister of Health that neither he nor his officers had had any opportunity of discussing at Ministerial or officer level the White Paper on the universal health programme. The Federal Minister referred the State Minister to section 30 of the Act which allows significant flexibility in matters to be included in such agreement. The Federal Minister sought the most general indication of the Minister's views and suggested that officers should prepare detailed proposals for examination. There has been no response to that letter, no action, and no concern shown by the Minister of Health.

Confronted with that situation, on 2nd December, 1974, the Prime Minister wrote to the Premier indicating that no reply had been provided and pointing out that the target date for the implementation of the scheme was 1st July, 1975, that the Federal Government was anxious to extend the benefits to all States and that it was highly desirable to finalize agreements with the States by the end of February because this would provide a lee period of four months. It was pointed out specifically in the letter from the Prime Minister that unless there was some movement by the Government of Victoria, Victoria would miss out.

Specifically, the Prime Minister asked for an indication of the Victorian Government's willingness to

enter into the agreement so that Victorians could get the benefits of the scheme by the target date. The Prime Minister received an acknowledgment from the Premier saying that he would discuss the matter with the Minister of Health. Can anyone say objectively that that was a positive response from a Government which viewed favourably the principles involved in Medibank but which, being properly concerned at some of the difficulties in its implementation, wanted to resolve those problems and in the process obtain the best possible deal for the people of Victoria? There could have been no objection if that had been the motivation of the Minister and if that had been his approach.

The Liberal Party has publicly opposed Medibank. I feel sorry for the Federal Leader—when I last heard, his name was Snedden—because the poor chap is carrying more chips on his back than the Broken Hill Proprietary Co. Ltd. can sell to Japan. In February the Federal Leader of the Liberal Party informed the people of Australia that the policy of his party was that a Federal Liberal Government would dismantle Medibank because it was not in accordance with its political philosophy. That may explain the inaction of the Minister of Health, because he knew that it was the policy of the Federal Leader of his party to oppose Medibank. The Federal Liberal Party would do more than oppose Medibank; the party would dismantle it and destroy it. That was said by the Federal Leader at a public meeting in Brighton and it was reported by the media. I have the press cuttings if the honorable gentleman wishes to see them.

In view of the political position of the Federal Liberal Party, it is not surprising that the attitude of the Victorian Minister of Health and the Premier is that it does not matter what it will cost the people of Victoria; political loyalty to this failing, incredulous Leader and this ramshackle national party is more important than the provision of a

proper level of medical care for the people of this State. Since this matter has been discussed, all that has been heard from the Minister of Health is an attempt to obfuscate the issue with his petty-minded attitude and school standard debate.

What is the net result? Twelve months ago the Minister engaged in a cheap political stunt when he introduced into the House a Bill to prevent Victorian hospitals from dealing directly with the Commonwealth Government. He has made himself the local mouthpiece for every vested interest concerned to inhibit the national health scheme. He has even consented to try to prevent senior hospital officers from co-operating by making their talents and services available to their own national Government. This is the political track record of a Minister who presides over a health system which suffers from the highest medical insurance rates for the lowest level of medical benefits anywhere in Australia. The inadequacy of the services in Victoria for the physically and mentally handicapped is a national disgrace.

The honorable gentleman knows, as does the Premier and every other member of this House, of the shortages and maldistribution of public hospital funds and of nursing home and geriatric facilities in Victoria. In the light of the Australian Government's proposals, and the fact that it provides the basis of co-operation for the Victorian Government to provide a new deal in health services for the people of Victoria, the failure of the Minister of Health to initiate discussion and to ensure positive response means that he stands condemned. One understands his truculence and the way in which he has on every occasion obstructed these important national objectives. The Opposition rejects the standards of medical care being effected by the Minister of Health, and the misleading way in which he has attempted to explain to the House his own poor performance.

The Treasurer occasionally still tries to pretend that he is a trendy, small "I" liberal, but he needs to have a bit of backbone, and if he is not prepared to stand up to a Liberal Party which is running hard to the right, the real victims will be not himself and his colleagues but the people of Victoria. The failure of the Premier and of the Minister of Health to deal with what was clearly a bona fide offer which would have ensured a record flow of funds into Victorian public hospital services and promised a new deal in health services for the people of this State again requires the strongest condemnation of the House, and that is why I have much pleasure in moving that the House do adjourn.

Mr. SCANLAN (Minister of Health) : Honorable members have heard an amazing diatribe from a Leader of the Opposition who is regarded throughout the nation as having a lower popularity than even the Prime Minister because he is so weak and ineffectual, and is a pale shadow of an apology for the Government in Canberra which seeks to introduce many policies that are destructive to the nation and which, when those proposals need rectification, must fall back on policies propounded by the Federal Liberal Party and the Country Party.

How many distortions, false assumptions and statements have been made by this pale shadow of a Leader of the Opposition? He has stated publicly that I have not met Mr. Hayden. Mr. Hayden and I have had three meetings.

Mr. HOLDING: On this matter?

Mr. SCANLAN: Yes.

Mr. HOLDING: What are the dates of the meetings?

Mr. SCANLAN: The Leader of the Opposition suggested that there has been no discussion between the Federal Minister for Social Security and me on Medibank and national health. Medibank is a national health scheme with a slight addition; the

name is being advertised at the scandalous cost of \$1.5 million of public money. I invite honorable members to examine where discussions have been held, because the Leader of the Opposition is so blatantly ignorant of Medibank and the total proposal for hospital services that it will be necessary to clarify his mind on one or two points.

Medibank or national health is not a proposal that relates only to one element of hospital and health care. It is a wide-ranging programme of certain initiatives in the hospital and health area. To satisfy the ignorance of this appalling Leader of the Opposition and his appalling Opposition supporters, I state that there are several major agreements into which the Victorian Government has entered with the Commonwealth Government. These are related to the total programme.

The agreements are the Hospital Development Programme, the Australian Dental Health Programme, the Community Mental Health Programme and the Community Health Programme. They are an essential part of the original Deeble and Scotton proposals.

Recently discussions were held in Sydney with the other State Ministers of Health, including the South Australian Minister. Their position was clearly indicated, and it was stated that Victoria had not rejected Medibank despite the attitude of other States. Discussions were held with the South Australian Government. Correspondence has been received from the Prime Minister and the Federal Minister for Social Security, together with a White Paper from the Commonwealth Government on this matter.

The Victorian Government has asked the Commonwealth Government if there is anything to add to those agreements and papers that have been forwarded, and the answer has been "No", except that the proposed 1.35 per cent tax levy has been abandoned. It is obvious that the

Leader of the Opposition has been ignorant of it and has been playing Little Lord Political Fauntleroy, and he does not play it very well.

Let us examine the criticism of the Government of Victoria on the proposed Medibank scheme so that the position is clearly known. The Government has not rejected Medibank and will fight to ensure that if and when it is accepted it will be done on proper terms for the benefit of the people of Victoria. The Government will act responsibly, not like the rabbit-type apologists for the Federal Government at Canberra.

I shall begin with one area of grave concern to every member of the Government side of the House which has been ignored by the Opposition. One of the glaring omissions of the proposed Medibank scheme—and this would be a condition of Victoria's entry to the scheme—is provision in the field of mental health. A careful examination of Medibank will reveal that, following the last conference of Ministers of Health and at the request of the Victorian Government, all State Ministers of Health agreed that benefits should be paid for patients who are mentally ill and require up to twelve weeks' psychiatric treatment in a mental health institution. Those under the Medibank scheme might be paid for in the hospital area but would not be paid for in Victoria, where placed in mental health institutions separate from hospitals. This is one area which the Victorian Government will carefully examine, and it should be made a condition that, if Victoria enters the Medibank scheme, the Commonwealth Government will pay for those who need up to twelve weeks' psychiatric treatment in a mental health institution.

But what of the other areas of concern, such as 50-50 sharing? The agreement is contained in the White Paper. It is still being examined by Treasury officers and by other States. To ensure that the record is clear, I might add that not a single State in Australia as yet has an agreement with the Commonwealth Government.

Even South Australia has agreed only in principle, and that State is confronted with quite a few problems.

This talk by the Leader of the Opposition that Medibank will care for the needs of the lower-income group and the pensioners is a lot of hogwash, and he does not understand the nature of Medibank; at present the public wards of Victorian hospitals are geared to treat free, pensioners and low-income earners. These are the people who, under Medibank, will have long delays in obtaining surgery and treatment, because the beds will be competed for by the wealthy.

Honorable members interjecting.

The SPEAKER (the Hon. K. H. Wheeler): Order! I afforded the Leader of the Opposition as much protection as he required, and I shall do the same for the Minister of Health. I ask that he be heard in silence.

Mr. SCANLAN: The medical superintendents of Victorian hospitals have clearly stated their concern at the chaos which is likely to occur in the Victorian hospital system with the introduction of Medibank, and this is quite justified. They have further stated that there will be increased demand for public ward beds under Medibank and that people who cannot obtain the services of general practitioners will come to hospital, thus putting further pressures on the State public hospitals, and that the State Government will have to meet 50 per cent of that cost. This is the attitude which I support and which the Government accepts; it is the belief of the medical superintendents of Victoria's hospitals. The surgeons themselves have written to me—it is all very well for honorable members to laugh, but this correspondence has been published. The attitude of the surgeons is that they are fundamentally opposed to "Little Lord Fauntleroy", who professes to know so much about the Medibank scheme but who knows so little. The surgeons are concerned for their patient relationship.

Once again members of the Opposition fail to understand the nature of the opposition and criticism that the State Government has to Medibank. Ultimately the Government could move into Medibank but only with clear guarantees. I shall list those guarantees: Firstly, the Government wishes to ensure that patient care will in no way be diminished, that no person in a Victorian hospital will be any worse off, as they are likely to be if Victoria recklessly goes into Medibank.

Secondly, the Government considers that the co-operation of the medical profession on the introduction of Medibank is essential. That co-operation must be obtained. To date there is no indication of co-operation by the medical profession in South Australia, let alone in Victoria.

Thirdly, it is essential that the Commonwealth Government, as part of any agreement on Medibank, should give to Victoria a proper amount to compensate the State for the likely increased demand and for modifications that will be necessary to Victorian hospitals to enable them to meet the great number of patients that will seek public rather than private patient care. The sum of \$25 million is a small amount. If Victoria accepted this miserable sum under the Medibank scheme it would have to increase State taxes because Victoria would be more in the red than it is at present. This is the problem confronting the State.

The Government denies that it has been dilatory. Victoria will act responsibly when the time comes for the State to determine its attitude. That attitude will be determined in conjunction with the States of New South Wales, Western Australia and Queensland, and with account taken of the need for the Victorian Government to act responsibly at all times to protect the public of Victoria and to ensure that standards are maintained.

Mr. Scanlan.

The Leader of the Opposition made a number of quotations, such as the statement that 1 million people are not insured. He referred to statements that have been criticized from time to time as being vague and without factual basis by members of the medical profession, by members of health insurance funds and by persons interested in the provision of health services generally.

The trouble with the Leader of the Opposition is that he will accept nothing except the words that come from Canberra; he cannot understand that the words from Canberra have no credibility with the rest of the nation. So the honorable member is going down in public estimation because he is not prepared to stand responsibly and to act in conjunction with the Government of Victoria to ensure a proper deal for the Victorian public; that is what is at stake. Any lowering of the State's hospital and health standards is dangerous. There are sufficient models in the United Kingdom to indicate that the national health scheme, which Medibank is, has enormous inherent dangers and can lower the standards of health and hospital care that are essential to the well being of the public which the Government should represent at all times in a responsible manner.

Mr. BAXTER (Murray Valley): There are two distinct aspects of the Medibank proposal. One is the medical system, the payment of doctors' fees, which will start on 1st July regardless. That aspect has nothing to do with the State Government. I know it can be argued that doctors will not co-operate, but that is an issue distinct from this. The motion really deals with the hospital section of the Medibank proposal and whether that commences on 1st July.

Traditionally, ever since Federation, hospitals have been a State responsibility. It behoves this or any other State Government to examine a proposal from the Commonwealth closely before reaching a decision.

It would appear that the Labor Governments in South Australia and Tasmania have adopted the attitude, "Our party is in Canberra; it is proposing this scheme; it must be good; therefore we will join it". That is a wrong attitude to adopt. Surely a close examination must be made of the whole system before any State Government enters into the scheme, bearing in mind that hospitals and hospital services have traditionally been State responsibilities.

I am not adopting a States' rights attitude; all I am saying is that State Governments have been responsible in this area in the past, and if we are to change the system we should ensure that we get a better service—not a worse one or one that diminishes the alternatives open to the patient.

It would seem that there is tremendous confusion and a lack of information available about precisely how Medibank will operate. Even in today's *Australian* newspaper, there appears a further article which attempts to spell out the precise nature of the Medibank system. All sorts of information is being bandied about by the media. Last week one television station held a telephone vote on the scheme. The result was 18,000 in favour and 9,000 against. Of course, that sort of vote was to be expected because the information disseminated by the reporter concerned described the proposal in glowing terms.

I am not suggesting that the Medibank scheme will not be good for the State, but I am saying that there are some disadvantages that have not been spelt out to the people. Therefore, it is wrong to state what a telephone vote may mean. The doctors of the State, who are vitally interested, whether they are members of the Australian Medical Association or not, are concerned about the operation of the system not only from the medical aspect but also from the hospital side. Probably every honorable member who has consulted his local doctor recently has had this concern

expressed to him. Unless Victoria is given vital information about how the scheme will work in its day-to-day operations, it is fair enough to compare it with the systems operating in the United Kingdom or in New Zealand and to come to the conclusion that it will not be any good.

It is suggested that the Medibank scheme will be free. That is a half truth. In no way could it be said to be a free health scheme; it will be paid for by taxes. Most Government-administered schemes tend to become expensive. I should like the Commonwealth Government to make it clear that the men and women of Australia will be paying for this scheme through their taxes. For anyone to say that the scheme will be free is to do the Commonwealth Government a disservice.

A third and important question that has not been explained to my satisfaction by either the Leader of the Opposition or the Commonwealth Minister for Social Security, Mr. Hayden is: Who pays for the pensioners under this scheme? The Commonwealth Government is fond of saying that it is responsible for pensioners, that it will increase pensions by \$5 a week and so on. However, for a number of years the State Government has been carrying pensioners because of the free medical service provided and the miserly amount made available to the State by the Commonwealth. It is not only the present Federal Government that is at fault. The previous Government was also miserly in this regard.

The Minister of Health mentioned the sum of \$25 million. I agree with him that in this inflationary age that amount is nowhere near sufficient to compensate the State for its expected extra expenditure under the Medibank scheme. I cannot work out who is going to pay for pensioners.

It is fair to say that the Minister of Health has not been as co-operative as he might have been. A number of allegations were made by the

Leader of the Opposition about the lack of meetings and the failure to answer correspondence, and I am not sure that the Minister answered those allegations satisfactorily. The honorable gentleman has at times climbed aboard his political white horse and has charged around to the detriment of co-operation. I invite the Minister to adopt a more reasonable attitude.

Surely members of this Parliament should be anxious to support a scheme which is to the greatest benefit of the people of Victoria at the least cost. That can be achieved only if there is fair give and take on both sides and if there is sufficient negotiation by both sides. After the Cabinet meeting yesterday, following the Premier's statement that Victoria would join Medibank subject to the satisfactory answering of a number of questions, one would have expected the Commonwealth Minister for Social Security to say, "That's good; I am keen to assist the State in getting those answers". Mr. Hayden did not take that attitude. He said, in effect, "Victoria is a bit late; it's about time". There appears to have been a definite lack of co-operation and communication on the part of both the Victorian Government and the Commonwealth Government. Members of the Country Party have considered the motion moved by the Leader of the Opposition. At this stage we do not feel constrained to support it.

Mr. LIND (Dandenong): I support my Leader's motion; the House should carry it overwhelmingly. The Minister of Health delivered a tirade of abuse at my Leader. The honorable gentleman waved his arms around and talked about things that he said were needed by Victoria before this State will accept Medibank. Why did not the Minister make these statements to Mr. Hayden and his advisers? Why did he not attempt to co-operate? It is of no use the Minister saying that he did because Mr. Hayden told me that he could not get any co-operation from the Minister and his advisers. When one asks Mr.

Hayden or the Federal Minister for Health, Dr. Everingham, about Victoria, they always reply that they get fine co-operation from the Hospitals and Charities Commission but none from the Minister and his direct advisers.

This situation has existed for a long time. It is all very well for the honorable member for Murray Valley, the spokesman for the Country Party, to say that there should have been some give and take on each side. Mr. Hayden has fallen over backwards to co-operate over the past eighteen months or two years.

This situation has been indicated by articles, including leading articles, in the daily newspapers. Over a long period they have expressed their disgust at the failure of the States to co-operate with the Commonwealth in a scheme which the people obviously want and on which they have forcefully expressed their opinion on more than one occasion, even following a double dissolution of the Federal Parliament. The procrastination by the Minister of Health has been to the detriment of the people of Victoria. The people who are missing out most are the poor, the pensioners, and those with large families on low incomes. If Government supporters moved amongst people who work in factories and on the end of a chain gang and who receive \$100 a week and less they would realize how difficult it is for these people to meet the expenses of the health scheme proposed by the Victorian Government. It is a broken-down scheme, brought in by a Liberal-Country Party Government, and it has been propped up for too long. It is worn out and has to be changed.

It has been stated that there has been opposition from various quarters, including the medical profession, to Medibank. It was hardly to the Minister's credit to mention, as he did, the opposition by hospital administrators because from my recent talks with them it is apparent that the Minister is very much off-side with them. There is considerable

acceptance in the medical profession and in the hospital field of the proposals of the Federal Government.

Reference was made to the British scheme. I was in Great Britain recently and the only opposition I heard to their scheme was from about 1,000 disgruntled doctors.

Mr. BILLING: Oh, no!

Mr. LIND: The honorable member for Heatherton needs to be careful. A Bill introduced recently by the Minister of Health may debar the honorable member for Heatherton from being a member of Parliament. The people in England do not want their medical scheme changed. It was a bit creaky following the régime of the Heath Government and the Ministry of Sir Keith Joseph, but when the Wilson Government came into office it was improved and has the support of nurses and radiologists and others who now get reasonable payment. In fact, the scheme has taken on a new life. Few people in Great Britain want to change the present system.

The Minister of Health made an impassioned plea regarding the mentally retarded. He knows as well as any other honorable member that the Federal Minister for Social Security, Mr. Hayden, has on many occasions offered to speak to him and put propositions to him that would overcome some of the difficulties in Victoria in the special administration of the mentally retarded. It has been pointed out to the Victorian Minister that some funding for this purpose could be available under section 96 of the Commonwealth Constitution, but at no time has the Minister accepted Mr. Hayden's offer. One can only conclude that he preferred not to eat humble pie but to see the minus children and the mentally handicapped suffer because of his gross pride in himself.

It is well known that offers have been made by the Federal Government and not accepted. It is also well known that the Minister is not in the least concerned that the people of Victoria may suffer by being de-

prived of participating in Medibank. It is all very well for the Minister to say that the Victorian Government will accept the scheme under certain conditions. The longer Victoria stays out of the scheme the longer are the people of Victoria deprived of its benefits. I point out that the people of Victoria have voted for the scheme twice.

There are many ways of stopping a scheme without opposing it, and this is the real spiking that has gone on by the Minister and the Government over Medibank. Many words have been used to describe the scheme and members of the Opposition have been told that they do not understand what is involved. It is not a national health scheme in its entirety; it is a scheme which will allow the people to choose their own doctor and allow them to seek treatment in a public ward of a hospital free of charge. It behoves the Government to increase the number of beds in public hospitals to allow the scheme to operate properly. The greatest Tory of them all, the Premier of Queensland, supports the provision of beds in public hospitals—a system which has operated in that State for a long time.

In Dandenong public ward mid-wifery beds are non-existent and beds in public wards are hard to get. People surely deserve treatment in public beds if they want it. If they want additional care in hospital, they can obtain that by subscribing to one of the existing funds. However, the existing funds have failed to co-operate with the Federal Minister and many of them have been stupid in their attitude towards Medibank. Some of the major funds have almost gone to the stage of depravity in the official reports they have issued. They have been allowed to accumulate funds equal to three months' subscriptions at the present rates. In fact, they aimed at having five months' contributions in reserve. When the Federal Government wanted to make sure that the funds which were wavering could be wound up without depriving their members of benefits, the Opposition in the Senate

objected and defeated the Bill which sought to achieve this. This prevented the Australian Government from taking the necessary action. That Government showed it was prepared to help in every way possible, but nowhere can one find where the Victorian Minister of Health has attempted to co-operate with the Federal Government to enable Medibank, which is so vital to the people of Victoria, to operate.

The role of the Australian Medical Association in connection with Medibank is to be deplored. The medical profession must surely be one of the most highly paid in the Commonwealth, perhaps with the exception of the highest paid dentists. One would think that with all their pride and because of what they did in an honorary capacity for many years—this was much appreciated but it does not now exist—they would have been prepared to look at the needs of their fellowmen in the community and participate in the scheme so that better medical facilities would be available. However, they are the people who have tried to spike the scheme. Despite this, many doctors and other trained medical people, and many hospital administrators, are prepared to co-operate in Medibank. The scheme may get off to a bad start but it will succeed.

It is all very well for the Minister of Health to say that \$25 million is a mere bagatelle, but that is a lot of money and more could be involved. I am certain that the contribution by the Australian Government will be even greater. The Australian Government will be funding more than 50 per cent of the hospital costs. I made some inquiries and I found that some of them did not get even 10 per cent of their funds from this Government.

An increase in the number of public beds in hospitals must follow the introduction of Medibank. This may take some time because of the procrastinations of the Victorian Minister of Health, but it is inevitable. Had he co-operated from the beginning with

the Australian Government we would have been able to see the light ahead of us. Now it looks as though Victoria could be lagging behind the other States and residents of this State will have to continue to pay contributions to medical and hospital benefit funds when they should not have to do so. Surely the working man with six children who has to pay \$6 a week for medical and hospital fund contribution out of the wage of \$100 a week he earns should not be required to pay this amount. He cannot afford to pay. So obviously he drops out of the scheme and as a result becomes a burden on the community. This will not happen under Medibank and the Minister of Health should co-operate with the Federal Government in an endeavour to bring adequate medical care to all the people of Australia and not only to those who can afford to pay for it.

Mr. RAFFERTY: There are not many of them.

Mr. LIND: People come to my office who are earning less than \$90 a week, out of which they pay \$30 a week rent. What is left would not take them very far. Medibank is an excellent way of showing the people of this State who do work that their efforts are appreciated. They should not be thrown to the wolves, as the Minister suggests that they should be. Long ago, if Government supporters had listened to their advisers on this scheme, they would have agreed to it and it would have been operative in Victoria from 1st July. The Minister of Health has been pig-headed and was not prepared to sink his pride, which is most colossal. I appeal to members of the Government party to consider all the people in Australia and to do everything they can to hasten the introduction of Medibank.

Mr. HAMER (Premier and Treasurer): This is a mismanaged and misleading adjournment motion which must be defeated. Before I describe the Government's attitude in more detail I should like to dispose of four red herrings which have been drawn across the trail during the debate. The first is that the Leader of

Mr. Lind.

the Opposition suggested that pensioners and other low-income earners were suffering because of the non-introduction of Medibank. They are not suffering; does he not know that no pensioner in Victorian public hospitals pays anything for his or her hospital treatment? Does he not know that people who cannot pay are excused from paying their hospital charges? He has suggested that people are being hounded to pay hospital accounts. Does the honorable member not know that every prosecution for non-payment of hospital accounts has to be authorized by the Minister, that no one is hounded and no one is prosecuted, except those who have the ability to pay but have failed to do so?

More than one quarter of the patients in Victorian hospitals are pensioners, who pay nothing. Another large proportion are people who are unable to pay and who do not pay. I should like to correct the impression that there is a grave injustice under the present system.

The second point I want to make is that Medibank is not free. The publicity scheme, which is costing the Federal Government \$1·5 million, completely fails to reveal the facts. It states that the cost of Medibank will be funded from "tax revenue", but makes no suggestion that higher taxes will be levied for this purpose. If the Leader of the Opposition does not understand that there will be a personal financial responsibility through taxation on people who are now paying for their hospital treatment either through benefit associations, or direct, he should re-examine the matter. Medibank is not free; it is paid for one way or the other by the taxpayer and overall there will be an increase in the total cost of hospital care, which will have to be met by the taxpayer.

The third point is that there is no agreement between any State and the Commonwealth about the introduction of Medibank. The States in which there is a Labor Government,

no doubt bound by Australian Labor Party Federal policy, have accepted Medibank in principle and only now they are starting to negotiate the many problems and difficulties associated with it. They have accepted the scheme in principle and are now talking about the problems. The Victorian Government has talked about the difficulties first. It wanted to know what the problems are and is now ready to discuss them. It wants the difficulties removed before it enters the scheme. That is a responsible attitude for the Minister and the Government to adopt.

If the Federal Government had really been intent on solving the problems in Victoria's hospital system financially, it could have done so very simply. For many years the Ministers of Health in all States, Labor, Liberal and Country Party, have been pressing the Federal Government—not only the present Federal Government but former ones—to pay a proper amount for pensioners in hospital. The miserable amount of \$5 a day that the Government receives has been unchanged for years. The bed cost in public hospitals is \$65 a day.

Mr. ROSS-EDWARDS: The Commonwealth pays \$5?

Mr. HAMER: That is correct. That means that the Victorian taxpayer is paying \$60 a day for each pensioner in hospital, and they number more than a quarter of all patients. If the Federal Government had been intent on helping with the hospital costs, it could merely have taken up its responsibility under its social services power to look after pensioners when they required hospital treatment and paid for that treatment. That is a plain fact. If that had been done, the Government would have been happy to charge nothing for a public bed.

Mr. CURNOW: Have you asked for that?

Mr. HAMER: We have asked for years and years.

The SPEAKER (the Hon. K. H. Wheeler): Order! I again appeal to the honorable member for Kara Kara. He will have his opportunity at the appropriate time, and I ask him not to interject again.

Mr. HAMER: I thought even the honorable member for Kara Kara would have understood that this has been a unanimous resolution and request, for at least five years, of every State Minister of Health, irrespective of whether he represented a Liberal, Labor or Country Party Government.

One reason for the adjournment motion is the complete failure of the Opposition to understand the real ramifications of the Medibank proposal and the many investigations and calculations which must be made of its effect. The Government has received submissions—some have been protests, but many have been sensible submissions—from a wide range of people interested in Medibank and its effect. Naturally, submissions have been received from the Australian Medical Association; a long report was received from the Hospitals and Charities Commission; the various benefit associations want to know what effect Medibank will have on them; surgeons, physicians and hospital superintendents drew attention strongly to the real risk that there would be insufficient public beds in Victoria if Medibank were introduced suddenly. The Department of Health calculates that Victoria might be 800,000 bed days short under this scheme. These are some of its ramifications.

I shall now refer to some of the problems which the Victorian Government has been considering. The Government understood that the offer was to meet 50 per cent of the "net cost" of public hospitals. One of the chief items of doubt is what the words "net cost" represent.

Mr. HOLDING: Have you taken that up with Mr. Hayden?

Mr. HAMER: I assure the Leader of the Opposition that that will be taken up with Mr. Hayden. The next doubt has been the payment of honoraries. This question was taken up by the Federal Government only towards the end of last year, and yet the outcome will make an enormous difference to the cost of running the hospitals. If the present services given by top-flight honorary surgeons and physicians had to be paid for, the difference could be reckoned at \$22 million. The question is whether these people are to be paid a fee for service, which they want, or for a session, which is apparently what the Federal Government insists on. This makes an enormous difference to hospital costs and to the attitude of these people. I do not blame them for that.

The position of bush nursing hospitals is in serious doubt. In the original scheme it was suggested that there would be an insistence on paid doctors being in attendance all the time or on some sessional basis. Honorable members are aware that the vast majority of bush nursing hospitals depend on the services of the local general practitioners. They would be lost without them. The Government wants to know exactly where the bush nursing hospitals stand. Private hospitals provide some 8,000 beds in Victoria. Enough is known of the problems that South Australia already has to make the Victorian Government very cautious before entering a scheme without knowing exactly where the private hospitals stand. The Government wants to know the likely costs of running the public hospitals in 1975-76. The average bed cost at present is \$65 a day. Next year it is expected to rise to \$80 a day. This miserable \$25 million offered by the Commonwealth will go nowhere towards offsetting that cost.

Mr. WILKES: It is 50 per cent of that cost.

Mr. HAMER: Fifty per cent of the "net cost". The figure of \$25 million has been quoted over and again. This morning I heard the Commonwealth Minister for Social Security say on the radio that the cost of Medibank would be \$1,407 million. He was asked what would be the additional cost if New South Wales, Western Australia and Victoria entered the scheme. He said he had omitted that cost but estimated it at \$75 million. Clearly he is still thinking in terms of \$25 million for Victoria. That attitude must be altered because the cost will be much more than that.

The Government wants to know the position of psychiatric patients in Victoria. Should they be second-class patients or should they be regarded as important as the physically ill? At present they are not included in the scheme. What is likely to be the availability of beds? Let me make it clear that at present a type of means test exists for people applying for public beds. Those who are deemed able to pay are put into intermediate beds. What is to be the shift of patients from intermediate to public wards under Medibank? The Government wants to ensure for the reasons I have given, that there is full availability of top-flight surgeons and physicians in the hospitals. They have to be satisfied about the terms and conditions on which they will give their services, because they are not obliged to give them. Many have outside practices, and we want them to give the same standard of service in the public hospitals as they give at present. Regardless of the snide remarks of members of the Opposition, the standard in Victoria's hospitals is very high, and we are rightly proud of them. It is our intention to ensure that that standard is maintained.

We want to know that the patients who have a freedom of choice of doctor or surgeon will still have that freedom of choice.

Mr. HOLDING: Of course; you know that.

Mr. HAMER: The Leader of the Opposition might not be aware that there are strong feelings on this issue.

Mr. HOLDING: By whom?

Mr. HAMER: By patients who want to know who is to perform operations on them.

Mr. HOLDING: Do you believe that is so?

Mr. HAMER: If the Leader of the Opposition does not believe it he has no understanding of how people feel.

Finally, the Government wants to know who will run the hospitals. Will they be under the jurisdiction of the Hospitals and Charities Commission in general and under the hospital committees of management, which give magnificent service, or are they to receive directions from Canberra on every little detail? We have had much experience of that in the past and we have resisted such controls at every point. We have enough experience to know—to translate a Latin expression—that it is well to fear the Greeks, especially when they bring gifts. The big gift now being offered is 50 per cent of the net cost of our hospitals. What are the implications attached to that? Before a decision is made to enter Medibank the Government seeks iron-clad guarantees about the availability of beds. We do not want queues for beds or two years' delay for minor operations.

Mr. HOLDING: Are there enough beds now?

Mr. HAMER: There are enough beds to meet the present needs. In other countries people may have to wait two or three years to have their tonsils out.

We want an iron-clad guarantee on the maintenance of hospital standards at the present level or better.

We want an iron-clad guarantee about the availability of top quality surgical and medical attention in our hospitals.

Finally, we want guarantees—and they must be more iron clad than ever—about adequate finance.

I have summed up the wide range of problems and difficulties which have emerged in the examination of the Medibank proposals. It is our intention to ascertain how these can be resolved. The motion is not only misleading but entirely premature.

The sitting was suspended at 6.11 p.m. until 8.5 p.m.

Mr. DOUBE (Albert Park): The Leader of the Opposition has moved that the House do now adjourn for the purpose of discussing a definite matter of urgent public importance, namely—

the failure of the Government of Victoria to ensure Victoria's participation as from 1st July next in the Australian Government's Medibank proposal.

Following the speech of the Leader of the Opposition the Minister of Health and the Premier defended the Government's position. Members of the Opposition did not hear one word that would make us change our minds. We believe Victoria will not be participating in the hospital side of Medibank as from 1st July and that situation is the direct fault of the Victorian Government.

The Minister of Health and the Premier had much to say but produced few facts; there were suppositions, half truths, and innuendoes. It is remarkable that the Government is so short of facts in this debate.

The people of Australia have demonstrated that they want a hospital benefit and medical scheme; they have done this on two recent occasions—once in 1972, when the Federal Labor Government was elected, and again in 1974, when that Government was re-elected on this proposal.

The facts of the matter are important and must be recapitulated. After the Labor Party won the election in 1974, the Prime Minister wrote to the Premier of Victoria informing him that the Australian Minister for Social Security would

be contacting the Victorian Minister of Health so that meaningful discussions could take place on the introduction of Medibank into the Australian community. As the Leader of the Opposition pointed out, all that the Premier did was to acknowledge the letter.

Subsequently, a letter from the Australian Minister for Social Security came to the Victorian Minister of Health inviting him to participate in discussions so that the programme could be got under way. The Minister did not even have the courtesy to reply to that letter. So the matter was left there. Some of the other States started negotiations and some did not.

In December last year, the Prime Minister wrote urgently to the Premier pointing out that no meaningful discussions had been held, that there had been no furtherance of the proposal to bring in the health scheme, and that if he wanted Victorian people to participate in Medibank there was just a chance that if the Victorian Government acted then the people would be able to participate when the scheme commenced in July this year. Again, nothing was done. That is why members of the Opposition assert that it is the direct fault of the Victorian Government that the people of Victoria will not be participating in the hospital side of Medibank when it starts in July.

Mr. GUY: And the public will thank the Government for it.

Mr. DOUBE: The honorable member may say that, but on two occasions—in 1972, and in 1974—the public voted for the Labor Government which had planned to introduce Medibank.

Mr. CRELLIN: Why does it have to insert full-page newspaper advertisements to explain the scheme?

Mr. DOUBE: The honorable member is baying like a bull mastiff. That is the sorry record of this Government. It took no action in August when the Prime Minister wrote to the

Minister of Health; it took no action in September when the Minister for Social Security wrote to the honorable gentleman, and it took no action in December when it received a warning from the Prime Minister that it would be difficult to include the Victorian community in the scheme by July unless immediate action was taken. Instead, the Minister of Health engaged in a series of comments which would have led one to believe that some sort of discussions were taking place. The honorable gentleman has misled the people of Victoria and the members of this House, because even tonight he attempted to say that some discussions were taking place.

If such discussions have taken place, I challenge the honorable gentleman to lay any record, any minutes or anything that is factual about them on the table of the House. The truth is that no negotiations whatsoever have taken place, yet the Minister of Health and the Premier have insinuated all the time that meaningful negotiations have taken place.

Recently, in reply to a question on this matter, the Premier stated that the State Government had not rejected Medibank. That is true, but the honorable gentleman omitted to say that the Government had taken no meaningful steps for Victoria to be included in the scheme. In fact it is shutting out the people of Victoria and the honorable gentleman is aware of this because he had been warned by the Prime Minister. The Premier said that the Commonwealth proposal contained many areas of doubt and vagueness, such as what the situation will be in the psychiatric wards. If the honorable gentleman thought there were some vague proposals why did he not resume some type of discussion with the originator of the scheme? This talk about psychiatric hospitals is absolutely ridiculous and is not under discussion with Medibank because as at the

moment people in the psychiatric wards of the general hospitals will be covered by the scheme.

Under the Medibank scheme, it is proposed to restore free public hospital treatment for the people of Victoria if they want to utilize it. No means test will be involved; the Government will revert to the system that was in operation in 1949 when the Chifley Government was in office, under which public hospital treatment in Australia was free and no means test applied for anyone.

Of course, the Minister of Health and the Premier dragged in the red herring of what will happen in psychiatric hospitals. Psychiatric hospital or mental hospital treatment is already free.

Mr. WHITING: Who is paying for the treatment?

Mr. DOUBE: There is no charge directly to the patient if he wants to enter a mental or a psychiatric hospital, but there is a charge and there has been a charge for the past twenty years in the public hospitals of this State. Under the Medibank scheme, public hospital treatment will once again be free. This would be the situation in this State if the Victorian Government had co-operated in any way. One is not going to say that there are not some difficulties to iron out, but the difficulties will not be ironed out if the Government keeps aloof from the people who are making the proposals to it. It is doing this for political motives.

The State Government has thrown the health scheme in Victoria into jeopardy. It has turned its back on all those people who would have benefited from the Medibank scheme on 1st July, 1975. The members of the Government are guilty and culpable men; they are guilty because they will not tell the truth.

The Minister of Health continues to say as he has said in this House that discussions are taking place. He knows that that is a lie. He cannot produce evidence to show that he or any officer of his department has had

negotiations with either the Minister for Social Security, Mr. Hayden, or an officer of his department.

In December, 1974, the Prime Minister was so dismayed about the situation that he wrote to the Premier of Victoria and said that no discussions had taken place following his representations in August.

The Government has done an evil thing to the sick people of Victoria, but it is far worse for the Government not to be honest about it and to cloak its activities by telling honorable members that meaningful negotiations are taking place. As a result of the Government's inactivity concerning the Medibank scheme, which is for base political reasons, Victoria will lose a lump-sum provision because under Medibank the Commonwealth Government intends to pay one-half of the net costs of Victorian public hospitals.

Why does the Government not enter into negotiations if it was puzzled about the scheme; why does it stay aloof? It stays aloof because it hates the Labor Government to such an extent that it wants to penalize the people of Victoria both financially and medically. Many people will benefit from the scheme.

Under the Medibank scheme the people who are insured at present under a health benefit scheme and want either an intermediate or a private bed will be able to obtain one by paying a lower premium than now. People in the middle income bracket who are at present contributing for a bed in the intermediate section of a hospital are paying more than \$4 a week for medical and hospital benefits.

Mr. SCANLAN: Those payments are tax deductible.

Mr. DOUBE: It is true that the subscriptions are tax deductible, but the tax deduction is not as effective for those in the lower scale as is for those people who have incomes comparable with those of honorable members.

As I have said the broken-down, inept scheme that operates at present benefits the wealthier people in the community because, eventually they will pay less. The present scheme penalizes the pensioners and those people who do not have sufficient money to join a benefits scheme. It penalizes the poor, and those who have not joined a scheme for various reasons. In addition, in the case of pregnancy, a maximum period of nine months must elapse before benefits can be obtained from a society.

The Government now has the opportunity of having a proper and free medical health scheme for the people of Victoria, but the Government has deliberately played politics on this issue and in so doing has penalized hundreds of thousands of families because they will be ineligible for benefits when Medibank is in operation. Any Government that would do such a thing and continues to distort the truth on its actions or failures is not worthy of support in this House.

Mr. BILLING (Heatherton): Honorable members have just listened to the honorable member for Albert Park give a sample of his knowledge of the public and private hospital system. This was consistent with the ability he showed when he was Minister of Health in this State. He knows nothing about the hospital system. He would be at least twenty years out of date. I doubt whether he has ever taken the opportunity of examining the position of the majority of small community public hospitals and bush nursing hospitals in Victoria.

As has already been pointed out by other honorable members, Medibank falls into two categories. On 1st July the Federal Government will impose the scheme on this country, irrespective of whether it needs it or whether the people have a say other than at a political election about whether they want the scheme at an increasing cost. It will be imposed without a thorough investigation to

ascertain whether it will be supported. The success of the first part of Medibank—treatment by doctors—depends entirely upon the support it will receive from the medical profession, and that support has not been publicly stated by those people who represent the majority of the various sections of that profession.

The second part of Medibank applies to hospitals. It is not limited to the public hospital bed sector which at present copes admirably with people who are eligible to occupy that type of bed, particularly pensioners who occupy a large proportion of the beds free of charge. One aspect that is not known about pensioner treatment, particularly by doctors, is that no free specialist treatment is available under the existing Commonwealth medical pensioner scheme and no explanation has yet been given whether under Medibank this specialist treatment will be available to pensioners. At present no one, particularly the experts in Canberra, can state whether the specialists will participate.

Apart from the large hospitals, the majority of hospitals in Victoria, other than base hospitals, are small community hospitals and bush nursing hospitals which are competently run by honorary boards of management and are totally dependent on local general practitioners. Can the State Government be blamed if it has received from the Commonwealth no facts regarding what will happen to the small hospitals which provide the majority of beds in Victoria? The private sector provides 8,000 beds in this State. What information has been given by the Commonwealth Government about what will happen to private hospitals? I can say what will happen. They will be forced out of business because of the high rate of tax which will cause their beds to be beyond the reach of even the most moderate income group in the community. At present 87 per cent of the community is covered by a hospital insurance scheme of one

type or another. The Victorian Government claims that modifications within this scheme will provide for the people of Victoria a much better and more efficient and up-to-date medical treatment field than that proposed under Medibank.

I should like to present to the House some opinions of a highly respected member of the medical profession who has devoted many years to free service in his community. I speak of Dr. Salter, of Frankston. In a letter to the *Age* of 15th March he wrote—

As a general practitioner, my opposition to Medibank is not based on the desire to preserve the power and privilege of the minority, but on practicalities.

This doctor, who for 24 years has practised in Frankston and has given hundreds of hours of free treatment to public pensioners, wonders what would happen to the public pensioner. He continued—

In the not so busy early years, when my pensioner patients needed specialist care, I referred them to the local specialists—many part time—when the appropriate specialist practised in Frankston . . .

But there is now no specialist in Frankston. Dr. Salter continued—

Everyone may not be aware that the present pensioner medical service does not include specialist care.

He asked what will be the result regarding beds. That is consistent with the views of this Government. He said—

The proposal for adequate Federal funding of hospitals is admirable, but why let people who can afford to pay compete for beds with those who can't afford intermediate or private accommodation?

That is an argument that has not been brought forward.

The honorable member for Dandenong mentioned the scheme which exists in England. The heading to Dr. Salter's letter in the *Age* reads—

A Government health service is not likely to get the finance for a really first-class scheme, even in the long term. Look at England.

The honorable member for Dandenong, who is not in the Chamber at the moment, was in England last

year during one of the greatest crises that have occurred in the nursing profession there. It was caused mainly by the fact that the scheme had broken down under its financial burden. For the first time in history nurses in England went on strike because of the poor wages and conditions paid to them through the Government scheme promoted and controlled by the Wilson Labor Government. The answer was that the only way to remedy this was by a massive injection of public money—and, of course, that meant raising more taxes. Everywhere one went in England one saw advertisements exhorting people to join private health schemes so that they could get—

The SPEAKER (the Hon. K. H. Wheeler): Order! I take it the honorable member is trying to relate the scheme under discussion here with that in operation in England. The honorable member should not canvass the English system too thoroughly. I suggest that a passing reference is enough.

Mr. BILLING: I certainly am drawing a comparison with what can happen to a so-called free national health scheme which has been in operation for many years. This comparison could also be made with many schemes on the Continent.

Mr. HOLDING (Leader of the Opposition): I raise a point of order. The nature of the offer made by the Commonwealth—that is the subject-matter of the motion—is related essentially to the manner in which public health is funded. It does not go into the quality or nature of it; that is a matter for negotiation. It is essentially a matter of funding. Although these points are interesting, they are not relevant.

Mr. SCANLAN (Minister of Health): On the question of funding, it should be borne in mind that the negotiating position of the Victorian Government will have to take into account the positions that relate also to our sister States of New South Wales, Western Australia and to

Queensland, which has a competent scheme comparable with that of the United Kingdom.

The SPEAKER (The Hon. K. H. Wheeler): Order! The Leader of the Opposition has moved the adjournment of the House to discuss—

the failure of the Government of Victoria to ensure Victoria's participation as from 1st July next in the Australian Government's Medibank proposal.

I uphold the point of order. I have allowed the honorable member some latitude, but I ask him to return to the motion before the Chair.

Mr. BILLING (Heatherton): The Opposition has said much about the failure of negotiation by the Victorian Government. In principle, South Australia and Tasmania have agreed to Medibank, but negotiations have not been carried out in those States either. In answer to a question on an HSV7 programme *This Week* on 16th March, Mr. Don Tierney, the Regional Director for Medibank in Victoria, said that it would take two or three months or more after negotiations had been concluded to actually bring any State into the hospital side of Medibank. If the Opposition is placing so much reliance on negotiation by this State, what is happening in the other States? No negotiations have been entered into, and it will take as long as the time stated, if not longer, for final negotiations by all the other States on the setting up of the administration.

In view of its knowledge of Victoria's present medical and hospital system, the Government would be foolish to agree to give a blank cheque to the Federal Government without knowing the effect on its own system. Is the delay caused by the States, or because the Commonwealth Government has not provided the States with facts? The Commonwealth Government prefers to spend \$1.5 million of public money in advertising to misrepresent the position to the Australian public. Each successive statement on the

total cost, which has been issued by the Federal Minister for Social Security, brings out a different set of figures and a different amount of millions of dollars. What are we to believe? I do not suppose the honorable gentleman has added the estimated cost the \$1.5 million for the advertising and propaganda campaign.

What is understood by the word "bank"? A bank is something into which people deposit money, hoping to take the same amount out and receive some interest. I suggest that we have no firm idea of the bank deposits which the taxpayers of Victoria will have to make, but we have a fair idea that they will never get back in withdrawals what they put in in tax, and they will receive no interest. The people whom members of the Opposition profess to represent will have competition from many people who can well afford private schemes and private underwriting of hospital bills. Members of the Opposition are leading the people, whom they profess to represent, well and truly up the garden path, and they are picking their pockets through taxation.

It is my view, and that of many other members on the Government side of the House—and I am sure it will be the view of many members of the public—that the explanation given by the Leader of the Opposition in support of his motion is not so much Medibank as "medi-bunk".

Mr. WILKES (Northcote): Members of the Opposition thank the honorable member for Heatherton for his uninformed comments on the attitude of the Opposition regarding this proposal. If the debate has achieved nothing else, it has highlighted the sheer hypocrisy of the Government's attitude to the health of the people of this State. The Government cannot have it both ways. Tonight the Minister of Health told honorable members of the existing situation in medi-care and health in this State, how the hospitals can cope and how well the system is working. However, he did not tell honorable members that at his instigation and that

of the Government he was compelled to commission two fine members of the medical profession on very wide terms of reference to examine the health services of this State and report to the Government. Nothing has been heard of the Symes-Townsend investigation into the medical and health services in this State, but we are entitled to anticipate what the report of those two eminent gentlemen will be. Doubtless they will say that the health services in this State are falling behind. That has been evidenced on a number of occasions in this place. It has been highlighted by medical superintendents and medical directors of public hospitals from one end of the State to the other.

The Minister has been bedevilled by people in deputations telling him about the shortcomings of his system. Nevertheless, he has had the audacity to say tonight that there is nothing wrong with the system that cannot be improved. That is a certainty, but the only way to improve the system is to make it a participatory scheme from which everyone benefits. At present, if the Minister patched up the broken-down system in Victoria, it would not entitle everyone in the State to free hospitalization and medical care.

Mr. BIRRELL: It will not be free, though.

Mr. WILKES: In answering that interjection, I am bound to say that at present nothing is free for those who cannot afford to insure against sickness in this State. If the Minister wonders whether any additional strain will be placed on Victorian hospitals, I can inform him that it will only be because of the estimated 20 per cent who cannot afford to insure today and who will not avail themselves of medical attention for fear of what it will cost them. If honorable members took time to make a few inquiries at the teaching hospitals in Victoria, or were even prepared to talk to the Minister outside the Chamber, he would tell them of some of the problems of people who cannot afford medical attention. If Medibank does anything, it will provide for that

20 per cent. It will also provide medical and hospital attention for the 10 per cent who are only partly insured.

Mr. JONA: Tell us about the cover it will provide.

Mr. WILKES: I shall be delighted to do so. Much has been said about how pensioners will be affected. The Premier has said that pensioners get free medical treatment. Who pays for their hospitalization in this State? One would have thought the Premier would welcome Medibank, because the State receives only \$5 a day from the Australian Government for pensioners in public bed hospitals.

Mr. HOLDING: You are a pack of jibs.

The SPEAKER (the Hon. K. H. Wheeler): Order! The Leader of the Opposition has made his contribution to the debate. I will not hear further interjections of that nature.

Mr. WILKES: Unfortunately most illnesses that are suffered by pensioners are terminal. Moreover, the pensioner can be hospitalized for only thirteen weeks, and is then moved out for someone else. This is when the problem occurs because pensioners cannot afford the cost of nursing home treatment, which in any case is sparsely available. In many instances, they have to insure for nursing care. If the Medibank scheme were instituted in this State, pensioners would be covered and relieved of this responsibility.

Mr. SCANLAN: Not nursing home care.

Mr. WILKES: They will be relieved of the responsibility in that they would be able to go from a public hospital to a private hospital as a terminal patient and would be covered, whereas at present they are not covered. Many pensioners fall within this category.

It is ridiculous for the Premier or the Minister of Health to say that Medibank will not serve this State's best interests. Under Medibank the State will be entitled to claim 50 per cent of the net running

costs of hospitals. At present hospitals are restricted to the sums provided in the Budget and the amount of loan funds available for capital works. Under Medibank the State will receive 50 per cent and it will be able to plan, because it will know precisely what it is entitled to, whereas at present the Minister has no idea. The honorable gentleman could not conceive what it would cost to provide the sort of services which should be provided for people in Victoria.

Under the Commonwealth proposal, the Minister will be able to assess what he will receive, the cost of the scheme and what his commitments are. This should enable him to work out his priorities. The Minister will be the first to admit that, until now, his dilemma has been that he has been unable to ascertain what the priorities are in this State. The system has broken down and so many pressures demand attention that the Minister does not know which way to turn.

It is incredible that the Government fails to act when a proposal is put up not solely to benefit the Government—it is not the intention of the scheme to benefit the Government—but to benefit those people who cannot afford hospital insurance or to meet the costs of medical attention or hospitalization. If the Government were to accept the scheme for no other reason than that it would be doing a service to the State, it would be assisting the 20 per cent of the population who cannot afford to provide medical care for themselves.

Mr. BIRRELL: Or who so choose.

Mr. WILKES: Those people still have the same rights under the scheme because it does not impinge on people's right. It is merely making extra provision for those people who cannot afford to meet the costs. The Government has failed the people because of its political machinations. Now it does not know whether its Federal colleagues accept or reject the scheme. In the

first place it was stated that the proposal was contrary to Liberal Party policy. Now that there will be no election this year, apparently it has become Liberal Party policy to accept Medibank.

The Government could do a lot worse than to take a leaf out of the book of the Leader of the Opposition, who has moved the motion. The House should accept his proposition that the Government should be censured for its actions.

The SPEAKER (the Hon. K. H. Wheeler): Order! The time allowed for the debate has expired.

The House divided on the motion (the Hon. K. H. Wheeler in the chair) —

Ayes	..	..	18
Noes	..	..	49

Majority against the motion 31

AYES.

Mr. Amos	Mr. Mutton
Mr. Doube	Mr. Simmonds
Mr. Edmunds	Mr. Stirling
Mr. Fogarty	Mr. Trezise
Mr. Fordham	Mr. Wilkes
Mr. Ginifer	Mr. Wilton
Mr. Holding	
Mr. Jones	<i>Tellers:</i>
Mr. Kirkwood	Mr. Curnow
Mr. Lind	Mr. Roper

NOES.

Mr. Austin	Mr. McKellar
Mr. Balfour	Mr. McLaren
Mr. Baxter	Mr. Maclellan
Mr. Billing	Mr. Meagher
Mr. Birrell	Mr. Plowman
Mr. Borthwick	Mr. Rafferty
Mr. Burgin	Mr. Ramsay
Mr. Chamberlain	Mr. Reese
Mr. Crellin	Mr. Ross-Edwards
Mr. Dixon	Mr. Rossiter
Mr. Dunstan	Mr. Scanlan
Mr. Ebery	Mr. Skeggs
Mr. Evans	Mr. Stephen
(Ballarat North)	Sir Edgar Tanner
Mr. Evans	Mr. Templeton
(Gippsland East)	Mr. Thompson
Mrs. Goble	Mr. Trewin
Mr. Guy	Mr. Vale
Mr. Hamer	Mr. Whiting
Mr. Hann	Mr. Wilcox
Mr. Hayes	Mr. Williams
Mr. Jona	Mr. Wiltshire
Mr. Lacy	
Mr. Loxton	
Mr. McCabe	<i>Tellers:</i>
Mr. McClure	Mr. McInnes
Mr. MacDonald	Mr. Wood

(PROFESSIONAL) BOXING CONTROL BILL.

Mr. DIXON (Minister for Youth, Sport and Recreation), by leave, moved for leave to bring in a Bill to regulate and control the conduct of boxing contests.

The motion was agreed to.

The Bill was brought in and read a first time.

PENSIONERS' RATES REMISSION BILL.

Mr. HAMER (Premier and Treasurer), by leave, moved for leave to bring in a Bill to make further provision with respect to the remission of pensioners' rates, to amend the Local Government Act 1958, to amend the Municipalities Assistance Act 1973 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

MELBOURNE (SNOWDEN GARDENS) LAND BILL.

Mr. HAMER (Premier and Treasurer), by leave, moved for leave to bring in a Bill relating to certain lands in the cities of Melbourne and South Melbourne.

The motion was agreed to.

The Bill was brought in and read a first time.

VETERINARY SURGEONS (AMENDMENT) BILL.

Mr. SCANLAN (Minister of Health), by leave, moved for leave to bring in a Bill to amend the Veterinary Surgeons Act 1958.

The motion was agreed to.

The Bill was brought in and read a first time.

RACING BILL.

Mr. DIXON (Minister for Youth, Sport and Recreation), by leave, moved for leave to bring in a Bill to make further provision with respect to trotting, to amend the Racing Act 1958 and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

HAIRDRESSERS REGISTRATION (AMENDMENT) BILL.

Mr. SCANLAN (Minister of Health), by leave, moved for leave to bring in a Bill to amend the Hairdressers Registration Act 1958.

The motion was agreed to.

The Bill was brought in and read a first time.

WILLIAM E. DORLING SCHOLARSHIP FUND BILL.

Mr. THOMPSON (Minister of Education), by leave, moved for leave to bring in a Bill to make provision with respect to the management of the William E. Dorling Scholarship Fund and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

NORTHCOTE TRUST FUND BILL.

Mr. WILCOX (Attorney-General), by leave, moved for leave to bring in a Bill with respect to the powers of the Australian trustees of the Northcote Children's Emigration Fund in relation to certain lands at Bacchus Marsh and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

VICTORIA INSTITUTE OF COLLEGES (AMENDMENT) BILL.

This Bill was received from the Council and, on the motion of **Mr. THOMPSON** (Minister of Education), was read a first time.

SOCIAL WELFARE (AMENDMENT) BILL.

This Bill was received from the Council and, on the motion of **Mr. I. W. SMITH** (Minister of Agriculture), was read a first time.

TEACHING SERVICE (ASSISTANT PROFESSIONAL APPOINTEES) BILL.

The debate (adjourned from March 4) on the motion of **Mr. Dixon** (Assistant Minister of Education) for the second reading of this Bill was resumed.

Mr. FORDHAM (Footscray): After years of frustration and pressure, and ignoring what the Opposition believes to be important and expert Government reports, the Government in December, 1973, finally gave legislative recognition to the need to appoint non-teaching professionals as permanent members of the Teaching Service. This was done in the Teaching Service (Professional Appointees) Bill of December, 1973. In the legislation there was the recognition that appointees with specialist skills were required as part of the educational team to meet the total needs of Victorian school children and a recognition that the number of such persons would need to be greatly increased from that previously used within the State services if the needs of Victorian school children are to be met in any meaningful way. The Opposition believes that belated recognition flowed from the prior publication of the Karmel report in May, 1973, and the significant funding that flowed as a result of that report.

The Minister, to his credit, when the Karmel report was published appointed a committee to resolve how the funds could best be used, and how the educational services could be expanded to meet the needs. The report, which was finally tabled by the Assistant Minister of Education, highlighted the deplorable pattern of neglect which existed in Victoria prior to the Karmel committee's report. It was a pattern of neglect which the Government has attempted to meet in some small way since then.

The passage of that Bill through the Legislative Assembly highlighted the pressures on the Government at

the time. The report tabled today by Sir Henry Bland also makes reference to the unique pressures on the Government and the unique way that matter was dealt with by the Legislative Assembly.

During the debate in December, 1973, the Assistant Minister of Education proposed an amendment switching responsibility for professional appointees to the Public Service Board. The amendments included certain restrictions on the appointment of therapists following pressure from the Department of Health and other quarters. It was evident then to the Opposition that the Bill was inadequate in its attempt to categorize professional appointees, and the consequent interpretation of the legislation by the Teachers Tribunal has again brought home those inadequacies which the Opposition highlighted at the time.

I quote from page 3356 of *Hansard* of 11th December, 1973, when I raised this question with the Minister—

I should also like to be advised why the so-called professional fields have been listed. My concern is that, if there is a new professional or semi-professional field which it is felt can be of benefit to the Victorian education system through the Special Services Division, and if they are not specified in the Bill it will mean that these persons cannot be appointed permanently or, alternatively, that they will have to await further amending legislation, which would seem to be a cumbersome method of appointing a new category of staff. It would be preferable for it to appear as a general heading of persons to be employed within the Special Services Division as having professional or semi-professional skill or ability or qualification so that future contingencies could be covered. The restrictions that are evident within the Bill would not then be necessary.

This was brought home by me and other honorable members, and I am sure the honorable member for Brunswick West will use this opportunity to highlight certain categories that he mentioned during the debate. The Minister was warned.

The Bill before the House is a recognition of the inadequacies of the 1973 legislation, and it is an attempt

to overcome them; firstly, by adding to the list of professional categories two new areas, that of sociology and linguistic interpretation; and, secondly, creating a new category of assistant professional appointees, categorized as interpreters and welfare officers. There seems no doubt that this amendment will overcome the immediate and acknowledged needs of the Special Services Division of the department. The Opposition believes once again that by listing them in this way the Bill is being unduly restrictive and that further amendments will be required in the future to meet new needs as they emerge.

It does seem a cumbersome way of dealing with growing and acknowledged needs of an important and developing section of the Education Department in Victoria. I hope the restraints and pressures being placed on the Minister will be removed in the near future so that the staff of the department, and the Minister, can get on with the job that they have been given by Parliament. I expect that the Minister would concur with that proposal. The definition of these categories is not included in the Bill. It seems this definition is going to be left to some unknown body.

On page 3838 of *Hansard* of 4th March, 1975, the Minister in his second-reading speech categorized professional appointees as people who had a minimum of three years' tertiary training at a university or institute—whatever that means—and assistant professional appointees as persons with one year full-time training. Who determines this? It is not stated in the Bill. Is it the Minister who determines these things, the department, the Teachers Tribunal or the Director of Special Services?

I hope the Assistant Minister of Education indicates this in his reply because in his second-reading speech the honorable gentleman went to the trouble of setting this out. Was it done as a guide to the Teachers Tribunal or has agreement already been reached with the tribunal and

others regarding the definition? This is important. I regard the suggested definitions as unnecessarily restrictive. For example, I can imagine certain persons who would be ideal for appointment as welfare officers under the definition of "assistant professional appointee". Although they have gained certain practical experience they would not have had at least one year of full-time training and therefore they would be excluded under the definition proposed in the second-reading speech. I hope the honorable gentleman can give an assurance that the definitions were only a guide and not the definitions that will be adopted as policy.

I also ask the Assistant Minister of Education to explain to the House the reason for the unusual wording of clause 3 (3). It amends sections 55A and 55B of the principal Act, and includes a new form of wording. It is certainly new to me as a member of Parliament as it has not appeared before in the Bills for which I have had responsibility for leading for the Opposition. I ask the honorable gentleman to comment on this aspect when he replies. Clause 3 (3) states—

Sub-sections (3) and (4) of section 55A, and section 55B shall, with such modifications as are necessary, extend and apply to and with respect to assistant professional appointees in the same way as they apply to professional appointees.

My experience inclines me to the view that the normal way in which such a proposal would be dealt with would be to amend sections 55A and 55B to incorporate what honorable members are proposing. Section 55B deals with the appointment of temporary professional appointees. Why could the sections not be amended to refer to temporary assistant professional appointees instead of the clause, in this back-handed manner, using the strange words "with such modifications as are necessary". That is an unusual term to be put to Parliament, and I ask the Assistant Minister of Education to explain what it means. Is the House giving the honorable gentleman power to make certain modifications and, if so, what are

they? Honorable members look forward to his explanation of why the principal Act is to be amended in this unusual way rather than that specific sections are to be amended—in my experience that is the method adopted in every other Bill when a section of a principal Act is to be amended.

In his second-reading speech the Assistant Minister of Education took the opportunity, as he is wont to do, of referring to the over-all policy of the Government on special education. That reference is to be found on page 3839 of *Hansard* of 4th March. The Assistant Minister of Education rightly—I suspect if I had the opportunity I would do the same—outlined once again the policy statement of the Government on special education. He emphasized the philosophy of taking the services to the child and stated that it was to be a universal service for all those in need. The Minister then went on to say, very interestingly—

Special education and support services are seen as necessary for 20 to 25 per cent of children. They are not restricted to those children normally regarded as handicapped in the low incidence areas of deaf, physically handicapped, blind and seriously visually impaired. As such, the Special Services Division has a commitment in every classroom in the State, but with a special concern for the handicapped child as defined in the Victorian Act.

That is an extremely important statement of philosophy by the Assistant Minister of Education, and if the Government really means that it takes upon itself a commitment of effort, which, if measured in dollar terms, is an effort of enormous magnitude. This is the first time the Government has committed itself with a specific statement and put its philosophy in that context. About one-quarter of the children in the State—not only children attending Government schools but also those at private schools—will be receiving assistance of one form or another under this head. It is a philosophy which the Opposition is willing to

support but it gives notice to the Government that it will frequently remind it of that commitment because for a number of reasons, the record to date has not been of that magnitude.

I suspect that the Assistant Minister of Education used his second-reading speech to put his philosophy on the line, and indeed the philosophy of the whole Government because in the next sentence the honorable gentleman went on to say—

It is essential, then, for the Government to acknowledge the need to extend existing professional support services.

To me that indicates that the Assistant Minister of Education is prodding the Government to make this acknowledgment. I hope the Government will follow up the honorable gentleman's prodding and I wish him well in his efforts.

Mr. DIXON: The fact that the Government has introduced this Bill shows where the Government stands.

Mr. FORDHAM: If the Government feels that way it does not need to prod itself to make such an acknowledgment, but the Assistant Minister of Education has definitely and wisely committed the Government to such a philosophy and such a policy. Looking at the faces of back-bench supporters of the Government I am sure it is news to many of them. This policy will require a significant change of heart and, in the near future, a significant deployment of funds which are now starting to flow from Canberra. I hope those funds will flow at an increased rate when the Victorian Government can show the Australian Government how they will be employed. I am sure the Australian Government will assist in whatever way it can. The record of the Victorian Government certainly leaves much to be desired. Over the years the weaknesses have been highlighted in the annual report of the Special Services Division. The problems were also highlighted in the report prepared by the Assistant Minister of Education to which I referred

earlier. There must be significant improvement if these weaknesses are to be overcome.

The Opposition does not oppose the Bill. It wishes the Special Services Division well in the significant task it faces in the next decade—in fact for the rest of this century—in overcoming the backlog and in its recognition of the special role it should be playing in meeting the educational needs of Victorian school children in both the State and private systems. I know that the dedicated staff in the Special Services Division will supply the needs if they are given the resources and the finance to meet the challenge confronting them. The Opposition supports the measure.

Mr. WHITING (Mildura): The Country Party supports the Bill but has some queries for the Assistant Minister of Education to answer. The queries have been largely covered by the honorable member for Footscray, who pointed out that when the debate took place in December, 1973, on the principal Act, which provided for the appointment of persons which are also covered by this measure, he raised a number of queries. These amendments are possibly the result of the queries raised on that occasion. The Special Services Division is continuing to progress. The Country Party believes proper progress should take place, and doubtless after the passage of this measure there could well be need for further modification or amendment as the need for change arises, depending upon the availability of specialist professional appointees.

One of the queries of the Country Party relates to interpreters. Under proposed new section 55c (1) reference is made in paragraph (a) to—

... interpreters, in the field of linguistic interpretation.

In his second-reading speech the Minister said—

At the present time, no adequate or acknowledged training courses for interpreters have been developed in Australian colleges or universities. A pilot course has recently been conducted on a part-time basis for Greek interpreters and a

high-level full-time course is being considered by the Australian National University in Canberra.

This will not help the situation in Victoria for a number of years. As the Minister conceded, the only other course appears to be a short course of one year part-time Serbo-Croatian—Yugoslavian—and Greek interpreters which is to be offered by the Royal Melbourne Institute of Technology commencing this year. Obviously, it will be some time before any number of interpreters will be available for the purposes of the Special Services Division under this legislation.

Members of the Country Party consider that a wide interpretation could be placed on the word "interpreters" particularly in view of the lack of suitable professional qualifications in this field. However, the Minister went on to point out—

The duties and roles of interpreters in the Special Services Division would include working in collaboration with the staff or guidance officers psychology officers and social workers, and working with teachers in schools. In general, their role would be to employ their linguistic skills to facilitate communication between people who lack a common language and culture.

It is appreciated that they may be able to bridge the gap with regard to a common language, but it may not be as simple as it sounds with persons who lack a common culture. Members of the Country Party would appreciate some indication from the Minister on the width of the interpretation of the word "interpreters" in this context, and also any other information the honorable gentleman has on that point.

Like the honorable member for Footscray, I am intrigued by the new approach that is evident in clause 3 which appears to extend, with modifications, the provisions relating to a professional appointee to the new post of assistant professional appointee. Although this might be a proper drafting procedure, I am not familiar with it. As the honorable member for Footscray said, it will be interesting to see whether this

method stands the test. I suppose the Subordinate Legislation Committee or another similar committee could be interested in this new method of covering the appointment of additional categories of persons under existing legislation.

With the knowledge that members of the Country Party have of the work of the Special Services Division and the progress that has been made in that field over the past five or six years, we congratulate the Government on introducing the Bill and commend it to all persons interested in this field.

Mr. ROPER (Brunswick West): Like the honorable member for Footscray and the Deputy Leader of the Country Party, I am pleased to see this Bill. As members of the Opposition predicted that such a Bill would be necessary, now one can go further and say that we predict that future Bills such as this will be necessary. If the position which led to the introduction of the Bill was corrected, so that there was not a specific reference to particular categories, there would not be the need for constant amendment of the legislation.

Mr. DIXON: One must take into account the Public Service Board.

Mr. ROPER: That is so, but regrettably the Government has also to take into account the Teachers Tribunal which, as the Minister knows, can be and has been extremely difficult on some occasions. Following the passage of this Bill the tribunal will be even more difficult.

The Minister pointed out that one of the reasons that the Teachers Tribunal did not do what the Government intended it to do was that it regarded the professional appointee as being a person with three years' qualifications. A number of categories have not been covered in the Bill, such as library services and the publications area which may also necessitate amendments being made to the Act. Because the Government has classified these people

Mr. Whiting.

as professional appointees and the Teachers Tribunal, including the Government's representative, is not likely to do so, the Government is likely to get itself into more of the same difficulties that made the introduction of this Bill necessary.

This amendment has had a slow passage. In December, 1973, one of the objects of the Teaching Service (Professional Appointees) Bill was to enable interpreters to be appointed to schools. Much to the Minister's annoyance, months elapsed before the Teachers Tribunal agreed to make an award. It was at that stage that the tribunal said the department could not go ahead and employ interpreters. Last September the Government said that it would bring in an amending Bill, but it did not get around to it in the spring sessional period. So honorable members are now presented with the Bill.

No interpreters will be appointed to schools under this measure until at least the 1976 school year.

Mr. DIXON: We will have some.

Mr. ROPER: If the honorable gentleman thinks he can direct or encourage the tribunal into speedy action, he is braver or more certain than the Minister of Education.

The House should consider the need for interpreters. One of the tasks of members of Parliament is to examine the issues before them. Over the past twenty years, there has been a need for interpreters not just in the Education Department but across a whole range of Government departments. It took the Government twenty years to reach the stage where it could appoint interpreters to schools. However, as the legislation was framed, its ability to appoint such persons was restricted.

In his second-reading speech the Minister stressed that assistant professional appointees will be persons with at least one year of full-time training. As the Deputy Leader of the Country Party correctly pointed out, there is at present no such

course. Even if the Minister can persuade the tribunal about a course that might fit the bill, the Government and the Education Department have shown no interest in such a course. I placed on notice a question about courses at the Royal Melbourne Institute of Technology in Serbo-Croatian and Greek. I found that the Education Department had no members undertaking the course and had not contemplated any of its members doing so.

Leaving aside whether the Government should appoint graduates as they complete this course, as the Bill will allow, the fact is that the Government is not putting its employees through the course on a seconded or part-time basis to give them the interpreting skills that are required. They have missed the boat for the 1975 course at the Royal Melbourne Institute of Technology. The people there were surprised to find that the Education Department, which they expected to seek places in the course, did not do so. The Government does not seem to appreciate the urgent need for interpreters. According to the Minister's explanatory speech, it will be years before the course equivalent to one year full-time is operating. If the Minister would be a little more flexible in his interpretation and would modify the interpretation that he is likely to get from the tribunal, it might be possible to do what the Law Department and other departments do and to bring in people to act as interpreters without full-time semi-professional or professional qualifications. If interpreters or people who can do the interpreting task are placed in schools in the near future—

Mr. DIXON: What qualification does the honorable member suggest an assistant professional appointee interpreter should have?

Mr. ROPER: The Minister said the equivalent of a year's full-time study.

Mr. DIXON: Analyse that statement! What is full-time training?

Mr. ROPER: Those courses are not available at present and try as the Minister might to invent them hurriedly in his head they will not be available in the current year. He therefore must work out a method by which paid interpreting services can be available to schools next week or next month, and he is unable to do that. There needs to be far more flexibility in determining who are to be interpreters. Many people are adequate interpreters for courts and for educational purposes but have no professional qualification in interpreting. It is desirable that they have this qualification, but if the Government wishes to put interpreters into the schools such as those in my electorate the system must be more flexible than the Minister's second-reading speech would indicate. Flexibility is not present now.

Mr. DIXON: Does the honorable member suggest that people who have no training should be accepted?

Mr. ROPER: Frankly, yes. I say that because there is a need for interpreters now. Their skill as interpreters can be ascertained by the Department of Immigration and by university schools of language. People are needed in the schools to cope with the situation of a group of Turks or Greeks arriving. The principal would not have to call another child in or spend more than half an hour admitting the children. These matters could be attended to virtually immediately.

I point out the huge present need for interpreting and translating services. The Commonwealth's report on interpreting and translating needs in the community stated that 80 per cent of schools and 80 per cent of persons concerned with education, mainly psychology and guidance people, believed adequate services were not available and they could not see any prospect of adequate services. In a two-month period more than 200 inquiries were made of the Immigration Department for interpreting facilities by various

schools in Victoria. The need is far greater than that, but this Bill regrettably does not come to terms with it and will ensure that interpreters will not be available for at least another two years.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 6391 s. 55A).

Mr. DIXON (Assistant Minister of Education): I thank all honorable members who have contributed to the debate and I am pleased that the Bill has met with unanimous approval. The true test of whether the Opposition or the Country Party believes there should be some modification to the Bill can be determined only by whether they move an amendment, because both of those parties would have given the question full consideration. The fact that neither party has decided to move an amendment shows that, notwithstanding the various problems that have been referred to, honorable members realize the difficulties the Government faces in having to deal with the Teachers Tribunal as it is currently constituted and the problems posed by the question of professional appointees and their place *vis-à-vis* the Public Service in general.

The honorable member for Footscray has referred to the Bland report and has noted that Sir Henry Bland referred to professional appointees. The honorable member has drawn attention to the debate which took place concerning the Act. It is interesting to note that the Opposition made no attempt to suggest that either the professional appointees or the assistant professional appointees should be drawn within the ambit of the Public Service Board. Without in any way implying that the Opposition has a particular attitude, I am pleased that it has not made that suggestion.

I should like to draw attention to my second-reading speech on page 3838 of *Hansard* where it is stated that an assistant professional appointee would be a person with at least one year of full-time training. This may seem to be a wide requirement. I have some doubts whether the honorable member for Brunswick West would seriously wish to employ under the Director of Special Services somebody without any training. The honorable member would surely be conscious of the peculiar requirements of somebody who has to work hand in hand with the class-room teacher, with the child and with the situation of language difficulties. Some teaching qualifications are necessary in that sort of triangular situation.

I know there has been a great deal of success at Brunswick Girls High School, where Form V students are teaching, as part of a work experience programme, Form I students in a particular language. However, where a person is brought in to be employed under the Director of Special Services, it is reasonable to expect that he or she should have some teacher training as well as an ability to interpret.

The most appropriate position for the sort of person to whom the honorable member for Brunswick West has referred is as a teacher aide. In the areas of disadvantaged schools extra funds have been made available to schools councils so that these people can be employed. Persons with the sole qualification of another language could well be employed in that field. The way in which the second-reading speech has been worded, that a person with at least one year of full-time training should be employed, gives the sort of flexibility that the honorable member for Brunswick West was asking the Government to provide.

The problems that have emerged have been caused by the fact that the Teachers Tribunal is in the position ultimately to make its interpretation of what has been spelt out in this

House. The honorable member for Footscray asked where these definitions had come from. They have emerged as a result of discussions between the Teachers Tribunal, the Director-General of Education and the Director of Special Services. They are definitions on which we should be able to rely after this process of consultation. I assure the Committee that cumbersome though the Opposition may believe the process to be, the Government will continue to introduce further legislation if it becomes apparent that it is necessary. It is difficult to have a wide-ranging provision which will deal with the problems of the people whom the Public Service Board regards as being peculiarly under its jurisdiction. That is the only point I can offer in answer to members of the Opposition, but I believe it is valid. I thank honorable members for their contributions to the debate. I believe when this measure is enacted it will enable the department to proceed speedily with the appointment of further professional appointees and assistant professional appointees. I shall do all I can to encourage the Teachers Tribunal to ensure that these appointments are made as quickly as possible.

Mr. FORDHAM (Footscray): I thank the Minister for his comments. I ask his further advice and guidance on the record of the Teachers Tribunal since the 1973 legislation, and whether he has been happy with the salary levels and conditions established by the tribunal for professional appointees. This is a matter of considerable importance, because legislation can do only so much and then it is a matter of getting the bodies into the division and the schools as required. This can be achieved only if realistic conditions are provided. Some teacher organizations which I contacted consider there might be an attempt to use the ranges of assistant professionals rather than professionals because of conditions laid down by the Teachers Tribunal. I

do not believe that is the intention of the Government or the department, but I should like the Minister to comment on how the tribunal has worked in his estimation, and whether he has given further consideration to an earlier suggestion of mine that there should be a special division of the tribunal with its own elected member from the professional officers within the Teaching Service. The Opposition regards this as inevitable. The last time the matter arose, the Minister indicated that he would wait and see how the operation worked in practice, and he would comment further. I shall be interested in the honorable gentleman's views on the matter.

Mr. DIXON (Assistant Minister of Education): I appreciate the concern of the honorable member for Footscray. The first point he raised has many ramifications concerning not only the salary but also the structure which has been applied by the Teachers Tribunal. The matter is under consideration.

Regarding the second matter that we would wish to use non-professional people instead of professional people, I assure the honorable member that we wish to use professional people, and certainly a non-professional person such as an assistant professional appointee would not be used unless he or she were under the full guidance, observation and direction of a professional appointee. The matter of a special division of the tribunal is under general consideration.

The clause was agreed to.

Clause 3 (Assistant professional appointees).

Mr. DIXON (Assistant Minister of Education): This clause has drawn comment from members on both sides of the Chamber. The phrase, "with such modifications as are necessary" is used in other legislation.

Mr. FORDHAM: Such as?

Mr. DIXON: I have been informed by the draftsman that this phrase is normally used and has in fact been

used in other legislation in which it is considered essential because of the flexibility which may be required to deal with the matter at issue. This phrase will give the required flexibility which the Opposition believes is essential.

Mr. FORDHAM (Footscray): I thank the Minister for his comments. I have no doubt that they are the views of Parliamentary Counsel as recently conveyed to him, but I certainly do not fully understand the phrasing. It seems strange to include the phrase, "with such modifications as are necessary" in referring to an amendment to an existing piece of legislation. I should have preferred specific amendments to sections 55A and 55B of the Act. It may have taken twice the amount of paper space and twice the number of lines, but it would have been clear and precise. Having regard to the normal way in which Parliament amends legislation, I ask you, Mr. Chairman, whether you regard this as a proper form of Parliamentary drafting and whether it is reasonable that the Committee should consider proposed legislation drafted in such terms. I have these doubts, and an assurance, from you, Mr. Chairman, that you will look at the matter would be of assistance to me.

The CHAIRMAN (Mr. McLaren): This is a legal matter rather than a matter of interpretation by the Chairman of Committees. I suggest that it is not a matter upon which I can rule. I am advised that the expression in question is regularly included in various Acts. I am not in a position to rule on whether it should be applied to the sub-sections to which the clause refers. Perhaps the only way in which it could be determined would be to test the feeling of the Committee in some way or to have further investigation carried out when the Bill proceeds to another place. Perhaps the Minister will be prepared to consider the matter on that basis rather than that I should give a decision at this stage.

Mr. WHITING (Mildura): I am interested to know how these modifications, if any, to the sub-sections referred to that are found to be necessary will be recorded in the Act. If there were no modifications to be made, this would simply be an addition to the present Act. If there were no modifications this would have no bearing but obviously there must be modifications regarding assistant professional appointees. Therefore, I do not know whose responsibility it will be to alter the sections and sub-sections referred to for the printing of the Act. I should have thought the only way it could be done would be by regulation, but there is no reference in the Bill to alteration by regulation. I am completely confused; if any other Act contains a similar provision I shall be pleased to be advised of it and I will have another look at it.

Mr. DIXON (Assistant Minister of Education): It is interesting that section 55A(4), to which clause 3 refers, provides—

(4) The provisions of section 23 (other than sub-sections (1) and (6) and of section 24 shall, with such modifications as are necessary, extend and apply to and with respect to professional appointees, and without affecting the generality of the foregoing, in particular with the modifications that—

- (a) a reference to professional officers shall be construed as a reference to professional appointees;
- (b) the prescribed classes of professional appointees shall be determined in accordance with their professional occupations;
- (c) a reference relating to the equality of efficiency of two or more officers in the teaching service shall be construed as a reference relating to the equality of efficiency of two or more persons in the relevant class of professional appointee;
- (d) the special committee referred to in sub-section (1) of section 24, shall, in the case of professional appointees, consist of—
 - (i) the Director-General;
 - (ii) the chairman of the committees of classifiers;
 - (iii) not more than two other persons selected by the Tribunal after consultation with the Director-General;

(iv) one of the elected members of the committees of classifiers selected by the Tribunal; and

- (e) a reference in sub-section (3) of section 24 to any applicant who feels aggrieved shall be construed as a reference to any applicant who is a permanent professional appointee who feels aggrieved.

When that is added to the further complications in section 55B, honorable members will start to understand why it is necessary to add the phrase, “with such modifications as are necessary”. Obviously, with these appointments, there will need to be some alterations in the way in which they are considered.

As the term has been used in the principal Act and the position is so complicated with so many people involved, I suggest that it is a reasonable phrase to appear in proposed section 55c as contained in clause 3.

The clause was agreed to.

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

TRANSPORT REGULATION (LICENCE FEES) BILL.

The debate (adjourned from March 4) on the motion of Mr. Meagher (Minister of Transport) for the second reading of this Bill was resumed.

Mr. JONES (Melbourne): On the face of it, this is a short Bill with quite a simple principle, but, when examining the measure, one has to take note of the extraordinary second-reading explanation by the Minister of Transport. That speech really dealt with three matters. Firstly, there was the principle under which the Government adopted a scheme of subsidizing fares on private buses so that increases in salaries and running costs are not passed on to the travelling public. Although this matter is not specifically covered by the Bill, the Minister dealt with that at some length.

Secondly, certainly the most important matter of principle, is the arrangement that the Government is

making for applications to be made by private bus operators for loans to purchase buses whereby \$20,000 per bus may be allocated from public funds and repaid at the astonishingly low rate of interest of 3 per cent per annum. This matter is referred to in the Minister's speech in detail, but has no relation to what is in the Bill.

Thirdly, and this is the only point covered in the Bill, there is a change in the method of calculating annual licence fees to be paid to the Transport Regulation Board for buses. Section 28(2) of the Transport Regulation Act 1958, as amended, provides—

(2) In addition to the said fee there shall be paid to the board in respect of each such licence such fee calculated at an annual rate as is from time to time determined by the Board based on the passenger seating capacity of the vehicle, but not exceeding \$3 per seat, except in the case of a vehicle licensed solely to operate on a specified route wholly within the metropolitan area in which case the fee shall not exceed \$6.75 per seat.

The present seat fee is \$2 a year, which means that the fee for a 40-seat bus is \$80. It is proposed to amend the existing provision so that in future the owner of a vehicle licensed as a regular route service vehicle will no longer have to pay this amount but will merely pay a nominal annual licence fee of \$2 for each vehicle.

The Opposition is troubled by the way in which the Bill has been introduced. It is partly troubled because the Government recognizes the invidious financial position, in the long term, of private bus interests and has set up a distinguished committee consisting of the Director of Transport, Mr. Graham Meech, the Deputy Director of Finance, Mr. I. G. Baker, and the Chairman of the Transport Regulation Board, Mr. P. B. Kay to examine the way in which subsidies are to be paid to private bus operators.

The Opposition cannot understand why the Government has jumped the gun. So far as I can see, the Government has received no comprehensive report from the committee. Honorable members do not know what the

committee is going to report on and when it will present its report. This measure is seen only as a short-term expedient. It does not really help much or make any real contribution to solving the over-all problems of transport operators in the metropolitan area. Accordingly, I move—

That all the words after "That" be omitted with the view of inserting in place thereof the words "this House refuses to read this Bill a second time until such time as the current inquiry into public transport reveals the amount and type of financial assistance required to be given to private bus operators".

In other words, the Opposition asks whether this merely is one bus stop along the route. Where will it all end? Is it possible to have two different and competing philosophies of transport operating side by side?

I emphasize that this is not an attack on private bus operators as such. Some tribute has to be paid to those operators who have, in many cases, provided a high standard of transport, comfort and safety. Private bus companies operate in a completely different set of parameters from those under which the public transport system operates. Private transport operators are primarily seeking profit and would not be in the business unless they saw the prospect of profit. They have been hit by salary increases and general inflationary tendencies in the past few years, as have many other people in private enterprise, but it is difficult to reconcile the profit motive of the private bus operators with the service motive that underlies the whole public transport system.

The Labor Party believes that Victoria is moving towards the idea of zero cost for public transport services. The Minister of Transport well knows that the public transport system is subsidized from general revenue, and that as far back as 1967 an evaluation of transport in Victoria was carried out by Dr. Peter Gilmour of Monash University. I understand that Dr. Gilmour was doing a commissioned study on behalf of the Bus Proprietors Association (Vic.),

but this does not invalidate the conclusions that he reached. In 1973 the figures that he obtained from the Transport Regulation Board and the Melbourne and Metropolitan Tramways Board showed that public transport operates at a deficit of 18 cents a mile, and private bus companies operate at a profit of 5 cents a mile. One might conclude from this that there is something miraculous about the way in which private industry operates its transport services, and that the Government ought to retire and hand over to the private sector.

Mr. ROSSITER: Indeed!

Mr. JONES: That would be an absurdity, as all honorable members know.

The Chief Secretary well knows that the public transport system is obliged to operate over an infinitely wider section of the metropolitan area than that covered by the private system. The people who operate the private system examine the needs of their localities and run their services on a basis which they know will be profitable. If they know that not many people use the service at night, they do not provide the service. If they know that not many people use the service on Sunday and therefore it is not likely to be profitable, they do not run services on Sundays.

Mr. MEAGHER: If permitted by the Transport Regulation Board to stop the services.

Mr. JONES: That is so. Although the Minister of Transport may begrudge admitting it, one must admit that there is a cosy relationship between the private bus operators and the Transport Regulation Board.

Mr. MEAGHER: That is a bit insulting to the board, is it not?

Mr. JONES: If the cap fits, wear it! If strong representations are made by the Bus Proprietors Association (Vic.) to the Transport Regulation Board there would not be many cases of the board "jacking up".

Mr. MEAGHER: The honorable member does not know the facts.

Mr. JONES: The honorable gentleman will have an opportunity of providing honorable members with his version of the facts during the Committee stage, if that is ever reached.

The operators of public and private transport systems work under completely different terms of reference. One is aimed at profit and the other is aimed at service. The consideration of running a transport system seven days a week in times when there is no usage of the vehicles is designed to provide a service. The Labor Party wants it to be recognized as a principle that transport is to be seen as a service in the same way as the provision of a water supply or an education system is a service. It is not to be seen essentially as a profit-making service. If people can be carried quickly, cheaply and safely so that they are not forced to use private motor vehicles, then the continuing war of attrition between high density cities like Melbourne and the private motor car can come to an end.

The Labor Party does not want the private bus system to be eliminated, but wonders how, in the long term, it will be possible for the two principles of profit and service to lie side by side. The Minister of Transport should state a comprehensive forward view of whether he sees the two contradictory principles as being capable of resolution, otherwise there will be a long series of subsidies which are designed to solve the short-term financial problems of the private bus operators, but are not likely to resolve the continuing difficulties of the public transport system within the metropolitan area.

The policy of the Labor Party, as I indicated before, and one of the reasons why the Opposition will be obliged to vote that the Bill be rejected, is that it wants to set the ultimate objective of providing free public transport in the metropolitan area. If that goal is established, it will be difficult for the private bus

operators to survive in their present form. As an interim measure, the Labor party has suggested that the Melbourne metropolitan zone should be divided into three concentric fare zones for public transport services. I shall give an illustration of how this system could work: There could be an inner zone of perhaps 3-kilometres radius from the General Post Office in which transport would be provided free. This would be a starting point. There could be a middle zone from 3 kilometres out to 15 kilometres from the General Post Office, including such disparate electorates as Essendon or Brighton, where a standard fare of 15 cents would be charged, and an outer zone, which might be 15 kilometres from the General Post Office to the extremities of the system, where the standard fare could be about 35 cents.

I was considerably influenced by what I saw eighteen months ago in Toronto, Canada, where steps had been taken towards achieving the standardization of fares to try to induce people to use public transport instead of relying on private motor cars. To be precise, the suggested boundaries of the inner zone to which I referred could run from the Clarendon Street bridge along the Port Melbourne railway line as far as Bridge Street, then as directly as possible to Bridport Street, South Melbourne, along Albert Street to Domain Road and via Darling Road and the Yarra River to Church Street, Richmond, projecting north from Church Street to the Eastern Freeway, Collingwood, then west along Alexandra Parade through Princes Street and Cemetery Road, Carlton, through Royal Park to Racecourse Road, Flemington, and via the Broadmeadows railway to the railway yards, back to the Clarendon Street bridge.

The SPEAKER (the Hon. K. H. Wheeler): Order! The honorable member is wandering far from the subject of the Bill, which concerns the regulation of licence fees.

Mr. JONES: With respect, Mr. Speaker, might I suggest that you look at the second-reading speech of

the Minister of Transport and consider whether it dealt specifically and only with reducing the tax per seat for people on buses or whether it dealt with the general question of what could be done to maintain financial viability for private bus services in general.

The Labor Party sees the Minister's solution as a short-term one which is not likely to deal with the problem effectively. The Labor party is suggesting an alternative way of examining it. I shall conclude this part of my remarks in a few moments, and relate it to the reason why it is so important that the House should reject this Bill tonight to allow the Minister to recast the measure in some other form, particularly when he has the response of his expert committee of inquiry.

We would want the 15-kilometer boundary to run through Hampton, Bentleigh, Oakleigh, Mount Waverley, Blackburn, Doncaster, Macleod, Bundoora, Thomastown, Campbellfield, Keilor, St. Albans, Ardeer and to the west of Altona. Similarly, in other provincial cities one would have the same kind of equalization. It would mean that instead of relying on the present idea of competitive transport systems, which at the moment rely on a subsidy according to receipt of fares, the total transport system would be regarded as being the responsibility of the community at large. In other words, it would be there not for the actual users, but for the potential users as well. The whole object of the exercise would be to get people away from private transport and to confine private transport to pleasure and week-end purposes, and to have people rely much more on public transport during the working week. Instead the Government has a short-term, short-sighted expedient policy of taking from the public purse in order to subsidize transport operators without any idea where it is going to end. The Opposition believes the policy ought to be fair equalization. I concede that in the long term that is vital to the

principle of private enterprise in the bus system. It is going to be very difficult for corporation profits to co-exist.

The SPEAKER (the Hon. K. H. Wheeler): I find the honorable member's comments very interesting. There is no doubt that what he is now suggesting will be the subject of further legislation. Will the honorable member confine his remarks to transport regulation and licence fees?

Mr. DOUBE (Albert Park): On a point of order, I want to point out that the matter which is now before the House is not only the Minister's Bill. Additional words have been added, and additional aspects of the problem are now being discussed. The honorable member for Melbourne has moved an amendment which widens the whole concept of the debate. He moved—

That all the words after "That" be omitted with the view of inserting in place thereof the words "this House refuses to read this Bill a second time until such time as the current inquiry into public transport reveals the amount and type of financial assistance required to be given to private bus operators".

I suggest that the amendment has widened the debate considerably from that originated by the Minister.

Mr. MEAGHER (Minister of Transport): On the point of order, Mr. Speaker. This is a rather difficult Bill to handle but I point out that the honorable member has based his amendment on a complete misapprehension of the position. He referred to a specialist committee set up in my department to examine the whole operation of bus transport in this State. There is no such committee and the reference in the amendment to a report of the committee is therefore quite erroneous.

There is a committee in my office consisting of the gentlemen named. Its sole responsibility is to determine the basis of, and to review periodically, the temporary subsidy scheme which is being paid while the situation is being examined. I suggest on the

point of order that what the honorable member is trying to achieve is unachievable in the terms in which it has been presented.

Mr. JONES (Melbourne): On the point of order, I point out that the Minister in his second-reading speech said, and I quote from page 3840 of *Hansard*, No. 13—

The Government has been making payments since 1st October, 1974, to assist operators to hold down fares and these payments will continue until October, 1976.

These are the key words—

and these payments will continue until October, 1976. During this period, an extensive review of the industry will be undertaken with the aim of enabling this section of public transport to play its proper role in providing public transport facilities throughout Victoria.

A committee consisting of the Director of Transport—

exactly as I have said—

the Deputy Director of Finance and the Chairman of the Transport Regulation Board has been set up to keep the scheme under review and to advise the Government of any adjustments which may be necessary.

This is precisely the committee I was talking about. If the Minister wishes to repudiate his second-reading speech that is up to him, but if the committee means anything, honorable members should be informed of its terms of reference and what it is recommending. The committee may say that the situation is hopeless, or it may recommend that in the long term there is no way out of the dilemma. I submit that the point of order of the Minister is *non à propos*.

Mr. MEAGHER (Minister of Transport): To sort out the honorable member's confusion—

The SPEAKER (the Hon. K. H. Wheeler): Order! I directed the honorable member to return to what I believed were the contents of the Bill. I still believe that he was canvassing other matters that were not included in the Bill. I have not ruled the honorable member out of order. It is customary to give more latitude to a Minister and to the Opposition member who is leading for his party. That I intend to do, but the honorable

member for Melbourne should not canvass these things any wider than just making a passing reference to them.

Mr. JONES (Melbourne): I was just making a passing reference to the Minister's second-reading speech. The Opposition's objection to the second-reading speech is that the Government does not look realistically, or very penetratingly, at the problem of the private bus owners. I have great sympathy for the private bus owners who I think are heading towards a point of no return. Private bus operators already have some economic advantage. Many of them receive a heavy subsidy from the Education Department for the extremely valuable work they do.

Mr. MEAGHER: Only some of them.

Mr. JONES: A fair number of them, particularly those outside the metropolitan area. Probably the bulk of private bus operators work on contract. They provide a valuable service, and I am not criticizing that.

Mr. MEAGHER: It is not a subsidy; it is a contract.

Mr. JONES: All right, it is a contract, but the subsidy assists towards the financial viability of the service. The private bus operator provides a more expeditious service than that of other public transport. One can understand the subsidy where the private bus operators are complementary to the public transport system, but the real difficulty is where they see themselves in direct competition, and their main approach is looking for areas of profitability.

The Opposition is particularly concerned with the principle involved. This is referred to in the Minister's second-reading speech, again on page 3840 of *Hansard* of 4th March, 1975. The Minister said—

Private bus operators have been invited to make applications for loans of up to \$20,000 per bus for the purchase of new vehicles to be licensed for regular route services. Interest on these loans will be charged at the concessional rate of 3 per

cent per annum—repayment to be by monthly instalments over a period of up to ten years.

The nature of the loan market at the moment is enabling people to receive up to 15 per cent per annum in interest. One might wonder why honorable members do not rapidly leave the Chamber and put in an application. If we could get multiples of \$20,000 and lend them out with no specific requirement, as far as I can see we could all do handsomely on the interest. What an affront to you, Mr. Speaker, and the House, that this is presented in a second-reading speech on a Bill which contains no specific reference—as you have pointed out, Mr. Speaker, once or twice—to these matters. Where is the legislation that deals with this matter? Surely it concerns a principle of important public significance, and yet it has never really been dealt with.

Most private bus companies are given virtually exclusive franchise areas by the Transport Regulation Board and in those areas they are absolutely protected from direct competition because of restricted entry. Very often, particularly in the country areas, apart from the railway system, the bus operators do not have to face the competition of public transport and are thus able to function comparatively well. The Minister of Transport informed the House of the approval of \$1.3 million which is to be loaned at 3 per cent interest to purchase a total of 69 buses. Where do honorable members find evidence of a progress report or a preliminary recommendation from the Minister's committee? I want to know about the Minister's committee because as I have a high regard for the members of that committee I should like to know what they envisage.

How will Melbourne's metropolitan transport problems be solved? The Minister will say that they will be solved by keeping them as far away as possible from the Australian Government, and although that may

be his point of view, I want to know what is the point of view of the expert committee. Has the expert committee recommended this subsidy? Has the expert committee recommended a policy of granting loans for the purchase of new buses? Perhaps the Minister of Transport could inform honorable members. Has that committee recommended anything about the seating capacity of buses? Again honorable members do not know because the Minister has not told us.

When is the report of the expert committee to be presented? Is the report to be presented this sessional period? Will it be available in the recess between this sessional period and the spring session? Members of the Opposition believe an important principle is involved and because enormous amounts of public money are being loaned at 3 per cent interest to private bus companies, this proposal should have been incorporated in the measure.

I believe the Minister of Transport is a conscientious and dedicated Minister but in this particular area, although his explanation of the Bill contains his customary eloquence, it cannot be said that it informs honorable members about much, whereas the Opposition believes it should do so. Consequently, I am moving that the House refuse to read the Bill a second time because the Opposition believes the House is entitled to have more information than it has been given; that it ought to have a measure before it dealing with a comprehensive approach to the metropolitan transport problems and the problems of provincial and country areas. That information should be available to honorable members before they form a judgment on this measure. Honorable members should also know what the Minister's expert committee has said.

Mr. MEAGHER (Minister of Transport): The honorable member for Melbourne has based his entire argument on a complete misapprehension and misreading of the situation which I

have endeavoured to explain to him. The honorable member has ignored my explanation. The honorable member has made repeated references to my alleged expert committee which is, according to him, investigating the operation of private buses in this State. The honorable member bases that argument on his interpretation of my second-reading speech. I will concede that possibly the second paragraph referring to the committee might have been better placed ahead of the paragraph referring to the existing review, but the paragraphs referred to two entirely different things.

My departmental committee exists for no other purpose than to conduct a periodical review of the temporary subsidies scheme, which has been agreed to as a matter of Government policy. As a result of that periodical review, that committee recommends to me the basis for payments, and it exists for no other purpose. There will be no formal report. There are no terms of reference. The committee is a departmental one which merely checks the submissions made by the bus proprietors and the figures on which they base their claims for subsidy so that I can accurately allocate the available funds.

The review of bus services is being carried out by an independent consultant and a report will be presented. The charter for that consultant is to examine the position of the private bus sector in the total transport scene of this State, and to report on every transport situation with a view to giving the Government some basis on which to found further policies to integrate the various forms of transport into one whole transport system.

The honorable member for Melbourne talked about the ultimate socialization of the private bus industry to bring it under the control of the Government. I point out to the House that the private bus sector carries 70 million people per annum in the metropolitan area and that represents an enormous network of transport. The honorable member

made a lot of play about the difficulty of reconciling the profit motive with the service motive. Apparently he does not understand that in the transport field, as in almost all other fields, profit depends on service; that undertakings of this sort make their profits in accordance with the type of service which they give to their customers, and there is no difficulty in reconciling the two propositions.

The honorable member for Melbourne criticized me because in my second-reading speech I gave a little background information to some of the other things being done in order to keep the private bus system operating. The proposals in the Bill are not the only step that the Government is taking. The House has the right to know what other things are being done because otherwise honorable members could justifiably have said that this Bill was of such piddling significance that it was not worth passing. It is a contribution in the short term to meet a need which exists now. A solution cannot be left until such time as we receive a comprehensive report from the consultants. It is a small contribution which to some degree will help to make these bus lines viable and to avoid possible further curtailments in services. I am perfectly aware there are many areas in which the private bus operators are unable to provide the service which the people demand. The purpose of setting up the inquiry is to find out how that can be done.

In the meantime, in the two-year period for which the subsidy scheme has been instituted, the objective of the Government is to avoid increasing the fares which will drive passengers away from the bus lines.

I do not propose to embark on the rather airy fields into which the honorable member for Melbourne entered when he talked about three zones of public transport with the inner zone being free and so on. I am quite certain that, like his colleagues in another place situated 300 or 400 miles from here, the honorable member has not bothered to do any

costing. I have examined the costing of the scheme which he submits. I did so because I had very much the same idea as he had for the ultimate solution of our problems, but it certainly cannot be adopted at this stage because the present passenger carrying capacity would not make it a financially feasible proposition. Ultimately when the Government has instituted all the improvements on which it has embarked, and there is a total integration of the public transport system, it will be possible to look at these approaches.

The amendment quite erroneously asks that the Bill be withdrawn until the current inquiry into public transport reveals the amount and type of financial assistance required to be given to private bus operators. I am quite certain that when the inquiry is completed the Government will have information on how to institute a system which will provide a type of service and still be able to maintain itself independently. That is what I am looking for, a service which will co-ordinate and correlate with the publicly-owned transport system.

The amendment does nothing but mark time. It denies this small amount of assistance, which the State is offering to the bus lines to help them to keep going and to carry a few extra people, for no better reason than that the honorable member for Melbourne is under a complete misapprehension about what is going on. Therefore, the Government rejects the amendment.

The Bill must be passed. It is part of a process of updating the public transport system. It is part of a process which logically will lead, I hope, to the sort of result that the honorable member for Melbourne wants, but that will not be achieved simply by doing nothing. There is an opportunity in this Bill for the Government to make what is a relatively minor contribution although in so many areas it can be significant. The Government rejects the amendment.

On the motion of Mr. TREWIN (Benalla), the debate was adjourned.

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

ADJOURNMENT.

POLICE FORCE ACCOMMODATION—
WAHGUNYAH RUBBISH TIP —
RESERVOIR BUS SERVICE—SHEPPAR-
TON DRIVER-TRAINING COMPLEX—
DOVETON TECHNICAL SCHOOL—
PARLIAMENTARY REFRESHMENT
ROOMS—MORELAND HIGH SCHOOL
TEACHER—CATTLE ON AGISTMENT.

Mr. THOMPSON (Minister of Education): I move—

That the House do now adjourn.

Mr. WILKES (Northcote): I do not know whether the Chief Secretary is aware of the position, but unfortunately the Victoria Police Force, as well as the Education Department, is now using portable structures. Two old tin huts that were taken from the former police barracks in St. Kilda Road are being used by members of the Criminal Investigation Branch at Doncaster East. This situation is not good enough. It means that members of the Criminal Investigation Branch will be accommodated at least 5 miles from their headquarters police station and they may be located there for three years.

Furthermore, 2 similar huts are to be installed at Heidelberg, 1 at Cowes and 1 at Westmeadows. If Victoria is to have a proper Police Force its members must be provided with proper facilities. The Chief Secretary is concerned about some of the antiquated buildings in which the police operate, and I am sympathetic with him because there are problems associated with getting rid of them. I have supported him in his difficulty on a number of occasions, but I shall not support him if he is agreeing to sheds or huts being used to house Criminal Investigation Branch personnel in Doncaster East, Cowes, Heidelberg and Westmeadows. This is not good enough for members of the Police Force. It will do nothing to improve their morale or efficiency,

and I ask the Chief Secretary not to allow the Police Force to adopt the portable system that operates within the Education Department and to take action to correct the situation immediately.

Mr. BAXTER (Murray Valley): I wish to raise a matter that is within the jurisdiction of the Minister of Health. I refer to the closure of the Wahgunyah rubbish tip by the Commission of Public Health. The Shire of Rutherglen was notified by letter that the tip would be closed on 31st December last. The rubbish tip had caused quite an amount of trouble over the past couple of years and a decision had been made by the shire to relocate it in a more suitable area. Work was proceeding to that end but it was delayed by the unprecedented floods experienced in the shire during the past twelve months.

The shire is objecting—I support it—to the manner in which the health authorities went about closing the tip. At the time of the closure, it was in a tidy state; it had recently been cleaned up. The floods had gone and in no way could the tip affect the River Murray, either now or within the next couple of months. Yet the health authorities failed to consult the council, the shire's health inspector or its medical officer. The first that the council knew about it was a letter which came out of the blue ordering the closure of the tip. I should think that smacks of "big brother" government.

The damage is done in this case, but I ask the Minister to ensure that a repetition does not occur. It is not of much use having a local government at Rutherglen if decisions are made by a bureaucrat sitting in an air-conditioned office in Melbourne. A good deal more communication is required.

Mr. SIMMONDS (Reservoir): I raise with the Minister of Transport the matter of some correspondence which I forwarded to him about the alteration of a bus route previously operated by the Reservoir

Bus Co. Pty. Ltd. The service being operated in the Spring Street, Taylor Avenue and Clinnick Street area has been diminished to the extent that it is practically useless to a significant number of people who have used the service for 28 years.

I sent a covering letter to the Minister and enclosed about 50 individual letters that I received from residents in the area who have heard that the service is being withdrawn. I understand that some proposals to provide an alternative route were discussed yesterday between the Transport Regulation Board, the bus company and some residents. I seek from the Minister an undertaking that he will investigate every possibility of restoring the existing service in the Taylor Avenue—Clinnick Street area because of the large number of elderly people in the Housing Commission estate who need this service for their every-day activities.

The fact that officers of Preston City Council are more concerned about the narrowness of the road and some possible problems with traffic control seems to indicate that a report from the council might not pay due regard to the needs of the residents. I ask the Minister to consider the need to restore the service to the citizens above some road engineering problems.

Mr. ROSS-EDWARDS (Leader of the Country Party): I bring to the attention of the Chief Secretary the general lack of use by drivers of Government motor vehicles of the driver-training complex at Shepparton. This complex has been operating for many months. I acknowledge the support that the Government has given to it, but the time has come for the Chief Secretary to confer with all other Ministers, who between them employ many thousands of public servants who drive motor vehicles and who should receive some training at this complex. The Government has shown its support by financial subsidies and in many other ways, but the Chief

Secretary must co-ordinate the various Government departments so that this complex can play its part in reducing the road toll in Victoria. It is of concern to all that the road toll in 1975 has been greater than it was at the same time in 1974. This is an important matter, and I am sure the Minister who has followed the progress of this complex closely and has visited it on many occasions will take action at an early date.

Mr. LIND (Dandenong): I bring to the attention of the Minister of Education a problem concerning Doveton Technical School. The principal has involved himself in the community, and many courses are open to the public at that school, particularly at night. However, the school is seriously short of teachers to cover day-time subjects. In at least eight subjects insufficient teachers are available. I have received several letters, including a number from outside the electorate of Dandenong, from as far away as Cranbourne and Berwick, because children from those areas attend this school as the nearest technical school.

I ask the Minister to investigate this staff shortage at the earliest possible opportunity. From what I have heard from the council of the school, from the parents of students, and from the staff members, I believe the situation is grave. A short week is being worked and subjects desired to be taken by some children still cannot be covered. I should be pleased to hear what proposals the Minister makes to overcome this situation.

Mr. TREWIN (Benalla): I refer a matter to you, Mr. Speaker, as Chairman of the House Committee. I comment on some of the meat that is served to members in the Parliamentary dining room. Today I ordered a Swiss steak. I believe the House staff and the cook did what they possibly could with the meat supplied, but with the good meat that is now available, if the refreshment rooms cannot serve reasonable meats Swiss steak should be taken off the menu. Steak is available only once

or twice a week. On two or three other occasions recently the meat that has been served has not been of good quality. As a meat producer I felt ashamed to have it placed in front of me.

Mr. ROPER (Brunswick West): I address a matter of urgent public importance to the Minister of Education. On the motion for the adjournment of the sitting two weeks ago I raised the matter of Mrs. Vergis, a teacher who one hoped would be appointed to Moreland High School. She may well have been, but my latest information is that she is still in limbo. I have heard nothing from the Minister since the matter was raised. In an effort to obtain finality I communicated with the Minister's office on a number of occasions in the past 24 hours and was promised replies. Unfortunately they were not forthcoming. This woman, and I imagine others like her, would be valuable members of any school staff. I bring the matter again to the attention of the Minister in the hope that speedy action will be taken.

Mr. B. J. EVANS (Gippsland East): Some months ago I referred on the adjournment motion to a court case that took place in Sale where the owner of a property who had taken cattle for agistment had sued the owner of the cattle for the amount of money owing to him. Much to the property owner's amazement, the owner counter-sued him successfully and received damages of \$20 a head for the stock which the property owner had looked after for many months. The owner of the property, whom I know well, had taken the cattle for agistment because he felt he was doing a service for somebody in less fortunate circumstances. The Minister promised that he would make an investigation. I believe the decision sets a difficult precedent for emergency situations which may arise in the future, because as this becomes more widely known the owners of property will be reluctant to accept stock for agistment if they think they may be vulnerable to

actions taken against them for any deterioration which may occur.

Mr. ROSSITER: To which Minister are you referring?

Mr. B. J. EVANS: The Minister of Agriculture. The honorable gentleman promised to look into this case. I spoke to the owner of the property yesterday, and he has heard nothing about it. I also have heard nothing and I ask the Minister again to look into this matter because it establishes an unfortunate precedent.

Mr. ROSSITER (Chief Secretary): Two matters were directed to my attention, one by the Deputy Leader of the Opposition who, one hopes, will become Leader of the Labor Party in due course. I shall take note of the honorable member's strictures concerning sheds and huts being transferred from St. Kilda Road. Temporary accommodation has concerned the Government for many years. As there is now a Federal Labor Government which is contributing to the inflationary spiral to such an extent that the funds of the Victorian Government are being seriously eroded, we must look at temporary expedients. In this case it appears that there is a need for temporary expedients in these temporary class-rooms.

Mr. WILKES: Second-hand huts.

Mr. ROSSITER: They are not second-hand huts. Some of these buildings provide good class-room accommodation. I remind the honorable member of the pre-war days and the sort of accommodation in a junior school in which I had to lecture.

The SPEAKER (the Hon. K. H. Wheeler): Order! We are not discussing temporary accommodation at schools but are dealing with the Police Department.

Mr. ROSSITER: There is a great deal of confusion in the minds of Opposition members, especially that of the Deputy Leader of the Opposition.

The Leader of the Country Party mentioned the Shepparton driver-training complex. That is one of the

great examples of self-help and community activity in this State, and the Government is concerned to support it. Government driving instructors will be sent there to take part. There will be a co-ordination of Government training in driver training at Shepparton.

Mr. SCANLAN (Minister of Health): The rubbish tip in the electorate of the honorable member for Murray Valley is of deep concern to me. I assure you, Mr. Speaker, that the representations made and the case which the honorable member argued for more adequate advice to be given by health inspectors when a tip is to be closed will be considered. I will advise the honorable member in due course on the matters that he has raised.

Mr. MEAGHER (Minister of Transport): The honorable member for Reservoir states that he has written me a letter about the service provided by the Reservoir Bus Co. Pty. Ltd. I do not recall that letter but if it has not already been dealt with I shall check my files and it will receive the usual consideration.

Mr. SIMMONDS: The letter had 50 other letters with it.

Mr. MEAGHER: That is what makes me wonder whether I received it, because it would be difficult not to remember correspondence of that magnitude. However, the matter will be attended to.

Mr. THOMPSON (Minister of Education): I shall be pleased to investigate the alleged teacher shortage at Doveton Technical School referred to by the honorable member for Dandenong.

In answer to the honorable member for Brunswick West, I am sorry that he has not been provided with an answer on the application for teacher registration from the Secondary Teachers Registration Board. As late as 3.30 p.m. today, I asked my secretary to telephone the Secondary Teachers Registration Board, which is really an autonomous body, and ask it to provide me with a final

answer that could be passed on to the honorable member. I will contact the body myself tomorrow to ascertain whether an answer came yesterday.

Mr. ROSSITER (Chief Secretary): May I crave the indulgence of the House to say that I will draw the attention of the Minister of Agriculture to the statesmanlike utterances that have been made.

The SPEAKER (the Hon. K. H. Wheeler): The honorable member for Benalla referred to steak supplied in the Parliamentary dining room. I undertake to take up the matter with the catering manager and hope the position will improve.

The motion was agreed to.

The House adjourned at 10.53 p.m.

QUESTIONS ON NOTICE.

The following answers to questions on notice were circulated—

SEWAGE TREATMENT PLANTS.

(Question No. 887)

Mr. HOLDING (Leader of the Opposition) asked the Minister of Public Works, for the Minister of Water Supply—

1. What is the present stock of sewage treatment plants immediately available for developers?

2. How many houses can be served by each unit and what is the unit cost?

3. What are the Melbourne and Metropolitan Board of Works priorities with respect to "development sequence" within each of the growth corridors?

Mr. DUNSTAN (Minister of Public Works): The answer supplied by the Minister of Water Supply is—

1. The Melbourne and Metropolitan Board of Works has fifteen package wastewater purification plants immediately available for installation in developers' areas.

2. Package waste-water purification plants available in stock at present are of two sizes, for 43 houses and for 114 houses based on 150 persons and 400 persons rating of plant, respectively. The unit purchase prices, 1973 values, are approximately \$15,000 for a 150-person plant and \$21,000 for a 400-person plant.

3. There is approximately 22,662 hectares (56,000 acres) of land zoned for reserved living purposes within the growth corridors established through the amendments to the Melbourne metropolitan planning scheme.

At the request of the Government, the Melbourne and Metropolitan Board of Works has prepared a scheme for land release and servicing which is known as the preferred development areas (P.D.A.) scheme which is related to those areas already zoned for urban development which can most readily and economically be serviced.

The scheme is currently being considered by the Government and it is hoped that a statement will shortly be made.

DRIVING TESTERS.

(Question No. 890)

Mr. ROPER (Brunswick West) asked the Chief Secretary—

1. What qualification of training is required before—(a) civilian driving testers; and (b) police driving testers, can test learner drivers?

2. What continuing training is available for such testers?

Mr. ROSSITER (Chief Secretary): The answer is—

1. (a) A thorough check is firstly made into the background of each applicant for appointment as a civilian driving tester to ascertain his suitability for such a position. The successful applicants are then required to attend and pass a five-week training course at the police motor driving school, comprising two weeks of lectures in classroom dealing with the road laws and three weeks of practical driving, before they are appointed as civilian driving testers.

(b) Police driving testers must be authorized in writing by the officers in charge of their respective districts to the effect that they possess the necessary qualifications and experience to satisfactorily carry out the duties involved in the testing of drivers. Police driving testers are not required, however, to attend a training course similar to that attended by applicants for appointment as civilian driving testers, as all members of the Police Force are given lectures on the road laws and practical training in driving during their training course at the police academy.

2. There is no continuing training conducted for either civilian or police driving testers.

INTERNATIONAL WOMEN'S YEAR.

(Question No. 891)

Mr. ROPER (Brunswick West) asked the Premier—

In respect of the reception held at the National Gallery of Victoria to celebrate International Women's Year 1975, on Monday, 24th February, 1975—

1. On what basis invitations were issued?

2. How many people were invited and how many accepted?

3. How many people from—(a) Brunswick; and (b) Coburg, were invited and how many accepted from each district?

4. What was the total cost of the function?

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

1. The reception guest list was compiled to include State Parliamentarians and leaders and achievers in the broadest cross-section of women's organizations in the Victorian community.

2. Apart from Parliamentarians, a total of 1,106 persons, including husbands in many cases. These represented 320 separate professional sporting, educational, religious, cultural and community organizations in the metropolitan and country areas. The remainder were individual women who had distinguished themselves in special fields. Of the number invited, 960 accepted and 890 actually attended—325 couples and 240 single women.

3 (a) Two couples were invited and accepted.

(b) One person was invited and accepted.

4. The cost of the catering, including the supply of food, liquor and service was \$6,800.

(Question No. 892)

Mr. ROPER (Brunswick West) asked the Premier—

1. What action the Government has taken to support International Women's Year 1975, and what further actions are proposed?

2. What is the estimated cost to the State Government for involvement in each activity?

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

1 (a) A reception was held at the National Gallery on Monday, 24th February, 1975, to celebrate the occasion.

(b) A committee on status of women has been set up to examine all factors including but not confined to legal, educational, economic and social matters affecting equality of opportunity for women.

(c) State Government departments have offered co-operation in their respective spheres of administration about matters associated with International Women's Year.

2. (e) The cost of the reception was \$6,800.

(b) As the extent of Government involvement in other activities is not yet known, an estimate of costs cannot be given.

CHILD RESTRAINTS IN CARS.

(Question No. 899)

Mr. ROPER (Brunswick West) asked the Chief Secretary—

In respect of undertakings given to the Parliament in connection with the compulsory use of child restraint devices in cars, whether the Australian Transport Advisory Council Meeting in February, 1975, considered a design rule concerning child restraints; if so, whether the rule was accepted and, in that event, how and when the Government will take action to enforce the compulsory restraint of children in cars?

Mr. ROSSITER (Chief Secretary): The answer is—

At its meeting in February, the Australian Transport Advisory Council considered and accepted a recommendation that all passenger cars manufactured on and after 1st July, 1976, should be required to comply with a new design rule which specifies that upper anchorage points must be provided in the rear seats of such vehicles for the fitting of child restraints. The design rule makes no reference to the installation of child restraint devices or to the compulsory use of such restraints. The anchorage points will facilitate the installation of child restraint devices.

Victoria will include the design rule in its regulations at the appropriate time.

LEARNER-DRIVERS.

(Question No. 906)

Mr. ROPER (Brunswick West) asked the Chief Secretary—

In respect of tests for learner-drivers' permits—

1. When non-English language written tests will be available, specifying the date in respect of each language?

2. When such tests will be introduced?

3. When the publications "Before You Drive" and the "Victorian Road Code" will be available in languages other than English, specifying the languages used or to be used?

Mr. ROSSITER (Chief Secretary): The answer is—

1. The written tests for learner-drivers' permits are at present in the process of being translated and printed into the Polish, German, French, Greek, Maltese, Spanish,

Italian, Turkish and Yugoslav languages. The process has reached the following stages in respect to each language—

Polish	{	Translations completed and the printer's proofs checked and forwarded to the Government Printer on 29th January, 1975, 31st January, 1975, 4th March, 1975 and 4th March, 1975 respectively.
German		
French		
Greek		
Maltese	{	Translations completed and forwarded to the Government Printer on 29th January, 1975 and 4th March, 1975, respectively, for the printing of proofs.
Spanish		
Italian	{	The translations into these three languages have not yet been completed.
Turkish		
Yugoslav		

2. The written tests in the nine languages will be introduced as soon as possible. I cannot indicate dates until printing and other arrangements are further advanced.

3. Non-English editions of "Before You Drive", or copies of the learner-drivers' permit test questions and answers in some other published form, will be available prior to the introduction of written tests in each of the above-mentioned languages. The "Victorian Road Code" has been published in Greek, Italian, Serbo-Croatian and Turkish.

BOOKLETS ON ROAD LAW.

(Question No. 907)

Mr. ROPER (Brunswick West) asked the Chief Secretary—

In respect of booklets issued on Victorian road law—

1. Whether the publication *Before You Drive* is out of print; if so, when stocks were exhausted, when new stocks will become available and what is the reason for the delay?

2. Whether the English edition of *Victorian Road Code* is presently out of print; if so, when new stocks will become available and what is the reason for the delay?

Mr. ROSSITER (Chief Secretary): The answer is—

1. The publication is not out of print but it is not available at certain licence testing stations. I am most disturbed at this situation because the initial printing and distribution provided sufficient copies to meet demand over a twelve month period. I can only assume that some persons and agencies have obtained and are holding excessive quantities of the booklet. A further printing is in course and copies will be distributed within a few days. In the meantime, any person who experiences difficulty in obtaining a copy should contact the Public Advice Division of the Road Safety and Traffic Authority.

2. The English (metric) edition of the *Victorian Road Code* is in limited supply. A revised edition is in course of preparation and will be available within two months.

CRIMES COMPENSATION TRIBUNAL.

(Question No. 910)

Mr. CHAMBERLAIN (Dundas) asked the Chief Secretary—

Since the establishment of the Crimes Compensation Tribunal—(a) how many applications have been dealt with; (b) how many applications are pending at the present time; (c) what total amount of compensation has been paid out in each year of operation; (d) in how many instances the maximum award has been made; (e) in what type of situation the maximum award has been made; and (f) how many applications have failed and on what grounds?

Mr. ROSSITER (Chief Secretary): The answer is—

(a) 844.

(b) 181. Of these pending claims, 44 have been set down for hearing in March and a further 30 are in the initial processing stage. In the other 107 cases, the applicants are not ready to proceed.

(c) 28th June, 1973 to 30th June, 1973—\$2501; 1st July, 1973 to 30th June, 1974—\$323,778; 1st July, 1974 to 5th March, 1975—\$369,246.

(d) 38.

(e) In some cases where the maximum award has been made, the main head of compensation was loss or expense present or prospective. In other cases, the main head of compensation was pain and suffering. The maximum award has also been made in some cases to dependants of a deceased victim.

(f) Four applications have been withdrawn and 32 applications have been refused. The principal grounds of refusal have been that the injury was received before 13th December, 1972, when the Act came into force; that there was no credible evidence that the injury resulted from a criminal act or omission; and that the applicant's own conduct was such that an award should not be made.

TRESPASS TO FARMS BY SHOOTERS.

(Question No. 940)

Mr. CURNOW (Kara Kara) asked the Chief Secretary—

1. Which municipalities have been proclaimed pursuant to section 28A of the Firearms Act 1958?

2. Whether applications are currently being considered; if so, in respect of which municipalities?

Mr. ROSSITER (Chief Secretary): The answer is—

1. The following municipalities have been proclaimed pursuant to section 28A of the Firearms Act 1958—

Alberton	Kaniva
Alexandra	Kara Kara
Arapiles	Keilor
Ararat	Kerang
Avoca	Kilmore
Avon	Knox
Bacchus Marsh	Korong
Bairnsdale	Korumburra
Ballan	Kowree
Ballararat	Kyabram
Bannockburn	Kyneton
Barrabool	Leigh
Bass	Lexton
Beechworth	Lillydale
Belfast	Lowan
Bellarine	Maffra
Benalla	Maldon
Berwick	Mansfield
Bet Bet	Marong
Bright	McIvor
Broadford	Melton
Broadmeadows	Metcalfe
Bulla	Minhamite
Buln Buln	Moe
Bungaree	Mornington
Buninyong	Mortlake
Camperdown	Morwell
Charlton	Mount Rouse
Chelsea	Mulgrave
Chiltern	Myrtleford
Cobram	Nathalia
Cohuna	Narracan
Colac	Newham and
Corio	Woodend
Cranbourne	Newstead
Creswick	Numurkah
Dandenong	Omeo
Daylesford	Orbost
Deakin	Otway
Diamond Valley	Oxley
Dimboola—West	Phillip Island
riding	Port Fairy
Doncaster and	Portland
Templestowe	Pyalong
Dundas	Pakenham
Dunmunkle	Ripon
East Loddon	Rochester
Eltham	Rodney
Euroa	Romsey
Ferntree Gully	Rosedale
Flinders	Rutherglen
Frankston	Seymour
Gisborne	Shepparton
Glenelg	Sherbrooke
Glenlyon	South Barwon
Gordon	South Gippsland
Goulburn	Springvale and
Grenville—North,	Noble Park
east, central and	Talbot
west ridings	Tambo
Hampden	Towong
Hastings	Traralgon
Healesville	Tullaroop
Heytesbury	Upper Murray
Huntly	Upper Yarra

Violet Town	Whittlesea
Wangaratta	Wimmera
Wannon	Winchelsea
Waranga	Wodonga
Warracknabeal	Wonthaggi
Warragul	Woorayl
Warrnambool	Wycheproof
Werribee	Yarrawonga

2. Yes. An application from the Shire of Karkaroc is presently being considered.

CHILD MIGRANT EDUCATION PROGRAMME.

(Question No. 947)

Mr. ROPER (Brunswick West) asked the Minister of Education—

In respect of the child migrant education programme—

1. Which advisory committees have been set up by the Education Department?

2. Who are the members of such committees and how often the committees meet?

3. What reports or booklets have been issued on migrant education by the department or the advisory committees since 1970?

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

1. The Education Department has established a Child Migrant Education Committee which has formed three sub-committees viz:

Primary sub-committee
Post-primary sub-committee
Socio-cultural sub-committee

2. All committees meet monthly.
Child Migrant Education Committee Membership (as at 12th March, 1975)—

Miss H. Cranley (Chairman)
Mr. I. Mathews (Deputy chairman)
Mr. A. Humphries
Mr. J. MacGregor
Mr. J. Sargeant
Mr. J. Bold
Mr. F. Gray
Miss K. O'Connor
Mr. B. Ryan
Mrs. A. Goding
Mr. R. Walker
Mrs. S. McInnes
Miss J. Royal
Mrs. I. Austin (Secretary)

Post primary sub-committee—

Mr. A. McKnight (Chairman)
Miss M. Fallaw
Mr. G. Rokic
Mr. F. Schumacher
Mr. F. Gray
Miss D. McLean

Primary sub-committee—

Miss K. O'Connor (Chairman)
Miss J. Royal
Mrs. J. Thomas
Mrs. B. Teed
Miss M. Dittering

Mr. P. Lynch
Mrs. F. Griffen
Mr. D. Tyrer
Mr. P. Cook (Minute secretary)

Socio-cultural sub-committee—

Mrs. A. Goding (Chairman)
Mrs. A. Newenhuizen
Mr. M. Economo
Mr. M. Nicholl
Miss C. Sari
Miss H. Stratos
Mr. A. Mathieson
Mrs. E. Jones (Minute secretary)

3. (i) Course for infants April, 1972.

(ii) Five approaches to the organisation of migrant classes in schools. 1972 (post primary).

(iii) Polycm. February, 1972.

(iv) First language acquisition and its implications for second language learning (Mary Fallaw) 1974.

SEWERAGE FOR PRESTON.

(Question No. 958)

Mr. KIRKWOOD (Preston) asked the Minister of Public Works, for the Minister of Water Supply—

Whether, as the south-eastern corner of the City of Preston contains many of the city's offensive trades which contribute to the problems of the Darebin Creek, the Minister will request the Melbourne and Metropolitan Board of Works to give urgent consideration to the provision of sewerage facilities for this area?

Mr. DUNSTAN (Minister of Public Works): The answer supplied by the Minister of Water Supply is—

The Melbourne and Metropolitan Board of Works recognizes that offensive trades are situated in the south-eastern corner of the City of Preston, and to control any pollution which may arise therefrom the board is finalizing the detailed designs for the sewers to serve the area which is known as re-ticulation area No. 4250.

Tenders for the construction of the sewers will be invited within two months with the objective of commencing work by June, 1975.

SUPERVISION OF SCHOOL CROSSINGS.

(Question No. 961)

Mr. EDMUNDS (Moonee Ponds) asked the Chief Secretary—

1. Which municipalities have applied for subsidies for the appointment of supervisors at school crossings?

2. What school crossings within the City of Essendon are classified as warranting supervision, what crossings are supervised at present and when the remainder will be supervised?

Mr. ROSSITER (Chief Secretary): The answer is—

1. As at 7th March, 1974, 64 municipalities had applied. These were—

Alberton, Altona, Bacchus Marsh, Ballarat Shire, Bellarine, Benalla City, Benalla Shire, Berwick, Box Hill, Brighton, Bulla, Buln Buln, Camberwell, Chelsea, Colac City, Collingwood, Corio, Cranbourne, Croydon, Dandenong, Diamond Valley, Doncaster and Templestowe, Echuca, Eltham, Essendon, Flinders, Footscray, Frankston, Geelong West, Heidelberg, Kilmore, Knox, Lillydale, Malvern, Maryborough, Moe, Moorabbin, Mordialloc, Mornington, Mortlake, Morwell, Nunawading, Oakleigh, Pakenham, Portland City, Prahran, Richmond, Ringwood, Rodney, Sandringham, Sebastopol, Sherbrooke, South Barwon, Springvale, St. Kilda, Sunshine, Tullaroop, Upper Yarra, Warrnambool City, Waverley, Werribee, Williamstown, Winchelsea and Wodonga.

2. Eleven crossings in the City of Essendon have been selected by the Council for supervision and approved for subsidy by the Government. The present position regarding their supervision is as set out below:—

Fawkner Street, south of Batman Street	} Already supervised.
Park Street, west of Leslie Road	
Epsom Road, west of Roseberry Street	
Ascot Vale Road, north of Bank Street	
Buckley Street, at Leslie Road (Pedestrian crossing)	
Buckley Street, east of Batman Street	} Likely to be supervised within the next two weeks.
Wilson Street, east of Fanny Street	
Maribyrnong Road, west of Hotham Street	
Maribyrnong Road, west of Holdsworth Street	
Holmes Road, at Argyle Street	
Waverley Street, south of Alma Street	

LAND NEAR LAKE VICTORIA.

(Question No. 967)

Mr. SIMMONDS (Reservoir) asked the Minister for Fuel and Power—

Whether the Gas and Fuel Corporation has purchased 950 acres on the north shore of Lake Victoria; if so—(a) how much was paid for the land; and (b) for what purpose the land was purchased?

Mr. BALFOUR (Minister for Fuel and Power): The answer is—

(a) This land totalling 945 acres was purchased in January, 1974 for the sum of \$189,000.

(b) This land was purchased against the corporation's possible long term needs in connection with oil and gas developments

in Gippsland. The corporation has no plans to use the property in the immediate future and it is currently leased for grazing and cropping.

TAPESTRY PROJECT.

(Question No. 972.)

Mr. JONES (Melbourne) asked the Minister of the Arts—

Further to the answer to question No. 877 asked on 4th March, 1975—

1. Whether Mr. John Blanch, consultant to the Ministry for the Arts, submitted a final report dated 29th October, 1974 on a tapestry project; if so, whether the report will be published and when?

2. Whether the report, apart from appendices, consisted of less than five typed pages?

3. Whether, before Mr. Blanch was sent abroad on his tapestry mission, there was any consultation on his terms of reference with the Victorian Craft Association or representative weavers?

4. Where the idea of the tapestry project originated?

5. Whether any steps have been taken to examine weaving in general, of which tapestry is only one aspect?

Mr. HAMER (Minister of the Arts): The answer is—

1. Mr. Blanch submitted a final report on 29th October, 1974, to the Victorian Tapestry Workshop Committee. This report will not be published.

2. Yes.

3. The terms of reference were set by the Victorian Tapestry Workshop Committee. The Victorian Craft Association was not consulted on his terms of reference. However they, and representative weavers and some other 30 organizations, institutions and individuals throughout Victoria and Australia were interviewed by the consultant before undertaking his overseas study tour.

4. The immediate initiative for the tapestry workshop project originated in the National Gallery of Victoria following a discussion between the former director and Lady Delacombe. In the present circumstances, Australian artists wishing to produce major tapestries must go overseas for their production and for their materials.

5. Yes—by individual members and especially the Director of the Ministry for the Arts who is a member of the current Federal inquiry into the state of the crafts in Australia.

MILK BOARD INQUIRY.

(Question No. 980)

Mr. FOGARTY (Sunshine) asked the Minister of Agriculture—

Whether the Victorian Milk Board has a vested interest in the present Milk Board inquiry due to a debtor, namely, Metropolitan Dairies Pty. Ltd., a subsidiary of Consolidated Foods Ltd., being a member of the Melbourne and Metropolitan Milk Distributors Association?

Mr. I. W. SMITH (Minister of Agriculture): The answer is—

On the assumption that the question relates to the current milk price inquiry, the answer is that the Milk Board does not have a vested interest in the inquiry. This is a public inquiry embracing all aspects of the milk industry from production through to distribution and the board's findings will be made on the basis of evidence placed before the inquiry.

METROPOLITAN DAIRIES PTY. LTD.

(Question No. 981)

Mr. FOGARTY (Sunshine) asked the Minister of Agriculture—

1. What amount was owed to the Milk Board by Metropolitan Dairies Pty. Ltd. on the payment dates being the 15th day of each month from April to December, 1974, inclusive, and from January to February, 1975, inclusive?

2. What interest was debited against the outstanding account of Metropolitan Dairies on the 15th day of each month as from and including April, 1974?

3. What were the terms of agreement between the Milk Board and the company for the discharge of the debt?

4. How many other milk processing companies are indebted to the Milk Board for a period in excess of six weeks?

Mr. I. W. SMITH (Minister of Agriculture): The answer is—

1. Amounts owed to the Milk Board on the fifteenth day of the months in question were:

	\$
April, 1974	1,705,650.68
May, 1974	500,000.00
June, 1974	1,000,000.00
July, 1974	1,315,602.04
August, 1974	1,438,527.66
September, 1974	1,634,088.75
October, 1974	1,550,691.96
November, 1974	1,632,209.48
December, 1974	1,634,943.01
January, 1975	1,604,746.72
February, 1975	1,578,257.28

The amounts shown above were the amounts overdue at fifteenth of each month in accordance with the terms and conditions

under which the board sells milk to processing dairies. The figure at the fifteenth of each month is made up of the amount due to the board in respect of milk supplied during the previous month plus any amount still owing in respect of milk supplied in earlier months, less any amount paid to the board on fifteenth of the month shown. These amounts do not include the cost of milk sold by the board to the company from first to fifteenth of the month shown.

2. Interest is not charged on accounts overdue with the Milk Board. However, an additional charge of 0.19 cents per gallon has been levied against Metropolitan Dairies Pty. Ltd. since 15th August, 1974, for each period of ten (10) days or part thereof, during which payment has been overdue. Prior to that date the rate was 0.15 cents per gallon.

On this basis, additional charges levied against Metropolitan Dairies were as follows—

Month of supply	Additional charges \$
April, 1974	1,371.95
May, 1974	6,725.25
June, 1974	9,003.24
July, 1974	11,747.71
August, 1974	10,219.51
September, 1974	11,968.54
October, 1974	12,899.74
November, 1974	14,118.09
December, 1974	12,764.95
January, 1975	8,447.50

The total amount of additional charges debited to the company in respect of this period was \$99,266.48.

Additional charges on milk supplied in February 1975 do not apply until after the due date for payment, being 15th March, 1975.

3. Arrangements for the discharge of the company's outstanding indebtedness have not yet been finalized.

4. No other milk processing companies are at present indebted to the Milk Board for periods in excess of six weeks.

AFTER-HOURS USE OF SCHOOLS.

(Question No. 984)

Mr. ROPER (Brunswick West) asked the Minister for Youth, Sport and Recreation—

In respect of the use of schools by the community—

1. Whether a legal opinion has been sought on the question of who is liable for damages if accidents occur; if so, whether he will make a copy available to the member for Brunswick West?

2. Whether a Government run or organized public liability insurance scheme to cover after-hours use of schools has been examined; if so, with what result?

Mr. DIXON (Minister for Youth, Sport and Recreation): The answer is—

1. No. The normal procedure would be for the particular circumstances of any action for damages to be referred to the Crown Solicitor.

2. The Education Department is presently examining a range of questions pertaining to the community use of schools. The question of public liability insurance is included. The report should be finalized at an early date.

LANDALL HOMES.

(Question No. 986)

Mr. ROPER (Brunswick West) asked the Attorney-General—

In respect of the collapse of the building company Landall Homes—

1. Whether he has investigated the question of furniture sales and bond money as promised during the adjournment debate on 19th November, 1974; if so, with what result?

2. Whether the Law Department has prepared a report on the circumstances in which bond money was not paid into a trust fund; if so, whether he will make the report available to the member for Brunswick West?

Mr. WILCOX (Attorney-General): The answer is—

Landall Homes is a business name registered by Landall Ltd. a company incorporated in the Australian Capital Territory and registered in Victoria as a foreign company. I understand that Landall Homes has taken leases of certain properties, and has sub-let the properties either furnished or unfurnished. The matter of furniture sales is not one in which the Government may properly intervene.

In relation to the sub-letting of properties, it appears that Landall Homes acted on its own behalf and not in the capacity of an agent. In the circumstances, it is not affected by the provisions of the Estate Agents Act 1958.

FLUORIDE.

(Question No. 987)

Mr. MUTTON (Coburg) asked the Minister of Health—

If he will ascertain and inform the House—

1. What total amount of fluoride is held in storage at present in—(a) Australia; and (b) Victoria, and what safety precautions are used in relation to storage?

2. How fluoride is stored and what area of space would be required to store a thousand tonnes?

3. What use is made of fluoride, other than for the purpose of fluoridation of water?

4. How unwanted fluoride is disposed of?

Mr. SCANLAN (Minister of Health): The answer is—

1. The total amount of fluoride at present held in storage in Australia and Victoria is not known to the Department of Health.

The storage of fluoride chemicals generally is covered in the Poisons Regulations 1963 which makes it an offence for any person to carelessly leave any poisonous or deleterious substance in any place accessible to others. Insofar as the storage of fluoride chemicals use in connection with the fluoridation of public water supplies and the safety of operators is concerned, this is specifically provided for in regulation 5 of the Health (Fluoridation) Regulations 1974 which provides as follows—

- (a) Dry feed equipment forming part of the fluoridation plant or equipment of the water supply authority shall be fitted with effective exhaust ventilation connected to enclosed dust collectors of adequate capacity and vented to the outside air;
- (b) Impervious rubber or plastic gloves, an impervious rubber or plastic apron and an efficient respirator shall be provided by the water supply authority for the sole use of each person employed in adding fluoride in the form of crystals or powder to a public water supply, and protective gloves and aprons shall be maintained in good condition by the water supply authority;
- (c) Respirator cartridges and dust filter pads in respirators shall be replaced when necessary, and in any case at intervals of not more than thirteen weeks;
- (d) Impervious rubber or plastic gloves, impervious boots and a full face shield for the sole use of each person employed in adding fluoride in the form of hydro-fluorosilicic acid to a public water supply shall be provided and maintained in good condition by the water supply authority;
- (e) In each room or place where persons are employed in adding fluoride to to a public water supply, or other adjacent accommodation, there shall be provided—
 - (i) a wash basin with an adequate supply of running water; and
 - (ii) sufficient soap and nail brushes and either an adequate supply of paper towels or a clean towel of suitable material weekly for each person so employed;

(f) In each room or place where persons are employed in adding fluoride in the form of hydrofluorosilicic acid to a public water supply, or other adjacent accommodation, there shall be provided—

(i) a safety shower connected to an adequate water supply in such a way as to ensure that supply to the shower is not interrupted in the event of the interruption of the water supply to the fluoridation equipment; and

(ii) an eye-irrigation apparatus;

(g) Any spillage of fluoride which occurs shall be removed by hosing;

(h) Each person employed in adding fluoride to the public water supply of the water supply authority shall be thoroughly instructed regarding the precautions to be followed in handling fluoride;

(i) A copy of these regulations shall be kept posted in a conspicuous position in the vicinity of the fluoridation plant or equipment; and

(j) Containers containing fluoride shall be stored separately from other chemicals used in a water treatment plant, except in the case of a closed tank attached to and forming an integral part of liquid feed equipment.

2. The storage of fluoride chemicals depends on the nature of the chemicals used. Hydrofluorosilicic acid in concentrated aqueous solution is stored in corrosion resistant tanks or drums. Sodium fluoride and sodium silico fluoride, being powders, are supplied in drums or paper packages. Packages are stacked in layers of two to prevent lumping.

The storage space required for a 1000 tonnes would depend on the nature of the fluoride chemical and the type of pack but such a quantity would only be stored at a major supply depot.

3. The chemicals used for the fluoridation of water are also used in various industries such as glass manufacture, adhesives, smelting and welding, surface coatings, ceramics, electrolytic coatings, rubber manufacture, leather pretreatment, fluoride compounds for topical application to teeth, toothpaste and fluoride tablets.

4. Unwanted industrial fluoride chemicals would be disposed of in garbage depots specifically approved for the disposal of industrial chemical wastes. Unwanted fluoride chemicals at water treatment plants would consist of spillage, dust or materials adhering to non-returnable containers and would be disposed of in accordance with the provisions of the Health (Fluoridation) Regulations which provide that—

(i) Spillage is to be removed by hosing.

(ii) Dust is to be removed by effective exhaust ventilation connected to an enclosed dust collector.

(iii) Non-returnable containers are to be disposed of by incineration or burying.

KEILOR PARK PRIMARY SCHOOL.

(Question No. 992)

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

In respect of the Keilor Park Primary School—

1. What is—(a) the enrolment; (b) the number of teachers, including the principal; (c) the number of permanent class-rooms; and (d) the number of portable class-rooms?

2. What plans the Education Department has for the further provision of permanent class-rooms and amenities at this school, including a canteen?

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

1. (a) The current enrolment at Keilor Park Primary School is 343.

(b) The staff complement is 14.

(c) There are six permanent class-rooms at the school.

(d) Five portable class-rooms have been provided.

2. It is planned that extension as follows will be provided at the school—

Art resource centre, library, seven additional class-rooms (including one replacement room) general purpose room and covered play area and staff and administration upgrade.

The school has indicated a wish to provide a canteen on a special grant basis and the Public Works Department will be asked to make provision for this in the scheme of works.

TEACHER POSTINGS.

(Question No. 994)

Mr. CURNOW (Kara Kara) asked the Minister of Education—

1. How many teachers have taken leave without pay so far this year because of dissatisfaction with the location in which they have been asked to teach?

2. What is being done to help these people obtain teaching positions in suitable locations?

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

1. Nineteen primary teachers have been placed on leave without pay because the department has been unable to place them in the areas they desire.

2. All cases are under constant review should suitable vacancies occur.

MUNICIPAL VALUATIONS.

(Question No. 995)

Mr. CURNOW (Kara Kara) asked the Minister of Public Works, for the Minister for Local Government—

Whether ratepayers can only appeal against their municipal valuations during the year following a new valuation; if so, what action can be taken by a ratepayer whose property valuation is affected two or three years after a revaluation?

Mr. DUNSTAN (Minister of Public Works): The answer supplied by the Minister for Local Government is—

The Valuation of Land Act provides for a right of appeal against a municipal valuation in each year of its life. The appeal period is for two months, usually during February and March.

Where a property loses value by reason of the destruction of improvements after the general valuation, a supplementary valuation should be made as soon as possible after the fact becomes known. A similar right of appeal exists with regard to the supplementary valuation.

MILK BOARD CONTRACTS.

(Question No. 996)

Mr. CURNOW (Kara Kara) asked the Minister of Agriculture—

1. What is the basis of allocation of milk contracts issued by the Milk Board for the supply of whole milk?

2. Whether he is aware that a dairy farmer at Berwick can have an 80-gallon contract while running only 65 cows whilst a dairy farmer at Maryborough can obtain only a 40-gallon contract while running 102 cows?

Mr. I. W. SMITH (Minister of Agriculture): The answer is—

1. The broad basis under which milk contracts are or were allocated to dairy farmers by the Milk Board is to meet the requirements of the liquid milk market in proclaimed milk districts, having regard to—

(a) any existing arrangements between processing dairies and dairy farmers at the time the respective districts are or were proclaimed under the Milk Board Act, and

(b) the standard level of new contracts issued by the board to dairy farmers located in the various supply areas for the respective milk districts.

2. Any new milk contracts issued to dairy farmers in either the Berwick area or at Maryborough are for a common quantity, i.e., 40 gallons daily, and such contracts

are not related to the number of cows being milked. Contracts of a larger quantity with farmers in the Berwick area could be the result of either—

(a) the legislative requirement in the Milk Board Act of 1951 for the board to recognise contracts which were at that time in existence between dairy farmers and dairies or milk depots;

(b) any adjustments to contract quantities having regard to the production records of individual farmers in relation to the board's requirements from that district; or

(c) the amalgamation of two or more contracts in consequence of the purchase or lease of additional farms.

The circumstances described in (1) (a), 2 (b) and 2 (c) apply equally in the Maryborough district, where there are contracts for quantities ranging up to 100 gallons.

SEWERAGE FOR EAST KEILOR.

(Question No. 997)

Mr. GINIFER (Deer Park) asked the Minister of Public Works, for the Minister of Water Supply—

In respect of the properties in St. Bernards Drive, and Stirling Drive, East Keilor, which abut the State Electricity Commission easement, whether the Melbourne and Metropolitan Board of Works will consider locating the reticulation sewers for these properties in the commission easement rather than in the individual properties?

Mr. DUNSTAN (Minister of Public Works): The answer supplied by the Minister of Water Supply is—

The Melbourne and Metropolitan Board of Works will consider locating the reticulation sewers for the properties in St. Bernard Drive and Stirling Drive, East Keilor, in the State Electricity Commission easement.

BRUNSWICK MENTAL HEALTH CLINIC.

(Question No. 1003)

Mr. ROPER (Brunswick West) asked the Minister of Health—

In respect of the Brunswick Mental Health Clinic—

1. When the Department of Health requested the Department of Public Works to investigate the lease of a Melville Road building?

2. When proposed floor plans were received by the Department of Health?

3. Whether leasing arrangements have been finalized; if so, when?

4. Whether he is aware of statements made by the officer-in-charge, Mr. Mellso, criticizing delays in completing the premises; if so, what are the reasons for the delay?

5. When the premises will be ready for occupancy?

Mr. SCANLAN (Minister of Health): The answer is—

1. 7th October, 1974.
2. 3rd December, 1974.
3. Yes, 7th February, 1975.

4. I am aware of the statement made by Dr. Mellso. Delays have been caused by the need to make the necessary leasing arrangements and to have alterations made to adapt the premises for the specific purposes of a mental health clinic.

5. Specifications have been prepared by the Public Works Department for submission to the Mental Health Authority for approval. Upon receipt of such approval quotations will be called for by the agent for the owner of the building. It is anticipated that it will take approximately six weeks for the premises to be ready for occupancy following the acceptance of a quotation.

PENSHURST HOSPITAL.

(Question No. 1004)

Mr. ROPER (Brunswick West) asked the Minister of Health—

Whether he told the Committee of Penshurst Hospital that the hospital could use the unused beds in the nurses quarters for general hospital purposes; if so, whether the Hospitals and Charities Commission has refused the hospital's request and, in that event, why?

Mr. SCANLAN (Minister of Health): The answer is—

During a visit to the Penshurst and District Hospital early in 1974, I said that the hospital should perhaps consider the possibility of making use of part of the vacant nurses home for patient accommodation and should seek the advice of the Hospitals and Charities Commission on the practicability of this.

Subsequently the hospital sought the approval of the Hospitals and Charities to utilize part of the nurses' quarters for geriatric accommodation.

The commission then made a technical examination of the proposal and informed the hospital that the change would create problems in toilet arrangements which were unsuitable. Additionally, staffing difficulties would result due to the nursing station being located quite some distance away from the proposed new accommodation and the increase in nursing staff required (five) would be inappropriate to the gain of three beds only.

When the commission reported accordingly I, a little regretfully, agreed with the decision that the proposal would not provide a satisfactory result.

I see nothing inconsistent in the first suggestion and the final decision.

NEW POLICE STATIONS.

(Question No. 1010)

Mr. WILKES (Northcote) asked the Chief Secretary—

1. What amount was spent by the Government on the construction of new police stations in (a) the metropolitan area; and (b) country areas, in each of the past three financial years, and what is the estimated expenditure this financial year?

2. When each new police station built in the above-mentioned period was completed and where they are located?

3. What new police stations will be opened this financial year?

Mr. ROSSITER (Chief Secretary): The answer is—

1.

	(a) Metropolitan area	(b) Country areas
	\$	\$
1971-72.. .. .	348,671	29,278
1972-73.. .. .	156,885	68,786
1973-74.. .. .	58,609	12,053
1974-75 (estimated expenditure)	60,000	474,000

2.

Location of new police stations	Year of completion
Korumburra	1971
Marysville	1971
Mitta Mitta	1971
Axedale	1972
Mooroolbark	1972
Nunawading	1972
Maffra	1973
Rokewood	1973

3. Mansfield and Terang.

MOTOR CAR DRIVERS.

(Question No. 1011)

Mr. WILKES (Northcote) asked the Chief Secretary—

1. What was the number of licensed drivers in Victoria as at 1st March, 1975?

2. How many probationary licences were on issue at 1st March, 1975?

3. How many traffic offences were detected in 1974?

4. How many probationary drivers were charged with traffic offences in 1974?

5. How many probationary driver licences were cancelled in 1974 and to 1st March, 1975?

Mr. ROSSITER (Chief Secretary): The answer is—

1. The information requested is not readily available as it takes approximately two months to calculate the number of licences which have been cancelled for various reasons, such as non-renewal, in order to determine the number of licensed drivers in Victoria at a specific date.

However, the latest figures show that there were 1,916,852 licensed drivers in Victoria as at 31st December, 1974.

2. A total of 264,064 probationary licences were issued during the three years ended 1st March, 1975.

3. 363,696 traffic offences.

4. The information requested is not available as statistics of this nature are not kept.

5. 1974—10,274.

1975 (to 1st March, 1975)—1,227.

STRENGTH OF POLICE FORCE.

(Question No. 1012)

Mr. WILKES (Northcote) asked the Chief Secretary—

1. What was the—(a) authorized; and (b) actual strength, of the Victoria Police Force as at 1st March, 1975?

2. How many members left the force in 1974 and to 1st March, 1975, and for what reason?

Mr. ROSSITER (Chief Secretary): The answer is—

1. (a) 6,000

(b) 5,888

2.

Reason for leaving force	1974	1975 (to and including 1st March, 1975)
Attained retiring age ..	54	7
Superannuated on account of ill health ..	69	18
Resigned ..	188	17
Died ..	10	5
Appointment terminated ..	4	..
Totals..	325	47

TRAFFIC OFFENCES.

(Question No. 1015).

Mr. WILKES (Northcote) asked the Chief Secretary—

Whether any motor vehicle drivers have had their driving licences suspended under the points demerit system provided under the Motor Car (Traffic Offenders) Act 1969; if so, how many?

Mr. ROSSITER (Chief Secretary): The answer is—

Yes—554.

POLICE DISCIPLINE.

(Question No. 1016)

Mr. WILKES (Northcote) asked the Chief Secretary—

How many members of the Victoria Police Force have been suspended for disciplinary reasons since 1st January, 1974?

Mr. ROSSITER (Chief Secretary): The answer is—

Fourteen.

ALBURY-WODONGA FINANCIAL AGREEMENT.

(Question No. 1019)

Mr. BAXTER (Murray Valley) asked the Minister for Fuel and Power, for the Minister for State Development and Decentralization—

1. Whether the Albury-Wodonga financial agreement between the Commonwealth and the States has been signed; if not, why, and when it will be signed?

2. How many contracts for land purchase to be finalized on or before 28th February last are outstanding because of failure to sign the agreement, and what is the aggregate sum of money involved?

Mr. BALFOUR (Minister for Fuel and Power): The answer supplied by the Minister for State Development and Decentralization is—

1. No. Although finalization of the agreement has appeared to be reached on a number of occasions subsequent amendments have been suggested. The Minister for State Development and Decentralization believes that the agreement is now in a form acceptable to the three Governments and that it should be signed by all parties during the week commencing 16th March, 1975.

2. None. The Minister has not signed any contracts for which funds were not available and all contracts endorsed by the Minister have been honoured.

It should be pointed out that, irrespective of whether the financial agreement is signed or not, there is no barrier to the Commonwealth making funds available, the terms and conditions attaching to their release to be determined by the agreement when signed. In regard to the 1974-75 financial agreement, negotiations did not commence until late in 1974 although, at that stage, \$7,545,523 had already been released and committed. The Commonwealth's failure to issue further significant interim loan moneys

has caused the State to refrain from entering into further contracts for which no funds were available.

SOVEREIGN HILL AND KRYAL CASTLE, BALLARAT.

(Question No. 1021)

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

1. How many officers of the Education Department are employed to assist school tourists at Sovereign Hill, Ballarat?

2. What are the duties of such officers?

3. Whether officers of the department are similarly employed at Kryal Castle, Ballarat; if so, how many; if not, whether such appointments will be considered?

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

1. One full-time, one part-time and one appointed for full-time duty—to commence shortly.

2. To provide educational facilities (lectures and projects material, etc.) for visiting school children.

3. No—not at this stage.

KRYAL CASTLE, BALLARAT.

(Question No. 1022)

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

1. What financial assistance has been granted to Kryal Castle, Ballarat, for development as a tourist attraction?

2. What plans, if any, are envisaged for further assistance in the future?

3. What other assistance, apart from financial assistance, has or will be given to foster this tourist attraction?

Mr. BALFOUR (Minister for Fuel and Power): The answer supplied by the Minister for Tourism is—

1. A loan of \$75,000 was approved for Kryal Castle Pty. Ltd. by the Victorian Development Corporation on 4th February, 1974, to assist in the completion of a castle complex as a tourist attraction at Warrenheip.

2. Nil.

3. (a) Those portions of the enterprise at Kryal Castle which carry out manufacturing of fibreglass and metal-ware products have been declared approved decentralized secondary industries and as such do, and will continue to, receive the various Government decentralization benefits and concessions made available from time to time.

(b) \$21,000 from the Country Roads Board/Ministry of Tourism Fund for the construction of short lengths of tourist access roads was made available, subject to council contribution of \$3,000, for reconstruction and sealing of 2.3 kilometres of Forbes Road, Shire of Buninyong, to improve access Kryal Castle.

(c) Country Roads Board approval has been given for the construction of deceleration lanes on the Western Highway right-turning traffic from Ballarat and left-turning traffic from Melbourne.

This will involve an allocation of \$6,090 from the Country Roads Board/Ministry of Tourism Fund and be subject to a local contribution of \$870 by the Shire of Buninyong to cover the cost of these works which are estimated to be approximately \$7,000.

MENTAL HEALTH CLINIC FOR MITCHAM.

(Question No. 1025)

Mr. HOLDING (Leader of the Opposition) asked the Minister of Health—

Whether the Mental Health Authority has decided to locate an outpatients clinic for the authority at the old Mitcham police station; if so, as the police station is located next to St. John's Primary School, whether he is aware of local concern that there could be some danger to children attending the school from patients attending this clinic and, in that event, whether he will indicate what steps he proposes taking to allay fears of parents and local residents?

Mr. SCANLAN (Minister of Health): The answer is—

Yes, the Mental Health Authority proposes to conduct a Community Mental Health Centre for the Ringwood district at the building formerly used as the Mitcham police station following necessary modifications.

The Minister is aware of some concern by parents of children attending the adjoining school but the Mental Health Authority considers that there will be no danger to these children. Any concern parents and local residents have may be brought forward at a public meeting which has been called by the Mayor of Nunawading for Tuesday evening the 22nd April, 1975. Members of the Mental Health Authority will be in attendance at this meeting.

VICTORIAN DARTS COUNCIL.

(Question No. 1029)

Mr. TREZISE (Geelong North) asked the Minister for Youth, Sport and Recreation—

Whether an application has been received from the Victorian Darts Council for financial assistance to compete in the Australian championships in Adelaide; if so, whether any decision has been made on the request?

Mr. DIXON (Minister for Youth, Sport and Recreation): The answer is—

No application has been received by my department. However, as this is a national championship, the Federal Department of Tourism and Recreation has advised that it is presently considering an application for assistance towards these championships. Should the Department of Tourism and Recreation's allocation be less than 50 per cent of the fares for the Victorian representatives, then I would consider an application from the Victorian Darts Council for a grant towards the outstanding balance of this amount.

HOUSING COMMISSION RENTALS.

(Question No. 1032)

Mr. AMOS (Morwell) asked the Minister of Transport, for the Minister of Housing —

1. What instructions were issued to Housing Commission officers concerning the rental arrears of tenants occupying homes transferred to the commission from the former Ministry of Aboriginal Affairs, indicating —(a) whether notices to quit have been issued to those delinquent tenants; (b) whether Aboriginal tenants have been requested to complete "rental rebate" applications; and (c) whether such completed "rental rebate" applications will result in the Aboriginal tenants being required to pay a higher rental than the rent they are now obliged to pay?

2. On what basis the rental on the former Aboriginal Affairs houses was calculated, indicating whether the lack of interest repayment on these homes allows for a lower rental?

Mr. MEAGHER (Minister of Transport): The answer supplied by the Minister of Housing is—

1. Staff have been instructed that although normal estate management procedures in relation to rent arrears are to apply to tenants of houses transferred to the commission from the former Ministry of Aboriginal Affairs, a closer link is to be established with these tenants because of the change in ownership of the properties.

(a) Some tenants in arrears with rent have been served with notices to quit.

(b) All Aboriginal tenants currently receiving rental rebates have been requested to complete "rental rebate" applications.

(c) When applications are returned to the commission they will be assessed and the resultant rent payable may be higher or lower than at present, depending on the current family income.

2. Rentals currently being charged on houses transferred to the commission from the Ministry of Aboriginal Affairs are considerably lower than corresponding rentals for other commission homes and the question of what rentals should be charged in the future is at present under consideration.

HOSPITAL ADMINISTRATIVE STAFF.

(Question No. 1033)

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

1. How many persons holding the office of secretary, medical superintendent, hospital administrator, medical director, or their deputies, are engaged in any employment outside the duties of their office?

2. Who are the persons, where they are now employed, and what are the other duties engaged in outside their present employment?

Mr. SCANLAN (Minister of Health): The answer is—

1 and 2. The information sought in this question is not readily available to me or to the Hospitals and Charities Commission. The staff of the subsidised public hospital field alone is more than 35,000 persons and I am not prepared at this stage to request a time wasting survey to obtain this information.

HOME FINANCE TRUST.

(Question No. 1036)

Mr. EDMUNDS (Moonee Ponds) asked the Minister of Transport, for the Minister of Housing—

1. How many first and second mortgage loans, respectively, have been issued by the Home Finance Trust in each of the years 1971 to 1974, inclusive, and in 1975 to date?

2. What means test is applied to applicants for loans, and what is the upper limit of income and how this is assessed?

3. What was the source of the total funds provided to the trust in the above year?

4. Whether any money provided by the Commonwealth Government under any arrangement for housing is used to provide funds for use by the trust?

Mr. MEAGHER (Minister of Transport): The answer supplied by the Minister of Housing is—

1.

Year ended 31st December—	Number of loans	
	First mortgage	Second mortgage
1971	82	103
1972	125	134
1973	219	61
1974	151	29
1975 (to 13th March, 1975) ..	3	11

2. No means test applies to applicants for loans, nor is there a fixed upper limit of income.

3. During the period 1st January, 1971 to 13th March, 1975, the Home Finance Trust has borrowed funds from the following sources—

State Savings Bank of Victoria

Commonwealth Savings Bank of Australia

Australia and New Zealand Savings Bank Limited

Bank of New South Wales Savings Bank Limited

The National Bank Savings Bank Limited

C.B.C. Savings Bank Limited

The Commercial Savings Bank of Australia Limited

Commercial Union Insurance Company of Australia Limited

National and General Insurance Company Limited

The Western Australian Insurance Company (Canberra) Limited

National Nominees Limited

The National Insurance Company of New Zealand Limited

4. No.

MILK FOR HOME CONSUMPTION.

(Question No. 1039)

Mr. FOGARTY (Sunshine) asked the Minister of Agriculture—

1. Whether the Milk Board has had occasion to investigate at farm and factory level the practice of “standardizing” milk for home consumption during the past five years; if so—(a) on how many occasions; and (b) on how many occasions this practice has been found to exist?

2. What average test is conducted at bottling plants on milk for home consumption?

Mr. I. W. SMITH (Minister of Agriculture): The answer is—

1. During the past five years the board has had occasion to investigate suspected cases of standardization at six factories which were acting as Milk Board depots. These investigations satisfied the board that standardization had been practised at five of these factories. The board has had no occasion to conduct any such investigations at farm level during this period.

2. Bulk milk intended for consumption in homes is monitored by the Department of Agriculture for solids-not-fat (S.N.F.) and butterfat content on receipt at milk processing plants.

The composition of milk bottles and cartons is monitored by this department at milk processing plants prior to delivery to

retail outlets, the results of butterfat tests for milk distributed in the metropolitan area being as follows—

Year	Processed milk		Metropolitan area only	
	Number samples	Number dairies	Average fat	%
1971	1,216	18		4.0
1972	850	14		4.07
1973	790	14		4.16
1974	864	13		4.12
1975 (to 15th March, 1975)	152	13		Range 3.7 to 4.5

HOMES FOR ABORIGINAL FAMILIES IN GEELONG.

(Question No. 1040)

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

1. How many homes were purchased for Aboriginal family accommodation in the Geelong area over the past three years?

2. Whether it is contemplated that further homes will be purchased; if so, when, and how many houses are involved?

Mr. MEAGHER (Minister of Transport): The answer supplied by the Minister of Housing is—

1. One.

2. No applications are currently held from Aboriginals in the Geelong area.

MILK BOARD CONTRACTS.

(Question No. 1041)

Mr. FOGARTY (Sunshine) asked the Minister of Agriculture—

Whether the method of allocation of Milk Board contracts within specified areas is designed to permit an equitable distribution of contracts to agents and depots, taking into consideration the actual overall intake of a particular country manufacturing centre acting as a Milk Board agent?

Mr. I. W. SMITH (Minister of Agriculture): The answer is—

The method of allocation is not so designed.

HOSPITALIZATION OF TERMINAL PATIENTS.

(Question No. 1043)

Mr. LIND (Dandenong) asked the Minister of Health—

Whether, in respect of persons suffering from muscular dystrophy or from any terminal illness, it is the intention of the Government to make provision for facilities

to allow couples to spend their remaining days together should they have to be hospitalized?

Mr. SCANLAN (Minister of Health): The answer is—

Yes. Where practicable public hospitals do attempt to allow married couples to be hospitalized together in the circumstances referred to.

RUSSELL REPORT ON RELIGIOUS EDUCATION.

(Question No. 1044)

Mr. LIND (Dandenong) asked the Minister of Education—

1. When the Russell report on religious education was published?

2. When the report ceased to be available?

3. Whether it is proposed to publish a further edition; if so, when it will be made available to interested parties, particularly members of Parliament?

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

1. The report was presented to me on 20th September, 1974, and copies were given to Parliamentary party leaders during the following week.

2 and 3. The report has been reprinted as required to meet demand. Supplies were exhausted last month and a further reprint should be available shortly.

HOUSING COMMISSION EVICTIONS.

(Question No. 1046)

Mr. CHAMBERLAIN (Dundas) asked the Minister of Transport, for the Minister of Housing—

1. How many notices to quit were served by the Housing Commission on its tenants in 1974?

2. What were the specific breaches of the tenancy agreement for which notices were served?

3. How many tenants were actually evicted from commission premises during 1974?

Mr. MEAGHER (Minister of Transport): The answer supplied by the Minister of Housing is—

1. 2,967.

2. Non-payment of rent and anti-social behaviour. In addition, notices to quit were issued for refusal to transfer from overcrowded flats to house type accommodation, and also for refusal to sign an application to transfer from excess accommodation to a smaller unit.

3. Twenty.

HOUSING COMMISSION MULTI-LINGUAL STAFF.

(Question No. 1047)

Mr. CHAMBERLAIN (Dundas) asked the Minister of Transport, for the Minister of Housing—

1. How many managers of Housing Commission estates are fluent in languages other than English?

2. Whether the Minister has received representations for the appointment of multi-lingual estate managers?

Mr. MEAGHER (Minister of Transport): The answer supplied by the Minister of Housing is—

1. Sixteen plus four associated administrative staff.

2. Yes.

MILK BOARD INQUIRIES.

(Question No. 1049)

Mr. FOGARTY (Sunshine) asked the Minister of Agriculture—

What was the cost of the Victorian Milk Board inquiries into certain aspects of the milk industry which were completed in March 1973, March 1974, July 1974, and November 1974, and what is the cost of the 1975 inquiry to date?

Mr. I. W. SMITH (Minister of Agriculture): The answer is—

It is assumed that this question relates to the cost of conducting milk price inquiries in respect of which new milk price determinations were subsequently issued during the months mentioned. The board has never attempted to segregate from its routine administrative costs, the costs of conducting such inquiries. However, additional costs of such items as shorthand transcription services and press advertisements, etc., are as follows—

\$

March, 1973	1,673.32
March, 1974	558.67
July, 1974	317.31
November, 1974	449.95

The current price inquiry is still proceeding and the board is unable to supply any precise costs at this stage, but it is estimated that the figure to date would be at least \$10,000. On this occasion the board has the assistance of counsel and professional accountants.

Legislative Assembly.

Wednesday, March 19, 1975.

The **SPEAKER (the Hon. K. H. Wheeler)** took the chair at 2.34 p.m., and read the prayer.

ABSENCE OF MINISTERS.

The **SPEAKER (the Hon. K. H. Wheeler)**: I have been advised that the Chief Secretary, the Minister of Health, and the Minister of Public Works will be absent during question time.

QUESTIONS WITHOUT NOTICE.

PARLIAMENT HOUSE STAFF ADVERTISEMENT.

Mr. WILKES (Northcote): Is the Premier aware that an advertisement published in a daily paper for an attendant in this establishment discriminated to the extent that it stated that a person over 40 years of age need not apply? Will the Premier investigate the matter, because it appears to be contrary to the honorable gentleman's views on discrimination?

The **SPEAKER (the Hon. K. H. Wheeler)**: Order! I do not think the matter comes within the jurisdiction of the Premier. I think the advertisement would have been lodged by the chief of staff of this place.

Mr. WILKES: I was disturbed about the discrimination, not about the advertisement.

Mr. HAMER (Premier and Treasurer): I am not sure whether I can distinguish between the two. Certainly I would not like at this moment to criticize an advertisement inserted under the authority of yourself, Mr. Speaker, which I think is probably the case. However, I shall make a general statement on discrimination.

The Government is completely opposed to discrimination on any ground, whether it be sex, colour,

race, religion, or age. I shall be glad to investigate the matter, but I might have to confer with you, Mr. Speaker, on the subject.

The **SPEAKER**: That should be a simple operation.

BEEF PRODUCERS.

Mr. HANN (Rodney): Following the announcement by the Premier on Friday last that assistance would be given to Victorian beef producers, is the honorable gentleman at this stage able to supply details of the assistance and how beef producers may apply for financial relief?

Mr. HAMER (Premier and Treasurer): Rather than ask the honorable member to place his question on notice, I will answer by saying that in the statement reference was made to the fact that further details would be issued by the Minister of Agriculture, who has interested himself in this matter in great detail, in conjunction with the Minister of Lands.

If the honorable member is worried about what constitutes a "beef producer", the rough rule of thumb that will be applied will be that a beef producer is classified as someone who, over the past three years or so, has derived about 75 per cent of his income from beef production. This is a little more generous than the Commonwealth, which applies a proportion of 80 per cent.

It is necessary to make some sort of distinction between those who derive their main income from producing beef and those who simply run a few steers as a sideline. Without being too rigid, that will be the general line to be adopted.

In addition, the financial aid which is being given is intended for those who cannot obtain it from other existing sources. The Government does not intend to take over from the banks, pastoral companies and so on, which normally make carry-on finance available to beef producers. These are the general principles that

will be adopted but I will be glad to ask the Minister of Agriculture to issue information in more detail as soon as possible.

DISADVANTAGED SCHOOLS.

Mr. FORDHAM (Footscray): Will the Minister of Education explain the reasons for the delay in the long awaited "operation upgrade" report and state when is it expected that the report will be circulated to schools and to honorable members, whether the report might include details of the work of the "operation upgrade" team and outline the expenditure required at each of the schools in the State?

Mr. THOMPSON (Minister of Education): Already one report has been made available to members of Parliament. It outlines the original recommendation of the "operation upgrade" team and the type of work that they recommend should be done, particularly at disadvantaged schools, and also gives details associated with other aspects of the team. A further report, which will go into more detail and provide progress reports on other purchases in this area, will be published shortly.

To sum up, a fortnight ago \$53 million of the \$55 million made available under the States' Grants (Schools) Act had been committed to contract. The money was granted for the year ending December, 1975, and \$13 million more will go to tender over the next few months.

GEELONG BUS SERVICES.

Mr. TREZISE (Geelong North): I direct a question to the Minister of Transport. A fortnight ago the honorable gentleman assured me that within a few days he hoped to receive a report of the inquiry by the Transport Regulation Board into the curtailment of bus services in the Geelong area. Has the report been received and, if so, what are the details? If the report has not been

received, will the honorable gentleman take action to ensure that it is obtained in the immediate future?

Mr. MEAGHER (Minister of Transport): I understand that the report is on the typewriters at the moment, and it will be *en route* to me within a matter of hours.

BINGO.

Mr. EDMUNDS (Moonee Ponds): As the Chief Secretary is absent, I direct a question to the Premier and Treasurer. A number of league football clubs, sporting clubs and elderly citizens' organizations, anticipating that the Government would legalize the playing of bingo under certain conditions, have purchased equipment, and the Government's decision to continue to ban the game has caused concern to those organizations. Can the honorable gentleman inform the House and the people of Victoria whether the Government is prepared to review its decision, which has meant that the equipment purchased by many organizations will be wasted?

Mr. HAMER (Premier and Treasurer): I can say only that the decision has been made that the ban on the playing of bingo, which was imposed by the Cain Labor Government in 1954, will not be relaxed. That is a final decision, and if any clubs expected a change in the law to be made, they must have done so because of speculation which has appeared in the press over a period, but which was never endorsed by the Government. The Government has never said that the ban would be lifted.

Mr. CURNOW: You did not deny it.

Mr. HAMER: One cannot undertake to deny every inaccuracy that appears in the press. If some people had an expectation, and if they outlaid funds in that expectation I am afraid it does not cause the Government to review its decision. The decision has been made.

FUNDS FOR YOUTH ORGANIZATIONS.

Mr. AMOS (Morwell): Is the Minister for Youth, Sport and Recreation aware that officers of his department are giving advice which is contrary to an advertisement inserted in the Age newspaper of 19th February last calling for applications from organizations which wished to receive capital grants? Is the honorable gentleman aware that when inquiries are made for the application forms, a determination is then made by telephone that the applicant may or may not be eligible for a grant? Can he explain the policy of the department in this regard and state whether the eligibility of organizations will be determined upon receipt of the application or beforehand by telephonic conversation?

Mr. DIXON (Minister for Youth, Sport and Recreation): Amounts of up to \$10,000 are available to youth organizations throughout the State for a variety of purposes concerning maintenance and building grants. These amounts are available outside the normal criteria of priorities which are established through the municipalities, and the reason for this is the historic development of grants to youth organizations in Victoria.

Any organization wishing to contact the Department of Youth, Sport and Recreation to establish whether it is recorded as a youth organization is free to do so, and I should have imagined that that would be an efficient means of determining whether the organization is an established youth organization. If it is not, it would be in order for the organization to establish itself as a youth organization, and a letter along those lines sent to my department would be investigated by officers of the department.

Any organization free to apply apply in writing. I shall make certain that officers within my department are instructed to tell the organization which makes an inquiry that if it is in any doubt concerning the result of the telephone conversation, a further

query will be answered promptly in writing. I do not recall the actual words that are in the advertisement, but if there is some ambiguity then I shall draw that to the attention of my officers.

BEEF PRODUCERS.

Mr. WHITING (Mildura): I direct my question to the Minister of Lands. Further to the question asked by the honorable member for Rodney with regard to additional financial assistance for beef producers who are in financial difficulty at the moment, is it intended that this finance should be available through the Victorian Development Corporation or the Rural Finance and Settlement Commission, and are application forms available for that purpose at this stage?

Mr. BORTHWICK (Minister of Lands): Applications for assistance should be made to the Rural Finance and Settlement Commission. All applications should be made on the normal rural reconstruction application form. The reason is to establish whether the applicant is eligible for assistance available through rural reconstruction. Where the applicant is not eligible for rural reconstruction assistance and has approached the Commonwealth Development Bank for assistance and been refused, the applicant will then be considered for assistance from State funds. The Government recognizes that the terms of the rural reconstruction scheme will not fit all the cases that might come forward, and the State Government is making funds available to give the administrators of the scheme wider powers, wider options and more elasticity than they would have under the tight conditions of the rural reconstruction scheme. Interest rates will be at the same rate—4 per cent—regardless of from which funds applicants may be assisted.

MISLEADING ADVERTISING.

Mr. CRELLIN (Sandringham): Has the attention of the Minister of Consumer Affairs been drawn to a full-page advertisement on page 37 of

yesterday's *Sun News-Pictorial* concerning a projected scheme to be known as Medibank? Will the Minister refer this matter to the Consumer Affairs Bureau for investigation as to whether it should be classed as a misleading advertisement?

Mr. RAFFERTY (Minister of Consumer Affairs): Under the consumer affairs legislation there are heavy penalties for misleading advertising. The advertisement referred to by the honorable member is one that I have not seen personally, although mention was made of it to me yesterday. If the advertisement is misleading it will be misleading under legislation of all the States of Australia, and I believe also under the Trade Practices Act. I shall certainly have the article examined to determine what action can be taken to rectify the matter.

CLAIM BY COLLINGWOOD BUSINESSMEN.

Mr. HOLDING (Leader of the Opposition): Is the Minister of Transport aware that as a result of the road-widening schemes carried out by the Country Roads Board in Hoddle Street, Collingwood, a large number of businessmen have had their businesses adversely affected, that claims for compensation have been made to the Country Road Board by these businessmen through the local chamber of commerce and the Collingwood City Council, and that the Country Roads Board has dismissed these claims out of hand? Is this a view and a position which the Minister of Transport would support?

Mr. MEAGHER (Minister of Transport): I have no specific knowledge of any claim made against the Country Roads Board by the businessmen of Hoddle Street, Collingwood. If the Leader of the Opposition believes any one or some of them have been adversely affected, I advise him to provide me with the details; if he does so, I shall examine them.

WATER CHARGES.

Mr. McINNES (Gippsland South): Can the Premier advise whether the concessional interest rate of 4 per cent will also apply to dairy farmers who qualify under this scheme of assistance?

Mr. HAMER (Premier and Treasurer): I am not sure that I understood the question.

Mr. McINNES: I qualify it by saying I am referring to the deferment of water charges levied by the State Rivers and Water Supply Commission.

Mr. HAMER: It has been announced that if beef producers—and I repeat the definition of “beef producers” which I gave previously to the honorable member for Rodney—who have been very adversely affected by the fall in the export price of beef apply to the State Rivers and Water Supply Commission, they will be granted deferment of current water charges levied. They can spread the payment of deferred water charges over the next three years, if they so desire, and the interest rate charged will be 4 per cent.

If other irrigation farmers who are in a difficult financial position apply to the State Rivers and Water Supply Commission for deferment of payment of water charges, the commission will, in its discretion, grant deferment of payment, but the interest rate will be 6 per cent.

MEDIBANK.

Mr. DOUBE (Albert Park): Has the Premier yet replied to the two letters forwarded to him by the Prime Minister, one in August and one in December, requesting that Victoria should commence negotiations with the Australian Minister for Social Security regarding the introduction of Medibank? If the Premier has replied to those two letters, other than a mere acknowledgment, will the honorable gentleman indicate the date and, further, will he be prepared to lay the correspondence on the table of the Library?

Mr. HAMER (Premier and Treasurer): In each case, and there are more than two, I have replied to the Prime Minister within approximately a week, and in each letter I have indicated what action will be taken. If the honorable member for Albert Park desires to see the file I shall lay it on the table of the Library.

GRADING OF LIVESTOCK.

Mr. WILTON (Broadmeadows): Is the Minister of Agriculture prepared to request the abattoir and meat inspection authorities to examine the possibility of establishing a weight and grading system for the marketing of livestock in Victoria?

Mr. I. W. SMITH (Minister of Agriculture): Yes, that has already been done and a report will come to me in due course.

MILK BOARD.

Mr. FOGARTY (Sunshine): Will the Minister of Agriculture place on the table of the Library the file showing the details of negotiations between Consolidated Foods Ltd., the Government and/or the Milk Board on matters relating to the outstanding debt?

Mr. A. T. EVANS: What are you trying to do—send the company broke?

Mr. WILKES (to Mr. A. T. Evans): No, we are trying to get back \$1 million belonging to the public.

Mr. I. W. SMITH (Minister of Agriculture): Perhaps I ought to make it clear again—

The SPEAKER (the Hon. K. H. Wheeler): Order! I do not know whether I am anticipating how the Minister will reply, but I thought he was going to reply to an interjection of the Deputy Leader of the Opposition. The question was asked by the honorable member for Sunshine.

Mr. I. W. SMITH: The honorable member for Sunshine has probably read the Milk Board Act and deduced

that it is an independent and autonomous body. I do not have any files of the nature suggested in my department, as the Milk Board has the sole responsibility for those files. I am sure that if the honorable member for Sunshine asks the Milk Board, its officers will be only too happy to show him the files relating to the negotiations. There have been no negotiations between Consolidated Foods Ltd. and myself on this matter, and therefore I have no files on it.

I want to make it clear to members of the Opposition, who seem to be highly distressed about this situation, that Consolidated Foods Ltd. is a large company and 70 per cent approximately of the income of the liquid milk industry comes from purchases made by that company.

As I have already indicated to honorable members, the amount of money owing by Consolidated Foods Ltd. is outstanding only for 60 days instead of the customary 30 days or settlement on the 15th of each month on which the Milk Board insists. Arrangements have been made by the Milk Board for the amount to be outstanding for an extra 30 days. The sum of \$1.6 million sounds a large amount of money, but in the total purchases of milk from the Milk Board of \$50 million-odd, it is relatively small. I know that members of the Opposition are quite out of touch with the business world, but if they were in touch they would realize that settlements which are not cash settlements within 60 days are quite normal within all trades.

Mr. WILTON (Broadmeadows): I take a point of order. I appreciate the Minister's difficulty, but the honorable gentleman was asked if he would arrange to lay certain files on the table of the Library. I consider that he has answered that question and is now debating the operation of a private company.

The SPEAKER (the Hon. K. H. Wheeler): Order! There is no point of order. The Minister is not debating the business actions of the company;

he is answering the question put to him by the honorable member for Sunshine. On numerous occasions I have requested that both questions and answers should be as precise as possible. I call on the Minister.

Mr. I. W. SMITH (Minister of Agriculture): If members of the Opposition are silly enough to keep on asking questions about this matter, they will receive lengthy answers fully explaining it.

Mr. HOLDING (Leader of the Opposition): I wish to raise a point of order. In view of the ruling given by you, Mr. Speaker—with which I do not agree and on which I have given notice that I intend to move dissent—that this is not a matter of Ministerial responsibility, is it proper that the Minister should give such a detailed answer?

The **SPEAKER**: Order! The honorable member for Sunshine asked a question about a file. Then there were interjections which I asked the Minister to ignore. Questions about this company seem to be going on day after day. I ask the Minister to be brief and to come to the point. If he feels he is going beyond the question asked by the honorable member for Sunshine, I ask him to wind up and leave it at that.

Mr. I. W. SMITH (Minister of Agriculture): I shall content myself by saying that members of the Opposition seem to be determined to “slaughter” this company. If they succeed, it will bring down others.

PIPELINES.

Mr. JONES (Melbourne): I direct the attention of the Minister of Transport to a public notice that appeared in the *Sun News-Pictorial* on 8th March, at page 18, and was headed “Applications for Permits to own and use Pipelines” under the Pipelines Act 1967. In this notice the Victorian Railways Board is applying for permission to set up a system of three pipelines from Altona to Somerton.

The **SPEAKER** (the **Hon. K. H. Wheeler**): The honorable member for Melbourne knows as well as I do that reading from a newspaper in asking a question without notice is out of order. This is laid down quite specifically in the rules governing questions.

Mr. JONES: I am quoting from a public notice—not from a newspaper. It is pursuant to the Pipelines Act 1967.

The **SPEAKER**: Order! I take it the matter appears in a newspaper.

Mr. JONES: Yes, Sir.

The **SPEAKER**: As far as the Chair is concerned, the honorable member is quoting from a newspaper.

Mr. JONES: On the point of order, I understand that the rules relating to questions without notice referred to newspaper reports, but I did not believe newspaper reports could be regarded in the same light as a public notice pursuant to a statute of this Parliament. I can paraphrase what it says.

The **SPEAKER**: Order! There are too many interjections. The honorable member has indicated that he will paraphrase the notice and that is precisely what I ask him to do.

Mr. JONES: It refers to three pipelines to be constructed from Somerton to Altona and from Somerton to Tullamarine for the purpose of transmitting jet fuel to the Tullamarine airport. Will the Minister explain why the application at this level has been made by the Victorian Railways Board, whether the Victorian Railways Board has discussed the matter with the Minister, whether the board has the approval of the Minister and what the Victorian Railways Board will gain from what is essentially a Commonwealth airways system? What consideration will the Victorian Railways Board receive?

Mr. MEAGHER (Minister of Transport): The advertisement was inserted as a matter of policy by the Victorian Railways Board because it is the appropriate authority to insert

the advertisement. The object of the exercise is to remove tankers carrying dangerous fuels from the streets of Williamstown, Altona and the metropolitan area generally and to convey that fuel by pipeline into the Tullamarine airport or to a point farther north in the interests of public safety and for the general benefit of the community.

DISADVANTAGED SCHOOLS.

Mr. ROPER (Brunswick West): I ask the Minister of Education a question pursuant to the one asked by the honorable member for Footscray. Firstly, when were members of this Parliament furnished with a copy of the "operation upgrade" report? Secondly, is the Minister satisfied with the report? Thirdly, is it possible for schools in Victoria to receive copies of the report?

The SPEAKER (The Hon. K. H. Wheeler): Order! The second part of the question is out of order; the honorable member is asking for an opinion. The other two parts of the question are in order.

Mr. ROPER: I shall rephrase the second part of the question. Has the Minister instructed the organizers of "operation upgrade" to revise their report?

Mr. THOMPSON (Minister of Education): A request was made that the report on the schools visited by the "operation upgrade" team be made available. The report was made available to the honorable member for Footscray a fortnight or three weeks ago, and it is available to any other member of Parliament who wishes to see it. I believe, however, that a report which could be followed more easily should be published, and the assistant director-general in charge of buildings is preparing something that could more readily be understood. It will also be available to any member who wishes to see it.

FREE PUBLIC TRANSPORT.

Mr. TREZISE (Geelong North): Has the Minister of Transport studied suggestions in recent weeks by leading transport spokesmen, particularly the honorable member for Melbourne, about a free public transport system in the inner-metropolitan area? If so, can the honorable gentleman state whether such a matter is under consideration?

Mr. MEAGHER (Minister of Transport): Yes, the matter has been studied, as was explained in great detail to the honorable member for Melbourne only last night in this Chamber.

PETITION.

FREEWAY F19.

Mr. LACY (Ringwood) presented a petition from certain citizens of Victoria praying that the House take action to ensure that concept "B" and its derivatives of the Freeway F19 proposals are not implemented. He stated that the petition was respectfully worded, in order, and bore 638 signatures.

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

PAPER.

The following paper, pursuant to the directions of an Act of Parliament, was laid on the table by the Clerk—

Mental Health Authority—Report for the year 1973.—Ordered to be printed.

SUPPLY (1975-76, No. 1) BILL.

Mr. HAMER (Premier and Treasurer) presented a message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Fund for the purposes of the Supply (1975-76, No. 1) Bill.

Mr. HAMER (Premier and Treasurer) moved for leave to bring in a Bill to make interim provision for the appropriation of moneys out of the Consolidated Fund for the service of the financial year 1975-76.

The motion was agreed to.

The Bill was brought in and read a first time.

Mr. HAMER (Premier and Treasurer): I move—

That this Bill be now read a second time.

The Appropriation Act passed in the Budget session last year provided the authority for expenditure from the Consolidated Fund to meet the cost of departmental services up to 30th June next. Accordingly, before this autumn session of Parliament closes, it is necessary to obtain Supply to cover expenditure requirements of departments from 1st July, 1975.

The Supply Bill now before the House covers the initial five months of the 1975-76 financial year and the sum of \$660·903 million as detailed in the table to clause 2 of the Bill provides for departmental expenditure from 1st July next until after the time when Parliament will re-assemble for the spring session and the Appropriation Bill for 1975-76 is introduced.

The provision allowed for salaries and wages in the amount to be appropriated by clause 2 (1) of the Bill is based on wage and salary levels now in force. To safeguard the payment of any increases which may result from wage awards made between now and 30th November, 1975, clause 2 (2), (3) and (4) adopt the provision introduced in the 1974-75 Appropriation Act. This means that the cost of any awards which are made in that time, and which are now impossible to predict, will be covered to the extent necessary. The reasons which make that form of appropriation essential were explained when I introduced the corresponding Supply Bill in 1974, and again in the 1974-75 Budget speech. It is a form of appropriation which has been endorsed by the Parliament, and in these circumstances it is unnecessary for me to repeat what I said about it last year.

Although not strictly relevant to the matter of an appropriation for next financial year, it is not inappropriate that I should make some reference to how the 1974-75 Budget picture is now shaping up.

The Budget for 1974-75 provided for a total outlay of \$2,005·6 million from the Consolidated Fund. Of this total, the outlay on current account represented \$1,673·2 million and the amount estimated to be available for appropriation to the Works and Services Account was \$332·4 million. The estimate for the current account was a deficit of \$3 million, with the Consolidated Fund in balance overall.

The present estimate of outlays on the current account for 1974-75 is some \$60 million more than the Budget provision. This is mainly due to wage and salary awards in excess of budget expectations.

On the other hand, revenue is running ahead of the budget estimate. On the basis of the experience to date we expect revenue receipts to be some \$50 million higher, including allowance for a revised estimate of our formula tax reimbursement grant provided by the Commonwealth which shows an increase of \$7·5 million over budget, and \$13·9 million which is Victoria's share of the special amount of revenue assistance announced by the Prime Minister at the Premiers Conference last month.

This means that on present expectations we will finish the year 1974-75 with a current account deficit of some \$10 million to \$15 million. It is not possible to be precise at this stage of course. For example, any new wage awards which come between now and the end of the year could change the picture. However, on balance the revenue budget should not come out markedly different from the picture I have given.

What then does this account of the expected out-turn on the revenue budget hold for our works expenditure programme? Reference to the summary picture of the 1974-75 Budget given at page 3 of the tables

attached to the Budget speech, will show that the budgeted outlay in 1974-75 from the Works and Services Account was \$332.4 million after allowing for an estimated current account shortage of \$3 million. Now that the current account shortage is estimated at some \$10 million to \$15 million, without any change in the input available to the Works and Services Account, the amount available to support the works programme could be as much as \$10 million less than expected.

However, in adoption of proposals put to the February Premiers Conference by the Prime Minister, and following talks which I had with the Federal Treasurer in January, the Australian Loan Council has increased the loan allocation to Victoria for 1974-75 by \$15.2 million. The assessed effect of this decision is that despite steep increases in costs, our works programme for 1974-75 will be able to proceed as planned, and without the constraints which otherwise would have led to retrenchments in employment over the whole of the budget spectrum.

At this point I should mention also three other decisions of the February Premiers Conference, which though not affecting directly the net 1974-75 Budget position, are nonetheless of importance.

The first of these decisions was that the Commonwealth would provide to all States a total sum of \$40 million for employment-creating works, that is works creating new employment opportunities as distinct from preventing retrenchments. Victoria's share of that \$40 million is \$11.2 million and this is being put to work in projects selected by the State in consultation with the Commonwealth Department of Labour and Immigration in areas which have relatively high unemployment rates. This programme is rolling and will provide jobs for some 2,100 men between now and the end of the financial year.

Mr. Hamer.

The second of these decisions was to increase the borrowing authority of semi-Government authorities for 1974-75 by a total of \$50 million, of which the share to Victoria was \$13 million. This additional borrowing authority is being allocated to meet pressure points in the semi-Government programme and thus enable the tempo of approved programmes to be sustained without retrenchments.

The third decision was to increase the amount of Commonwealth road grants to the States by \$30 million, of which Victoria's share was \$6.1 million, in order that road works programmes could go on for the remainder of the year without retrenchments.

The combined effect of all these decisions is to enable State and semi-Government works programmes to proceed as planned without retrenchments, and in addition to provide new employment for some 2,100 men. Unless unforeseen and unexpected changes occur, we expect to be able to hold to this forecast for 1974-75.

The purpose of the Bill is to provide authority for expenditure in the coming financial year on normal departmental requirements pending introduction of the Budget and the 1975-76 Appropriation Bill. I commend the Bill to the House.

On the motion of Mr. HOLDING (Leader of the Opposition), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, April 2.

RACING BILL.

Mr. DIXON (Minister for Youth, Sport and Recreation): I move—

That this Bill be now read a second time. Its purpose is to amend the Racing Act 1958 to provide for the transfer of trotting from the Royal Agricultural Society Showgrounds to Moonee Valley racecourse.

It is essential that Melbourne should have a trotting track of international standard and this can be

delayed no longer. The showgrounds have now proved inadequate for the Trotting Control Board's requirements and a larger track and improved facilities are necessary to allow trotting to progress.

The reasons for providing the track at Moonee Valley are as follows. The cost of constructing the track, lighting and other facilities at Moonee Valley is estimated at \$1.5 million, all of which can be provided from the Trotting Racecourse Development Fund.

The minimum cost of redevelopment of the showgrounds to provide for a track of international standard dimensions is estimated at \$8 million for the track and facilities and a further \$6 million for removal and reconstruction of the facilities of the Royal Agricultural Society, a total of \$14 million. This was the minimum cost and indeed some estimates indicated that the cost of the facilities could well be in the region of \$20 million.

The Government, after carefully considering the matter, considered that the diversion of very substantial loan funds from essential services such as education, health and social welfare to the trotting industry could not be justified when its objective could be achieved without cost to the Government at Moonee Valley.

Mr. WHITING: Is that right?

Mr. DIXON: Of course it is right. The Government also took the view that the concentration of trotting and racing at Moonee Valley would give far greater usage of the excellent facilities there. The Moonee Valley Racing Club races only eighteen times a year and this magnificent racing centre is therefore greatly under-used at present. The retention of trotting at the showgrounds involves substantial interference with the use of the arena for other recreational purposes. The transfer of trotting will enable the Government and the Royal Agricultural Society to proceed with the redevelopment of the showgrounds site for community recreational purposes.

The Trotting Control Board, although indicating that it was prepared to stay at the showgrounds subject to certain conditions, subsequently indicated its strong support for the alternative of moving to Moonee Valley. Country trotting clubs were overwhelmingly in favour of trotting at Moonee Valley. The country clubs, in particular, protested strongly about the cost to the trotting industry should the showgrounds site be redeveloped.

It has been estimated that the showgrounds project would cost the trotting industry \$500,000 a year in interest charges and loan repayments compared with an all-in basic rental of \$250,000 at Moonee Valley. Although this rental could rise to as high as \$350,000 to \$400,000 if attendances increase substantially—there is a rental formula geared to attendances—there is nevertheless a clear financial advantage to trotting at Moonee Valley.

The transfer to Moonee Valley is supported by the Victoria Racing Club which has given written assurances preserving Saturday racing dates for Moonee Valley Racing Club and guaranteeing maintenance of Moonee Valley's proportion of the Totalizator Agency Board financial distribution. The Moonee Valley Racing Club and the Trotting Control Board have reached a satisfactory agreement as to management and operations.

It is recognized that trotting at Moonee Valley will cause some environmental dislocation, principally related to parking, traffic flow and noise. These aspects, which have caused concern, have been fully considered by the Government. They were discussed with a deputation from the Essendon City Council prior to the final decision. Subsequently I met the full council for further discussion on these problems, and later addressed a public meeting of residents.

The capacity for parking within Moonee Valley property will be increased to at least 8,100 cars—sufficient for 24,000 at 3 persons or 16,000 at 2 persons for each car if everyone travels by car. Of course a number of patrons will travel by public transport. As the average attendance at the showgrounds is 15,500, it is clear that for most meetings there will be ample room for patrons' cars within the course if they are prepared to take advantage of the free parking available. The Trotting Control Board and the Moonee Valley Racing Club will do their utmost to persuade patrons to use this facility, and look for support from the Essendon City Council in this regard but not to the extent of jeopardizing the free flow of traffic.

An investigation of traffic flow has been carried out by the Police Department. The police are confident that there will be no greater traffic problems than currently exist at the showgrounds. They have guaranteed full co-operation in controlling traffic.

Noise from broadcasting has received special attention. To reduce the noise level the Moonee Valley Racing Club has let a contract for a completely new amplification system which will direct broadcasts inwards to the racecourse. This, together with the removal of trumpet speakers from the grandstands, is expected to reduce the impact of noise in the environment.

Arrangements have been made also for consultation between the Environment Protection Authority and the Moonee Valley Racing Club so that the club may avail itself of every assistance from the authority's experts.

The honorable member for Broadmeadows laughs, but the improvement in amplification technology is such that I can confidently state that the noise will be contained almost entirely within the racecourse.

I will now explain the clauses of the Bill in order. Clause 1 gives the short title of the Bill and cites the

Racing Act 1958 as the principal Act. It also provides that the Racing Act 1975 shall come into operation on a day to be fixed by proclamation.

Clause 2 deals with two matters. Firstly, paragraph (a) amends section 7 (3) of the Racing Act 1958 by inserting the words "but this subsection does not apply to trotting races conducted by the Trotting Control Board." At present no trotting meeting may be held on any racecourse which is licensed for horse races within 20 miles of the General Post Office. The amendment exempts the Trotting Control Board from this prohibition.

Secondly, paragraph (b) amends section 44 of the Racing Act 1958 which prescribes the functions of the Trotting Control Board. In section 44 (b) all words after the word "races" are redundant and are therefore deleted. I commend the Bill to the House.

On the motion of Mr. TREZISE (Geelong North), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, March 25.

WILLIAM E. DORLING SCHOLARSHIP FUND BILL.

Mr. THOMPSON (Minister of Education): I move—

That this Bill be now read a second time.

It is a small measure introduced on the advice of the Law Department.

Some 30 years ago, a generous character named William Elven Dorling set up a fund from his estate to provide for the award of scholarships to students at the Prahran Technical School, High Street, Prahran, who had an extensive knowledge of the Ten Commandments.

There are now no such students because, as the honorable member for Prahran well knows, the Prahran Technical School no longer exists at that address. It has been taken over by the Prahran College of Advanced

Education, and the Prahran Technical School has moved to Hornby Street, Windsor.

Honorable members may wonder why the trouble has been taken to introduce an Act of Parliament for such a minor matter. This has been taken up twice with the Law Department, on whose advice the proposed legislation is introduced, to enable the recommendation of the Council of the Prahran College of Advanced Education that the administration of the scholarship be transferred to the Prahran Technical School, which is now situated in Hornby Street, Windsor, to be implemented. I commend the Bill to the House.

On the motion of Mr. WILTON (Broadmeadows), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, March 26.

NORTHCOTE TRUST FUND BILL.

Mr. WILCOX (Attorney-General): I move—

That this Bill be now read a second time.

The purpose of the Bill is to vary the powers of the Australian trustees of the Northcote Children's Emigration Fund in relation to the farm and village on land at Bacchus Marsh known as the Northcote School. The Northcote School was established in 1937 under the terms of the will of the late Lady Northcote, whose husband was the second Governor-General of Australia—from 1903 to 1908. Lady Northcote, who was herself an orphan, was so impressed with the possibilities existing in Australia for underprivileged and orphaned British children that she made provision in her will for the establishment of a place to which they could be brought.

For this purpose Lady Northcote's will created the Northcote Children's Emigration Fund and provided for the appointment of English trustees and Australian trustees of the fund. The present Australian trustees are Sir

Arthur Coles, Sir Edmund Herring, Sir Reginald Sholl, Lady Florence Giddy, and Mr. Howard C. Forster. The secretary to the Australian trustees is Mr. H. J. Dillon.

Land donated by the late Sir William Angliss was used for the erection of cottages as family units under the care of cottage mothers. The first group of children arrived in 1938, and up to the cessation of child migration during the second world war about 160 boys and girls had lived in the cottages or "the Village", as it became known.

It is interesting that in recent years cottage mothers have been employed extensively in the Social Welfare Department, and the approach made to the Children's Welfare Cottage Mothers Institute under this entirely private scheme occurred before the second world war. There might be a lesson in that for members to study.

Other land donated by Sir William Angliss was used for purposes connected with the Northcote School, and became known as the "farm" land. The Northcote School reopened in 1948 and continued until 1958, when children who formerly would have emigrated to Australia commenced to be cared for in England. That simply meant that orphaned or underprivileged children were taken under the wing of the State and of the United Kingdom, for good or for ill, and this private scheme came to an end in that way. In this period of ten years, 112 children were cared for in the school.

Subsequently the Australian trustees under the Northcote Trust agreed to assist the Victorian Government by accommodating State wards at the Northcote School, and to enable them to do so the Northcote School Act 1960 was passed. Since December, 1960, when the first group of State wards were admitted, 322 children have passed through the school and there are about 60 children in residence at present.

In the twenty odd years of its existence prior to 1960, the school had remarkable success. I understand

that all the children admitted prior to the second world war are self-supporting citizens, and many have achieved distinction in a wide range of occupations and professions. Most of the children in the post-war group, with the exception of some who were returned to parents in Britain, have married and settled in Australia.

Owing to the cessation of child migration from Britain, and the fact that the British children being cared for at the school have grown up and are employed, the services of the school are no longer required for British children. In the circumstances, and having regard to the donation of the land by the late Sir William Angliss, the English and Australian trustees consider it appropriate that the land and facilities comprising the village should be made available to the Victorian Government for the benefit of Australian children. That is a very generous approach.

The two main purposes of the provisions of the Bill are—

1. To vest in the State of Victoria the land known as the village, which is shown on the plan in Schedule 3 of the Bill, and comprising about 62 acres.

2. To enable the Australian trustees under the will of Lady Northcote to sell the remainder of the land, the "farm land"—the purpose of that farm has also passed, although I am told that because of the personnel involved it was a very well run organization—and to hold the proceeds on trust for such purposes as in their opinion will assist young people to further their education.

It is a very broad power that is given, and at one stage it was thought it might be limited to university students. The trustees decided that they would make the power broad in order to assist young people to further their education, and this is good sense.

In this connection they may enter into arrangements for combined schemes or projects with the English trustees of the Northcote Trust

or other trustees having funds available for such purposes. The farm land has an area of 2,788 acres.

It is clear that there will be a substantial amount of money available. The intention of the Government is to use the village land for the purpose of caring for children who are in the care of the State, as at present. Of course, if in the long term there is a change in the facilities available elsewhere or in some other relevant factor, the use of the village would have to be reviewed.

In commending the Bill to the House it is appropriate that I express the gratitude of the Government to the trustees for making it possible to care for children in the care of the State at the Northcote School since 1960. Their generous offer to hand over the village land to the Government, subject to this enabling legislation, will ensure that the work started in 1960 can be continued.

I should like to make it clear that both the English and Australian trustees—last year I met two of the English trustees—have co-operated in what has been a most complex matter, and I am glad to have had the opportunity of assisting. I am sure that all honorable members will join me in noting the successful history of the Northcote School and wishing success to the trustees in carrying out the new functions which will become possible if the Bill is passed.

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

It was ordered that the debate be adjourned until Wednesday, March 26.

VETERINARY SURGEONS (AMENDMENT) BILL.

Mr. I. W. SMITH (Minister of Agriculture): I move—

That this Bill be now read a second time. Over recent years, there has been considerable development in the construction of veterinary hospitals for small and large animals throughout

Victoria, and the Victorian Division of the Australian Veterinary Association has requested the Veterinary Board of Victoria to lay down minimum standards for veterinary hospitals. There is power under the Veterinary Surgeons Act for the board to make regulations in relation to veterinary premises. One of the proposals in the Bill is that similar power should be provided for the board to make regulations regarding veterinary hospitals.

A case occurred recently where a veterinary surgeon who was registered in Victoria and in another State had his registration suspended by the veterinary board in that State. There did not appear to be any clear power for the Veterinary Board of Victoria to take action, and so the veterinary surgeon in question was able to return to this State and to take up veterinary practice during the period of suspension of his registration in the other State. In the light of this occurrence, the Veterinary Board of Victoria has reviewed its powers to refuse, cancel or suspend registration of veterinary surgeons in this State. Amendments to strengthen these powers are proposed, in line with parallel powers provided to the Medical Board of Victoria under the Medical Act.

Under the present legislation, the board may investigate the conduct of a veterinary surgeon and may impose certain penalties. Powers to impose penalties for breaches of the regulations have been restricted to contravention of regulations relating to advertising. The Bill proposes to extend the powers of the board to impose penalties because of any breach of the Act or the regulations, and at the same time opportunity has been taken to increase the prescribed maximum penalty from \$100 to \$500.

Clause 2 provides the necessary power to the board to make regulations in relation to veterinary hospitals. Clause 3 defines the powers of the Veterinary Board of Victoria to refuse to register veteri-

nary surgeons. This clause has been drafted in parallel with a similar provision in the Medical Act.

Clause 4 provides power to the board to take action in relation to a breach of any regulation made under the Act and increases the penalty from \$100 to \$500. This clause also provides clear power for the board to advise other veterinary boards of the cancellation or suspension of registration of any veterinary surgeon.

Clause 5 deals with the situation where the registration of a veterinary surgeon who is registered in another State as well as in Victoria, has that registration cancelled in that other State. Powers are provided for the board to hold an inquiry and, if necessary, to take action. This clause has also been drafted in parallel with similar provisions in the Medical Act. I commend the Bill to the House.

On the motion of Mr. WILTON (Broadmeadows), the debate was adjourned.

Mr. I. W. SMITH (Minister of Agriculture): I move—

That the debate be adjourned until Wednesday next.

This is a simple measure and I give an assurance that if any honorable member desires an extension of time I shall be prepared to consider his request. In that case, because of the Easter recess, it would be three weeks before the debate was resumed.

Mr. WILTON (Broadmeadows): I appreciate the desire of the Minister of Agriculture to get the measure through Parliament. It is obvious that the honorable gentleman has been well briefed, but unfortunately the Opposition and the Country Party are not in the same position. I do not want to pass judgment on the measure, but I am sure that non-Government members would want to confer with people who are actively engaged in this profession, as it profoundly affects the veterinary profession. A new principle, with accompanying new provisions, is being introduced and although these may be highly desirable—the Minister obviously

thinks they are—many inquiries have to be made. The honorable gentleman has offered to give an extension of time. There are several people with whom I wish to confer, and because of my other responsibilities it will not be possible for me to confer with them within one week. I assure the Minister that I will be requesting an extension of time.

By leave, the motion was withdrawn, and it was ordered that the debate be adjourned until Wednesday, April 9.

VICTORIA INSTITUTE OF COLLEGES (AMENDMENT) BILL.

Mr. THOMPSON (Minister of Education): I move—

That this Bill be now read a second time. It is designed to make three changes to the Victoria Institute of Colleges Act. The first, and perhaps the most important, provides for the first time for representation of the State College of Victoria on the Council of the Victoria Institute of Colleges. This is highly desirable for two reasons—firstly, the Victoria Institute of Colleges already has representation on the Senate of the State College of Victoria and, secondly, as these two bodies are involved in effecting a merger of certain colleges in provincial centres, it is highly desirable that they should work together as closely as possible. To achieve this end, it is desirable to introduce cross-representation on the respective councils.

The second change is a minor one. It provides that when the president of the council is elected the body from which he has been appointed—for example, the State College of Victoria or the senate of a university—may appoint another person to represent that body. Under the present provision when a member is elected President of the Council of the Victoria Institute of Colleges a replacement cannot be appointed to represent the body which originally elected him. This is considered anomalous, and the Bill makes the necessary changes.

The third change clarifies the method for election of student representatives on the Council of the Victoria Institute of Colleges. Provision was made for student representation two years ago, but there has been confusion on whether a student, who has been elected to the council, may remain a member of the council if he is forced to give up his course through failure or for other reasons or if he completes his diploma or degree course.

The measure also clarifies the definition of a student who is entitled to vote. Voting will not be restricted to a person who is enrolled for a degree or diploma course. The amendment makes it clear that a person enrolled for one or more subjects of a degree or diploma course is entitled to vote for the student representative on the Council of the Victoria Institute of Colleges.

It also makes quite clear that it is necessary for a student to be a student only at the time of his election. If, before his term of office ends, he ceases to be a student, he may still complete his term of membership of the council.

Mr. WILTON: What about re-election?

Mr. THOMPSON: He would not be entitled to be re-elected but he could complete his term. This recommendation is desirable because it provides for the election of more mature students and will not bring about an abrupt termination of membership of the council.

A member is elected for only a year. He is elected in September of the year preceding that in which he assumes office. In many cases the student may complete his degree or diploma at the end of the year in which he is elected, but under the terms of the amendment he will not be forced to forgo his council membership and may complete his term of one year as a member of the council. I commend the Bill to the House.

On the motion of Mr. WILTON (Broadmeadows), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, March 26.

SOCIAL WELFARE (AMENDMENT) BILL.

Mr. I. W. SMITH (Minister of Agriculture): I move—

That this Bill be now read a second time. Its principal objectives are—

(a) to give effect to the recommendations of the Statute Law Revision Committee in its report of 12th March, 1974, on clause 4 of the Crimes (Sentences) Bill 1971; and

(b) to amend the provisions of the Social Welfare Act 1973, No. 8426, relating to periodic detention centres. These provisions in Act No. 8426 have not yet been proclaimed to come into operation.

The Bill also contains an amendment of an evidentiary nature to section 135 of the principal Act—the Social Welfare Act 1970.

Section 135 stipulates seven situations, involving such offences as trafficking with prisoners, for which a person may be apprehended and brought before a Magistrates Court.

Five of these situations begin with the words “without the approval of the Director-General”. Because of this preliminary, when charges of this nature have been heard, it has been necessary for the director-general, and such of his senior officers as have been assigned his statutory duties relating to prisons pursuant to section 10 of the Social Welfare Act, to attend court and give evidence that they have not, in fact, given approval to the actions set out in the alleged offences. As many as five of the department's most senior officers have attended court at the one time solely for this purpose.

To avoid this unnecessary waste of departmental time and Government funds clause 3 of the Bill provides

that, in hearings of this nature, the director-general may issue a certificate that a specified act or omission was not approved by him, or any of the officers to whom he has assigned his statutory functions, and that this certificate shall be accepted by a court as *prima facie* evidence of that fact.

The Statute Law Revision Committee in substance recommended that, subject to certain exceptions, the time a person is held in custody in a prison or like institution should be counted as time already served should that person subsequently be convicted of the offence.

To give effect to this recommendation, clause 4 provides that where a person is convicted of an offence and sentenced to a term of imprisonment or detention in respect of that offence, any period of time during which he was held in custody in a prison, police gaol, watchhouse, lock-up, youth training centre or reception centre on arrest, remand, committal for trial or awaiting determination of appeal shall, subject to exceptions mentioned later, be reckoned as a period of imprisonment or detention already served under the sentence.

This provision will overcome the anomalous situation which now exists where two people are charged with the same offence at the same time and one is able to raise bail whereas the other cannot and is detained in custody. Upon conviction it is possible that both may receive the same sentence and serve the same term, even though one has had his freedom while awaiting trial and the other has been detained in custody for that period.

The provisions will not apply to—

(a) the period during which a convicted person was held in custody, prior to his release on probation or upon a recognizance to come up for sentence if and when called upon, when that person fails to observe the conditions of his probation or release;

(b) a period of custody to which the offender was committed but which was not connected with the proceedings for the offence for which he is presently being sentenced;

(c) a period of custody or a sentence of imprisonment or detention of less than one day.

It will be the responsibility of the informant or the person who arrested the convicted person to inform the court, on oath, from his own knowledge or from inquiries made, of the period of time during which he believes the convicted person was held in custody.

If it is satisfied as to the period of time the defendant was held in custody, the court may then declare that period to be reckoned as time already served under the sentence, and shall cause to be noted in the record the fact of making the declaration, the particulars thereof and whether or not the period was taken into account in fixing the term of the sentence, or still remains to be deducted from that sentence.

The prothonotary, registrar or clerk having the custody of the record will be obliged to endorse the particulars of the declaration on the warrant of commitment or other authority for imprisonment or detention. If a deduction is not made by the court, it will be made by the director-general pursuant to sub-clause (6).

In the case of a person charged with a number of offences committed at different times and who has been continuously in custody since his first arrest, the period of time to be regarded as the time the person was held in custody shall be reckoned from the time of his arrest even though he is not convicted of the particular offence upon which he was first arrested or of other offences in the series.

Clause 6 enables a youth trainee undergoing a period of detention in a youth training centre to continue serving that sentence if he is held in

a prison during the hearing of a further charge. In the present circumstances, the serving of detention is suspended whilst the trainee is so held.

Clause 7 amends the Social Welfare Act 1973, No. 8426, relating, *inter alia*, to the service of sentences of imprisonment by way of periodic detention in certain circumstances. As previously mentioned, the sections to be amended have not yet been proclaimed to come into operation.

The term "periodic detention" was used in Act No. 8426 to name a further disposition for offenders who were to be committed by a court to serve a sentence of detention in lieu of imprisonment. It has become clear that the word "detention" does not properly convey the meaning of the disposition, and it is intended to overcome this difficulty by substituting the expression "attendance at an attendance centre" for the expression "periodic detention" and to make other corresponding amendments.

Clause 7 (d) (ii) requires courts to consult with appropriate officers of the Social Welfare Department to determine that facilities are available and that the offender is a fit person to attend at an attendance centre. This opportunity for advice will allay some public anxieties and also enable the programme to work to advantage.

Provision is made in clause 7 (d) (vi) to enable the director-general to permit a person attending an attendance centre to attend a more accessible centre if he changes his place of residence. This will avoid the necessity of representing the case to the sentencing court in these circumstances.

Clause 7 (d) (vii) provides for a register to be kept at each attendance centre to ensure that not more than 40 offenders are in attendance at any centre at the one time. This again will allay some public anxieties.

When the original Act No. 8426 was first drafted, it was considered desirable that offences for which offenders would be eligible to serve sentences at attendance centres would be restricted to the offences contained in section 102A of the Justices Act. These are offences such as simple larceny; larceny from the person, in a dwelling-house, as a clerk or servant, or as a bailee; breaking and stealing—other than house-breaking—false pretences; receiving stolen property, and so forth, where in each case the value of the property, goods, merchandise or money alleged to have been involved did not exceed \$1,000; and certain other offences contained in the Crimes Act 1958, such as wounding, assault occasioning bodily harm and indecent assault.

However, legal opinion has since determined that the provisions of section 476 of the Crimes Act 1958, under which a court was to be empowered to order attendance at an attendance centre, should be regarded as confined to sentences of imprisonment imposed upon conviction on indictment by way of proceedings in a Supreme Court or County Court as opposed to sentences of imprisonment imposed by a Magistrates Court upon summary conviction for any indictable offences authorized to be dealt with by section 102A of the Justices Act 1958.

Clauses 8 and 9 therefore amend the Justices Act 1958 and the Magistrates' Court Act 1958 to empower a Magistrates Court to permit service of imprisonment by attendance at an attendance centre when dealing summarily with an indictable offence and, in addition, when it is adjudicating on an offence punishable on summary conviction.

This sounds complicated, but the principles, when separated, are simple and I hope acceptable to honorable members. I offer to all honorable members who are interested in the Bill the services of the Deputy Director-General of Social Welfare, Mr. Bodna, who will explain

in detail what are relatively simple and reasonable principles. I commend the Bill to the House.

Mr. ROPER (Brunswick West): I move—

That the debate be now adjourned.

I thank the Minister for his offer. It may well be necessary.

The motion for the adjournment of the debate was agreed to, and it was ordered that the debate be adjourned until Wednesday, April 9.

PENSIONERS' RATES REMISSION BILL.

Mr. HAMER (Premier and Treasurer): I move—

That this Bill be now read a second time.

Honorable members will recall that, late last year, the Government gave effect to the Budget announcement that a system of rebates would be instituted for rates payable by eligible pensioners. The Government's intention was to confer on eligible pensioners the right to the remission of one-quarter of any general or extra rate levied after 1st October, 1974, and there is no question but that the principle of the legislation has been widely acclaimed as a very real contribution to pensioners' needs.

However, one or two matters have arisen which it is now intended to clarify. The first of these concerns the question of the pensioner establishing his right to the remission of the one-quarter of the rate which, in turn, would be repaid to the municipal council by the Treasurer.

Section 298 of the Local Government Act at present provides that a municipal council may excuse part or all of the rate payable where the ratepayer is, in the view of the council, in necessitous circumstances. It was the Government's intention that, where a pensioner was in receipt of the maximum rate of pension and, in appropriate circumstances, also held a pensioner medical service entitlement card, such a pensioner would automatically be regarded as being

in necessitous circumstances for the purposes of section 298 and that the council would act accordingly.

It has been found, however, that some councils have sought to establish, by a form of means test, whether a pensioner could be so regarded and the resulting questions asked of the pensioner have caused some resentment amongst pensioners. I hasten to add that most of the councils which made this further inquiry were doing so to enable them to determine whether or not they should make a further remission, over and above the 25 per cent which would be reimbursed by the Government.

The Bill removes the difficulties inherent in the phraseology of the Municipalities Assistance (Amendment) Act 1974 and its inter-action with the Local Government Act. All councils have been prepared for this by a circular sent to them on 21st February last, in which this Bill was foreshadowed.

In so doing, it should enable eligible pensioners to receive their rebates with a minimum of fuss and form-filling by establishing the eligible pensioner's clear right to remission of one-quarter of the rate without further proof. However, the amendment does not remove the council's discretion to remit all or any part of a rate to a person in necessitous circumstances who does not qualify as a pensioner.

The second matter requiring clarification deals with the question of sanitary rates and charges under the Health Act. In some municipalities, the charge for collection of garbage—and in the appropriate case, night soil—is an integral part of the rate, whereas in others it is made as a separate charge or charges. The proposed amendment makes the Treasurer's reimbursement of 25 per cent of the charge applicable to a sanitary rate or charge under sections 60 or 61 of the Health Act 1958.

Before I turn to the remaining detail of the Bill, there is one further matter to which I would wish to

refer. This concerns the situation where, for whatever reason, the eligible pensioner has paid the rate before realizing—or being told—that an application for relief could be made. A number of councils have received legal advice that, once a rate has been paid, it cannot be refunded—in whole or in part—unless it can be shown to have been improperly paid. An amendment to the Local Government Act is proposed to ensure that eligible pensioners who have already paid their rates will still receive a rate remission.

The provisions of the Bill may be summarized as follows—

1. An amendment to section 298, Local Government Act 1958 will confer on any pensioner within the meaning of the Municipalities Assistance Act 1973 a right to be excused the payment of one-quarter of any of certain rates and charges for which he is liable in respect of his sole or principal residence.

2. The rates and charges concerned are any general or extra rates levied on or after 1st October, 1974 under the Local Government Act 1958 and any sanitary rates or charges imposed on or after 1st October, 1974, under section 60 or section 61 of the Health Act 1958.

3. Where more persons than the pensioner and the pensioner's spouse are liable to pay the rates and any charge, the amount which may be excused is one-quarter of the amount for which the pensioner and spouse are liable.

4. If an eligible pensioner, or a person in necessitous circumstances, has already paid his rates and any charge in full he shall, on making application under the new provisions, be paid by the council the amount of the remission to which he is entitled.

5. An amendment to the Municipalities Assistance Act 1973 will require the Treasurer to reimburse councils for amounts excused under the new provisions.

I commend the Bill to the House.

On the motion of Mr. KIRKWOOD (Preston), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, March 26.

Mr. HAMER (Premier and Treasurer) presented a message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Fund for the purposes of this Bill.

CRIMES (CAPITAL OFFENCES) BILL.

The debate (adjourned from March 4) on the motion of Mr. Hamer (Premier and Treasurer) for the second reading of this Bill was resumed.

The SPEAKER (the Hon. K. H. Wheeler): Before I call the Leader of the Opposition, I believe it to be fair to the House to make this statement: I refer to Standing Order No. 76 which states—

When two or more members rise to speak, Mr. Speaker calls upon the member who first rose in his place.

Over the years in this place, by tradition and custom, honorable members have been called from alternate sides according to their parties. This being an unusual debate, I appeal to the good sense of honorable members, and I also assure them that I will play my part in giving protection where possible. The usual precedence will be given to leaders and deputy leaders.

Mr. HOLDING (Leader of the Opposition): I support the Bill before the House. In recent years probably no subject has been more widely canvassed in Parliaments in Western society than the issue of capital punishment. Some States have chosen to abolish capital punishment; some States have abolished it, and have later reinstated it; and other States, such as Victoria, have had capital punishment on the statute-book, but it has seldom been used or enforced. An examination of the reasoned arguments for and against

capital punishment reveals that there is no simple solution. The reason for that is plain. It is difficult to obtain agreement within the community on the object of punishment. It is equally difficult to determine the results of punishment in certain cases.

It is important for honorable members who support capital punishment to ask themselves from the outset whether they support it as a deterrent or in order to exact vengeance. Of course, the other great objective of punishment and of penal reformers has been to reform. The problem with capital punishment is that it excludes that commendable objective. There is no way of reforming a criminal once he has been executed. Execution is a very final solution. Therefore, it is important to examine the motives of the community and of those who argue that capital punishment acts as a deterrent, because I have been unable to discover any evidence of that. I venture to suggest that anyone who has examined the problem will have come to the same conclusion. The logical argument is that unless "A" is punished for the crime of murder by hanging, "B" will not be deterred from committing a murder. That is an odd view of the purpose of punishment, and it is no longer politically or socially applied by this Government, nor has it been applied by a Government in Victoria over recent years because the decision whether to hang or not to hang has basically been taken by Cabinet after it has had before it all the evidence of the case, the views of the trial judge, the medical evidence and a variety of other factors.

It must not be forgotten that hanging was once regarded as an appropriate penalty for something like 173 different crimes. It was a rough and ready solution, but those who argued that it operated as a deterrent were prepared to follow their logic through by making a hanging a public spectacle. It was quite usual, even though death may have been inflicted in another manner, for the body to be taken out and hung on the highest hill or on

the crossroads until the bones turned white. This was to ensure that the community at large realized that this was the penalty which the community exacted for breaches of the law. However, this did not produce that result. Capital punishment has had a history in which reason and logic have prevailed against emotion and the desire for retribution. That reason and logic has reduced the number of offences for which capital punishment is the final penalty.

It is now true that advocates of capital punishment are slightly ashamed of the practice which they urge, because there is a certain amount of rough logic in urging public executions if it is believed that capital punishment is a deterrent. If people believe capital punishment will prevent people from committing murder and those serious crimes for which some other people believe capital punishment should still be maintained, there is a logical argument for making hangings public. Of course, in recent years, the hanging has been done in darkness and silence, and behind closed doors.

Mr. WHITING: Apart from the press.

Mr. HOLDING: There are those who would argue for capital punishment and also argue that the press do not even mention it, which is an odd position to adopt. It is odd to say that hanging is the supreme deterrent, but we are not going to have the courage of our predecessors and ram home the full effect of the deterrent. They would say that it is better to do it secretly and behind closed doors, and that it is desirable that it should not be mentioned in the press.

What happens? The State furnishes a suit of clothes and the black cap. The person stands on the trap door, then falls through space and somehow is traumatically halted by a rope; but what has been accomplished? Do we seriously believe that, by that simple act, we have produced a society which is more just? Do we

seriously believe that by going through this somewhat primitive and barbaric ritual, we have made men better? Do we seriously assert that the potential criminal is less likely to commit a crime because the State has made itself the lawful executioner?

Ultimately, I do not believe the decision this House will make today is anything more than a social and political judgment. There is really no evidence that I can produce, or a system of logic which would indicate that the abolition of capital punishment will automatically mean a reduction in the crime rate. Equally, there is no set of statistics which can be produced by which it can be proved that, by maintaining capital punishment, the crime rate will be lowered. Indeed, there is some evidence the other way. It seems to me that we have to make essentially a political, social and moral judgment as a Parliament, on behalf of this community, about the views we take on the preservation of life as such.

The problem about the ritual execution that has taken place on behalf of the State is simply that it is a brutalizing act and one which, by its very nature, reduces the value of life within the community. The mere fact that the State becomes the executioner makes life intrinsically of so much less value. I suppose, if one is serving in the military forces or on the battlefield, in situations where one is surrounded by death, then one perhaps takes a lesser view of the value of human life as such. But at a time when throughout the world and in many societies no great value is placed on life, it seems to me that in our Australian society in the State of Victoria in 1975—in many ways we are a lucky community—honorable members ought to be able to assert, by virtue of the innate strength of this community, that we as a Parliament and as a community prize life so much that we

do not believe, in the proper governing of our affairs, that it is necessary for the State any longer to become the ritual executioner.

Many words of wisdom have been written on the subject of capital punishment. Honorable members can find learned words by judges, social reformists and sociologists, but I wish to quote from a recent publication by a person who probably knows more about hanging than most people in this community and certainly far more than lawyers, judges or social workers—Albert Pierrepoint, a man who has in fact hanged more than 100 people and, from 1931 until 1956, was the official executioner in Great Britain.

These are the words of a man who took on the job and accepted it as a responsible task. He was not doing it lightly. He was fully aware that he was the State's official executioner for the long time during which he carried out a ritual which the law enforced. This is what he writes—

During my twenty-five years as executioner, I believed with all my heart that I was carrying out a public duty. I conducted each execution with great care and a clear conscience. I never allowed myself to get involved with the death penalty controversy.

I now sincerely hope that no man is ever called upon to carry out another execution in my country. I have come to the conclusion that executions solve nothing, and are only an antiquated relic of a primitive desire for revenge which takes the easy way and hands over the responsibility for revenge to other people.

I have seen prison officers faint on the scaffold, strong men weep, and women prison officers sobbing helplessly. I have known prison doctors who could not examine the body after execution because the beat of their own heart was obliterating anything they could distinguish.

I have felt overpowering sorrow for the victims of crime, for little children murdered, for the families of all concerned, for the special worry which policemen's wives always suffer and for the tragic occasions when it is justified. Yet I have had many friends in the police and in the prison service who also feel very strongly against capital punishment.

It is said to be a deterrent. I cannot agree. There have been murders since the beginning of time, and we shall go on looking for deterrents until the end of time. If

death were a deterrent, I might be expected to know. It is I who have faced them last, young lads and girls, working men, grandmothers. I have been amazed to see the courage with which they take that walk into the unknown. It did not deter them then, and it had not deterred them when they committed what they were convicted for. All the men and women whom I have faced at that final moment convince me that in what I have done I have not prevented a single murder.

I emphasize the author's statement that all the men and women whom he had faced at that final moment convinced him that in what he had done he had not prevented a single murder. Those words of wisdom should strongly commend themselves to honorable members on the occasion of this debate.

The issues are comparatively simple. As a Parliament and as a community, all honorable members should take the view that in a community such as ours, the only possible justification for penal institutions and for a penal system is that their object has to be to reform the criminal. If that can be done, the community will be well rewarded. It is a difficult objective—sometimes it seems to be almost impossible—but that is the objective upon which the officers of the Victorian penal system are working and operating daily.

The outstanding contradiction to that objective is capital punishment; it negates the objective. Therefore, I commend the Premier for introducing this Bill into the House. I hope all honorable members will feel able to support the Bill, because in the final analysis it is of no use trying to push the responsibility away by appointing another committee, another inquiry, or asking the Ombudsman or a set of judges to examine the issue. It is a political, social decision which involves members of Parliament accepting their responsibility for making an important moral judgment. Honorable members should face up to that responsibility here and now.

The presentation of the Bill enables the Parliament to turn its face to the future and its back on

the past. Parliament must be prepared to assert the value of human life, even that of the most wretched citizen. Honorable members must be prepared to assert that that life is worthy of preservation in the hope of reform. If that view is taken, the gallows will be pushed back into history. The gallows stands as a symbol for lack of reason, a symbol of revenge, a symbol of punishment. It can be asserted that this is now a more compassionate society where justice and rationality mean that people can live without the shadow of the gallows. This is the opportunity for Victoria to turn its face to the future, to assert that this society is good enough and that this Parliament is good enough to say that all life is worth saving and that ultimately mercy and compassion are the highest attributes of all mankind.

Mr. ROSS-EDWARDS (Leader of the Country Party): Together with other members of the Country Party, I am delighted that the Government has introduced the Bill relating to capital punishment. Frankly, I cannot understand why it was not done before, because it is a matter of intense public interest which deserves to be debated in this Chamber.

During my eight years in Parliament, the Country Party has always granted a conscience vote on a social issue to any member who has requested it. It has also given that member the right to abstain from voting, if he has requested it, and it is right and proper that on such an important social issue as capital punishment a free vote should be given. When the proposition of a free vote was placed before the Parliamentary Country Party, it received the whole-hearted support of the members. There was no need for the Premier to make a free vote a condition under which the measure would be debated. In my opinion the Premier was wrong in laying down a condition under which the debate could take place.

I am sceptical about the undertaking given by the Leader of the Opposition. He prefaced his undertaking

by stating that the abolition of capital punishment was Australian Labor Party policy and therefore the Bill had the support of every Australian Labor Party member in both Houses of Parliament. Apparently no consideration has been given to how Australian Labor Party members would vote on any proposed amendment. Each party—whether it be the Liberal Party, the Australian Labor Party or the Country Party—has a heap of documents setting out its policy. Party policies are decided at a host of State conferences, Federal conferences and Parliamentary meetings, and to be a member of a political party one must believe in the general philosophy and policy of that party. No self-respecting person, however, could agree with every line of every page of the policy of his party. One is an individual, and must behave and think as an individual.

For that reason it is incredible to me that one man says, "It is party policy; all my members will vote the same way regardless of what amendments are proposed or what happens". That attitude is disappointing. The traditional iron discipline of the Australian Labor Party is very much in evidence today. If I had said "No" to a free vote, this debate would not be taking place today, but members of the Country Party agreed unanimously to have a free vote, and that will be shown before the debate is concluded.

In another place a series of private members' Bills has been introduced over many years, and the Country Party has taken a consistent stand when voting on those measures. The Country Party has for years maintained that it is the Government's responsibility to introduce legislation concerning capital punishment. This has now been done and members of the Country Party are delighted to participate in the debate. The time has come—as has been stated in previous debates—to narrow the number of offences for which the death penalty

shall apply. That has been a constant general policy put forward by members of the Country Party from time to time. In my opinion this view would represent the general thinking, not only of members of the party, but also of the majority of Victorians. This view is overwhelmingly taken in country areas, and it is held particularly strongly by women all over the State. This is not surprising, because so often women and children are the victims of crimes which are beyond belief to the normal law-abiding and decent citizen of this State.

Members of this House have a heavy responsibility cast upon them. It is a responsibility which must be faced up to, and whatever decision is taken will not be acceptable to a large proportion of the public. I oppose the Bill, and at this stage I propose to move an amendment. I move—

That all the words after "That" be omitted with the view of inserting in place thereof the words "this Bill be withdrawn and the proposals in the Bill be referred to a specialist committee comprising a Supreme Court judge, a welfare officer engaged in penal work, and a barrister of not less than ten years' standing who has practised extensively in criminal law who shall consider the abolition of capital punishment in all cases except where murder is committed—

(a) in the course or furtherance of kidnapping or hijacking; or

(b) in circumstances involving exceptional cruelty or sadism—

and shall prepare a report thereon to be laid before Parliament."

Mr. GINIFER: You are going to base your case on the deterrent aspect?

Mr. ROSS-EDWARDS: To a great extent, yes. The purpose of the amendment is to abolish capital punishment except in particular circumstances — circumstances which are set out in general terms in the amendment. It is contemplated that the committee to be appointed will make a report to Parliament on the possibility and practicability of defining murder into categories. Mr. Smith, the Law Reform Commissioner, has said that this is a problem fraught with difficulties.

However, it is my view, and this is shared by many people who have shown an intelligent interest in this matter, that this problem can be overcome. I believe it must be overcome.

The main argument that has been put forward already, and doubtless will be advanced repeatedly during this debate, is that capital punishment is not a deterrent. This argument cannot, for obvious reasons, be proved or disproved. Since the Ryan execution no one in this State has been hanged, and I submit that there has been no real likelihood of a hanging taking place. For better or worse, the majority of Cabinet Ministers in this State since 1967 have opposed capital punishment.

Without giving any particular examples—that would be unfair and unethical—I point out that in that period of eight years murders which have been committed have justified the death penalty. The basic question is: To whom are we to give the greater consideration? Is it the criminal who has no regard for human suffering or for human life, or is it the innocent decent citizen, often too young, too old or too weak, to defend himself? If the retention of the death penalty were to save one innocent life, its retention would be justified.

Honorable members have a particular obligation to the police and to the warders of the gaols in this State. The community is dependent on them for the maintenance of law and order. In recent years offences which were not envisaged 20 or 30 years ago have been committed around the world. I refer to offences such as hijacking, where there is bombing and hostages are held. Quite often in these cases the victims are killed in the course of the offence. Australia has been very fortunate that so far that type of offence has not been committed here, but we would be living in a fool's paradise if we thought that this state of affairs was likely to continue. I would suggest with some certainty that capital offences which could well result in mass murders,

but which none of us could envisage today, will be committed in this country in the future. Are we, with this prospect in view, to wipe from the statute-book the only practical means by which these depraved, guilty persons can be dealt with?

If there were not the safeguard of Cabinet commuting a death sentence I would not have moved the amendment, but this safeguard exists in Victoria, and I am sure this will always be used on the side of mercy. This view would be taken regardless of the composition of the Government of the day. This is not a "yes" or "no" debate.

Mr. EDMUNDS: Yes, it is.

Mr. ROSS-EDWARDS: I am delighted to hear that interjection from the Opposition, whose members make it clear that they want to make this a "yes" or "no" debate. I hope the debate will be instrumental in having the law of this State relating to capital punishment reviewed and amended.

I have moved the amendment as a person with all the normal qualities of humanity. Members of other parties will no doubt support me. I am not a vindictive person. I have as much sensitivity about human life as those supporting the Bill. I do not want any person to be hanged in this State. However, if it ever becomes my lot to take part in the making of such a decision, I hope I will have the necessary strength to support the carrying out of the death penalty if, in my conscience, I consider that to be right.

It is easy to commute the death sentence. It is difficult in life always to do what is right. However, this often brings unpopularity and scorn is heaped on one from certain quarters. As Ministers of the Crown are well aware, this is one of the responsibilities of high office. I ask honorable members to support the amendment if they have any doubt in their conscience about the abolition of capital punishment. I appeal

particularly to members of the Labor Party who have been placed in such an unenviable position today.

Mr. HOLDING: Why do you not take it like a man?

Mr. ROSS-EDWARDS: Every House must have a comedian, and the Opposition has its comedian. Many members will not agree with the technicalities or the wording of the amendment, and this is most important. However, I do appeal to members to support the amendment as it will be the means, and perhaps the only means, of determining the feasibility of defining certain categories of murder. I make that point very strongly, because if members do not agree with the amendment any chance that this matter will be sensibly considered will disappear for ever. I appeal to members who have any conscience to vote for the amendment.

We live in troubled times. Patterns of law and order and traditional standards of behaviour are being disregarded. There is an element in this community which we hear and read about; men who hold high positions in Australia today speak of achieving their ends by other than democratic means. Certainly this is not the time to be showing undue concern to the person of sub-human standards who has no regard for life. We have a particular responsibility to look after the lives of the great masses of people in this State who go about their daily business as law-abiding citizens.

I ask the members of this House to support the amendment as a practical move to bring about a change in the law, and at the same time to maintain a standard of law and order which is under attack on all fronts in Australia today.

The SPEAKER (the Hon. K. H. Wheeler): I advise the House that any member rising now to speak will be deemed to be speaking to both the motion and the amendment.

Mr. DOUBE (Albert Park): I support the Bill and oppose the amendment. In supporting the Bill I convey my personal appreciation to the Premier for the opportunity that he provided this Parliament of debating a matter which has vexed it over many years. I am tempted to take a different line of argument from that which I intended because the Leader of the Country Party has been somewhat provocative about the attitude of the Australian Labor Party on this matter. However, I prefer to disregard his provocativeness because it is important that a debate on capital punishment should be temperate and honorable members are not to be blamed for having the views they have, however much others might dislike them. It should be left to the personal judgment and conscience of each member, and that is the way I propose to handle this debate.

The amendment moved by the Leader of the Country Party can be dismissed quite easily. It is not new. There are people who, all over the world, have argued that there ought to be certain crimes for which the penalty must be death. It has been argued and discussed in Parliaments and in at least three Royal Commissions to my knowledge. Each of those Royal Commissions has examined whether the death penalty is a unique deterrent and each has come to the conclusion that there is no evidence whatsoever that the maintenance of capital punishment has any uniquely deterrent value.

If honorable members examine the amendment they can see what they would be doing if they accepted it. They would be supporting the postponing of deliberation by this Parliament on whether it should abolish capital punishment. It would be referring the question to an expert committee. However, under the amendment the expert committee would be hamstrung because it would be an instruction to the committee that there shall be two areas where it cannot make a judgment, one relating to murder committed in the course or

furtherance of kidnapping or hijacking and one relating to murder committed in circumstances involving exceptional cruelty or sadism. So honorable members should have clearly in their minds what is before them.

The amendment would prohibit the expert committee from examining all aspects of murder and Parliament would be asking the committee to advise it on what it should do. As I have said, expert committees have looked at this matter over the years and they have reached the view that there is no special significance about having capital punishment as a deterrent.

At this stage I make it quite clear, despite what the Leader of the Country Party has said, that each member of the Opposition will be able to vote according to his own conscience and will be as free to vote as he likes, as will every honorable member in this House. There is nothing to stop any member of the Opposition from acting according to his conscience and personal belief and it is highly improper for any other honorable member to say that that is not so. Conscience must surely be a matter for the individual. It is not for groups of people on the other side of the Chamber to challenge and ask a member how he is voting. I have the opportunity of voting according to my conscience and I shall do so and I believe every honorable member of this House will so vote.

It is with a sense of history that one joins a debate of this nature. In 1812 more than 200 offences were punishable by death. In 1949 nine offences were punishable by death in this State and today only one offence, and that is murder, is punishable by death. I suggest that if honorable members vote in the House tonight to reject the amendment and for the Bill introduced by the Premier, this Parliament will be joining forces with the other Australian States and other countries in the world in their struggle towards human enlightenment and the enshrinement of understanding, compassion and mercy, which are the most

important of all human values. I suggest that if honorable members look at it that way, they will see we are indeed at an important stage of history when we debate this subject.

Tonight honorable members have the chance of joining a long and far-reaching list of reformers—of famous people who have stood up in their Parliaments and in their country, even when it was very unpopular to do so, and put forward the view that the death penalty should be abolished. I shall recall the words of one of the great pioneers in this field, Sir Samuel Romilly, a member of the British House of Commons. As honorable members may recall, he was a continuing opponent of the death penalty. His words, which I shall quote shortly, were uttered just after a Bill which he had introduced in 1810 had been thrown out by the House of Lords. That Bill was to provide that the punishment for high treason should be either hanging or beheading instead of the then punishment which was—

That the offender be dragged to the gallows; that he be hung by the neck and then cut down alive; that his entrails be taken out and burned while he is yet alive; that his head be cut off; that his body be divided into five parts, and that his head and quarters be at the King's disposal.

That Bill was defeated. Admittedly it was some time ago, 1812, but one must consider that a human being has not altered all that much in his genetic make-up although his sense of compassion and mercy has been built up in our more civilized society.

However, being grievously wounded when his Bill was thrown out, Sir Samuel Romilly said—

From the spirit which I have seen I shall not be surprised, and I certainly will not be deterred, by any vote of this night. I am not so unacquainted with the nature of prejudice as not to have observed that it strikes deep root; that it flourishes in all soils and spreads its branches in every direction. I have observed also, that flourish as it may, it must, by laws sacred and immutable, wither and decay after the powerful and repeated touch of truth. It was my lot to hear in Parliament a negative upon that Bill which was intended to deliver this enlightened nation from the reproach of the cruel and disgusting punishment of burning

women alive. It was my lot again and again to witness in this house the defeat of those wise and humane exertions which were intended to rescue Englishmen from the disgrace of abetting slavery. But the punishment of burning is no more, and Africa is free. No resistance, no vote of this night shall prevent my again appealing to the good sense and good feeling of the legislature and of the country. If I live another year, I will renew this Bill, with the Bill for repealing the punishment of death for stealing a few shillings; and, whatever may be my fate, the seed which is scattered has not fallen upon stony ground.

I am sure all honorable members would be proud to be associated with one of the pioneers in the struggle to abolish capital punishment, a struggle he carried on so many years ago.

I shall now refer to another of the reformers. As I said, one cannot name them all and I should be most unhappy if any honorable member considered that I was leaving people out deliberately. Another reformer was Lord Byron. When he rose in his place to make his maiden speech in the House of Lords on 22nd February, 1812, more than 200 offences were punishable by death and it was then proposed to add one more to this imposing list. This was at the time of the Luddite revolt, when people were being put out of work by mechanization through the building of frames for weaving instead of using the older pattern. It was then proposed to introduce a new capital crime to apply to people who were shielding frame breakers. These people were to be executed.

This shows the courage of a man when almost any minor crime attracted the death penalty; it shows that Byron was prepared to stand up in his place,

Mr. McCABE: What about the Turks that he killed?

Mr. DOUBE: The honorable member for Lowan is probably talking about Byron's wartime activities, which is a different proposition. Honorable members are not talking about killing in war.

Mr. McCABE: The person concerned is just as dead.

Mr. Doube.

Mr. DOUBE: If members of the Government party who are interjecting cannot see the difference between wartime activities which can result in death and the deliberate long thought out, long drawn out execution of a human being, that is their problem. If they still believe that, I shall be unhappy to see them vote against the Bill that the Premier has introduced.

In any case, Lord Byron said—

Setting aside the palpable injustice and the certain inefficiency of the Bill, are there not capital punishments sufficient in your statutes? Is there not blood enough upon your penal code, that more must be poured forth to ascend to Heaven and testify against you? How will you carry the Bill into effect? Can you commit a whole country to their own prisons? Will you erect a gibbet in every field and hang up men like scarecrows? or will you proceed (as you must to bring this measure into effect) by decimation? place the county under martial law? depopulate and lay waste all around you? and restore Sherwood forest as an acceptable gift to the crown, in its former condition of a royal chase and an asylum for outlaws? Are these the remedies for a starving and desperate populace? Will the famished wretch who has braved your bayonets, be appalled by your gibbets?

That was a courageous speech by Lord Byron on the first occasion that he spoke in the House of Lords. It was a courageous speech because of the mass feeling in favour of capital punishment at that time. I am proud to be associated with this long struggle.

I select from Australia Sir John Barry, who was a puisne judge of the Victorian Supreme Court, President of the Department of Criminology at the University of Melbourne and one of the great workers for the abolition of capital punishment in this State.

Mr. WILKES: He was also a great law reformer.

Mr. DOUBE: That is so. The Leader of my party in another place, the Honorable J. W. Galbally, must also be selected as one of those people who have long and valiantly fought for the removal of the death penalty from Victoria's laws. On more than twenty occasions he has introduced Bills for this

purpose. My colleague, the honorable member for Melbourne, is another indefatigable fighter for the abolition of capital punishment. I have had some personal experience with him on anti-hanging committees in this State. I am aware of the great value of the book which he produced a few years ago. He must be remembered on an historic occasion such as this.

The Howard League for Penal Reform has also been in the front line of the fight. The last tribute I want to make is to the Melbourne press, which over recent years has taken a line that has given great heart to the people who are opposed to capital punishment. I do not deny anyone else the right to have a different viewpoint. I feel that my viewpoint, which has been strongly abolitionist, dates back to the day of the execution of Colin Ross in April, 1922, at 10 a.m., when I was a child of seven years of age. At school, a kindly woman teacher said to us, "If any of you pray, I think you should do so because this morning a man is to be hanged". That left an indelible mark on my mind.

Many people share a strong feeling about the death penalty. Each time Cabinet has to consider, as it does at present under the law, whether an execution should be carried out, it is a matter of great tribulation to people who are opposed to the death penalty. I am sure that the feelings of a great number of people in the community are almost torn to pieces when it is decided that the death penalty be carried out.

One would think, having listened to the Leader of the Country Party, that the murders committed in Australia would be connected with kidnapping, hijacking and gangster-type crimes, but that is not the case. If we examine murder and forget what is shown on television, we realize that murder is a unique crime. More often than not the murderer is a first offender; more often than not the

murderer knows well and, strangely enough, has loved well his victim. Those statistics are undeniable.

It has been pointed out that an American survey showed that about 38 per cent of all murders in the United States were committed within the family or within the *de facto* family situation, that 40 per cent of murders occurred among friends, and that abusive parents and *de facto* parents killed more children in 1962 in the United States than were killed by leukemia, cystic fibrosis and muscular dystrophy combined.

I bring forward these figures because it is clear that murder is a unique type of crime. According to the statistics, a person has more chance of being killed by someone who knows him and who is, or has been, deeply involved with him than by someone else.

I shall leave it to other members to discuss whether the retention of capital punishment is any greater deterrent than other punishment. I wish to examine some of the powerful reasons why as a compassionate and sensitive community we cannot retain capital punishment on the statute-book. It cannot be denied that there is always the possibility that the person who has been executed was innocent. That occurred in England in what one could call the notorious Evans case; the man was executed, and many years after his death he was granted a pardon. While there is a chance of an innocent person being hanged we cannot afford to take the risk.

Mr. WHITING: What about the innocent victim of murder?

Mr. DOUBE: We are not talking about doing anything to the innocent victim. Unfortunately, no one can do anything for the innocent victim of murder. It is ridiculous for anyone to ask why we are not equally compassionate about the victim. Of course other members of the Opposition and I have the greatest compassion and can weep as many tears as anyone else. Of course our

hearts are racked when we hear of innocent people being killed. But that does not lead us to the stupid answer that by knocking off somebody else's head we have done anything for the victim. The old concept of an eye for an eye and a tooth for a tooth has no place in the law of a decent country and ought to have no place in the moral outlook of any decent human being.

My first reason for believing strongly that the death penalty should be removed is the possibility of a jury making a mistake. Historical evidence is available to show that this has happened. Where only circumstantial evidence exists and a juryman says, "I have to satisfy myself beyond reasonable doubt that the crime was committed", a verdict can be given on a matter of prejudice. The juryman could be left with the final proposition of saying, "Of course he did it. I have no proof, but all the pointers indicate that fact". There is always the danger that an innocent person might be executed. That is one of the main reasons why I would not be prepared to support capital punishment of any sort.

Once a person has been executed he has been denied—except in the period between the time of his conviction and the time of his death sentence—the right of repentance or of rehabilitation. Those who must finally decide whether capital punishment will be carried out are so certain they are correct that they are prepared almost to act as God and say, "You shall have no time to repent. Your life shall be taken".

The third reason for my rejection of capital punishment relates to manslaughter. There is much evidence to show that the more dire the punishment, the more severe and strenuous it is, the less chance there is of the prosecution obtaining a conviction. In a comparison of the States of Australia in which the death penalty applies and the States in which it does not apply, some surprising figures emerge. It is said

that one of the deterrents—if there is a deterrent—that influenced a person not to commit the crime of murder is the certainty that he will be caught and convicted. If Victoria retains the penalty of capital punishment, juries will in a sense be pushed into the position of preventing an execution by not giving a verdict of guilty.

I refer to a work by Stanley W. Johnston, formerly a senior lecturer in criminology at the University of Melbourne, who should be mentioned among the people who have done pioneering work in this field. He provides figures which show that where a dire penalty exists a low murder conviction rate in courts is obtained. Where no dire penalty exists—no execution—there is a high conviction rate for murder. In Victoria, where there is a possibility that a murderer might be hanged, a low conviction rate for murder exists as compared with New South Wales and Queensland, where the death penalty does not apply. Those figures should be borne in mind.

Mr. ROSS-EDWARDS: Can the honorable member give the figures?

Mr. DOUBE: I shall be happy to do so. They will have to be incorporated in *Hansard*, but I am prepared to make the document available to the honorable gentleman. Mr. Johnston says—

Mr. ROSS-EDWARDS: Who is Mr. Johnston?

Mr. DOUBE: The honorable member barely knows anybody outside the Country Party, which consists of only 30 people. In his document Mr. Johnston incorporates a table—Figure 5—setting out details of homicide convictions in Australia from 1938 to 1959. On Page 8 Mr. Johnston states—

Figure 5 is the most detailed jurisdictional breakdown of criminal homicide convictions available for Australia. It is compiled from the Australian year books numbered 33-47, 1940-1961 and statistically the inter-jurisdictional differences are quite significant. There are two notable features about Figure 5. In the first place, it shows five jurisdictions in which the manslaughter

convictions are more than twice the murder convictions: Victoria, South Australia, Western Australia, Tasmania and the Australian Capital Territory. These are five potentially hanging jurisdictions, each under a conservative administration except Tasmania, where the ratio is barely within the classification. Tasmania has seen only five hangings this century. In New South Wales, which has been under a Labor Government for the whole period and which abolished the death sentence for murder in 1955, manslaughter is less than twice as high as murder and is tending (if anywhere) to revert to parity with murder. Queensland abolished the death penalty in 1922 and has not had a hanging since 1913: in that State the murder conviction rate exceeds the manslaughter rate.

If the law were altered so that the murderer was flogged and then starved before he was hanged—

Mr. ROSS-EDWARDS: That is going too far.

Mr. DOUBE: At least this illustrates that there is some point at which the honorable member begins to feel sick.

What I have said must be borne in mind because it appears that we think we are safeguarding the community by having a savage penalty but the figures show that only manslaughter convictions are obtained. If one or two ingredients were added to the present execution penalty, there would not be one conviction.

History reveals that all sorts of punishments have been inflicted on human beings. If somebody had to serve on a jury now and knew that a verdict of guilty would mean that the prisoner would be flagellated, half boiled or caused to suffer some equally terrible punishment, in all probability that juryman's heart would fail and he would not agree to a conviction. Executions do not protect the public. Certainty of capture and conviction are the most important ingredients. If there is a death penalty, fewer convictions are obtained; the figures prove this.

In a debate of this nature one could say many things, but today honorable members have the opportunity of making a great contribution to human progress in this State. If we do not

take this opportunity we will in a sense be setting back the clock. The most important human values are compassion, mercy and sensitivity. Everything else pales before those virtues. John Donne, the great English poet and clergyman of the sixteenth century—I shall not read out his words but will paraphrase them—said, “I am a part of every other human being and I say to the criminal, ‘There but for the grace of God and circumstances go I’”. Again I paraphrase; he said, “Each time I wound him, and each time I destroy him I am destroying part of myself”. That is my belief. I believe we are all a part of a suffering humanity. Who are the people who are executed? They are generally the poor, the mentally ill, the psychopaths, and those under great emotional pressure. What is the point of this senseless act which not only emotionally cuts to pieces the human beings in society who are totally opposed to it, but also enshrines violence? One cannot teach people to be kind by being unkind to them, or to be merciful by being merciless, nor can killing by the State protect human life. I reject the amendment, and all honorable members should reject it. It is important to take this step which many countries in the world took years ago, and which many of our sister States have taken, and help human beings in society towards the goal of a better human structure in the future.

Mr. MEAGHER (Minister of Transport): It has been correctly stated that tonight the House will make an important decision. I enter the debate because I believe it is necessary for someone to speak from a close experience of capital cases. In the course of my period of office in the Ministry, I have helped to adjudicate in more than 50 such cases. The only member of this Parliament today who has sat on more cases than myself is the Deputy Leader of the Government.

I begin by refuting the charge of the Leader of the Opposition that a man placed in that position acts from

motives of vengeance or from anything except a sense of high responsibility. A man who has experienced this type of responsibility does not relish it in any way. I make it abundantly clear that the remark of the Leader of the Opposition, that a man who has served in a war has probably a looser view of human life than someone else, makes it apparent that he has not so served.

I oppose this measure because I believe such opposition to be an exercise of the responsibility of the office into which I have been sworn and because I believe it to be in the best public interest. I shall endeavour to make clear why I so believe. The honorable member for Albert Park was concerned that an innocent person may be executed. The honorable member was relying almost entirely on one such case which occurred in Great Britain. In my experience no responsible Minister of the Crown would consider permitting an execution to be carried out in a case which was clearly based on circumstantial evidence. The man who is placed in the position of accepting that heavy responsibility is very conscious of the task he is undertaking and the traumatic experience through which he personally is passing.

Mr. DOUBE: Is the Minister sure he completely understands what circumstantial evidence means?

The SPEAKER (the Hon. K. H. Wheeler): Order! The Minister should ignore the interjection.

Mr. MEAGHER: I have every intention of doing so, Mr. Speaker; it deserves to be ignored. The honorable member also accused Ministers of acting as God in these circumstances. I assure the House that in my experience acting as God is the last thing which occurs to a Minister placed in that position. I sincerely believe every Minister in the Government, when facing that responsibility, acts as his conscience dictates and is prepared to carry out his responsibility in the best interests of the community.

The Leader of the Opposition told honorable members that in executing a person the State diminishes the value of human life. I put the contrary view, that in reserving the right to carry out an execution, although not necessarily doing so in the majority of cases, the State puts the highest possible value on human life in that it seeks to protect the innocent person who may be ruthlessly destroyed by a thug for his own benefit. Each argument has equal validity. I believe this option must remain open to the State for reasons which I will give.

From time to time it has been argued, almost *ad nauseam*, that statistics show that the existence of the death penalty has no effect on the potential murderer; that it is not a deterrent. I agree with those people who say that that proposition is completely unprovable. The Leader of the Opposition himself said so. Equally, I believe that the opposite cannot be proved.

I do not consider statistics should be applied to this serious social problem, because it is much deeper than that, but if one wants to apply statistics one should examine what has happened over the past twenty years in Victoria. In 1960, an extremely untypical year, only eighteen murders were reported. It is untypical in that it bears little relationship to the other twenty years, so I shall ignore it. In 1961, 62 murders were reported in Victoria, including the murder for which one Tait was convicted. The Government decided, not that Tait should hang, but that there was no legitimate reason for protecting him from the verdict. The remarkable events which followed that decision are history, and I do not propose to reiterate them because that would lead to a long debate. However, the remarkable fact is that although Tait did not hang in 1962, the total number of murders dropped from 62 to 40. In 1963 there was a further drop to 26 murders. I am not claiming that this proves that the proposed

execution of Tait was a deterrent, but it is as valid as the contrary argument which has been put by the abolitionists. In 1966, 47 murders were reported. On 3rd February, 1967, Ryan was hanged. The number of murders dropped from 47 in 1966 to 31 in 1967. I am not putting that forward as a conclusive argument that capital punishment is a deterrent, but merely to illustrate that statistics can be used in support of both sides of the argument.

It is nonsense to glibly assume that because a State in which capital punishment is sometimes exercised has a similar murder rate to one in which capital punishment is never exercised capital punishment is not a deterrent. I use these figures merely to indicate that there is no validity in that argument.

Since 1967 the murder rate in Victoria has steadily increased and in 1974 the number of murders totalled 59. Again, on those figures, I am not arguing that the existence of capital punishment on the statute-book is or is not a deterrent, but there was an enormous amount of publicity at the time of the two cases I have mentioned, and this was followed by a decrease in the number of murders. The publicity has continued and it has become accepted that nobody will hang in this State regardless of the crime. The feeling is generally propagated in newspapers, on television and through other forms of media.

Mr. WILKES: Do you believe that?

Mr. MEAGHER: That has nothing to do with the debate because it is a matter for the Cabinet of the day. I am saying that, because of this publicity, in effect, we can make no claims as to the deterrent effect of capital punishment. This is because it is assumed by everyone that the death penalty will not be carried out.

I put this argument forward merely to indicate that although all the publicity on the matter is aimed in the one direction, equally good arguments can be used against it. I

come back to my original proposition that neither the case for nor the case against capital punishment can be proved by statistics. As the Leader of the Opposition said, it is a matter of personal judgment.

I will go over some of the other arguments that have been submitted. Any legislation which is brought before the House should have a positive purpose. I have demonstrated that the arguments used for abolition so far are at least, in my view, negative. Honorable members are being told that because a certain honorable member who is addressing the House believes capital punishment is not a deterrent to crime, then Parliament should abolish it. Nobody has attempted to show in any positive way, that, by the abolition of this penalty, fewer people will be murdered. I can understand that because there is no way in which that argument can be proved. To support legislation one should have a conviction that the legislation will achieve a positive result. Quite frankly, I am sure that this measure can achieve only negative and not positive results.

Mr. WILKES: You cannot prove that either.

Mr. MEAGHER: I am not attempting to prove anything; I am putting a point of view. Nobody in this State will believe for one moment that a person who accidentally kills in what is known as a crime of passion or in a fit of temper should hang; no one should hang unless the circumstances of the crime are such that no other penalty is appropriate. In the 50-odd cases in which I have had a responsibility of helping to make a decision, on only two occasions has the Cabinet found that the circumstances were such as to warrant execution. This proves that the differentiation between the two types of crime is very distinct and heavily loaded in favour of the person who has been convicted.

In other words, the quality of mercy about which the honorable member for Albert Park had so much to say has in fact been exercised by

the Victorian Government and I expect that it will continue to be exercised by the Government. At any time in which I am sitting in on such a case, I would be looking at it from precisely that point of view. I would be ever conscious of my responsibility to the community, which I have been sworn to exercise.

Mr. DOUBE: But you wanted to hang Tait, who was obviously mentally ill.

Mr. MEAGHER: Honorable members opposite are at a distinct disadvantage in that not one of them has had this responsibility thrust upon him. Not one member of the Opposition has ever had the responsibility of making a terrible decision. They are full of theories, but they have no practical knowledge of the subject. I am merely endeavouring to point out to this House and to the people of Victoria that other considerations must exercise the mind of a man who has that responsibility.

In the world today, there is an upsurge of violence which is unprecedented for centuries. It is not violence perpetrated by individuals but organized violence using all the facilities of modern-day technology and science in an attempt to perpetrate dictation on societies throughout the world. There is the terrorist who kidnaps people and threatens to destroy them or execute them unless his demands are met. There is the terrorist who plants a bomb in a busy place and kills innocent men, women and children regardless of their right to live. Then there is the hijacker who will destroy an aeroplane full of people if need be to gain his ends.

If this Bill is agreed to, there will be a situation where, in all these circumstances, however evil the crime, however sadistic, unjustified or professional, such as a contract killing, the killer's life will be preserved regardless of any other circumstance. In this instance, I am speaking of the deliberate, premeditated, professional killer. Even if he is sentenced to life imprisonment, in effect he is still

given a licence to kill in the future, because he will be placed in gaol and will know that if he commits another crime, society will be powerless to inflict a further penalty upon him.

In this way, we immediately put at risk the lives of prison officers, and nobody has yet said anything about the families of those officers. We will also put at risk the lives of any person outside the gaol who, if the killer succeeds in escaping, may endanger his freedom. In those circumstances, the murderer is perfectly free to kill the person, because he knows that nothing more can happen to him. I am not prepared to so disarm organized society that it is powerless to act against the professional killer. I am not prepared to have a situation in which a terrorist is jailed and his friends can then perpetrate other acts of terrorism in an effort to have him released.

Mr. WILKES: What you need to provoke is a free vote in Cabinet.

Mr. MEAGHER: We had a free vote.

Mr. DIXON: Do you not think his friends might be provoked if in fact he were hanged?

Mr. MEAGHER: They might be provoked but it would not do them much good. I have one other concern which relates to clause 2 of the Bill. The clause provides for the insertion of a proposed new section 3 which reads—

Notwithstanding any rule of law to the contrary whosoever is convicted of treason or murder shall be liable to imprisonment—

(a) for the term of his natural life; or

(b) for such other term as is fixed by the Court—as the Court determines.

I can visualize a situation—and I do not say that it will become the norm—where a murder could be committed and the trial would be presided over by a judge who had been unduly affected by a campaign of propaganda against capital punishment.

Mr. SIMMONDS: That is a bit rough on the judiciary.

Mr. MEAGHER: I am referring to the possibility that a court, for one reason or another, could sentence a convicted murder to a short term of imprisonment because there would be no lower limit, no check and no review. For this reason I think the Bill is far too loosely worded for such a serious crime as the wanton destruction of another human life. It ought to be more positive.

In conclusion, I should like to comment on the amendment proposed by the Leader of the Country Party. I agree that the amendment is worthy of support—if the Bill is not rejected completely, as I believe it ought to be. Unfortunately, the proposed amendment does not go far enough. It refers to murder committed in the course of kidnapping or hijacking or in circumstances involving exceptional cruelty or sadism. It omits to mention terrorism, the professional killer or contract man and the person who commits murder while escaping from lawful custody. I believe these instances should be included in the terms of reference.

I felt impelled to speak in the way in which I have spoken tonight because I have a heavy sense of responsibility to the community. People are entitled to the protection which can be given when the reserve power to impose the ultimate penalty resides in the community. Without that reserve power the community is disarmed, and for that reason I am not prepared to support the proposed legislation.

Mr. MITCHELL (Benambra): I rise to speak on the Bill tonight because, as honorable members know, when I was Attorney-General it once fell to me to recommend to Cabinet that three people be hanged. I refer to the case of Lee, Clayton and Andrews. The woman was the first woman in Melbourne to be hanged for about 50 years. The decision was not a pleasant one, but it had to be made. I recommended the decision to Cabinet and Cabinet adopted it. At

the time the *Herald* newspaper carried an article about the murder, which stated, *inter alia*—

Then followed an hour and a half of horrifying torture.

The three young people, two men and a woman, tortured an old man until he died. I shall return to that story later but, as I said, I have had the experience of having to grasp the nettle and do what I felt was the only thing meet and appropriate for the occasion. Other occasions will arise in this State when the nettle must similarly be grasped, and that eventuality must be provided for so that it can be dealt with. This is an occasion when I believe honorable members should adopt my Leader's constructive amendment.

I emphasize that the decision of members of the Country Party is a free one and the amendment proposed by the Leader of the Country Party, which is worth while and constructive—with the possible exception of what the Chief Secretary said—represents his own thinking. He proposed the amendment to members of the Country Party as he put it to honorable members, as individuals with a sense of responsibility to do what they felt was right. I unhesitatingly support my Leader because questions such as whether capital punishment should be continued in Victoria engender a good deal of emotion which is flamed by the press. It is a matter on which people have honest feelings in good faith one way or the other, and it should not be decided in a matter of minutes in this House.

The constructive approach of the Leader of the Country Party to the measure is to ask for time, the appropriate machinery and circumstances of balanced thought so that an appropriate hypothesis and basis for future deliberation by the House can be made to ensure that the Bill is not rushed through in a spirit of haste, expediency and distorted emotion. It is a wise precaution to ensure that the best possible action is taken in this matter.

Mr. Mitchell.

The idea of referring the Bill to a specialist committee seems reasonable, and I emphasize, although it is a truism, that these are unprecedented times when mass violence has occurred on many occasions. There have been cases of kidnapping, hijacking, violence by the Irish Republican Army and possibly also by other bodies which are trying to blame the Irish Republican Army. Innocent people have been murdered by bombs being thrown into hotels where they were having a convivial evening. These times are unprecedented, and who is to say that someone in Victoria might not poison the water supply of a city like Melbourne?

The amendment proposed by the Leader of the Country Party—which I think the House will adopt—refers to murder committed in the course of kidnapping or hijacking. I mentioned the Irish Republican Army and the possibility of the water supply being poisoned. The proposed amendment goes on to refer to murder—and here is where capital punishment must be retained for what I call the very bad murder—committed—

in circumstances involving exceptional cruelty or sadism.

As I said earlier, in the case of Lee, Clayton and Andrews the *Herald* reported concerning the victim—

Then followed an hour and a half of horrifying torture.

Such a case could occur again in Victoria, and for such an occasion capital punishment must be retained. I am prepared to consider with an open mind any recommendation which this proposed impartial, neutral committee may see fit to present to the House, but honorable members should not be in a rush to do something which requires a good deal of thought. I hold that capital punishment must be retained for those filthy, sadistic murders, as my Leader outlined.

In Australia and elsewhere in the world the "permissive society" has developed and represents the breakdown of the idea of playing to the rules of decency. People believe it is all right to do a thing if they want to, but the stage is approaching where such people believe that violence can be inflicted on anyone else, and a potentially dangerous situation is being faced. This is not the time to make a drastic and radical deviation from the previously accepted custom of reserving capital punishment for particularly bad cases of murder.

A hundred years ago in England there were more than 200 crimes for the commission of which a person could be hanged. Just recently the number was reduced to four—wilful murder, piracy, treason, and arson involving the burning down of such things as a naval arsenal dockyard, a supply of gunpowder, or arms. I consider that the amendment could be added to, but an addition such as I have in mind might impinge upon Federal powers. In Melbourne there is a dockyard, as well as Army supplies, technical equipment and other vital material. It would be serious if Australia were in danger and someone burnt down an important dockyard or military installation in Melbourne. Honorable members should therefore consider incorporating arson in the amendment proposed by the Leader of the Country Party.

With due respect to my Leader, I feel we could go up the scale and include reference to naval dockyards, military installations, Royal Australian Air Force aerodromes, and aircraft. Australia is blessed with a Christian democracy of which other countries are jealous. However, there has been a breakdown in the concept of varying rules so that a person may exercise his democratic rights only in such a way as will not interfere with another person exercising his democratic rights. It is a dangerous situation, both within and without, and this is not the time, as

I said before, to make a drastic alteration by abolishing capital punishment entirely.

I am not a bit sorry for the Leader of the Opposition. He did not do very well; he did not sound very sure of himself, he was not convincing and he pinned his argument on this important matter on the evidence of one solitary hangman. I do not care if he was Pierrepont; the whole argument was pinned on what one man wrote. It is typical of the honorable member's impertinence; he has no personal convictions of his own.

The Minister of Transport, in a very calm and reasoned speech, spoke of capital punishment as a deterrent. The fundamental desire in any human being is to save his own life, and we should pin our arguments on the philosophy, "I had better not, because I might swing for this".

Honorable members should also consider that after a man is convicted of murder, he is imprisoned if there is no capital punishment. He may then escape and murder someone else. That happened in New South Wales when a man escaped and murdered a school girl who was attending morning school assembly in a Church of England school at Mossvale. A particularly bad murder is a reason for retaining capital punishment.

I turn to the position of the police. I know what the police felt after the the Country Party Government hanged Lee, Clayton and Andrews. The police felt considerably relieved that they had support. It is all very well to say that the police should do this, that and something else. A policeman in Corryong told me that at about 3 a.m. one day he received a call saying that a place was being robbed. The lights in the post office were on. The policeman said he did not know what was going to happen to him. Three offenders participated in that crime. Another policeman said to me, "It is all very well to talk about a gun being pointed at you, but when a gun is pointed at

you by a man who means business, it looks like a railway tunnel." The police must be protected. They risk their lives to protect the community and they must have the feeling that they are being backed.

Reference was made to the case of Colin Ross who, in the early 1920s, murdered a teenage girl, Irma Tischke. This man, after drinking cheap wine, raped and strangled the girl. Brilliant detective work resulted in his quick arrest by the police. The women-folk of this State felt that a man who could do that to an innocent teenage girl should not be allowed to live. As the honorable member for Albert Park said, there are two sides to every question, and protection of the community against men who rape and murder must be considered.

I raise another point with honorable members. It must be remembered that the Government has to carry out the will of the people. In England in the 1920s when a Mrs. Thompson, and a Mr. Bywaters were hanged for murder, Mrs. Thompson was only technically guilty of the crime of murder. This was the case of a married woman who seduced an innocent young man who was a steward aboard the P. and O. ship *Morea*. Mrs. Thompson stood by whilst Bywaters murdered her husband. The whole of England wanted those two hanged even though Mrs. Thompson was guilty only of technical murder.

In the case of Lee, Clayton and Andrews, which I had to handle, I received only one protest and it was from a graziers' association in the back-blocks of South Australia. I nearly wrote and said that the Government could run Victoria without any assistance from the Graziers Association of South Australia, but I did not; I wrote and thanked the association for its communication. In that case three husky young people brutally tortured an old man, William George Kent, for an hour and a

Mr. Mitchell.

half, to the point where he died. The people of Victoria believed they should be hanged.

Periodically the wishes of the people must be considered. It may be half a century or more before the occasion arises, but the people's wishes must be interpreted, and capital punishment should be retained for this purpose.

The Labor Party argued that an innocent person might be hanged and, like Pierrepont, the famous English hangman, they could cite only one case out of all the murderers who had been executed throughout the years in which there had been a miscarriage of justice. Under the system that operates in this country, a person can have a trial here and a trial there, an appeal here and an appeal there, an appeal to the Privy Council, and finally, as the Ministers in this House know, the trial judge comes before Cabinet. Each member of Cabinet is provided with a thick brief of the murder trial, and before making a decision Cabinet asks the judge his reason for every step he has taken.

The Australian Labor Party could find only one case where an innocent man was hanged. In this House we are in a position of responsibility and carrying out the wishes of the people. Those honorable members who have been Ministers remember that we took an oath to do our duty without fear, favour or affection. We have to do it now and retain capital punishment.

Mr. JONES (Melbourne): In a sense, despite what the Minister of Transport said, the death penalty is already abolished in Victoria and has been since August, 1972. This is not really a debate about hanging. Whatever the result of this debate today, it is extremely unlikely there will be another Victorian execution. I doubt whether the doughtiest retentionist in this Chamber believes there will be another execution in Australia.

This is really a debate about us, about the members of the Victorian Parliament, giving us an opportunity

to declare, not on party lines, just what manner of men and women we are. It is a chance to indicate whether, in the final analysis, we make our judgments coolly and calmly on the basis of evidence which is capable of being weighed and objectively analysed, or whether in discussing the nature of man, objective analysis is useless and we are forced into *terra incognita* and must blindly decide every man for himself, on the basis of instinct or gut reaction, where a man might say, "I really don't care about the evidence but I know how I feel".

So, the free vote will enable us all to say, "Here I stand; I can do no other". This free vote will enable me to cast my vote for abolition, but only incidentally for abolition. Essentially I cast it against darkness, against obscurantism, against instinct, against pessimism about society and about man's capacity for moral regeneration.

It is extraordinary that often people who argue for retention have a fundamental pessimism about man's capacity for regeneration. They say certain persons ought not to have the opportunity for regeneration. However, they have no humility about their own judgment; they are convinced that their own judgment is right. As they participate in it, they have not a scintilla of doubt that their judgment is absolutely correct. I find their confidence in their own judgment and their pessimism about society is an extraordinary paradox.

The Victorian Branch of the Australian Labor Party has had an abolitionist plank in its platform since about 1898, and it has commuted all death sentences during its terms in office. In some respects its record is not altogether inspiring. The late John Cain's Government failed to bring down legislation to abolish capital punishment on the grounds that it would not be passed in the Legislative Council and might bring what it considered a marginal issue to the centre of political controversy.

Even worse, the Australian Labor Party held the balance of power when the Dunstan and McDonald Governments sent seven men and one woman to the gallows over a total period of ten years and ten months. It is true that in those days of long recesses the State Parliament was not in session at the times of the executions in 1936, 1939, 1941 and 1951, but it is a matter of great regret that the Labor Party ever let those executions take place. The efforts of the Honorable John Galbally in another place since 1955 have almost made up for the earlier lapse.

The Country Party has, I understand, no specific written policy plank in favour of the death penalty, but its support can be inferred by its history on this issue and by what has been said here today. The Liberal Party had no specific policy plank until 1974 when an abolitionist plank was adopted by the party's State council. The Nationalist Party and the United Australia Party had no retentionist policy either, but they were prepared to accept the *status quo*. In the past 50 years in Victoria under Liberal or United Australia Party Governments there has been one execution for carnal knowledge in 1932 and one execution for murder in 1967.

There has been some argument that the death penalty is not a deterrent to murder. I would make a qualification: I have never said that it is not a deterrent. The question is whether the punishment deters uniquely. The question which should be raised again and again is whether the death penalty essentially has only a deterrent effect for murder. Nobody ever asks whether the death penalty essentially has only a deterrent effect for murder. Nobody ever asks whether the death penalty has a uniquely salutary effect on murder but has no comparable effect on other offences.

The last major review of the death penalty in Victoria occurred in 1949 when the Crimes Act No. 5379 was passed. At the time the late Thomas Tuke Hollway was the Liberal Premier of this State. Before that Bill

was passed there were nine capital offences in the Crimes Act and one common law offence—the anomalous offence of treason—which was not and still is not in the Crimes Act. The nine offences were murder, provided for in section 3; administering poison or wounding with intent to murder, in section 8; setting fire to or destroying ships with intent to commit murder, in section 10; rape, in section 40; carnal knowledge of a girl under ten years, in section 42; buggery with violence or with a person under fourteen years, in section 65; robbery with wounding, in section 113; burglary with wounding, beating or striking, in section 123; and setting fire to a dwelling-house, in section 187.

Is it argued that the deletion of the last eight offences suddenly led to a terrible avalanche throughout the State of setting fire to dwelling-houses, or buggery with violence, or setting fire to or destroying ships? Is it seriously suggested that the death penalty deters uniquely for murder, but that it has had no demonstrable effect on the other offences? If it is a unique deterrent it would have deterred the commission of the other eight crimes before 1949.

Volume 229 of *Hansard* indicates that throughout the long debate on the Crimes Bill hanging was barely mentioned. Honorable members were totally preoccupied with the question of flogging, whipping and birching, and clause 2, which abolished the death penalty for eight offences, was passed in the Legislative Assembly on the voices, without a division and without debate. The death penalty for those eight offences passed from the statute-book without any tangible evidence being presented. I can imagine honorable members of that time crying, "What about carnal knowledge? We have to keep it. What about the young girl who will be violated if it is not retained?"—the argument being that if it deters for murder it will deter uniquely for the other offences as well.

Mr. Jones.

Consider, for example, the crime of attempted murder by poison which would, in practice, include most attempted mercy killings. That crime brought the death penalty prior to 1949, but attempted murder by strangulation, suffocation, drowning, gassing or electrocution brought only a fifteen-year term of imprisonment. Is it suggested that the effectiveness of the law was to confine all attempted murders to suffocation, drowning or any other mode that did not involve wounding? Is there anyone who would suggest that, or is the law exposed as an absolute piece of nonsense?

I invite honorable members to consider some of the anomalies in the old Act. Take the question of attempted murder. Morally it is impossible to distinguish between the heinousness of a murder and an attempted murder, whereby with grace and good luck the person shot survives. For example, in the shooting of a policeman in the London Hotel in 1966, with the greatest of good luck the policeman who was shot did not die. Surely the perpetrator of that offence is not to be preferred to the man who drunkenly and recklessly fires and kills an officer, but yet the penalties differ greatly.

Before 1949, "setting fire to a dwelling-house, any person being within", but without any intention to kill, was a capital offence. That was covered by section 187 of the Crimes Act. For "destroying buildings by explosives with intent to murder", which is covered by section 9, the maximum penalty was, and still is, fifteen years.

That is the same penalty for sending a letter threatening murder. Is there any sense in that, any rationality? Will any honorable member say that there is no doubt that the presence of the death penalty prior to 1949 was absolutely responsible for people not setting houses on fire? Is it argued that, of course, an enormous number of houses were being blown up because the penalty was less?

Mr. HANN: That is nonsense.

Mr. JONES: The honorable member is correct; of course it is nonsensical. Rape was a capital offence before 1949, and one might expect a vast increase in its incidence after repeal. In the four years from 1945 to 1949 there were 84 cases reported to police and 48 prosecutions. In the four years after 1949 there were 80 reported cases and 46 prosecutions.

The Victorian evidence confirms Cesare Beccaria's dictum that there is no demonstrable correlation between the severity of punishment and the crime rate. The current version of the Crimes Act still perpetuates these anomalies. Section 11 (1) provides twenty years' imprisonment for poisoning and wounding with intent to murder and section 11 (2) provides fifteen years for attempted murder by shooting, strangling, suffocating or drowning. Section 12 provides fifteen years for blowing up a building with intent to murder, and section 13 provides twenty years for setting fire to an occupied building. Can anyone be expected to make sense of this?

In addition, section 8 maintains the archaic offence of petit treason. It says that it is to be "charged and treated as murder", but does not abolish it. Petit treason is the murder of a master by a servant or of a husband by a wife—but significantly, not of a wife by a husband.

When the Crimes (Aircraft) Bill 1963, was brought before the Victorian Parliament, the maximum penalty for destruction of an aircraft with intention to kill was set at twenty years although parallel Commonwealth legislation, since repealed, provided for the death penalty.

There are no new arguments for abolition. They were all set out more than 200 years ago in a book entitled *On Crimes and Punishments* by the great Italian economist and pioneer sociologist, Cesare Beccaria. As he pointed out, all punishment deters, but there is no statistical evidence that capital punishment deters

uniquely, that when the death penalty is dropped for particular offences, as it was in Victoria in 1949 for eight crimes, the crime rate does not appear to change.

Beccaria argued that the greatest deterrents to crime were certainty of detection and certainty of conviction and that crime rates tended to be determined by factors other than the severity of punishment—factors such as the general stability of society, the existence of a police force, climate, the degree of urbanization, economic factors and drinking habits.

Beccaria also argued that the "appropriate penalty" for crime can be worked out statistically: It is the lowest penalty consistent with public safety. There is a critical point in punishment beyond which increasing severity is unnecessary because it has no demonstrable influence on the crime rate.

It might be said that this is demonstrated in the present Crimes Act. No one suggests that anyone planning an attempted murder leafs through the Crimes Act to select a crime with a fifteen-year penalty rather than one with a twenty-year penalty. That is an absurdity. I regret that the Minister of Transport is not present because I wished to point out to him that Beccaria argued strongly against the power of pardon. He insisted that the power of reprieve was undesirable and should be abolished. This seems harsh at first. The point is that reprieve is built into the system because it is realized that the system is unsatisfactory. The Minister claims to be invested with enormous authority and to be acting, as he calls it, as "an adjudicator". He is there not as an adjudicator; he is there to uphold the law as it is set out in the statute or to improve the law.

The sitting was suspended at 6.15 p.m. until 8.3 p.m.

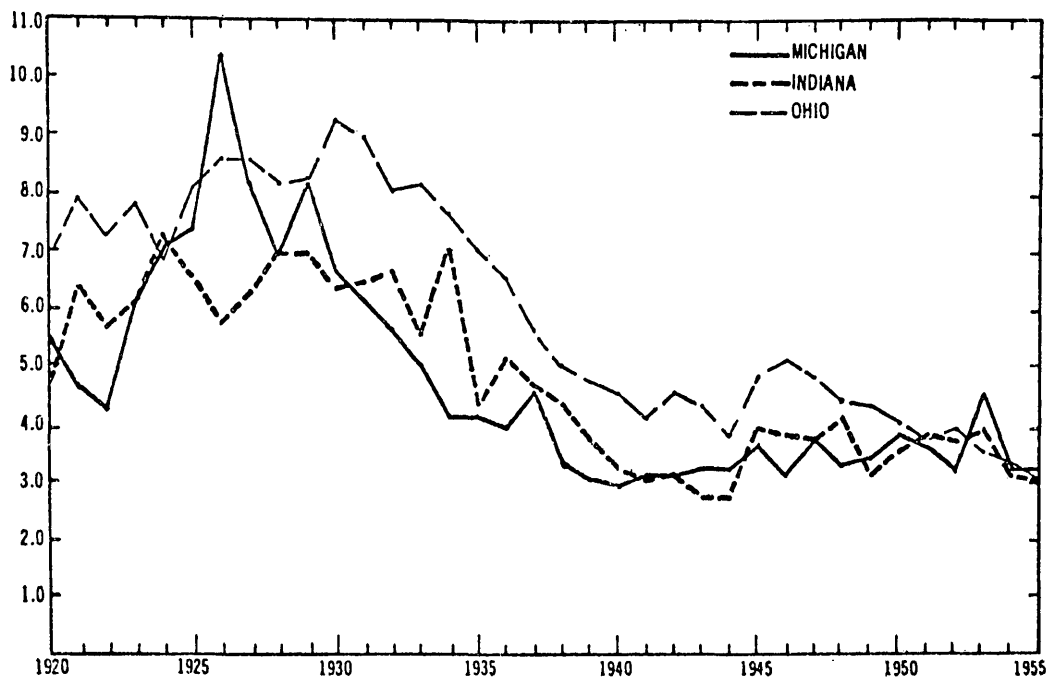
Mr. JONES: Before the suspension of the sitting for dinner I reached the point where I referred again to the work of the pioneer Italian, Cesare Beccaria. He was

very much against the power of pardon. His idea was that the pardoning power existed for the purpose of covering deficiencies in the law. If, for example, there was a rare case of somebody being convicted of an offence where the punishment seemed to be quite inappropriate—Cabinet might intervene. Beccaria insisted that intervention indicated that there was something wrong with the law, and therefore the law ought to be changed rather than the power of pardon being relied upon. He said, "Clemency ought to shine in the code and not in private judgment." In other words, if you have to reprieve all the time because the law comes up with an appropriate sentence, it is an indication that you ought to change the law.

Professor Thorsten Sellin, an eminent American sociologist, who was described by the British Royal

Commission on capital punishment as perhaps the greatest expert in that field, has produced many charts in which he has compared the crime rates over a long period of various States in America which have similar societies, racially and in urban-rural balance—for example Michigan, Indiana and Ohio. He compared their homicide rates per 100,000 of population from 1920 to 1955. One of the three States was abolitionist throughout, one executed the death penalty frequently, and the third exercised it only spasmodically. I defy the most hardened retentionist to examine the chart and tell me which State is abolitionist and which is the retentionist. I ask leave of the House to incorporate the chart in *Hansard*.

Leave was granted, and the chart was as follows—



A reasonable man thinking calmly might well conclude that the death penalty ought to be a unique deterrent because it horrifies him. But examination of criminal statistics throughout the world—not just in Victoria—does not bear this out.

Mr. Jones.

There are some classic examples of how close familiarity with the death penalty does not seem to have had that unique deterrent effect. Sir Ernest Gowers found that of 167 prisoners hanged in Bristol in the 19th Century, 164 had witnessed one

or more executions. Until 1939, when guillotins were public in France, a majority of French murderers had observed one or more guillotins. David Bennett, who was hanged at Pentridge Prison in 1932, was a lifelong friend of Angus Murray, who was hanged in 1924. Thomas John Ley, a former New South Wales Minister of Justice and an ardent retentionist, was sentenced to death in England in 1947. Harold Green who organized a petition for the hanging of the moors murderers, Ian Brady and Myra Hindley, was soon after convicted of child murder. Sergeant William J. Mulrine III, a senior police officer who campaigned for the restoration of capital punishment in Delaware in 1961, murdered his wife ten days after the death penalty was restored.

It is striking that with the much publicized political assassinations and attempted murders in the United States of America—for example, President Truman, John and Robert Kennedy, Martin Luther King, Medgar Evans, James Meredith, George Lincoln Rockwell, Malcolm X and George Wallace—all without exception took place in States in which the death penalty applies, although these men were all highly mobile and in theory might just as easily have been shot down in an abolitionist jurisdiction. But it does not happen. One might have expected that many murderers in the United States of America would have taken their victims into an abolitionist area to kill them, but they did not.

Before the suspension of the sitting, honorable members were privileged to hear the Minister of Transport and the honorable member for Benambra. The Minister of Transport gave an interesting and authoritative account of how he considers things. The honorable gentleman said that in 1950 there were 18 homicides in Victoria; in 1961, 62 homicides; 1962, 40 homicides, and in 1963, 26. He implied that the controversy over the Tait

case reminded people that capital punishment was still the law and caused the decrease in the number of homicides in 1962. He equated the homicide figures for murders, but those figures include many cases which were subsequently described as manslaughter cases, accident cases and suicides. For example, in 1961, of the 62 cases reported as homicides there were only 44 charges of murder or manslaughter and only 5 convictions for murder. It is true that in 1962 there was an extraordinary fall. The Tait controversy ran from August, 1962, to October, 1962, but the greatest fall in the homicide rate occurred before August and after October. If Tait had been hanged, the Minister of Transport might have claimed that there was a certain connection. The fact that Tait did not hang and that the figures were low that year really supports our case rather than the Minister's. I do not believe the figures bear out his facts.

Mr. DIXON: The Minister made the point that the figures could not be used to prove anything.

Mr. JONES: I will make a concession for the Minister of Transport and the Minister for Youth, Sport and Recreation. Beccaria said 200 years ago that there was no relationship between the severity of the punishment and the crime rate; that the rate was determined by factors other than the actual incidence of the penalty. However, if the remarks of the Minister and of the honorable member for Benambra are examples of the meticulous way in which they examine evidence, one is not impressed.

I pass over the examples cited by the honorable member for Benambra, only to point out that in the New South Wales case to which he referred, which was obviously that of Leonard Lawson, the person of whom he complained was not in fact initially convicted of murder but of rape. He did not escape, but was simply released—wrongfully in the circumstances—because he appeared

to be a model prisoner. Unfortunately that is a perfect example of how someone can be convicted of a crime for which the original penalty is excessive, and it is then left to Cabinet to determine what shall subsequently happen to the person. Members of the Opposition believe this should all be part of the judicial process.

The honorable member for Benambra several times made reference to the one and a half hours of horrifying torture in the case of Lee, Clayton and Andrews. He failed to remember their eighteen months of horrifying torture under the shadow of the gallows. The point is that the State should tread warily in comparing its position with the position of the murderer and saying, "The murderer acted thus, so we act thus".

There appear to be only two logical options open. Contrary to what the Leader of the Country Party said, it is a Yes-No debate. There is no third position. Only two options are open. One is to abolish capital punishment. The alternative is to retain it and use it. Some honorable members seem to believe there is a third choice. That is, to retain capital punishment on the statute-book, and not to use it. They attempt to have a bit both ways. This is a morally contemptible and bankrupt position. I have more respect for the outright retentionist than the person who wants to shilly-shally and walk a tight-rope. This is the dubious position in Victoria today.

Since June, 1955, when the Liberal Party took office, 80 death sentences have been passed. Nine persons are still under sentence of death awaiting commutation. Of the remaining 71, Tait had his sentence confirmed but was later reprieved. Ryan had his sentence confirmed and was executed. Thus in 71 death sentences dealt with by Cabinet, 70 were commuted. What on earth can be said in support of a law which comes up with the wrong answer 98.6 per cent of the time—or 97.2

per cent if the special circumstances of the Tait case are included? Section 3 of the Crimes Act states—

Whosoever is convicted of murder shall suffer death as a felon.

It is not possible to have a subsection which states, "The above section will not be carried into effect." It must either be got rid of or enforced.

The Leader of the Country Party suggested a shopping list of crimes for which he would retain the death penalty, to which the honorable member of Benambra, I thought with some relish, included even more. This appears to me to have no logic. This whole question of degrees of murder was really dealt with prior to the 1949 legislation. The honorable member for Rodney interjected earlier that the 1949 position was absurd. It was absurd because it specified certain types of crime as capital in a way that no honorable members would regard as logical. No one would want the 1949 position brought back. Yet if capital punishment deters uniquely, it should deter crimes other than murder. Beccaria once said—

If I can prove that the death penalty is neither necessary nor useful, I shall have achieved the triumph of mankind.

On the question of necessity, one needs to point out that some retentionists make a spurious case that certain executions are inescapable, unavoidable, necessary. It is urged that crime is like civil war and that in times of war, civil or international, it is necessary to kill one's enemy in self-defence. This is a poor argument. I can quite accept that where a dangerous armed man is at large it may be necessary to kill him, even though that should be avoided if possible. But if a man were holding a child at gun point, threatening to kill her, and it were possible to have him picked off by a sharp-shooter, I would not hesitate to act or give the order because it would really be a necessity. However, this is not parallel with the situation after the trial, conviction and appeal

processes are concluded. I adopt the words of the great French Nobel prize-winning novelist, and abolitionist, Albert Camus—

I stand as far as possible from the position of spineless pity in which our humanitarians take such pride, in which values and responsibilities change places, all crimes become equal, and innocence alternately forfeits all rights.

The point is that after the man is captured, rendered harmless, put in an escape-proof gaol, tried, convicted, sentenced and has gone through the appeal procedure, it can hardly be said that his death is a matter of necessity; that we can say, "Unless this man dies, society is in jeopardy". The reasons for killing a man, which look so pressing at the time, often look hollow and morally dubious in retrospect.

The Minister of Transport said, "Who is going to raise the question of the prison officers?" I am perfectly happy to raise it. The solution to the prison problem of violence and gaol breaks does not lie in more executions, but in a complete reappraisal of the gaol situation so that prisoners who are highly dangerous need to be kept under certain conditions of maximum security, though not the type contemplated by the new maximum security gaol in Long Bay. If one goes to European countries which have abolished the death penalty long ago, such as Belgium, since 1963, Sweden since the 1890s, Norway, and Denmark for a similar period, and asks prison administrators, "But surely you have to cope with refractory prisoners? Is not there some special need for the death penalty for prisoners who kill in gaol?", they look at one absolutely open-mouthed. They say that the answer lies in the way in which the prisons are run, and in which confrontation and escape is avoided.

The problem is comparatively simple, and to suggest that the death penalty is a constructive or helpful way of solving the problem of discipline in prison is extraordinarily short-sighted. Similarly, in England

and Canada, strong representations were made that the death penalty be retained for the murder of prison officers. In both cases, the Parliament decided in a free vote against this. The statistics in Great Britain in the five-year period between 1965 and 1970 when there was absolute abolition, and the years since, have confirmed that the death penalty is of no special benefit to the police. It is certainly confirmed in the period in which the Homicide Act operated from 1957 to 1965.

The honorable member for Benambra mentioned Lee, Clayton and Andrews. I often think of Jean Lee. I saw her once during the trial. She was hanged at Pentridge in February, 1951, with Robert Clayton and Norman Andrews, for an atrocious murder committed in 1949. She was 31 years old. Was her death in any way a necessity? The Government of the day certainly thought so. Twenty-four years later she would have been 55 years old if she had lived. What sort of woman would she be today? It is an idle question to ask. I often wonder whether, if all three had been spared, society would have suffered.

Mr. HANN: Why don't you show some compassion for the victims?

Mr. JONES: I am glad that the honorable member has asked the question and he will be sorry that he did. After a victim is dead and buried, the execution does not put roses on the grave; it does not provide any consolation.

Mr. HANN: You show no compassion for the victim.

Mr. JONES: I do what I can do in the area where it is possible to do something. It is pointless to speculate on what can be done in terms of vengeance. One wishes that the murder was not committed and that the death rate were lower. In fact, in Australia the death rate is fairly static at about one homicide per 100,000 people per annum and that figure is likely to remain constant while we keep the present type of society.

I often wonder what would have happened if Lee, Clayton and Andrews had been spared. The triple hanging left a permanent scar in my mind, which will never heal. The execution of Ethel and Julius Rosenberg in New York in 1953, for reasons which in retrospect seem utterly deluded, left another. I often think of the execution in Long Bay Gaol in 1936 of Edwin John Hickey, who was hanged at seventeen years of age for having, when he was sixteen years of age, bashed a conciliation commissioner to death. In retrospect, it seems almost unbelievable. If he had lived, he would be only 56, but he has been dead for nearly 40 years. Was his death a necessity? The Government of the day thought so, but who would argue in its defence today?

Leo Tolstoy, who was one of the greatest novelists and moralists, thought deeply about that question of necessity in capital punishment after he saw an execution in France. It haunted him all his life. He wrote, *inter alia*—

I witnessed many atrocities in the war and in the Caucasus, but I should have been less sickened to see a man torn to pieces before my eyes than I was by this perfected, elegant machine by means of which a strong, clean, healthy man was killed in an instant. In the first case there is no reasoning will, but a paroxysm of human passion; in the second, coolness to the point of refinement, homicide-with-comfort, nothing big.

When I saw the head part from the body and each of them fall separately into a box with a thud, I understood—not in my mind, but with my whole being—that no rational doctrine of progress could justify that act, and that if every man now living in the world and every man who had lived since the beginning of time were to maintain, in the name of some theory or other, that this execution was indispensable, I should still know that it was not indispensable, that it was wrong.

Our experience in Victoria, and largely the experience in other countries, is that in many cases the relatives of the victims do not want vengeance. They often reject the concept of “an eye for an eye and a tooth for a tooth”. Execution simply

Mr. Jones.

adds to the total horror. In the case of Mrs. Nolte, for whom we all felt great compassion, she spoke to me and told me that at first she felt that Lowrey and King should hang. But by the time the death sentence was brought before the Executive Council she did not want them to hang.

There are many cases of victims' families, particularly in Great Britain, where over a long period a large number of executions took place, begging for the death penalty not to be carried out. I wish to quote one case in the United States of America where a nineteen-year-old girl was strangled by a sex killer and the girl's mother wrote a remarkable letter. The letter was dated 30th November, 1960, and is included in an article entitled “What about the Victims?” by Arthur Koestler and C. H. Rolph. In the letter, the mother stated—

My daughter was against capital punishment. When she was eight years old she came home from school one day and told me a little boy had thrown a glass of water over her. ‘And what did you do?’ I asked her. ‘At first,’ she said, ‘I wanted to do the same to him, but I suddenly saw myself doing what he did . . . He would have won.’ As she grew up, this idea grew into a desire to help the destroyer.

If it is to be ‘an eye for an eye and a tooth for a tooth’, this will soon be a blind and toothless world.

In the Tait case, the Reverend George Hall, son of the victim, Mrs. Hall, was prominent in urging a commutation. This is often the case where families are deeply involved.

As I have said, this is an historic vote. We have an opportunity to end a particular kind of social excommunication which we call capital punishment where the entire weight of the State rests on the neck of a single isolated alienated man or woman. It is not out of excessive concern for the murderers, but concern for ourselves that I declare my vote for life. Hanging is an evil thing. Let us end it now.

Mr. DIXON (Minister for Youth, Sport and Recreation): I congratulate all honorable members who have

thus far contributed to the debate, particularly the honorable member for Melbourne. I wonder if honorable members realize how privileged we are in this Parliament to have the honorable member for Melbourne, who, in my view, in this particular area, has set himself out to be, by dint of his work and ability, a world authority. I regard him as a world authority in this field and I suggest that he has treated honorable members to a magnificent analysis on this question.

The second thing I want to say is in answer to the honorable member for Rodney. I have a lot of regard for the honorable member for Melbourne as a friend and as a person, and to try to equate an argument concerning the abolition of capital punishment with a question of compassion for the victim is, to my mind, quite unwarranted.

Mr. HANN: You shut your mind to the victim.

Mr. DIXON: The honorable member says that my mind is shut. I assure him that I believe the minds of most honorable members are indeed open and that they wish to contribute to the debate because it is a question of great importance to mankind. I love and respect my wife and she believes that, in some circumstances, hanging is justified. However, I believe there are no circumstances in which hanging is justified. Professor Maree Neill, who is the Professor of Special Education at Monash University, once said to me that there is no intelligence without feeling. Each honorable member in this Chamber has the right to take into account his gut feelings because these are a part of a person's whole physical being and influence people in making the sorts of decisions which they will make as individuals.

It is the reaction of anyone, upon hearing of somebody having been killed, to feel repulsed, to feel that this is atrocious, to feel "We must hang the bastard". How many times have I heard that phrase?

The SPEAKER (the Hon. K. H. Wheeler): Order! I do not know whether it was necessary for the honorable gentleman to have used that expression unless it was the only way in which he could describe his thoughts.

Mr. DIXON: That phrase is one that I have often heard in my dealings with friends in many areas, and it expresses in the vernacular what many Australians feel. However, one must go further than that, because although there is no intelligence without feeling, there are also the questions of analysis, of thought, of mercy and of the future of mankind.

I was most impressed by the opening remarks of the honorable member for Melbourne because he regards himself, as most honorable members do, as being optimistic about the future of mankind; as seeing a gentle evolutionary progress in the way that human beings deal with other human beings. Let me make it absolutely clear that violence, no matter on what pretext or on what terms of judgment—and I shall come to the question of justice—will only beget violence.

If one is genuinely interested in the progress of mankind towards a society which will become better and better in terms of tolerance and man's dealings with man, one must do one's best to remove that violence which one can control. Surely there is nothing worse than the violence which is cruelly and coolly premeditated by a State and exercised against one of its own citizens. Certainly I think it is a violence which it is within our power to remove. The various arguments that have been advanced by honorable members on the uniqueness of the deterrence have been enough to satisfy one that it is in fact not a unique deterrent.

Recently the House of Commons debated not the question of capital punishment, but the restoration of capital punishment for political terrorism. I shall read what was

said as reported at page 518 of the British *Hansard* by Mr. Brian Walden, of Birmingham, Ladywood, who begged to move—

That this House, while recognizing that political terrorism requires a reappraisal of established attitudes, is of the opinion that a reintroduction of the death penalty would neither deter the terrorists nor increase the safety of the public.

That debate took place during a time of great emotion, when people had been killed by terrorists and by bomb explosions, and when everybody understood what violence had been committed and knew that there were cold-blooded people who, on behalf of a particular theory or political policy or for whatever motive, were prepared to exercise this form of violence.

I commend the debate to all honorable members. I have read the whole of it, and it is a magnificent debate. Points were made on both sides. All the members who spoke had feelings and ideas which they expressed from the whole of their being. The debate was well-mannered and polite, but carried on with feeling. As a result of that extraordinary analysis Great Britain retained its policy of opposing capital punishment.

The sentiments expressed on page 566 of the debate come closest to paraphrasing that which I feel. Mr. Ray Carter, the member for Birmingham from Northfield, stated—

I remain unflinching in my view that violence is repugnant to and in contradiction of civilized society. To institutionalize it in the form of capital punishment is to undermine in the most savage of ways the values upon which a civilized society claims to rest. My reasons for saying that are more instinctive than acquired, more felt than thought and more a question of faith than anything else.

It is instructive to read some of the magnificent quotations from the debate. Mr. Walden quoted the following words of Winston Churchill, who stated—

Flowers grow soon over the battlefield, but over the scaffold—never.

Bacon said that it was—

The foremost function of law to root out revenge—the more so because men are inclined to it when faced by atrocity or terror.

Mr. Dixon.

In addition the House saw fit to comment upon the question of deterrence. The member who moved that capital punishment should remain abolished, Mr. Brian Walden, of Birmingham, Ladywood, is reported at page 519 of the report as having said that the greatest deterrent against political terrorism was—

the same deterrent as we have against any crime—the probability of apprehension. That is the greatest deterrent against criminal acts.

Surely when one analyses the effects of the various punishments, one must conclude that if a punishment is provided—I think all honorable members believe there must be some punishment for misdeeds against society—the fear of apprehension is really that which deters.

Some honorable members by interjection mentioned long-term imprisonment. It is instructive to analyse long-term imprisonment *vis-à-vis* the death penalty, because there is no question but that many persons would prefer death to, for example, 50 years' imprisonment. I do not want to make much of that argument, because in many respects it is simply on the question of the punishment, but it shows that that is one of the reasons why it has never been able to be proved that capital punishment is a unique deterrent. I want to make it clear to the House that I do not really believe in the general concept of deterrence.

It seems to me that even to regard capital punishment as being a deterrent is not to treat each individual as his actions deserve to be treated. The only right that a State has in exacting justice is to judge a person upon his acts and not upon whatever might happen to the rest of the State, depending upon what is done to that person. To my mind that is an infringement of the individual's rights, and I would never wish to have to stand up and defend that.

This brings me to the question: If a person takes a life, should not the just treatment be to deprive that person of his life? I say unequivocally, in terms of validity of logical argument,

to that I have no answer. What I do rely on is the general question of mankind and the ultimate removal of violence from our society.

I must rely on whether each individual person in this community is endeavouring to foster that which the honorable member for Rodney accused the honorable member for Melbourne of not having—compassion. I am sure the honorable member for Melbourne would agree that no matter what I might say concerning my belief in favour of the abolition of capital punishment, that has nothing to do with the compassion I feel for a human being who is the victim of an atrocity committed by another human being, or the victim of an atrocity committed by the State. That is why I believe the State should opt out from capital punishment.

I conclude by referring to the amendment proposed by the Leader of the Country Party. For many years consideration has been given to ways of discriminating between various forms of murder. I pose this hypothetical case to honorable members: Consider an act of terrorism in which a woman harbours explosives under her home and hands them to a terrorist who throws them into a building. Numerous lives are lost and the woman is convicted and hanged. Then consider the case of a person who commits a multiple murder after committing rape. Under the scope of the amendment, presumably he will not hang.

Mr. MITCHELL: Come down to earth.

Mr. DIXON: I am very much down to earth. I cite this example only to try to get honorable members to understand the great difficulties and complexities that are involved in attempts to distinguish between various forms of murder. It is an enormously complex task, and I support honorable members who say that we have either to abolish capital punishment or to retain it on the statute-book. There is no middle course in this argument. It is one or the other,

and I really cannot see how the amendment adds anything to the debate.

As in the debates in the House of Commons, honorable members have to consider what terrorists or kidnappers or hijackers will do if one of them is caught and the State says that it will hang him. Have honorable members thought of the hostages? Have they thought of the martyrdom which may be created? Have they thought of the risk that is at stake? The moment that capital punishment is threatened—and this point was made over and again in the House of Commons debate—more harm than good will result from the reprisal on a professional killer or killers.

I reiterate my fundamental point that violence can only beget violence, and that if we want to create a better society we must take the lead in this State and remove capital punishment from the statute-book.

Mr. EDMUNDS (Moonee Ponds): One of the marks of a civilized community is an awareness of its systems of law and order, of good government, and of the responsibility that members of Governments bear. Today the House has heard some brilliant speeches by people deeply involved in the subject of capital punishment.

I state clearly at the outset that I am an abolitionist, and have been all my life. My reasons for this have been simply my experiences in life. I have not had to do a great deal of study on the subject. Originally I had an open mind on the subject. I was trained during the war years in combat, I was sent to the war and saw the horrors of war and their results. I realized that decisions made on various pretexts can deprive individuals of their lives. Those experiences really put a scar on my soul. Decisions taken at that time made me a total abolitionist for the rest of my life.

In our society capital punishment is the extreme instrument and sanction. It is rarely used today in Victoria, but it is just a stroke of the pen away from all those persons convicted in court of murder. I do not think any legislator ought to have the responsibility of making that decision. Honorable members have heard a Minister and a former Minister speak of the responsibility they had to exercise when deciding whether capital punishment should be applied. One had to make a decision about three murderers; the other spoke of 50-odd decisions that he has had to make. No individual, irrespective of his responsibilities in the community, should have to decide whether another human being shall live or die.

I know there are arguments against that point of view, and I respect them, but I am putting my point of view. The law that provides that Cabinet, or the Governor in Council, must make the final decision is repugnant. I want capital punishment eradicated from the statute-book for that reason alone. The State of Victoria ought to set an example to the world. People in this community are considered to be highly civilized human beings. Why should we not set an example? All around the world there is violence, and history has proved that violence begets violence.

In communities where violence perpetrated on innocent persons is rife, the political system will not allow people to express their points of view in any way other than by violence. It is the only way in which they are able to get their point of view before the public. The law allowing capital punishment is a repugnant statute which has remained on the statute-book for more than 100 years. If honorable members look at the calendar of crime for which the death penalty can be imposed, they will see that over a long period of time the types of offences have gradually been reduced and the number of offences, the commission of which warrants the death sentence, has now

been reduced to two or three separate types of murder. Has it made any difference to the number of murders committed? Capital punishment is repugnant to the way in which our society exists. In my view it has made no difference and there has not been a gradual diminishing of the number of crimes committed for which people can be sentenced to death and have the extreme penalty imposed on them.

If the decision to abolish capital punishment is taken tonight, our society will be no different tomorrow from what it is today and there will be no increased violence within the community. The fact that there is a death penalty has no effect on society.

What I find repugnant is that according to our statute-book capital punishment makes the State a murderer. As I understand the situation, when the sentence has been finally passed upon the prisoner, it then rests with our penal officers to make preparations for the hanging. That arouses a feeling of horror in our community. Capital punishment should be removed absolutely for all time, for any offence in our community, as there is no place for this law in our modern society and I support its removal from the statute-book.

The hardest thing to achieve in this life is to change anything. We, as legislators, know that. We live under the dead hand of the past. Everything we do has been conditioned over a long period of time and is based on decisions made in the past. By far the hardest thing that anyone at any time has to do is to change something in this Parliament. Tonight we have been given a unique opportunity to make a change and I appeal to those honorable members who are still considering which way they will vote on this Bill to really search their souls on the decision they are finally going to make.

I dismiss the amendment because it quite simply begs the question. The

Leader of the Country Party moved the amendment because he does not want a decision made on the Bill; that is fairly obvious, because all that the amendment proposes is to send the whole question on another journey through the community and society and, at some time in the future, it may come back to this Chamber for decision. It will not make one iota of difference to the community whether capital punishment is abolished now or in the future. Let us do the job here and now. All honorable members have been elected to represent the people of the State of Victoria and have a responsibility to perform that duty tonight because we have been given the opportunity to do so.

Once the law is changed, the community and those who support all sides of the issue will applaud the decision. There will not be one individual who will want to turn the clock back to the past. I am quite sure the honorable member for Benambra would not want a decision to rest on his soul again if he had to make it, as he told the House tonight during the debate, as he had to do previously. I say in all sincerity to the honorable member for Benambra, who is bellowing as usual when he is touched on a sensitive point, that if he has any compassion or any sensitivity he should respect the opinions of other people in this matter.

It is marvellous that tonight we have within our grasp the opportunity to remove the death penalty from the statute-book. In my view, if the Bill to abolish capital punishment is carried tonight, the respect that the Australian community will have for Victoria will be lifted to a new level.

Let us look at it from another angle. To give somebody the responsibility to take a life is an obnoxious responsibility. I do not want the responsibility if suddenly the wheel of fortune changes and members of the Labor Party occupy the Treasury benches and we have to make decisions on whether a death sentence

should be commuted to life imprisonment or whether the execution should be carried out. I do not want that responsibility. I want to make a decision tonight to ensure that nobody has to make a similar decision, not a judge, not a legislator and not anybody in the community. That decision has to be made now.

I see a real yearning in the community for this matter to be resolved once and for all. It has remained for too long as a sore and a scar on the body of politics in the community. I know that the former Premier made decisions in isolation believing he was going to protect the lives and the families of penal officers and those involved in upholding law in the community. I disagreed with those decisions. I believe that the last hanging in this State was the catalyst that aroused so much compassion that we are still seeing evidence of it. In my view, it started off a whole chain of events.

Shortly after I was elected to Parliament in 1967 I spoke to Mr. Grindlay, the Governor of Pentridge Prison, who had the obnoxious and horrible task of preparing the way for the execution of Ryan. I feel very deeply for that man because he had been in the prison service for a long time and had to prepare and organize an execution without any prior experience. Any other honorable member who has any compassion—and we have heard a bit about that tonight—will believe me when I say that it was a terrible task for an individual to have to undertake.

The whole of the remand section at Pentridge Prison was cleared and the walls were draped with canvas to make the execution of Ryan as private as possible. It stirred the souls of those who were involved with the execution. I know that there were members in another place who said they would have carried out the execution, but they did not do so. A public servant had to carry out the task. That followed a decision made by the Government. It was a bad and a rotten decision which has caused

many problems in penal institutions in Victoria. I am well aware of the details of the last time a person was put to death and I hope—I really do hope—that that was the last time a life is taken in this way in Victoria.

The fact that officers of the penal service had to carry out this task and go through the trauma of it has affected the whole penal service. We have come a long way since people used to be hanged for petty offences. I am quite sure nobody, not even the honorable member for Benambra, who has stated why he is prepared to vote for the continuance of capital punishment, would be prepared to have a public execution at the General Post Office so that people could see how it was carried out. The honorable member would be prepared to have it in private, but I cannot see any difference because if an execution is to be held out as a deterrent, then why not make it a public spectacle? Even the honorable member for Benambra would agree with that point of view.

The apparatus associated with hanging and all its details still exists not 4 miles from this Chamber. Not only do I want the amendment defeated; I want the House with as strong a voice as possible to pass the Bill introduced by the Premier. I also want all the horror associated with the apparatus at Pentridge Prison removed.

I do not want it to be left there for ghouls in the future to peer at or to pay so many cents to see as is now done at the old Melbourne Gaol where Kelly was hanged. It is wrong in principle; it is wrong for the community. I believe most strongly that capital punishment should be removed from the statutes. It is an animal-like act of revenge by the State. The machinery that carries it into effect and the laws that allow this primitive punishment to exist should be abolished for all time.

I respect the arguments in favour of the retention of capital punishment, which appears to be more than some members of the Government

Mr. Edmunds.

party do for my point of view. I repudiate the validity of the argument that capital punishment should be retained in the light of present-day knowledge. I want the whole of the statutes to be dismantled and for the State to move into a new era in respect of crime and punishment because capital punishment has done nothing for the community since it has been on the statute-book.

Mr. HAMER (Premier and Treasurer): I shall speak briefly on the amendment only. I hope the House will not accept this amendment. I believe that to accept it would be simply to put off the decision that this House must one day make and to put onto a committee—a distinguished committee as it would be—an absolutely impossible task.

Mr. WHITING: That would be for the committee to decide.

Mr. HAMER: It is also for us to decide. The proposed committee would be asked, first of all, to consider the proposals in the Bill, and then to have regard for the retention of capital punishment for two categories of crime—firstly, murder committed in the course of kidnapping or hijacking, and secondly—and this is criticizable on the ground of extreme vagueness—in circumstances involving exceptional cruelty or sadism.

This has been tried before as recently in this State as last year. We asked our distinguished Law Reform Commissioner to examine the possibility of doing just this, that is to say, of classifying murders as capital or non-capital and according to the heinousness of the crime or in any other way. He came up, as the former Mr. Justice Smith would inevitably do, with the clearest possible conclusion.

Mr. WHITING: I do not find it clear.

Mr. HAMER: The honorable member may not accept it, but it was a clear conclusion. The Law Reform Commissioner said—

In the light of all these considerations but in particular of the demonstrated impracticability of devising any form of classification

of murder into capital or non-capital murders that will not be subject to the gravest criticism, my view is that such a classification should not be introduced.

One could not get a clearer conclusion than that, and the Law Reform Commissioner's reasons are given in detail in his report No. 1 on the "Law of Murder".

The Law Reform Commissioner recounts that this very subject was tackled by the Royal Commission on Capital Punishment in Britain, and its conclusion was that whatever criteria might be adopted in such a classification would inevitably produce anomalies which would invite strong criticism and be extremely difficult to defend. However, the British Parliament in 1957 in its Homicide Act did introduce certain classifications of murder. Their experience was such that a few years later they abolished the whole thing after a practical trial of precisely what is proposed in the amendment.

In 1959 the Norval Morris Commission on Capital Punishment considered the whole subject and dealt with the murder of police officers and prison officers as a special case to see whether they could be taken as capital murder and other types of murder set aside. They came to the same conclusion, that it was impracticable.

When we consider the debate in this House tonight we find that other honorable members, with perfectly good logic according to their points of view, have suggested that even these categories are not sufficient. The Minister of Transport said that the list ought to include the paid killer, the terrorist and murders committed while escaping from custody. The honorable member for Benambra, who has wide experience in these matters, said that such crimes as murders in the course of burning down a dockyard or burning Royal Australian Air Force aeroplanes or the killing of a policeman in the course of his duty should be included as well.

I do not doubt the sincerity of the honorable members who made those proposals, but they illustrate the difficulty of trying to classify murders according to their degree or nature in such a way as to make a fool-proof system. That is why I hope the House will not be diverted by this amendment from considering the real issue, which is whether or not we are to retain capital punishment on the statute-book.

It is not a question of compassion. Each side is compassionate; each side is having regard to the murderer to a small extent but also to the community and the victim to a much larger extent. The people who favour the abolition of capital punishment do not lack compassion for the victim and his or her family. What they say is that to retain capital punishment does not help the person who murders and does not help the victim or his family.

I hope honorable members will not be diverted by the amendment moved by the Leader of the Country Party. I know the honorable member did it in perfectly good faith, but it is a diversion; it would divert us from the whole question of what we should do about the penalty for murder. I hope we will not be distracted but that we will join the vast majority of the States of Australia, New Zealand, the whole of Europe except France and Spain, a good many States in the United States and many other countries that have taken this step. They have done so after due thought and consideration, and I hope we will take it ourselves tonight.

Do not let us be diverted from what we have to do, one way or the other. One way or the other the matter ought to be decided. To simply push it off onto some committee, however distinguished, would be to invite that committee to come back and say, "It will not work; we agree with other Royal Commissions and we are unanimous in that opinion, and anyhow the question

whether to abolish capital punishment is a matter of policy that we cannot decide." I predict now that, if by any chance the amendment were carried, that would be the result and we would find ourselves back here in six months or a year debating the same question. For those reasons, I hope the amendment will be defeated.

Mr. HOLDING (Leader of the Opposition): I support the proposition put by the Premier in regard to the amendment and add a further thought that on this issue the people of Victoria are entitled to look to this Parliament to establish its supremacy and its view. That is our responsibility, and we cannot and must not shirk it.

I have already privately complimented the Minister of Transport on the view that he put. I do not agree with it; I do not share it. But if this Parliament wants to retain capital punishment, let that be the decision of the Parliament, and let it be taken with the integrity and the force with which the Minister of Transport put his argument. There is some merit in it, although I do not agree with it. Whatever we do, do not let this Parliament, on an historic occasion such as this, walk away from its responsibility. It is our responsibility.

With due regard to the Leader of the Country Party who, like myself and the Premier, is a member of the legal profession, I am bound to say, as one who spent many years in the legal profession before I came here, that there is no judge or set of judges, no eminent counsel or set of eminent counsel whose judgment on the question of capital punishment is not based on precisely the same criteria as is that of every member of this House. There are distinguished judges of the Supreme Court who believe that capital punishment ought to be retained and other equally distinguished judges who believe it

ought to be abolished. There is no inherent knowledge within the legal profession——

Honorable members interjecting.

The SPEAKER (the Hon. K. H. Wheeler): Order! Up to this point the matter has been debated on its merits and points have been put forward rationally. I compliment the honorable members on their approach to this subject and on the absence of provocative interjection. I ask them to continue in that vein.

Mr. HOLDING: There is no inherent wisdom within the legal profession on capital punishment, notwithstanding how great a lawyer may be and how erudite he is on the law. The Leader of the Country Party knows, as I do, that at the Supreme Court sittings or any sitting of the County Court solicitors try to have certain cases heard by certain judges because they know that judges have different views on social and civil matters and one judge, because of his view as a human being—that is what he is—will take a view that an assault on a fellow citizen is a much more serious crime than a robbery of his property. Everybody in the legal profession knows that. Why should members of this Parliament, who are capable of making up their own minds, say on this occasion, when such an important Bill is before the House, "We want to shed the responsibility and let a judge, a welfare worker or a barrister, who will look at it, tell us what he thinks we ought to do"? If the Leader of the Country Party would walk from his office into the Library, he would find volume after volume and argument after argument about capital punishment. With great respect to the criminologists, the lawyers, the social workers and the penologists, I doubt whether much more learning can be produced on this subject. A view is held by certain members of this Parliament that if one criminal is hanged, another citizen will be deterred from committing a crime.

Mr. WHITING: He might.

Mr. HOLDING: I stand corrected. That view held by some honorable members is not even as high as I was prepared to put it. The highest the Deputy Leader of the Country Party is prepared to put it is that if one criminal is hanged, another might be deterred from committing a crime. One thing all honorable members are agreed on is that there is absolutely no evidence one way or the other on that issue. Therefore, it would be an act of moral and political cowardice for the Parliament to refer this issue to a committee, no matter how distinguished it may be and who its members are. Will that committee bring back to this Parliament some new evidence that nobody else has found? Surely what is important is that members of this Parliament should stand up and be counted on this issue. That will give us credibility.

The basis of the case put forward by the Minister of Transport was simple. The honorable gentleman believes capital punishment ought to be retained and he gave his reasons for holding the belief. If other honorable members are of that opinion, they should vote against the Bill. If they reject that view—

The SPEAKER (the Hon. K. H. Wheeler): Order! I remind the honorable member that he should not debate the Bill. I ask him to confine his remarks to the amendment.

Mr. HOLDING: Honorable members should vote either for the Bill or against it. It may be said that the Opposition has not shown enough compassion for the victims of murder and their families. This point was mentioned by the honorable member for Melbourne. No one who sees the family of someone who has been murdered does not feel compassion for them. Who does not feel compassion for the mother of the young girl who was brutally murdered in Hamilton in a sadistic and cruel way? Is there any member of this House who does not feel compassion for that woman?

Mr. HANN: And the victim?

Mr. HOLDING: And for the victim. It is not within my power or the power of the honorable member for Rodney to bring that child back to life. However, it is within our power to try to produce a society in which there are fewer victims of this crime. There is no certainty in this matter and how can there be? However, I reject the view that if a person is hanged that is an act of compassion for the victim or the family. It might be considered to be an act of revenge.

Mr. SUGGETT: It can be an act of justice.

Mr. HOLDING: That depends on one's view of justice. As one who has been concerned and has worked in the courts with the concepts of justice, I find it extraordinary that it could seriously be argued in this House that justice in Victoria is so fragile that we have to hang people by the neck until they are dead in order to show that we are a community that has justice.

The other matter that was raised regarding the amendment, the thread of which ran through the arguments of the Leader of the Country Party and the Minister of Transport, was a view of the criminal and the criminal type. If one looks closely at the arguments of the honorable gentlemen, one finds that they did not deal with particular criminals in the particular social context of their crime. They had virtually conjured up the prototype criminal. The Leader of the Country Party actually used the word "sub-human". Anyone who has had to appear on behalf of criminals and has been in the courts knows that there is no prototype criminal. If it were possible now to involve ourselves in some type of scientific examination which sought, as from the moment of hanging, to bring in Ryan, Lee, Clayton and Andrews and have a pathological examination in order to determine what element caused them to act in that way, where would the pathologist start? He would have to go back to the very origins

of the child and to the community in which that child was reared and he would have to think about whether that child had parents who were wise and loving and just or whether the child perhaps did not know its parents. He would have to look at the child in a social context.

The SPEAKER (the Hon. K. H. Wheeler): Order! The honorable member is going beyond the ambit of the amendment. I ask him to return to the amendment.

Mr. HOLDING: It is impossible and fallacious to work on the basis that one is dealing with the prototype of the criminal who lurks in the nightmare imaginations of the Leader of the Country Party and the Minister of Transport. The Bill can and should be dealt with by the House. The people of Victoria expect this House to make a decision. This House would be abrogating its duty to the people of the State and its role within the community if it cast to one side the challenge laid down by the Premier in this measure and decided to appoint another committee.

I do not agree with all the arguments put by those who want to retain capital punishment, but I say that Parliament should make a decision tonight based on the collective wisdom of honorable members of this House. The time has come when the House is capable of making up its mind on the issue of capital punishment. Another committee is not necessary. As the Premier has pointed out, no matter how well structured the committee was, it would more than likely return with similar conclusions to those which committees have reached time and time again, that essentially these are matters for socio-political judgment. They are matters for socio-political judgment. Honorable members have been elected to this House for the purpose of exercising socio-political judgment on such matters. I ask honorable members not to walk away from this issue, not to grasp this straw, but to act with courage and

cast a vote which will at least enable Parliament to make a decision on this issue tonight.

Mr. SKEGGS (Ivanhoe): In an age when anarchy has become commonplace, where the dangers of revolution increase with the inexorable advance of Communism throughout South-East Asia, in an era in which political assassination has cut down leader after leader in other countries, where terrorism destroys innocent lives in the name of racial and religious bigotry, where hijacking, kidnapping and murder for money undermine the security of millions of people throughout the world, it is time to strengthen the rule of the law, not to weaken it.

Abolition of the ultimate penalty that society can impose on those who wantonly destroy the innocent is to weaken the fundamental order of society and extend an open invitation to terrorism and anarchy in Australia. Crimes such as political assassination, terrorism and revolution are as yet unknown to this country, but we have seen the beginnings of other sorts of crimes of enormity, such as hijacking and kidnapping for motives of gain or for political reasons. The kidnapping of politicians, judges, diplomats and businessmen who are held under threat of death unless the kidnappers demands are met are on the increase all over the world.

People are calling out for strength and resolution from Governments in the face of such acts. They see their security threatened by such acts of violence. I am certain that any referendum put to the people would reveal that the public want the death penalty retained for such crimes.

Premeditated murder with torture is usually of such sadistic enormity that it also warrants that provision for the death penalty for such crimes should remain on the statute-book. I am amazed that, in propounding the abolition of capital punishment, honorable members appear to show scant concern for the victims and the

families of the victims. Acts of torture and sadism have aroused anger and a demand that the full weight of the law should be applied in such terrible cases as the murder of Mrs. Gay Morse in New South Wales. Mrs. Morse was kidnapped. She was staked out in the most terrifying manner and subjected to repeated rape and countless acts of revulsion which are beyond description to this House. Eventually her eyes were shot from her head. I refer also to the thrill-kill torture murder of Rosalind Nolte, and to the case in New South Wales of the artist Lionel Lawson, who raped six models, went to gaol and later escaped and murdered.

Mr. JONES: He did not escape; he was released.

Mr. SKEGGS: He came out of gaol and raped and murdered. I refer also to the horrifying savagery of the Tait vicarage murder. People in government who saw the shocking films of the horrifying vicarage murder I am sure will never forget such utter defilement of a helpless old woman. This indescribable act will live for all time in the annals of hideous murders in this State. The honorable member for Benambra referred to the case in the 1950s of the most unfortunate man, Mr. Kent, who was mutilated before he was finally murdered. That mutilation was of the most bestial nature. How can the monsters who have perpetrated these outrages expect clemency when they have such a pitiless contempt for human dignity and life? The public is entitled to see that justice is seen to be done in such cases. I cannot accept that the ultimate prospect of paying with one's own life would not act as a deterrent in cases of the calculated, premeditated taking of life.

The record of the State Executive Council since the Liberal Government came into power in this State has been one of the utmost compassion. It should be clearly realized that the State Executive Council does

not make a decision to execute anybody. Theirs is a decision on whether clemency should or should not be granted.

The right priorities have not yet been considered in this debate. Which is the more important, the protection of the individual and the State by the full weight of the law or the very occasional despatch of a ruthless, calculating, murderer or terrorist?

I will concede that no execution should be carried out where the verdict of the law is based on circumstantial evidence. There is a need to narrow the definition of those cases which constitute capital offences. The method of execution also needs revision. An inquiry should be held into alternative methods. But the removal of the ultimate penalty from the statute-book would be an open invitation to anarchy, terrorism and sadism, the like of which we have never seen and I hope will never be seen in this country.

Mr. LACY (Ringwood): I support the Bill for the abolition of capital punishment, and urge the House to reject the amendment moved by the Leader of the Country Party. I cannot do so in such charitable terms as the Premier did. One could believe that the amendment was genuine if over past years one had heard the Leader of the Country Party through the councils and conferences, of his party, and the opportunities he has had in this House, advance this type of argument in terms of a proposal or a plank of a platform, or whatever. But we have not heard that. Indeed, the amendment is brought forward only to divert the attention of the Parliament from the true purpose of the Bill.

Tonight there has been reference by the honorable member for Rodney to compassion or concern for the victim, and by the honorable members for Geelong and Ivanhoe by interjection to justice. Indeed, all those words relate to one view on the purpose of capital punishment, the retributive view, the

argument of vengeance; that those closest to the victim, and the community generally, ought to be given the opportunity of seeing the State, on their behalf, take vengeance upon the murderer.

I enter the debate with some concern to present a point of view which in some ways I hesitate to present because, since becoming a member of this House, I have studiously avoided references to scripture and Christian theology and those matters which I sometimes suspect members of the Opposition would like me to refer to in order to fulfil their interjections.

On this occasion, I hope I might have a dispensation and take the opportunity of advancing what I should like to call "a Christian view on punishment". I say "a Christian view" because I recognize that there may well be other Christian views on punishment. In presenting my argument, I do not challenge the faith of other honorable members or suggest that they are any less Christian for holding the views that they do.

I want to take the opportunity of presenting one interpretation, what I believe to be a valid interpretation, of the scriptural passages that are often quoted and have been quoted by Mr. McEwan, who always comes out when this issue is raised, in the *Herald* of 15th March at page 14. Mr. McEwan's whole idea of justice and law, and compassion for the victim goes right back to the Mosaic law, the presentation of the law in the book of *Exodus* where we have the passage, "an eye for an eye and a tooth for a tooth and a life for a life." The difficulty with this retributive argument is that it is hardly ever advanced but is only referred to. It is referred to with such comments as "a need of justice", and the advancing of concepts such as the need for more compassion to be shown to the victim.

It would appear that those who want to argue this case are afraid to present the full weight of their

argument for vengeance and have edged around the point. They do not bring it out into the open but merely suggest by inference that we must encourage vengeance on the murderer. This is not surprising because in a society which still retains many of the influences of Judaism and Christianity, this sort of concept is hard to wear. It is hard for this argument to be advanced in its full-flown form because it is one that retentionists seem to be ashamed of.

It is not surprising, for the whole thrust of contemporary Judaism and Christianity in regard to crime and punishment is one of compassion for and forgiveness of the offender as a basis of what I suggest is the proper objective of punishment, that of reclamation. So far as Christians are concerned, this thrust or feeling of compassion or forgiveness is based on the teachings of Christ as noted in *Matthew* chapter 18:21 where Peter comes to Jesus and says, "Lord, how often shall my brother sin against me and I forgive him? As many as seven times?" Jesus answers, "I do not say unto you seven times but seventy times seven." He then told the parable to illustrate his point that those who have been forgiven must also forgive or face the consequences of not being forgiven themselves.

With the approach of Easter, the next example might be appropriate. The execution of Christ is itself a most powerful illustration of the attitude he sought to teach to those who followed him. His utterance of the words, "Father, forgive them for they know not what they do" while suffering the tortures of crucifixion indicates the attitude which he would have implanted in those who follow him.

I advance this argument because I believe there are members in the House who have not made up their minds. Most honorable members have done so but there are some who have not and these members may want to know and may want to think about this sort of view.

Mr. Lacy.

It is not surprising that Christian retentionists do not readily advance the retributive argument because one could hardly worship the God of the Bible whose recorded words are "Vengeance is mine, I will repay", and at the same time encourage the retention of capital punishment on the assumption that those close to the victim would want revenge. This was not found to be the case, as the honorable member for Melbourne mentioned in the example that I was going to quote at this point. It has not been the case, for example, in the Tait murder or in many others. Those who are closest to the victim have not wanted revenge, have not wanted to have the punishment of the murderer based on an objective of retribution.

I want to analyse the very basis of the retributive argument. The text from *Exodus* is constantly quoted as though, once mentioned, it is self-evident that the death penalty must be retained. That is the passage, "an eye for an eye and a tooth for a tooth and a life for a life". When the phrase is quoted, it is not surprisingly never related to its context.

In the context of the passage, it is a statement about what penalty should apply for a particular crime. The crime referred to is that which occurs in a situation where two men are having a wrestling match and accidentally a pregnant woman standing nearby is injured so as to bring on a miscarriage. Under the Israelitish or Mosaic law, in that situation, and in that situation alone, if the woman lives the man who caused the miscarriage shall be fined at a rate determined by the judge. If the woman dies, then the man responsible for the accident shall give a "life for a life".

There are two points to be made here in answer to those who want to interpret this passage literally and apply that interpretation to this debate. Firstly, the consequence of that application would be to say that every person who kills

another accidentally shall be killed. Secondly, the passage does not say whose life ought to be given in place of the life lost. Is it the life of the man responsible or is it his wife's life? That is not as stupid as one might think when one looks at the context in which this passage is found. If one reads the rest of the chapter, it becomes a logical proposition.

In this ancient culture the lives of women, slaves and children were not regarded as of equivalent value to the lives of men. The concept advanced by the retentionists is that the effect of the punishment must be equivalent to the effect of the crime. If it is to be "a life for a life", then the equivalent life is that of the murderer's wife. This would be acceptable under the Old Testament concept of blood vengeance.

The second point of any analysis of "an eye for an eye and a tooth for a tooth" is that the whole culture of the ancient Israelites must be kept in mind, for in the same presentation of the Mosaic law the Israelites are admonished to do the following things—take an awl and with it bore a hole through a loyal servant's ear as a symbol of his perpetual servitude. Later in the same chapter the Israelites are admonished not to demand an equivalent punishment of "an eye for an eye" if the victim is a slave. In that case "an eye for an eye" does not count and the murderer simply pays a fine.

Still later in the same passage the Israelites are admonished to offer the first-born child in the same manner as they are admonished to offer the first-born ox or sheep as a sacrifice. It is well to remember that the method of that offering was to slit the throat of the animal concerned, and this would apply in case of the first-born child, to drain its blood, to sprinkle the blood around the altar and to burn the body on the altar.

Thirdly, if the passage is taken literally, it is found to be riddled with contradictions because, in the

same passage, for a number of other crimes the punishment demanded is many times greater than one for one. For example, I quote from chapter 22 of *Exodus*—

If a man steals an ox or a sheep and kills it or sells it he shall pay five oxen for an ox and four sheep for a sheep.

Whoever curses his father and mother shall be put to death.

Whoever sacrifices to any God save to the Lord only shall be utterly destroyed.

You shall not suffer a witch to live.

That admonition alone has been responsible over the centuries for sending legions of innocent old ladies to their death.

Fourthly, so far as the Christian is concerned, this passage has been specifically re-interpreted by Christ in the Sermon on the Mount, where he says to those who would follow him—

You have heard that it was said of old, an eye for an eye, a tooth for a tooth, but I say to you, do not resist one who is evil. But if anyone strikes you on the right cheek turn to him the other also; and so on. Consequently, one must conclude that in the Biblical doctrine of crime and punishment the law of retaliation has been replaced with the law of love.

Fifthly, I argue in regard to the retributive argument that it would appear that those who argue for the retention of the death penalty want it to be selectively administered. They do not demand “an eye for an eye” for any crime other than murder. They do not suggest, for instance, that razor slashers should be razor-slashed, that arsonists should have their houses burnt down or that rapists should be raped.

It is at least arguable whether capital punishment is an equivalent punishment for the crime of murder, because it would appear that it is somewhat more than an eye for an eye. As Dostoyevsky stated in his

Mr. Lacy.

book *The Idiot*, referred to at page 13 of *Hanged by the Neck* by Arthur Koestler and C. H. Rolph—

But the chief and worst pain may not be in the bodily suffering but in one's knowing for certain that in an hour, and then in ten minutes, and then in half a minute, and then now, at the very moment, the soul will leave the body and that one will cease to be a man, and that that's bound to happen; the worst part of it is that it is certain.

To kill for murder is a punishment incomparably worse than the crime itself. Murder by legal sentence is immeasurably more terrible than murder by brigands. Anyone murdered by brigands, whose throat is cut at night in a wood, or something of that sort, must surely hope to escape till the very last minute. There have been instances when a man has still hoped for escape, running or begging for mercy after his throat was cut. But in the other case—

that is, the case of the murderer being killed, having his life taken by the death sentence—

there is the sentence, and the whole torture lies in the fact that there is certainly no escape, and there is no torture in the world more terrible.

There is underlying this debate the whole question of the purpose of punishment. Why do we punish the criminal? Is it to deter other potential criminals from committing the same crime? If it is, then for goodness' sake let us hear those who believe it advance the arguments to show that it is a unique deterrent for the crime of murder. So far that has not been attempted.

Is it to give the society generally and those close to the victim in particular the opportunity for revenge? I have dealt with that question. Is it to reform the criminal and to return him eventually back to the society as a useful and contributing member of it? All these questions can be asked of punishment in general, but they are particularly relevant to capital punishment. Ought it to be retained on the statute-book for deterrence or for vengeance? It cannot be retained, surely, if our objective is reclamation. One cannot reclaim the hanged criminal.

A number of other objectives are sometimes advanced for punishment, namely, that it is a method of the

society denouncing crimes—a boundary-maintaining mechanism, as sociologists would call it—and also that it is a means of protecting the society from its criminals, but these are self-evident objectives and seem to have little value in the debate on capital punishment.

Since executions are now carried out in private, and prisons and prisoners are constantly in the news, it is not clear which makes the greater denunciation of a crime. From evidence of the behaviour of paroled murderers it would appear that the society is equally safe from the possibility of a further violent crime, whether it hangs them or imprisons them. I would suggest, therefore, that there are only two areas for debate, and these must be debated in the House: Whether capital punishment ought to be retained, firstly, as an opportunity for retribution, or secondly, as a deterrent. These arguments have not been presented by those who wish to retain the death penalty. So far various people have indicated that they believe the death penalty ought to be retained. I do not criticize that because in the end, once the arguments have been put and the points made, it is a matter of faith and of commitment. Tonight members of this House will have the opportunity of expressing precisely which commitment they have.

I hope honorable members will not be deterred from their objectives by the amendment moved by the Leader of the Country Party. I believe and support those speakers who advanced the argument that it is now that we are debating. Let us not drag these issues out again and again. They are dragged out every time there is a murder, especially every time there is a murder with a particular circumstance which makes people feel in the way that the Minister for Youth, Sport and Recreation mentioned earlier, that the person responsible ought to be hanged. The amendment moved by the Leader of the Country Party will drag out the issues again. He asks that a committee be appointed and a report be

made. The report would then be studied and brought back to Parliament and debated again. That would divert us from our true intention, and that is to judge this issue now, to make up our minds on the basis of facts, on the basis of our arguments and on the basis of our own consciences.

In conclusion I wish to congratulate the Premier for bringing forward this Bill. Also, I wish to congratulate the Leader of the Opposition for consulting others and giving his members a free vote on the matter.

Mr. SCANLAN (Minister of Health): In speaking to the Bill I emphasize that I intend to exercise my rights as an individual member of this Parliament, and to express my attitude on the Bill quite clearly. I agree entirely with the Leader of the Opposition, and my own Leader, the Premier, that tonight Parliament should make up its mind clearly and not defer this matter, as is anticipated in the amendment moved by the Leader of the Country Party. Honorable members have an opportunity once and for all to determine this important issue.

I point out, however, that hanging or capital punishment in this State is a reserve power which has not been exercised since 1967; it is a power that has been associated with mercy in the minds of those who have been in Cabinet during this period when discussions have taken place on the cases brought to Cabinet for determination. As a reserve power it may be that it does have some importance, and it may be important to retain it for the sake of the future. If hanging is abolished tonight, there is little doubt in my mind that it will never be reinstated.

I clearly recall an incident some years ago—before I was in Cabinet—when the issue of capital punishment was raised. On that occasion I received a book from the now honorable member for Melbourne, and I understand the honorable

member for Albert Park. The book, which was sent with their compliments, was written by Arthur Koestler and C. H. Rolph, and entitled *Hanged by the Neck*. I am sure the honorable members remember forwarding me the book. I read it with a great deal of interest. Koestler, one of the authors of the book, was one of the great advocates who wanted an end to capital punishment throughout the world. He was an internationally respected man whose attitudes and thoughts on many problems are significant, and are appreciated. I was curious on reading the book to note Koestler's opinion of abolitionists. He said—

Abolitionists sometimes make the mistake of asserting without qualification that hanging is no deterrent.

I accept that there is a deterrent in hanging.

Mr. JONES: That is not the point he was making.

Mr. SCANLAN: I believe Koestler was correct in his assumption. Without arguing the case, I state quite clearly that I support Koestler's attitudes and his beliefs. I also am strongly of the opinion that the reserve power which Cabinet has is one which has been exercised mercifully.

I am deeply concerned at the conditions in which we find ourselves today. Unfortunately it has been the experience of England and the United Kingdom that there is an increasing tendency for people to carry guns and other weapons, and to show less and less respect for the law. On re-examination of *Hanged by the Neck*, I am reminded of the strong points made by Koestler and the weight he attaches to certain arguments that were advanced by the metropolitan police in the United Kingdom. The metropolitan police stated simply at the time of the Royal Commission in the United Kingdom that if capital punishment were abolished there could well be an increase in offences against the police. Associated with that was the likely emergence of a United Kingdom force

that was armed. The attitude of the metropolitan police was a simple one.

Mr. JONES: Do they still hold the same view?

Mr. SCANLAN: Yes. It can be argued simply by the police in the United Kingdom and in the United States of America that if capital punishment is removed from the statute-book there is every likelihood that the police will in future be armed. As a result there will be more shoot-outs and more bloodshed in the streets.

Therefore, I simply state my position as an individual, which I have the right to do. Probably subsequent speakers will argue against my viewpoint, and that is their entitlement. It is my strong belief that capital punishment should be retained on the statute-book in all cases where the murder of a member of the Police Force or of a prison official in the execution of his duties is involved. If by the removal of capital punishment from the statute-book there will be more shootings, and more arms being carried by the police, it will be a matter of deep regret to me. I do not wish to see members of the Victoria Police Force heavily armed as the police are in the United States of America or in the United Kingdom where there is a heavy ground-swell towards the police being more heavily armed. This situation has developed owing to the lack of restraint on a population which sees little to worry about when policemen or prison officials are shot or murdered in the performance of their duties. Accordingly, I propose to move an amendment on the amendment.

The SPEAKER (the Hon. K. H. Wheeler): Order! Before the honorable member continues I ask that the amendment be circulated.

Mr. SCANLAN: I move—

That all the words after "Bill" (where second occurring) be omitted with the view of inserting in place thereof the words "be redrafted to provide for the abolition of capital punishment in all cases except murder of a member of the police force or a prison officer whilst performing his duty as such".

The SPEAKER: Order! Under Standing Order No. 70, an amendment may be proposed to a proposed amendment, as if such proposed amendment were an original question. The Minister of Health is in order in proposing his amendment, but I feel I must quote from page 381 of the eighteenth edition of *May's Parliamentary Practice*—

Amendments to be relevant. The fundamental rule that debate must be relevant to a question necessarily involves the rule that every amendment must be relevant to the question on which the amendment is proposed.

In the brief time I have had to consider the amendment proposed by the Minister of Health, I am not convinced that this matter is sufficiently relevant to the amendment moved by the Leader of the Country Party. The amendment moved by the Leader of the Country Party states, *inter alia*—this Bill be withdrawn and the proposals in the Bill referred to a specialist committee . . .

What flows on sets out the terms of reference for the specialist committee. If the amendment moved by the Minister of Health were accepted it would be necessary to produce and develop quite a new concept. The honorable gentleman has moved—

That all the words after "Bill" (where second occurring) be omitted with the view of inserting in place thereof the words "be redrafted to provide for the abolition of capital punishment except murder of a member of the police force or a prison officer.

After careful consideration I rule the amendment out of order on the grounds of irrelevancy.

Mr. MUTTON (Coburg): I shall make a short and precise contribution to this very important debate. One point I should mention early in my address is that the contributions made by certain honorable members have been more or less inspired and presented with much sincerity. Probably that has been due to the fact that the Government has seen fit to make provision for honorable members to exercise a vote on this Bill in the form of a conscience vote.

Before this Bill is brought to its conclusion in the form of a division, we will have at least accomplished something. We will know that the 72 members of this House at least have a conscience. When I became a member of this House in 1967, because of my independent status, I thought I was the only member in an Assembly of 73 honorable members who would be able to exercise his opinion with a conscience vote. It is very heartening to see that 72 other honorable members will now be able to proceed to do a similar thing.

Mr. BIRRELL: You have a Labor Party conscience, that is your trouble.

Mr. MUTTON: I believe the Australian Labor Party has many important planks in its platform and I support them. The abolition of capital punishment is one of them. I strongly support the Bill introduced by the Premier but I reject the amendment because of the way it is worded. To me it is just a bolt-hole for those wavering honorable members who will not face up to their responsibility. An analysis of the Bill before the House, as I see it, it simply that it calls for a "yes" or "no" vote. In my opinion there is no need for any honorable member to continue to reiterate the arguments already advanced and refer to certain matters over and over again—matters which have already been canvassed in the debate by other honorable members.

However, there is one point I should like to amplify and it is this: During his second-reading speech the Premier laid great stress on one fact, which probably could be accepted as an alternative to capital punishment. The Premier said—

In place of the sentence of death, this Bill proposes the widest possible discretion for the judge. He may sentence the convicted person for the term of his natural life or for any lesser period that the court thinks fit. In fact, the offence will be treated in exactly the same way as any other crime under the Crimes Act, except that the maximum punishment is imprisonment for the term of natural life. This

wide discretion is necessary because not every offence of murder involves the same degree of blameworthiness.

The whole secret of the success of this measure depends on the provision that has been proposed by the Premier. Probably there are countless thousands of people in the State of Victoria who think as I do and I hope those honorable members who do not and will not support the abolition of capital punishment will consider the sound alternative that is to be substituted by this measure. If that is done I am sure this Bill will meet with overwhelming success and gratitude from the greater proportion of the people in this State.

Over the years many attempts have been made by social reformers and prison reformers to try to bring about a situation in which those people who are housed in prisons throughout the State will be treated with far more respect and as human beings.

I remember sitting in the public gallery in 1949 and hearing the introduction of the Bill to amend the Crimes Act. It was introduced into the House by the then Attorney-General, the late Mr. Oldham. That amending Bill of 1949 laid down the foundations about which honorable members are speaking tonight. If honorable members take time to peruse the contributions made in the debate in 1949, they will see that Government and Opposition members alike supported almost universally the amendments that were proposed. When that Bill was debated it, too, provided honorable members with the right to exercise a conscience vote.

The year 1949 was important in the activities of prison reformers who aimed ultimately at bringing about the abolition of capital punishment. In that year eight crimes were removed from the capital punishment list, and I am also informed that the number of strokes which could be administered in a flogging was reduced from 50 to 12. Therefore, reformers met with a certain amount of success even 26 years ago.

Mr. Mutton.

I compliment the Government on its foresight in introducing this Bill and in proceeding in such a way that members of this House will have the right to exercise their vote as they choose. When honorable members are considering the abolition of capital punishment and the probable saving of a criminal from death by hanging, they must also consider the protection of the citizen. This Bill contains the safeguard that a judge shall have a discretionary power to impose a sentence for the term of a person's natural life, so that by this means the people will be protected from the most vicious criminals.

An important decision will be made in this House tonight. I am positive that if the Bill is agreed to capital punishment will never be reintroduced in Victoria; once it is expunged from the statute-book it will be struck off for ever. I recommend to all honorable members that before they reach a conclusion tonight in this important debate they should reflect on the statements that I have made, that we should be concerned not only about saving the neck of a vicious criminal but also first and foremost about the protection of the citizen. The provisions contained in this Bill will meet that position.

Mr. CRELLIN (Sandringham): I commence by supporting wholeheartedly the sentiments expressed by the honorable member for Ivanhoe and by reaffirming some important principles. The first principle of any Government is to guarantee the security of the nation. In the external sphere, that is delegated to the Commonwealth Government. It will be judged at some future date according to its action in that sphere. In the internal sphere it falls directly in the lap of the State Governments to guarantee the security of the community. After all, if the security of the community cannot be guaranteed, all other good work done is of no avail.

I thank the honorable member for Ringwood for his contribution when he defended the right of those of us

who support the Christian faith to hold different views on certain issues. I respect his right, as an ordained minister of the Christian faith, to say that.

I also appreciate that one of the great things about the Liberal Party is that it can give its members the right to speak on this subject as individuals and not necessarily as a party. One hopes this same privilege is extended to all other members of the Parliament.

I refer to two specific crimes which have occurred in the not-too-distant past. One of them relates to the use of firearms. Those of us who have had much experience in the use of firearms realize that they must be handled with extreme care, particularly when one is using live ammunition. One knows that, if one points any sort of weapon at a person, the next step can be permanent, particularly if there happens to be a live round in the weapon.

Mr. FORDHAM: Like the noose.

Mr. CRELLIN: Exactly. I direct attention to a front page article in the final edition of tonight's *Herald*. It is headed "Bandit Kills Teller". The article refers to a situation which all members of this House and all members of the community very much feared would happen one day. We hoped to God that it would not occur, but it happened today at 11.15 a.m. A person chose to hold up the A.N.Z. bank at Bondi, in Sydney, and unfortunately a member of the staff of that bank paid for that action with his life. I know that every bank officer in Australia is concerned about the matter. The same article states that Victorian bank tellers working in banks with poor security may strike because of that situation.

Everyone knew that one of these days a tragedy such as this was bound to happen. Today when a most important debate is being conducted in this Parliament, the tragedy occurred in our sister State of New South Wales.

A young man who left home this morning, and who went to work safe in the knowledge that he had a reasonable chance of returning home after duty, is no longer with us because an individual in the community chose to point a loaded weapon at him and to take the next step. Anybody who has seen what happens to a person who is at the wrong end of a sawn-off shot gun loaded with live ammunition when it is discharged knows exactly what can happen to the person.

Mr. MUTTON: What about the Firearms Act?

Mr. CRELLIN: That is a good question. I present that fact in this debate on behalf of all the bank officers of this nation. If one entered the banking profession one would hope there would be a reasonable chance that one might retire in good health. But today it is a new ball game and there on the record is one event which every bank officer in Australia feared would occur one day.

The Leader of the Country Party referred to the women and children of the community and their fear in such circumstances. I know exactly what he means because on Sunday, 21st October, 1973, in Beaumaris, where I reside, and within a mile of my home, a young boy aged two-and-a-half years, Andrew Pearce, was found dead at the bottom of a cliff. Unfortunately, nobody knows why to this day, but I am reliably informed that there were certain mysterious circumstances. I realize the effect that this event had on the women in the community in which I live. One found that young children were taken off the street a little earlier than usual.

Perhaps because of the way they are made, not all women want to march through the streets of Melbourne; some of them are of a gentler nature and do not necessarily tell everybody about their feelings.

Mr. FORDHAM: And they told you!

Mr. CRELLIN: Some of them did tell me and it is a pity that they did not tell some other members of this House. Those are two examples of unnecessary fatalities in the community. I shall leave the House to consider them and shall say no more about them.

In the mail today I also received a letter from Mayne Nickless Ltd. Security Services, which is another organization that has something to do with security of the community. They speak not only for themselves but for other similar companies which handle large quantities of money. Reference to newspaper reports from day to day indicates that representatives of these companies are subjected to assault, attack and robbery. In its security service letter dated September, 1974, and headed "Powder-Puff Penalties" Mayne Nickless Ltd. Security Services gives all honorable members reason for concern and thought. It says—

If crime in Australia is a growing activity, Governments and the judiciary may be as much to blame as criminals.

Crime throughout Australia is increasing, particularly crime involving violence, and particularly armed robbery.

The House has been given an example of armed robbery this afternoon. I refer to the attempted bank robbery at Bondi. The pity of it was that a young bank teller lost his life and the robber fled without any money. The newsletter then refers to new experiments in the use of prisons as correction centres. The House must consider this because it is the alternative to the ultimate penalty. It reads—

New experiments in the use of prisons as correction centres will exaggerate this trend in coming years. Some of the experiments being advocated for penal establishments are also diminishing the fear of imprisonment—

fear of imprisonment is the alternative to the ultimate penalty—

by converting some of the "training farm" type of institutions into near holiday camps.

The Mayne Nickless organization is pretty close to the problem; it deals with it every day. Around Australia its vehicles are subjected to a threat of robbery and its employees to the threat of death.

The SPEAKER (the Hon. K. H. Wheeler): From what is the honorable member reading?

Mr. CRELLIN: This is a security service letter issued by Mayne Nickless Ltd. Security Services as a service letter to its clients. I should be happy to table it.

Mr. EDMUNDS: I should like to see it.

Mr. CRELLIN: If the honorable member for Moonee Ponds would like to see it, I should be glad if he would read it. On the other side it says—

Harsh as it may sound, the task of rehabilitating criminals must be secondary to that of protecting the society at large.

That is an important point to remember. The newsletter continues—

the greatest good of the greatest number must prevail in the end.

That is an interesting philosophy because I suggest it might well be held by most people in the community. The newsletter asks two important questions, firstly—

What of the rights of the innocent victim of criminal attack?

So often a victim of an incident is pushed aside because the person who has carried out the attack is capable of rehabilitation. God help the victim! He or she is a past number! The second question is—

What of the rights of bank tellers whose lives are threatened; the armoured car drivers who are shot at; the night-watchmen mugged in the dark?

I suggest that on page 1 of this evening's *Herald* honorable members have the answer to the question. It may not be the only case that will occur and unfortunately in this society there is every chance of its happening again. The same document says—

As innocents, these people are more deserving of protection than those who breach important rules of society.

There have been many instances mentioned in the debate today of the society being a changed one from that of a couple of years ago. One has only to read what is taking place in other countries of the world to realize that this is so. The United Kingdom now is the beneficiary of the Irish Republican Army and all its various offshoots. That organization must be the most experienced body in the world in the use of explosives and it does not care on whom it uses them.

By interjection another organization was mentioned—the Palestine Liberation Organization. Some elements of the Opposition enjoy a pleasant relationship with that organization and that is not hard to understand. Another important group in the community deserves some consideration in this matter. I refer to the Police Force. If the community is prepared to ask these men, and women to an increasing degree, to lay their lives on the line to protect each one of us, it is the responsibility of the community to give them support to the utmost. That is the least we can offer them.

The wives and families of our law officers also deserve support. Some members of the Opposition may sigh and find my remarks boring but if they have time to talk to members of the Victoria Police Force and their wives, they will hear the sentiments that are being expressed. When members of the force go out to do their daily work, there is no guarantee that they will always return intact.

Hijacking and terrorism have been mentioned. Honorable members who travel by internal airlines have experienced what now takes place at Tullamarine. In Australia passengers are checked before they board the aircraft. I hope this sort of crime will never take place in Australia but we are only one step removed from it. Unfortunately, Australia usually follows the trends of other nations. I hope we have enough brains in this case not to follow other countries but there are some people

in the community who carry out these types of crimes. I suggest that nothing is to be gained by removing the ultimate penalty from the statute-book. It need not necessarily be used in every case. Each case, of course, should be judged on its own merits. I suggest that the House should give serious consideration to maintaining the situation as it now exists.

Mr. AMOS (Morwell): I should like to take this opportunity of briefly expressing my view on the Bill that has been presented to Parliament by the Premier and supported by the Leader of the Opposition because I believe this is an important occasion when honorable members can put forward their views on a Bill which is unique. It is the first time since I have been a member of this Chamber that I have had the opportunity of hearing members of this House, regardless of their political affiliations, express their individual views on a Government Bill. Surely that indicates the importance of the measure under consideration. We are not dealing with a question of social reform, such as an extension of liquor trading hours. We are not considering items of social reform as they affect social welfare activities in this State, but we are debating a rather complex question of the taking of human life. From the outset let me say clearly and without apology that ever since I can remember I have been opposed to the taking of human life, whether in war, in self-defence, by murder, or by the State using its instrument of justice or revenge. I fully support the Bill introduced by the Premier. I cannot accept the sentiments expressed in the amendment moved by the Leader of the Country Party. I say this for two reasons. Firstly, the amendment does not propose only that this question be referred to a Select Committee but provides that capital punishment shall be retained in the circumstances outlined in paragraphs (a) and (b). That is opposed to every ideal I believe in, and for that reason alone I cannot accept the amendment.

Secondly, I reject the amendment for reasons that have been well canvassed by honorable members who have spoken in support of the Bill; if we accept the amendment, we defer the day when a judgment will have to be made.

I take the opportunity of paying a compliment to the honorable member for Ringwood. It is an unusual debate when honorable members on both sides of the House compliment one another on their views. I have been as vocal as any member in this Chamber, by interjection and implication, in criticizing the honorable member for Ringwood, but on this occasion I wish to place on record my admiration for the way in which he referred to the reasons why the amendment of the Leader of the Country Party ought to be rejected. The honorable member for Ringwood explained very well that its acceptance would put off the day when a decision must be made, but in common with the Leader of the Opposition, who spoke in support of the Bill, he referred to the misguided theory, the Mosaic law, that there should be an eye for an eye and a tooth for a tooth. In this debate we have learned how misguided the proponents of capital punishment are when they talk about the Mosaic law without realizing all the implications of that law.

The honorable member for Sandringham opposed the Bill. No member of this Chamber would disagree with the honorable member's comments on the community's attitude to murder. We all feel considerable sympathy and compassion for the family of the unfortunate bank teller who was murdered in Sydney today. I feel strongly about the taking of human life, and that was no exception, but the retention of capital punishment with the murderer being apprehended, tried, convicted and executed, does not bring back the widow's husband or compensate for the pain and suffering. If we consider the matter in that light, capital punishment is exacted purely for

revenge. Surely in this day and age we no longer look on revenge in that way.

Statements have been made in the House about Christianity. If a head count were taken of those members of this Chamber who regard themselves as Christians, in the strict sense of the word, I wonder how many who signify that they are Christians would support the retention of capital punishment. I agree with the definition of the honorable member for Ringwood on our attitudes, and of the law of Christianity since Jesus Christ. This law is based on love, understanding, compassion and a fellow feeling for the human beings living on Earth with us.

I have no wish to speak at length on the Bill. Most of the points that must be covered have been well covered by other honorable members. I place on the record of Parliament my support for the Bill and indicate clearly that I reject any attempt to defer the decision that should be made tonight.

Mr. I. W. SMITH (Minister of Agriculture): I oppose the Bill and the amendment. I profoundly regret that the Premier has introduced this Bill and that the Leader of the Country Party has proposed his amendment. I would have preferred the Premier and the Leader of the Country Party to make the point that they were acting as the honorable member for Kew and the honorable member for Shepparton. Therefore, my remarks will simply be made as the honorable member for Warrnambool. I do not wish to shelter behind my vote which will be cast eventually. I put on record my attitudes which will lead me towards the vote that I will cast. I do not seriously believe there can be any argument of fact or logic. It is simply a matter of individual moral judgment, and that is how I view it.

I have been fascinated by the high moral tone with which some honorable members have made their contributions to the debate, but I do not

aspire to those high standards because I do not believe the community regards this issue in those high tones. Anyone who has been in the position of administering the prison system for a time and who has seen the deprivation of the men there, whose life in prison is in fact death itself, in my opinion, will not consider that there is such a clear distinction between life and death. I have seen living death in prisons in which the majority of people who have been convicted for more than twenty years are surely dead by any standards.

I have always hoped, as a person who basically believes in the prevention of crime and the rehabilitation of people who have early criminal instincts, that some day the medical profession will provide legislatures and decision-makers with the opportunity of measuring the anti-social disabilities of people who offend against society, and in some magical way provide the means of correcting these anti-social disabilities. However, in the absence of that, my mind ponders the immense problems confronting honorable members in taking decisions on fitting punishments. My attitude in the case of violent, premeditated, sadistic and unprovoked murders in which positive evidence convicts the accused, is that there should be no mercy.

Where our society has proved to me, by its actions on our roads, even by its actions in some sporting pursuits, that many people have a cheap regard for life and death, I am not convinced that the majority of the community, and certainly the people whom I represent, object to violent criminals being hanged. If this proposed great reform saves the life of the worst murderer of this century, then my comment would be "This is some reform and I do not agree with it".

As the honorable member for Warrnambool, I am aware that a number of my constituents will be quite grieved by the decision that I have announced in the comments I have made, but I am confident that

the overwhelming majority of my constituents will support the stand that I am taking.

Mr. LIND (Dandenong): I congratulate the Premier for having introduced the measure into the House. The honorable member for Moonee Ponds spoke at some length about the difficulties that beset the Premier in doing this and I think it is particularly well set out in the statement—

There is nothing more difficult to carry out, nor more doubtful of success, nor more dangerous to handle, than to initiate a new order of things. For the reformer has enemies in all who will profit by the old order, and only luke-warm defenders in all those who would profit by the new order. This luke-warmness arises partly from fear of their adversaries, who have law in their favour, and partly from the incredulity of mankind who do not fully believe in anything new until they have had actual experience of it.

Those words were written by Macchiavelli in 1513, and I thought they might stir some honorable members.

The contribution to the debate by the Minister for Youth, Sport and Recreation will live long in my memory. For a young man in Cabinet and a member of the particular party to which he belongs, he did a most courageous thing to speak out with such mercy in his mind and pity in his soul. I also congratulate my Leader and the honorable members for Albert Park and Melbourne, whose contributions to the debate should be set aside in a booklet for people to read in years to come.

Then there was the other courageous minister, the minister of religion, the honorable member for Ringwood, who explained to honorable members, in a way that I have never heard before, the real meaning of the Mosaic law. For the honorable member to have set out in such detail such an explanation is worthy of commendation.

To support the amendment moved by the Leader of the Country Party would be a backward step. The matter has been canvassed adequately

by the Premier and the Leader of the Opposition. If honorable members were to vote for the amendment, they would be putting the clock back many years. This evening, the Victorian Parliament has the opportunity to make a decision one way or another concerning capital punishment. In reply to a number of honorable members who have spoken in favour of capital punishment, the position could be best summed up as follows—

Blood cannot wipe out blood and blood will never wipe out blood, it will only lead to more blood.

When it comes to a murder in our midst, unmistakably every honorable member has great compassion for the victim's family and friends. Whenever this happens, there are always some who believe and some who grieve and it will ever be thus.

I can well remember when I was only a young lad the great furore that the hanging of Colin Ross caused in Melbourne. Many people did not believe he was guilty and for many years they inserted an *in memoriam* notice in the newspapers. Those people who believed him innocent still do.

I do not want it to be thought that I have a sentimental philosophy which is related only to the man who is going to face a serious penalty. My philosophy is that we have to be compassionate towards him and at the same time endeavour to do our best to provide as much relief as possible for the surviving members of the family of the victim.

Most certainly, the punishment should fit the crime, and I was interested to hear the Minister of Agriculture, who preferred to speak as the honorable member for Warrnambool, say that he has seen living death in our gaols. This brings me to the editorial in the *Age* newspaper on Wednesday, 9th October, 1974, when the question of capital punishment was being discussed. The editorial refers to a statement by Mr. Smith, the Law Reform Commissioner, that certain crimes did not

justify the death penalty and suggested that they should be removed from that category. Mr. Smith listed people who were in gaol, some for very long periods. The editorial goes on to say that Ronald Ryan was the last victim of Victoria's gallows. If Mr. Smith's philosophy had applied at the time, Ryan would not have been executed. The editorial then quotes a preface to a leading article on one Friday in February, 1967, pleading for a last minute reversal—

The execution is to take place this morning. The finality of it will set some minds at rest; it will strengthen the conviction of others that capital punishment is an anachronism. The debate will go on, but Ryan will not be at the centre of it. He will be dead. The law lives. And slowly it changes. But there is no remission from the grave.

That is the most important aspect of the debate. Are we to say that we have failed and that there is nothing more we can do for the criminal? Is there no way in which we can rehabilitate or reclaim him for society? Admittedly, the offender has a debt to pay but when he has paid that debt, it is far more honorable for us to have made some effort at retraining and rehabilitating him rather than to hang him as a beast is hanged and forget all about it. It does not help anyone to take the action which has been referred to several times as the absolute or final act. In these days, people are giving more and more thought to humane punishments and treatment of prisoners.

Back through the ages, the cruelties were almost indescribable. No matter who brings it about, death is permanent and a mistake can never be rectified once the execution has taken place. The case of Timothy Evans has been mentioned. It was cold comfort to the family of Timothy Evans to have him declared innocent years after he had been executed. A hanging which took place some years ago in Victoria was described by a former member of this House, the late Judge John Peter Bourke. I

refer to the hanging of Arnold Karl Sodeman. The history of Sodeman is given in the book *Insanity and Injustice*, which states, at page 52—

Ernest Sodeman, the accused's brother, established that their father had died on 12th June 1930, at the hospital for the insane from general paralysis of the insane and pneumonia, that their paternal grandfather, Ernest Sodeman, was at the time of his death, 10th December 1913, confined in the same hospital and that their mother had been suffering from loss of memory for some years.

That was the background of that man. Later in the book Judge Bourke goes on to say, at page 121—

Almost 30 years have elapsed since the execution of Arnold Karl Sodeman, and a review of the medico-legal problems that surround the case would appear to be timely. One factor which could not be known to the judge, jury, medical witnesses and counsel was the pathological condition of Sodeman's brain. The convicted murderer could only provide this evidence by his death, and the subsequent post-mortem which revealed definite evidence of inflammation of the membranes covering the brain.

Then the book goes on to name and explain the disease from which the unfortunate man suffered. That does not lighten the terrible crimes that he committed or bring back the four little girls who were murdered, but it points out that if more had been known of that man's upbringing and illness, he would not have been executed and some effort may have been made to rehabilitate him.

One honorable member repeated Churchill's quotation that—

Flowers grow soon over the battlefield,
but under the scaffold—never.

That has been corrupted to "grass" instead of "flowers," but it means the same thing as Oscar Wilde said in his immortal poem *The Ballad of Reading Gaol*—

But grim to see is the gallows-tree,
With its adder-bitten root,
And, green or dry, a man must die
Before it bears its fruit!

That is something which we should not have on our conscience, to take retribution in this way. Oscar Wilde also said in that poem, when speaking of the murderer's grave—

For three long years that unblessed spot
Will sterile be and bare.

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He describes the man's burial and what he is left to in the cold gaol-yard.

Recently I visited St. Giles church in London where a notice board tells the history of the old church and graveyard. Many of the gravestones are so worn that it is impossible to read the inscriptions on them, but on the notice board it says, among other things, that "Eleven Roman Catholics were given solace here on their way to the gallows tree." Fine solace! Perhaps in many cases their only crime was being of the religion which they professed.

Oscar Wilde's poem continued—

The man in red who read the law
Gave him three weeks of life,
Three little weeks in which to heal
His soul of his soul's strife.

This was referred to by another honorable member who said that the terror in a person's soul and mind when he knows the certainty of death by hanging far outweighs anything else that could possibly happen to anyone in their lives. I wish all honorable members would stop to consider that aspect for a while because there, but for the grace of God, go you and I. People have no say; nobody came into the world of his own free will and the vast majority of people leave the world against their will. Very few people commit suicide; the majority hang on grimly to life. It is on the way through that these kicks come, and one feels the pricks, pin-pricks and tragedies of life. It could happen to anyone and everyone should ask himself what can be done to better conditions and to ensure that no man has to pay such a penalty at any time.

I do not doubt that execution is a degrading sight. Some years ago I visited Pentridge Prison to see a young lad who was in trouble. I passed through "D" division and on the way back from the hospital walked under the gallows. The warder directing me told me that whenever anyone was hanged there, the only person who did not care was

the man who was to be hanged. The rest of the people heaved their hearts out.

It is a dreadful job for any man to execute a fellow man, but as I said previously, worst of all it is an admission of failure—an admission that no more can be done. The honorable member for Albert Park quoted the words of John Donne. The entire quotation is worthy of consideration. It reads—

No man is an island, entire of itself;

Any man's death diminishes me, because I am involved in mankind; and therefore never send to know for whom the bell tolls; it tolls for thee.

That has been my belief all my life. I have referred to mistakes that have been made. A dreadful mistake could have been made a few years ago in New South Wales. A bad man went at night to a girls' school, climbed a ladder up to the dormitory window and at knife point he removed a little girl aged twelve years, raped and killed her. He was sent for trial and pleaded guilty. Later he underwent an operation and a 2-in. long piece of heavy gauge wire was removed from his brain. Some years previously the man had been involved in an accident. It was dreadful that a little girl lost her life, and that the man committed a terrible crime, but it is obvious that he could not have been responsible for his actions at the time. It was evident from his history that he was not such a man. As I said earlier, "There but for the grace of God go I." Oscar Wilde put that very well—

And fate will use a running noose
For the best man and the worst.

For many a man who has been placed on trial, this would be something which neither he nor his family or those who knew him would ever have expected to happen. Everyone must consider that and show compassion for the murderer as well as for the victim. However, the punishment must be made to fit the crime.

Mr. Lind.

I shall conclude my remarks by reading from the obituary notice for Mr. Justice Barry which was reported in the *Age* some years ago. It states—

His horror of capital punishment dated from the hanging of one of Murphy's clients, Angus Murray, in 1924.

The person referred to is the late solicitor, Mr. Luke Murphy. The article continues—

He was a colourful, lovable man, with a great gift for living and a great love of his fellow human beings.

The heading of the article was "Barry gave the law a human face".

In conclusion, I firmly believe in the saying which has been partly corrupted there, and which says—

Pity has a human face,
Mercy a human heart.

Mr. RAMSAY (Balwyn): "They used to hang men at Four Turnings in the old days. Not any more, though". Those cryptic words are the opening sentences and the closing sentences of Daphne Du Maurier's masterpiece *My Cousin Rachel*. I commend it to the House as it makes a real contribution to this issue. In the opening chapter the young lad Philip is taken to the village square by his older cousin Ambrose. He said—

When I was a child I can remember seeing a fellow hang in chains where the four roads meet. His face and body were blackened with tar for preservation. He hung there for five weeks before they cut him down, and it was the fourth week that I saw him.

He swung between earth and sky upon his gibbet, or, as my cousin Ambrose told me, betwixt heaven and hell. Heaven he would never achieve, and the hell that he had known was lost to him. Ambrose prodded at the body with his stick. I can see it now, moving with the wind like a weather-vane on a rusty pivot, a poor scarecrow of what had been a man. The rain had rotted his breeches, if not his body, and strips of worsted drooped from his swollen limbs like pulpy paper.

"There you are Philip", he said, "it's what we all come to in the end. Some upon a battlefield, some in bed, others according to their destiny. There's no escape. You can't learn the lesson too young. But this is how a felon dies. A warning to you and me to lead the sober life."

There is something in the arguments put forward by those who want to use capital punishment as a deterrent in that picture from history, which indeed is in a novel, but it has been a very real part of the history of capital punishment throughout the world.

But, Mr. Speaker, I rise to support the Bill after considerable and careful thought, and in doing so I must reject the amendment. The amendment takes us precisely nowhere other than that its acceptance would make it necessary for the House Committee to buy a larger table for the South Library because there is no room on that table for the voluminous reports on capital punishment which have already been written, and I cannot believe that yet another inquiry will enable this House to be any better disposed to make a decision. I believe a decision should be made as part of this debate.

The argument concerning deterrent has been spelt out by many speakers tonight, and I do not need to add to those comments other than to point out that the Premier, in opening the debate, referred to the certainty of detection and punishment as the real deterrent. J. Edgar Hoover was a retentionist from way back, but his views agreed with those of the Premier. Hoover spoke of the proved deterrent to crime being sure detection, sure apprehension and proper punishment.

I remind the honorable member for Sandringham, who referred to the murder of a young lad at Beaumaris, that the reason why the women of his electorate were moving in fear was that there had been no detection and no apprehension. It had little or nothing to do with the question of what would be the appropriate punishment. "What is proper punishment?" is a question that we must ask ourselves. I suggest that there are three broad alternatives when punishment of a person who commits a felony is considered. The first is that his life may be taken;

the second is that he can be physically tortured; and the third is that he can be subjected to a loss of liberty. I believe that loss of liberty is the appropriate punishment for felons in our community.

Many crimes have been described tonight by members who oppose the Bill. Certain crimes are horrific, and those perpetrating them must not go unpunished. I would suggest to the House that crimes can be perpetrated which disqualify for life the right of the convicted criminal to be part of our community. It is a simple matter in one sense to put him to death; that solves the problem.

Mr. ROSS-EDWARDS: That is not what the Bill says.

Mr. RAMSAY: I believe the correct punishment for such a criminal is imprisonment for life. He should be removed from the community and have no further part in it. This may well call for some reforms to the penal system, but they are areas on which we can work.

Honorable members have spoken tonight of the possibility of reformation. Nobody is beyond the pale; people can be reformed. But reformation does not entitle a convicted murderer to return to the community. Provision should be made for imprisonment for the term of the criminal's natural life, with no remissions whatever. Let us hope there will be reformation in the character of the individual concerned. Let us hope he is put to constructive work within the confines of his imprisonment, but he has forfeited the right to liberty in this community for once and for all.

I direct attention to the fact that both the Presbyterian Church of Victoria and the Methodist Church of Victoria have on several occasions passed resolutions calling for this Parliament to support the Bill now before the House. I have a letter dated 14th March, 1975, signed by the Reverend John Westerman, Director of the Christian

Citizenship Department of the Methodist Church of Victoria, and the Reverend Stuart A. Reid, Con- vener, Church and Nation Commit- tee, of the Presbyterian Church of Victoria, in which they state *inter alia*—

We write to you on behalf of our res- pective church committees on social ques- tions to draw your attention to the official policies of the Presbyterian Church of Vic- toria and the Methodist Church of Vic- toria on the question of capital punish- ment.

We believe that the present Bill to abolish capital punishment which is before the Parliament is an important Bill which we hope will resolve this issue once and for all. Both our churches have passed resolutions over the last few years asking Parliament to abolish capital punishment on several grounds but largely on the fact that capital punishment offends our un- derstanding of the dignity of man under God.

I recognize that the view stated in this letter as the official view of the Presbyterian Church and the Metho- dist Church is not shared by all churchmen. Some churchmen claim that the State has a God-given res- ponsibility not only to apprehend criminals but to dispose of them. It is a view with which I cannot agree. To my mind, and to the mind of many others, it is an offence against humanity to destroy life deliberately in response to an act of destruction of life.

I remind the House of the whole grisly charade that can be described from history in terms of a public execution and exhibition of the felon —of the body on the gibbet, swaying in the breeze for the passers-by to see and quiver over. I remind the House that although we are more dignified now, perhaps the whole grisly charade still exists with capital punishment. For example, a female felon before her execution is issued with rubber underwear so she will not soil her clothes because of fear and terror overcoming her before the execution. Has this activity any real part in the modern criminal code of a civilized nation? I believe not. We are a better community without capital punishment. We do need to retain lifelong disqualification from

participation in our community by the imprisonment of certain criminals who commit certain crimes, but let us leave the happy dispatch to the next world in the hands of the Al- mighty where, I believe, it should be.

Mr. BILLING (Heatherton): I wish to contribute to this debate as the honorable member for Heatherton, elected to this House in 1967. I do not wish to rely on poetic rhetoric or long quotations from long past historians. Nor do I intend to intro- duce into this debate pathos or com- passion for either the victim or the criminal. I want to reduce my few remarks to practicalities and, in parti- cular, I should like to draw to the attention of honorable members the very reason why they are here, how they came to be here and the position in which they find themselves today.

In so far as I have been able to ascertain, and from remarks made by members of the Labor Party indivi- dually in this House tonight and on other occasions, for many years it has been the policy and part of the plat- form of the Australian Labor Party to oppose capital punishment. I am also led to believe that this is also the policy and the platform of the Coun- try Party. I draw to the attention of the House the fact that it was only as late as March, 1974—just twelve months ago—that this matter was first raised and voted upon with any certainty by the State Council of the Liberal Party in Victoria.

At that convention a vote was taken of the delegates representing all branches in Victoria who were pre- sent. It is not my intention to go into the details of that vote or the whys and wherefores of it; suffice to say that in our democratic way, members of the Liberal Party were, by a maj- ority of the State council of the party, given a free vote on this subject.

I have now placed before honorable members the policy and platform on this issue of each party represented in the House. I now propose to recount my experience of election to

Parliament. Having been endorsed by the Liberal Party, in 1967 I contested the new electorate of Heather-ton. It is 28 square miles in area and is composed of a good and solid cross-section of the community. At that time the platform of the Liberal Party did not cover the issue of capital punishment.

I remind honorable members that a few months prior to the election on 29th April, 1967, the then Bolte Government had been involved in the condemnation and execution of one named Ryan and feeling in the community about it was rather high. However, within a few short months the Bolte Government went to the people without any reference whatsoever to a platform for the abolition of capital punishment as an election issue, and that Government was returned to the Treasury bench with a greater majority than it had ever experienced before.

I shall now bring the House up to date on the elections held in 1970 and 1973. In 1970 again the Liberal Party Government went to the people without any platform for the abolition of capital punishment and again it was returned to the Treasury bench with the *status quo* preserved—it lost one or two seats and gained one or two.

In May, 1973, the Liberal Party Government led by the Premier again went to the people without a platform on capital punishment and it was returned with a greater majority than it had ever enjoyed before, gaining 46 seats in this House.

The SPEAKER (the Hon. K. H. Wheeler): Order! Can the honorable member for Heather-ton relate his remarks to the Bill?

Mr. BILLING: Yes, Mr. Speaker. I am pointing out that two political parties, each with a platform for the abolition of capital punishment could, in May, 1973, between them gain the support of the people to return to this Parliament only 18 members of the Australian Labor Party, 1 independent member who has stated he is in

favour of abolition, and 8 Country Party members who have given their public support to the abolition of capital punishment. I remind members of the Country Party that the platform of their party is worded for the abolition of capital punishment.

Mr. DIXON (Minister for Youth, Sport and Recreation): I raise a point of order, Mr. Speaker. In no election that has been referred to by the honorable member for Heather-ton was the issue of capital punishment canvassed as an election issue. Therefore, I suggest that the remarks by the honorable member have nothing to do with the Bill before the House.

The SPEAKER (the Hon. K. H. Wheeler): Order! There is no point of order, but, as I warned the honorable member previously, he is canvassing some matters that are wide of the Bill and have little bearing on the motion before the House.

Mr. BILLING (Heather-ton): Members of Parliament are elected to represent the people of the electorate and not one particular party. So far as is possible honorable members should reflect the views of their electorate on matters that come before Parliament. Much has been said for and against capital punishment. I remind the Government, which I support, that it has never received from the people a mandate to abolish capital punishment.

In this debate honorable members are discussing the Bill as individual members, but it must not be forgotten that the Government party is charged with the introduction of legislation to be debated. I repeat that the Liberal Party of Victoria has not been given a mandate at any election to abolish capital punishment.

I have taken it upon myself to attempt to obtain the views of a large cross-section of the Heather-ton electorate. I shall cite the results of 27 sample votes taken in various parts of the electorate. These

samples were taken according to sex and age. From this survey I am able to report conscientiously that a cross-section of the people of Heatherton electorate, from all walks of life, of both sexes and from fourteen years to 60 years of age and over, voted overwhelmingly, 2 to 1, in favour of the retention of the death penalty in Victoria.

I have listened to many honorable members debating the issue of capital punishment tonight. I have the greatest regard for their expressions of opinion. However, when it comes to practicalities and honorable members examine how they come to be here, it is important that on an issue such as this any Government should not rely on the narrow membership of its party for an expression of opinion from the whole electorate. I shall illustrate what I mean. I am not giving away any Liberal Party secrets. There are five Liberal Party branches in the Heatherton electorate. That membership is not enough, but at the last election a sufficient number of persons voted for the policies of the Liberal Party—and perhaps they had regard for the Parliamentary representation that they had had—to return the Liberal Party candidate to this Chamber with a larger majority than previously. The membership of the Liberal Party in Heatherton electorate does not exceed 500 paid-up members.

The SPEAKER (the Hon. K. H. Wheeler): Order! The honorable member's remarks may be of interest, but I am sure honorable members do not want to be told the views of people within the Heatherton electorate. I appealed to the honorable member previously to return to the Bill before the House, which relates to the abolition of capital punishment. I ask the honorable member to debate that matter.

Mr. BILLING: I am endeavouring to relate the opinions of the electors of Heatherton to the Bill, which is before the House as a result of a

majority vote by the council of the Liberal Party. I am making a comparison between the membership of the Liberal Party in Heatherton and the 46,000 voters whom I represent, whether they agree with my political beliefs or not.

From the survey that I made in the electorate I conscientiously believe that I cannot support the Bill. The Government, which is elected to represent the majority of the people of the State, must have a mandate on this question from the electors of Heatherton before I shall vote to alter the *status quo*. I should have preferred the Government to take this question to the people because in a democratic community the people elect Governments to act on their behalf.

I am not endeavouring to hide behind the survey that I conducted in my electorate. I am acting in accordance with my conscientious belief on the practicalities of the situation, having in mind that I was elected to this House in 1967 following a furore on capital punishment and what the position was until the Liberal Party reached its decision on this issue in March, 1974. In view of the opinions expressed to me in the large survey to which I have referred, I cannot conscientiously support the Bill. I will vote against it, and I will vote against the amendment.

Mr. STEPHEN (Ballaarat South): Nothing that I say tonight will change anybody's opinion because practically without exception honorable members have crystallized their ideas on this subject over a period. Nothing that is said tonight will have much effect other than to expand on an academic argument. I will vote against the Bill and oppose the amendment.

When this subject has been considered at great length honorable members will be asked to pass judgment. I believe there is no purpose in prolonging the debate. Much has

been said about the element of vengeance which it is suggested is inherent in the views of persons who wish to retain the death penalty. I utterly reject that suggestion.

Much of the discussion tonight about deterrence has been simply academic and is only delaying the business of the House, because it is impossible to prove whether or not capital punishment is a deterrent.

Much has been said about conscience. I believe a conscience is governed by one's moral standards which are arrived at from one's experience. Therefore consciences vary greatly. The honorable member for Ringwood has reminded me that he contributed in more ways than one to this debate. The honorable member for Dandenong and the honorable member for Ringwood quoted passages from the Scriptures. We are dealing with a social law and not a Christian law. I regret also having to quote from the Scriptures but because the honorable member for Ringwood did so, I shall quote from the time when Jesus Christ was being tempted and was being asked, "Should we give tribute to Caesar?" Jesus Christ's remarks were, according to the Scriptures, "Render unto Caesar the things which be Caesar's and unto God the things which be God's". There is a difference between the social law and the Christian religious law.

It is pertinent to remember those points because one could have a great deal of sympathy and compassion for a murderer or a convicted person. One could do everything possible to assist him in his rehabilitation but where a policeman, a warder or a penal officer who is charged with a responsibility of upholding the standards of this society is confronted by a person who has committed a murder, he has no protection because that murderer knows, if this law is removed from the statute-book, that he will suffer no further deprivation and will not have his life taken from him for any atrocity he may commit against the

officer who is charged by this Parliament to uphold the laws of the society. One can go further and even envisage the situation where society has been clement and Christian and has done everything possible, and a policeman, warder or penal officer is confronted by a person who had committed two murders, and so it could go on. There is no protection for those people if we remove this penalty from the statutes.

Capital punishment, if retained on the statue-book, can be used as the ultimate requirement in the protection of society. It is obvious that it will not be used consistently, nor is it expected that it should be, but I believe in all honesty and sincerity that it should be retained in the statutes against the time when it may be needed. Perhaps it will never be needed. If it can be argued that it is not a deterrent to have this law on the statute-book, it can also be argued that there is no injustice in retaining it.

Mr. GUY (Gisborne): The comments I have heard today in this Chamber during this debate have helped clarify my attitude finally towards this Bill. Certainly it has been a day of speeches full of courage and conviction. That was really a breath of fresh air in this Chamber because most times, as we all know, politics is the art of compromise. Today it has been the art of courage and conviction—except for the amendment moved by the Country Party. That was an amendment of compromise.

Mr. ROSS-EDWARDS: It was not moved by the Country Party; it was moved by me.

Mr. GUY: It was moved by the Leader of the Country Party; it should then have been moved by the honorable member for Shepparton. The amendment does not suit the honorable member's character or the sort of contribution he usually makes in this place. A decision has to be made by members of this Parliament at the end of the debate tonight. There may be no compromise on this issue because honorable members

have had a debate on matters of extremity. We know that the taking of a life on most occasions is seen as an act of extreme violence. In retribution we have in our statutes an act of extreme punishment. Those statutes must be reviewed in the serious nature in which they have been reviewed during this debate. I support this Bill completely. If it is passed tonight it will take one decision away from the Cabinet but it will also bring to the attention of the Government the enormous responsibilities that exist in other areas.

Firstly, the penal system must be reviewed because, as the honorable member for Warrnambool—the Minister of Agriculture—said, it is really a living death for most prisoners. Those people who wish to extract some measure of vengeance should perhaps visit the prisons in Victoria because there can be no doubt that no greater agony or punishment can exist than being incarcerated in a prison for the rest of one's natural life. The mental agony of that would be unbearable.

One of the challenges that the Government must face if this Bill is passed is in helping criminals to begin another life. Surely that is something which is on a higher plane than an execution and something which all honorable members look towards. In today's society many people believe in searching for some sort of answer to what happens to us after we die—perhaps in reincarnation. We have it within our own power to create another life out of a lost life. We can never bring back the people who have gone; that is the tragedy of it. We are mere human beings and no matter how we try or how we evolve and progress, we can never bring dead people back to life. But we can perhaps bring the mentally and spiritually dead back to life, to some sort of existence and perhaps in some way, even though they are behind prison walls, to something that they could do for the benefit of society. That is the direction we should take.

Mr. Guy.

Security is always an enormous problem and it is a challenge to the whole penal system because the community deserves the greatest protection at all times. Apprehension must be the greatest deterrent. If honorable members recall their childhood, and most of us, I suppose, are still able to do that, they will realize that as children we found the worst fear was being caught out for a misdemeanour—not being punished. Apprehension was terrifying in itself; the punishment was something of a relief. I am not suggesting that most of us are masochists, but with the exception of those masochists who would probably enjoy a good whipping or a flogging, I believe most people would have a greater fear of apprehension.

Much has been said about the sympathy that every member of this Parliament would feel for those who are aggrieved and left behind and those who have had their sons, daughters or families taken from them by an act of violence. As has been pointed out by a previous speaker, on most occasions the people who have been aggrieved by an act of murder are most compassionate towards the murderer himself. Surely we should take their lead if we are the advanced, sophisticated society that we believe we are. However, our sympathies are certainly with these people. One cannot frame legislation which says an eye for an eye, no matter how misinterpreted that quotation is. My electorate is evenly divided on the issue, but I was elected to this place sometimes to make decisions on behalf of the people I represent and sometimes to cast a vote on their behalf. Tonight I deem it my privilege and honour to do so. I have no hesitation in casting a vote in favour of the measure.

Honorable members should not be deceived; the Government will have a heavy responsibility placed on it in many areas if the measure is passed. That certainly applies in the area of law enforcement. Improved facilities and services need to be provided,

more policemen are needed, and it is necessary that their jobs should be made more attractive. Law and order is becoming a No. 1 priority. Much of the money allocated in the Budget is spent on education. Perhaps it is not spent as wisely as it should be, but the stage is certainly being reached where if this measure is passed we may have to re-examine our priorities because our major responsibility in this place will be to guarantee to the people of Victoria the protection of their greatest asset, life itself.

On the motion of Mr. WILLIAMS (Box Hill), the debate was adjourned.

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

ADJOURNMENT.

BEEF INDUSTRY.

Mr. THOMPSON (Minister of Education): I move—

That the House do now adjourn.

Mr. B. J. EVANS (Gippsland East): I direct a matter to the notice of the Premier regarding the transport concessions which he has announced in recent days to the beef industry. As I understand it, these concessions are related only to the transport of stock by rail. I have been approached by people engaged in the livestock transport industry, who have pointed out that at present they are having extreme difficulty because of the economic situation of the industry. They consider that if this concession is confined entirely to rail transport, they will be obliged to take their trucks out of business as there will simply be insufficient work for them. In common with other sections of the community which are suffering from the situation in the beef industry at present, the Premier will appreciate that these effects will be felt keenly by the operators of livestock transports, and I ask that he give earnest consideration to the extension of these transport concessions to the transport of beef cattle by road as well as by rail.

Mr. HAMER (Premier and Treasurer): The Government will look at this proposition referred to by the honorable member for Gippsland East. Up to date the proposal has been that there will be a 50 per cent subsidy on rail freights for stock being taken from farm to market. I shall need to examine the transport of stock by road and determine what the Government's policies will be. I point out that the relief being offered was intended for beef producers, and not necessarily for other sections of the community. The suggestion has been made that road transport operators are also being prejudiced by the present crisis through not having sufficient work. I do not know whether a rebate of some proportion of road freights would remedy the situation, but I will have the matter examined.

The motion was agreed to.

The House adjourned at 11.46 p.m.

QUESTIONS ON NOTICE.

The following answers to questions on notice were circulated—

MIGRANT DEMOUNTABLE CLASS-ROOMS.

(Question No. 894)

Mr. ROPER (Brunswick West) asked the Minister of Education—

In respect of the migrant demountable class-room programme for the 1974-75 financial year—

1. What sum has been made available by the Commonwealth Government?
2. When the first offer was made?
3. When confirmation of the amount for this year was received?
4. Which schools are on the current priority list for migrant demountables, indicating which of these schools will receive demountables in this financial year and when they will be delivered and in operation in the schools?

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

1. \$619,345.

2. On 6th September, 1973, the Commonwealth Government offered to provide demountable class-rooms for migrant education programmes over the two years period 1973-74 and 1974-75.

3. On 19th December, 1974, confirmation was given for the amount of \$619,345 for 1974-75. On 31st January, 1975, a further communication from the Commonwealth Government stated the amount of \$590,000. \$29,345 of the original amount was held back for contingencies but will be available for the programme overall.

4. A preliminary list of schools has been compiled, but changes may be made in light of—

- the movement of migrant populations within schools,
- the building programmes in schools which may meet the needs of migrant programmes and
- the availability of migrant education teachers.

The names of schools to receive demountable classrooms will be made available by the end of this month by which time a firm programme for capital works will have been established.

AUSTRALIAN SCHOLARSHIP TRUST SCHEME.

(Question No. 903)

Mr. ROPER (Brunswick West) asked the Attorney-General—

Whether officers of the Law Department have investigated the Australian Scholarship Trust scheme; if so, what were the findings of the investigation and whether he will make available to the member for Brunswick West the departmental file on the subject?

1 and 4.

				Enrolment	Staff
3179	Brunswick East	..	..	494	No shortage
1213	Brunswick	..	..	933	No shortage
2743	Brunswick South	..	..	373	No shortage
1252	Carlton North	..	..	256	No shortage
3146	Clifton Hill	..	..	426	No shortage
1490	Fitzroy North	..	..	671	No shortage
3110	Merri	..	..	580	No shortage as from 20th March, 1975.
2837	Moreland	..	..	969	No shortage
2955	Princes Hill	..	..	501	No shortage

				Enrolment	Base	Actual staff	Time-table schedule
Brunswick G.H.S.				503	30.2	30.7	22
Requests : Migrant English, Remedial English, Modern Greek, Art, Needlecraft, Physical Education (Girls)							
Moreland H.S.				783	44.2	44.3	33.5
Requests : Modern Greek, 2.5 Art and Craft							
Moreland Annexe..				82	8.3	10.5	5
No requests							
Princes Hill H.S.				828	46.4	49.2	35
Requests : 2 Mathematics/Science, 1 Physical Education (Boys), 1 Remedial English							
Fitzroy H.S.				867	48.4	50.6	36.7
Requests : 1 Geography, 1 Commerce							

Mr. WILCOX (Attorney-General): The answer is—

No. However, in the course of routine examination of company matters the Corporate Affairs Office has inspected books and records of Australian Scholars Service Pty. Ltd., which apparently administers the scheme in conjunction with the Independent Provident Society of Victoria, a society registered under the Friendly Societies Act 1958.

SCHOOLS IN BRUNSWICK EAST ELECTORATE.

(Question No. 919)

Mr. FORDHAM (Footscray) asked the Minister of Education—

In respect of each school within the electorate of Brunswick East—

- What is the enrolment?
- When each school was established?
- What is the area of the school grounds?
- What are the staff shortages?
- What proportion of the students of each school were born outside Australia?
- How many specialist migrant teachers have been appointed?
- How many portable classrooms there are at each school?

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

2 and 3.

				Date of establishment	Area
3179	Brunswick East	..	..	10th April, 1893	2A 2R 25.3/10P
	Brunswick G.H.S.	..	..	21st February, 1935	1A 0R 33P
1213	Brunswick	..	..	1st May, 1873	2A 0R 38.3/10P
2743	Brunswick South	..	..	1st May, 1886	2A 2R 0P
1252	Carlton North	..	..	28th July, 1873	2A 0R 3P
3146	Clifton Hill	..	..	24th November, 1891	2A 0R 6P
	Fitzroy H.S.	..	..	1st January, 1957	3A 0R 2P
1490	Fitzroy North	..	..	1st April, 1875	2A 2R 0P (approximately)
3110	Merri	..	..	20th April, 1891	2A 0R 21.2/10P
	Moreland H.S.	..	..	26th May, 1953	2A 0R 30P
2837	Moreland	..	..	2nd June, 1887	2A 0R 24.3/10P
	Princes Hill H.S.	..	..	February, 1959	1A 1R 24.4/10P
2955	Princes Hill	..	..	2nd September, 1889	4A 2R 15.6/10P

5 and 6.

						Proportion of students	Number of migrant teachers
						%	
3179	Brunswick East	..	..	..	..	28	3
	Brunswick G.H.S.	..	..	..	..	44	8
1213	Brunswick	..	..	..	..	52	4
2743	Brunswick South	..	..	..	..	22	3
1252	Carlton North	..	..	..	..	12	6
3146	Clifton Hill	..	..	..	..	10	5
	Fitzroy H.S.	..	..	..	..	32	8
1490	Fitzroy North	..	..	..	..	21	6
3110	Merri	..	..	..	..	27	2
	Moreland H.S.	..	..	..	..	33	6
2837	Moreland	..	..	..	..	32	5
	Princes Hill H.S.	..	..	..	..	59	6
2955	Princes Hill	..	..	..	..	8	2

7.

						Portables	Migrant portables	Total
3179	Brunswick East	..	..	..	..	2	—	2
	Brunswick G.H.S.	..	..	..	..	5	1	6
1213	Brunswick	..	..	..	..	—	—	—
2743	Brunswick South	..	..	..	..	—	—	—
1252	Carlton North	..	..	..	..	—	—	—
3146	Clifton Hill	..	..	..	..	—	—	—
	Fitzroy H.S.	..	..	..	..	—	1	1
1490	Fitzroy North	..	..	..	..	—	—	—
3110	Merri	..	..	..	..	4	—	4
	Moreland H.S.	..	..	..	..	3	1	4
2837	Moreland	..	..	..	..	5	—	5
	Princes Hill H.S.	..	..	..	..	—	—	—
2955	Princes Hill	..	..	..	..	—	—	—

GRANTS FOR FLOOD-DAMAGED ROADS.

(Question No. 922)

Mr. CURNOW (Kara Kara) asked the Minister of Transport—

When grants in respect of flood damage to roads, caused after 24th July, 1974, will be made to the Shires of Korong and Gordon respectively?

Mr. MEAGHER (Minister of Transport): The answer is—

Applications for funds for the restoration of damage caused by floods after 24th July, 1974, including those submitted by the Shires of Korong and Gordon, have been forwarded by the Country Roads Board to the honorable the Treasurer for consideration.

PRIVATE BUS SUBSIDIES.

(Question No. 976)

Mr. ROPER (Brunswick West) asked the Minister of Transport—

In respect of the schemes of subsidizing private bus routes—

1. How many proprietors applied for a subsidy, indicating for how many routes?

2. How many proprietors received subsidies, specifying for how many routes, the over-all amount disbursed to date and the amount disbursed in a full year?

3. Whether he will make public the names of routes which were the subject of subsidies; if not why?

Mr. MEAGHER (Minister of Transport): The answer is—

1. Individual applications for subsidy were not sought but the Bus Proprietors Association (Victoria) made representations on behalf of all private bus operators for financial assistance.

2. A total of 138 bus proprietors received subsidy amounting to a total of \$607,239 to date and it is estimated that the total disbursement to 30th June, 1975, will be \$929,000.

In the metropolitan area a total of 197 routes are involved.

3. It would not be appropriate to disclose this information without the agreement of the bus companies concerned as particulars relating to the financial position of individual businesses could be gleaned from this information. However, if the honorable member requires certain information for his private use, I shall consider that on request.

DISADVANTAGED SCHOOLS IN GEELONG NORTH ELECTORATE.

(Question No. 1030)

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

1. Which schools in the electoral district of Geelong North are classed as disadvantaged?

2. What are the respective shortcomings of each such school, indicating those which have been improved to remedy disadvantages?

3. When it is expected that other disadvantaged schools in the electoral district will be improved?

4. Which disadvantaged schools in the Geelong district have been improved and what improvements have been carried out at such schools?

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

1. The following schools in the electoral district of Geelong North are classed as disadvantaged—

Bell Park Technical, Geelong North High, Geelong West Primary, Norlane West Primary and North Shore Primary.

2. To date the only school recommended to receive capital improvements from the disadvantaged funds is North Shore Primary. Tenders have been invited for the provision of a multi-purpose hall for this school and it is expected that a contract will be let within the next few weeks.

3. The extent to which the department can continue to carry out improvements to those schools classed as disadvantaged is of course dependent entirely on future funding by the Commonwealth Government.

4. The answer to this question in respect of the electoral district of Geelong North are shown in 1, 2 and 3 above.

FAWKNER PRIMARY SCHOOL.

(Question No. 1034)

Mr. WILTON (Broadmeadows) asked the Minister of Education—

1. When it is proposed to let contracts for replacement buildings at the Fawknor Primary School No. 3590?

2. What replacements will be provided under the contracts?

3. What is the estimated time for completion of the proposed works?

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

1. Documentation for buildings works required at Fawknor Primary School is nearing completion and the scheme and estimate will be submitted to this department for approval next week. It is anticipated that a contract will be arranged in April, 1975.

2. The work will comprise two classrooms, a library, an art resource centre, ancillary rooms and staff and administration improvements.

3. The contract will state a completion time of eleven months.

MANUFACTURE OF DANGEROUS SUBSTANCES.

(Question No. 1035)

Mr. ROPER (Brunswick West) asked the Minister of Health—

Further to the answer to question No. 904 asked in the House on 11th March, 1975—

1. When the National Health and Medical Research Council notified the Department of Health of its recommendation regarding lowering the concentration limit of vinyl chloride?

2. When the decision was made to alter the regulations?

3. When the regulations will be altered?

Mr. SCANLAN (Minister of Health): The answer is—

The Department of Health has not as yet received official notification from the National Health and Medical Research Council of its recommendation regarding lowering the concentration level of vinyl chloride. Enquiries from the Secretary of the National Health and Medical Research Council elicited the information that notification of recommendation should be forwarded in the very near future.

In anticipation of the recommendation, the matter of amendment of the regulations is to be considered by the Commission of Public Health at its next meeting. On receipt of the commission's report action will be taken to amend the regulations.

CORIO SOUTH PRIMARY SCHOOL.

(Question No. 1038)

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

Whether he is aware of the urgent need for maintenance work on the playground area at the Corio South Primary School, No. 4927, to overcome drainage problems prior to the forthcoming winter; if so, when such work will commence?

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

I am aware that there is a need for re-sheeting of asphalt paving on the south side of the Corio South Primary School building and attention to the area formerly occupied by the portable classrooms which was disturbed when the portables were removed.

The necessary work will be carried out next week.

SOUTH KINGSVILLE SENIOR CITIZENS CLUB.

(Question No. 1048)

Mr. STIRLING (Williamstown) asked the Minister of Health—

Whether amended plans and specifications concerning alterations and additions submitted by the architect on behalf of the South Kingsville Senior Citizens Club have been approved; if so, when the approval of a grant can be expected to enable this project to proceed?

Mr. SCANLAN (Minister of Health): The answer is—

Amended plans and specifications concerning alterations and additions to the South Kingsville Senior Citizens Club have

not yet been submitted to the Commission of Public Health for approval. A sketch plan of the proposals was approved in principle by the commission on 18th November, 1974, subject to the inclusion of several amendments to the final working drawings and specifications which are still awaited.

A recommendation is being made to the Commonwealth Department of Social Security in respect of a capital grant but no approval can issue until such time as the final plans and specifications have been submitted and approved.

MEAT COSTS.

(Question No. 1079)

Mr. EBERY (Midlands) asked the Minister of Agriculture—

Whether, as meat inspection costs at killing centres in Victoria have increased and pig meat costs have risen substantially, he has given consideration to the reduction of these costs; if so, whether they will be reduced and, in that event, by what amount and when the new scale of charges will become operative?

Mr. I. W. SMITH (Minister of Agriculture): The answer is—

At the time of implementation of the abattoir and meat inspection legislation, an inspection and branding fee schedule, based on the New South Wales schedule was imposed, as it was considered desirable to have relatively uniform fees with neighbouring States.

This fee schedule was referred by me to the Abattoir and Meat Inspection Authority, which has now established a unit basis for a schedule of fees as between species and classes of animals.

I am now examining this unit basis to determine what rate should be charged to ensure that sufficient revenue is collected to cover the costs of administration of the Abattoir and Meat Inspection Act.

Legislative Assembly.

Thursday, March 20, 1975.

The **SPEAKER** (the Hon. K. H. Wheeler) took the chair at 11.4 a.m., and read the prayer.

ABSENCE OF MINISTER.

The **SPEAKER** (the Hon. K. H. Wheeler): I am advised that the Minister of Agriculture will be absent for question time.

QUESTIONS WITHOUT NOTICE.**STATUS OF WOMEN.**

Mr. EDMUNDS (Moonee Ponds): Will the Premier advise the House what the public response has been to the inquiry by the Victorian Committee on the Status of Women?

Mr. HAMER (Premier and Treasurer): I cannot supply the information off hand. The committee has held several meetings, and I presume the honorable member would like to know what individuals or bodies would want to give evidence.

Mr. EDMUNDS: Has there been a public response to the advertisement?

Mr. HAMER: I will ascertain that from the committee and advise the honorable member.

TECHNICAL SCHOOL FUNDS.

Mr. A. T. EVANS (Ballaarat North): Is the Minister of Education aware that a number of technical schools throughout the State are experiencing difficulty in financing works from the existing maintenance fund allowance? Will the Minister consider taking action to increase the amount of funds available to enable the schools to cope with the high costs resulting from inflation?

Mr. THOMPSON (Minister of Education): Currently technical schools are suffering from two forms of financial difficulty. The first is to meet expenditure under the direct grant system and the second is to meet commitments which have to be met from the maintenance grant. In the first case, action has been taken to provide \$83,000 from supplementary funds flowing from the Commonwealth, which will add to the direct grant money that the schools already have for this financial year.

However, the greater difficulty is probably in meeting salaries under the maintenance grant. Technical schools employ more staff than do primary and secondary schools, and this is where the major difficulty

arises. However, some assistance will be given to schools which are in financial difficulty in this area and details will be announced in the next few weeks.

PRESS STATEMENT BY MINISTER FOR CONSERVATION.

Mr. ROSS-EDWARDS (Leader of the Country Party): Will the Minister for Conservation give an assurance that in future he will first peruse and approve press statements issued under his name to avoid a repetition of the ridiculous mistake made last week when a statement issued by the Minister on the creation of a wildlife and recreation reserve adjoining the Ninety Mile Beach was in error to the extent of 23,000 acres?

Mr. BORTHWICK (Minister for Conservation): I must admit I am blushing a little. I greatly appreciated the article in the Age newspaper; it was a tongue-in-cheek article and made a good story.

Mr. ROSS-EDWARDS: How did it come about?

Mr. BORTHWICK: In this region there are existing reserves, and in fact there is the Lakes National Park. The Land Conservation Council recommendation for the total area included these other reserves and made reference to the Dutson Downs area. In endeavouring to establish the area that was to be added, a deduction was made for the Lakes National Park but not for Dutson Downs. It was purely a mathematical mistake.

I apologize to the House that this inaccurate statement should have gone out over my name. I bear full responsibility for it. I did in fact peruse the statement but I did not check the mathematics involved.

NEWPORT POWER STATION.

Mr. HOLDING (Leader of the Opposition): Is the Minister for Fuel and Power in a position to inform the House of the total cost to the State Electricity Commission of

the advertising campaign for the erection of a new power station on the present site of the Newport power station?

Mr. BALFOUR (Minister for Fuel and Power): I answered a question on that matter some time ago.

REGIONAL DIRECTORS OF EDUCATION.

Mr. WHITING (Mildura): Is the Minister of Education aware of criticism reported in this morning's *Sun News-Pictorial* from the President of the Victorian Federation of State Schools Mothers Clubs concerning the failure of the regional director system of education throughout Victoria? If so, will he consider providing more authority for regional directors of education?

Mr. THOMPSON (Minister of Education): I am a strong supporter of the regional system administration, and was concerned to read Mrs. Kirner's remarks, some of which I believe to be inaccurate. Where the criticisms prove to be accurate, action will be taken to overcome obstacles.

This year eleven regional directors of education have been appointed. They have been provided with first-class housing, good offices, and, as far as I can tell at this stage, with adequate back-up staff. It is the intention of the Education Department—and certainly my intention—that, firstly, the regional directors will be given full control over the school maintenance programme by the Education Department. This will involve them in the supervision and allocation of close to \$7 million. A small reserve might be kept back to meet emergencies, but the whole of the programme will be basically their responsibility.

Secondly, regional directors of education have been given the power to transfer teachers within a region once they have been appointed, and to co-ordinate to a greater degree the activities of the various divisions within a region. They have also been

given authority to look after personnel matters such as the administration of leave, applications for leave and the many day-to-day matters which cause concern to teachers.

I assure the Deputy Leader of the Country Party that it is the department's intention to make this scheme work, and work well.

CRUELTY TO ANIMALS.

Mr. REESE (Moorabbin): Has the attention of the Chief Secretary been directed to the photographic comment which appears on page 1 of this morning's *Age* on the conditions existing at the abattoir yards in Flemington? If so, will he consider taking action under the Protection of Animals Act to ensure that this apparent extreme cruelty is halted?

Mr. ROSSITER (Chief Secretary): The report in the *Age* is factual. I have also just received a report from the Department of Agriculture because I was concerned under the terms of the Protection of Animals Act about animals at the abattoirs being so treated. The city abattoirs is leased to a firm called Protean Enterprises (Newmarket) Pty. Ltd. I am aware that the honorable member for Melbourne is accustomed to these sorts of conditions at the city abattoirs.

The Royal Society for the Prevention of Cruelty to Animals has an interest in the matter. I hope none of this meat finishes up in the Parliamentary dining room. The local police hold a view on the condition of the animals in question. It is beyond imagination that animals ought to be kept in the holding yards to be slaughtered for sale for human consumption.

Mr. JOHN MURPHY.

Mr. JONES (Melbourne): I direct to the attention of the Minister of Education the case of Mr. John Murphy who was a former Trained Secondary Teacher's Certificate student in physical education who the Education

Department decided was not appropriate for teaching and who then transferred to the Police Department. Mr. Murphy is currently being pursued by the Education Department for repayment of \$3,500 owing on bond. I ask the honorable gentleman why Mr. Murphy's service with the Victoria Police Force from 1966 to 1969 does not satisfy the conditions of the bond.

Mr. THOMPSON (Minister of Education): If the honorable member for Melbourne will give me the details of Mr. Murphy's services I shall be pleased to consider his case.

BANK HOLDUPS.

Mr. TREZISE (Geelong North): Does the Chief Secretary recall stating last year that the Victoria Police Force was taking initiatives to have special methods to combat or reduce the number of holdups in banks in Melbourne? Can the Chief Secretary release details of the so-called special methods and advise whether they have reduced the number of holdups? If they have not, what does he intend to do to reduce the hazard?

Mr. ROSSITER (Chief Secretary): I undertake to release details of the plans made by the Victoria Police Force to combat holdups. I would hope such a release would not alert intending desperadoes to the methods whereby they could be caught. I ask the honorable member to place the question on notice so that I can give him a detailed answer.

LAND COMPENSATION.

Mr. AMOS (Morwell): Can the Premier indicate to the House whether the Government intends to pay compensation to landowners whose properties have been subjected to an interim development order, thus reducing the value of the land? I cite, for instance, the land held in old subdivisions adjacent to the Gippsland lakes in East Gippsland.

Mr. HAMER (Premier and Treasurer): If I understand the question correctly, it relates to interim

development orders throughout the State. If that is so, I can only give a general answer that it is not, under any planning legislation anywhere, so far as I am aware, the practice to pay compensation in respect of the imposition of an interim development order, the whole purpose of which is to hold land in its present condition until a proper planning scheme can be prepared. In some cases it does cause hardship where people want to develop their land in some way but—and this has been accepted in all the countries which have planning legislation similar to ours—there is no other way to permit that while a planning scheme is being drawn up. Otherwise the plan is prejudiced before it starts. Therefore, it is not proposed, and it has never been proposed, to pay compensation to people at that stage.

SPRINGVALE CITY COUNCIL.

Mr. LIND (Dandenong): I ask the Minister of Health: In view of the fact that the steps taken to eradicate the recent outbreak of anthrax were in the interests of the whole of Victoria, what steps can he take to relieve the Springvale City Council of the heavy bill it had to meet because of the meat seized at a pet shop in the area, and the costs involved in seizing and destroying that meat?

Mr. SCANLAN (Minister of Health): I will give consideration to the point put by the honorable member and advise him in due course.

VICTORIA POLICE FORCE.

Mr. WILKES (Northcote): Has the Chief Secretary considered approaching the Federal Attorney-General for financial assistance for capital works and the purchase of equipment for the Victoria Police Force?

Mr. ROSSITER (Chief Secretary): What a refreshing thought!

NEWPORT POWER STATION.

Mr. ROSS-EDWARDS (Leader of the Country Party): Can the Minister for Fuel and Power advise the

House what progress has been made with discussions concerning the erection of the Newport power station, and when the building is likely to be commenced?

Mr. BALFOUR (Minister for Fuel and Power): The Premier may be in a better position than I am to answer this question, but I understand that he is hopeful that shortly he will meet representatives of the Trades Hall Council, and that when that meeting takes place some reasonable decisions will be reached.

DEPARTMENT OF LABOUR AND INDUSTRY.

Mr. FOGARTY (Sunshine): Is it the intention of the Minister of Labour and Industry to have his department vacate the sub-standard building situated on the corner of Little Collins Street and Exhibition Street so that officers of the department may enjoy working conditions equal to those which they are expected to police and, if so, when?

Mr. RAFFERTY (Minister of Labour and Industry): The answer is, "Yes", and it is expected that by mid-June the whole of the department housed in the present building at 110 Exhibition Street will be moving to 37 Queen Street. Also moving will be the administrative division of the Ministry of Consumer Affairs.

CHILD RESTRAINTS IN CARS.

Mr. ROPER (Brunswick West): Is the Chief Secretary aware that in the spring sessional period of 1973 he gave an undertaking that a design rule would be proclaimed and action taken to ensure that young children were restrained in cars? Is the honorable gentleman further aware that the Premier gave a similar undertaking in the spring of 1974? In view of those undertakings, can the Chief Secretary explain to the House why, in answer to a question on the Notice Paper, which answer I received on Tuesday last, he said no action would be taken to introduce legislation for the restraining of young children in cars?

Mr. ROSSITER (Chief Secretary): The Australian Standards Association and the Australian Transport Advisory Council recently adopted certain design rules which will apply at some date in the future. It is upon and for that date that legislation will require to be introduced, so there is no point in doing so now.

ILLITERACY.

Mr. FORDHAM (Footscray): Has the Minister of Education yet considered the report of the Council of Adult Education on the prevalence of adult illiteracy in Victoria? If so, has the Minister decided to implement the recommendations contained in that report, which recommendations contain wide-spread implications for school programmes in regard to literacy as well?

Mr. THOMPSON (Minister of Education): I have had preliminary discussions with the Director of Adult Education, Mr. Colin Cave, and intend to have more at an early date with a view to implementing at least some of the recommendations, and also tying them in with recommendations which might come from a report covering a similar area of activity or a similar subject-matter within the education system.

EDUCATION DEPARTMENT PROFESSIONAL STAFF.

Mr. McINNES (Gippsland South): In view of the reluctance of professional appointees to take up positions in country areas, what measures does the Assistant Minister of Education propose to implement to ensure that persons take up such appointments? Further, will the honorable gentleman consider making it mandatory that some portion of their appointment, perhaps the first two years, as professional appointees should be spent in country centres?

Mr. DIXON (Assistant Minister of Education): The Director-General of Education, the Minister of Education and I have had discussions with the Government representative on the Teachers Tribunal concerning

the conditions and salaries for professional officers and professional appointees. I am aware of the extreme difficulty of obtaining these people, and every effort is being made to secure such personnel.

On the matter of compulsion as outlined by the honorable member, I would not entertain that particular proposal. However, the Government will certainly do all it can to secure the services of these people for country areas.

I might add that a great deal is being done by officers of the Special Services Division to provide services in country areas, and certainly in the Gippsland area.

DISCHARGE OF EFFLUENT BY SHIPS.

Mr. STIRLING (Williamstown): I ask the Minister of Public Works: Is legislation to be introduced covering the control and disposal of ships' waste in Victorian waters as was indicated by the Minister during the passage of the Harbors and Navigable Waters Bill on 24th October last?

Mr. DUNSTAN (Minister of Public Works): I hope the legislation referred to by the honorable member for Williamstown will be introduced during this session. There have been certain drafting difficulties, but with the good offices of the Deputy Premier the Bill will be introduced this session.

DECENTRALIZATION OF GOVERNMENT DEPARTMENTS.

Mr. AMOS (Morwell): I ask the Minister of Labour and Industry: What steps has his department taken to decentralize the activities of the shops and factories inspectors in those regions of the State already designated by the State Government as areas in which Government departments will be decentralized, and/or the areas of the State chosen by the Government as areas for accelerated development?

Mr. RAFFERTY (Minister of Labour and Industry): I ask the honorable member to put the question on notice. Some action has already been taken. I am not in possession of the detailed information required by the honorable member, but I shall be able to provide it if the question is put on notice.

DISCHARGE OF EFFLUENT BY SHIPS.

Mr. MUTTON (Coburg): I address this question to the Minister of Health. Last week I had occasion to ask the Minister whether ships moored at Port Melbourne were discharging sewage effluent into Port Phillip Bay. In reply the Minister informed me that after consultation with other Ministers he would give me an answer to the question. Will the honorable gentleman inform the House whether he has made any inquiries into this matter?

Mr. SCANLAN (Minister of Health): Yes; the Minister of Public Works has just referred to the matter.

UNMARKED POLICE CARS.

Mr. EDMUNDS (Moonee Ponds): Can the Chief Secretary advise the House how successful unmarked police cars have been in preventing road accidents?

Mr. ROSSITER (Chief Secretary): I have been asked some questions that require imponderable answers or have been asked to answer imponderable questions. This question is a lily. It is so far ahead that one could not shoot it with a rifle. I ask the honorable member to place the question on notice.

"PUBLIC WORKS REVIEW".

Mr. FORDHAM (Footscray): Can the Minister of Public Works inform the House whether it is his intention to publish for the year 1973-74 another issue of the excellent publication of his department,

the *Public Works Review*, which was produced for two previous years and which was much appreciated by those who read it? If so, when is it likely to be produced?

Mr. DUNSTAN (Minister of Public Works): I commend the honorable member and agree with him that this is an excellent annual report. The 1973-74 report of the Public Works Department, which will be the third annual report of the department, is in the course of being printed, and I hope it will be distributed to members of Parliament this month.

PROPOSED HOSPITAL FOR SUNSHINE.

Mr. GINIFER (Deer Park): I ask the Minister of Health to inform the House how far discussions have progressed between himself, the Hospitals and Charities Commission and the Commonwealth on the proposed hospital to be built in Sunshine.

Mr. SCANLAN (Minister of Health): Discussions are proceeding on all of these projects currently. When I say "all of these projects" I include the proposed hospital for Sunshine as part of the over-all co-ordinated programme for hospital development in Victoria, involving the Commonwealth's Hospital and Health Services Commission and the State's Hospitals and Charities Commission. My understanding is that the planning has proceeded in accordance with the arrangements stated to both the honorable member and members of the Sunshine City Council. I will follow the matter up, however, and obtain more up-to-date information.

DELORAINE TERRACE, PARKVILLE.

Mr. JONES (Melbourne): Can the Minister of Public Works inform the House what is to be the future of Deloraine Terrace, a declared building under the Historic Buildings Act, which has consistently and systematically been destroyed and despoiled since the passage of that Act? Has

the Minister discussed the matter with his colleague, the Minister for Local Government, and can he advise the House whether something can be done to enforce the Act?

Mr. DUNSTAN (Minister of Public Works): The honorable member for Melbourne recently raised this matter on the motion for the adjournment of the sitting. In reply, I said that I would take up the matter with my colleague, the Minister for Local Government. I have done so. The Minister for Local Government is at present considering whether there is a defect in the Act. I will advise the honorable member for Melbourne as soon as I hear the results of my discussions and the consideration which the Minister for Local Government is giving to the matter.

PASTEURIZED MILK.

Mr. McINNES (Gippsland South): Can the Minister of Agriculture inform the House why pasteurized milk is not available to certain country towns, such as Leongatha, where the Moe co-operative is supplying homogenized milk, much to the disappointment of many of the residents?

Mr. I. W. SMITH (Minister of Agriculture): I am not sure whether I exactly understand the question. As I understand it, the honorable member has asked why pasteurized milk is not available in some country towns in Victoria. If that was the question, the reason is that the whole of the State has not been declared a milk district. However, that is progressively being done and not a great deal of the State remains undeclared. When an area is declared a milk district, the milk must be pasteurized.

VICTORIAN OATS MARKETING BOARD.

Mr. WILTON (Broadmeadows): I ask the Minister of Agriculture whether he has received a report from the liquidator appointed for the Victorian Oats Marketing Board on a debt owed to the Victorian Oat

Growers Pool and Marketing Co. Ltd. If so, will the Minister make available a copy of that report, and also inform the House when the winding up of the affairs of the Victorian Oats Marketing Board will be completed?

Mr. I. W. SMITH (Minister of Agriculture): From time to time the liquidator of the Victorian Oats Marketing Board reports to me. At present the great problem in winding up the affairs of the board is that litigation is set down, and unfortunately neither the honorable member for Broadmeadows nor I can control the timing of that. I will determine the final winding up of the board, and I shall be happy to make available to the honorable member the relevant parts of the file on this matter so that he can have a firm grasp of the difficulties involved.

DISCHARGE OF EFFLUENT BY SHIPS.

Mr. MUTTON (Coburg): I direct a question to the Minister of Public Works, following a previous question which I directed to the Minister of Health and the information which the honorable gentleman conveyed to the House. Can the Minister of Public Works inform the House whether ships moored at the Port Melbourne wharves discharge sewage effluent into Port Phillip Bay?

The SPEAKER (the Hon. K. H. Wheeler): Is that not precisely the same question that the honorable member asked the Minister of Health a few moments ago?

Mr. MUTTON: I was given to understand by the reply of the Minister of Health that he had conferred with the Minister of Public Works. If that is a fact, I believe the Minister of Public Works can give the House the true answer to the question which I submitted to the Minister of Health.

Mr. DUNSTAN (Minister of Public Works): I hope the two questions that have been asked on this matter today are not being confused. The

first question related to legislation which I said I hoped would be introduced this session. That answer has been followed by a further question on whether ships discharge sewage into Port Phillip Bay. The answer is that some ships discharge sewage, but I would say that the majority of ships coming into the port of Melbourne do not do so.

DEPARTMENT OF LABOUR AND INDUSTRY.

Mr. RAFFERTY (Minister of Labour and Industry *(By leave)*): It has been drawn to my attention that, in answering the question asked by the honorable member for Sunshine, I made an error in that I said the Department of Labour and Industry would be moving to 37 Queen Street. In fact, the department is moving to 37 Spring Street.

ORDER OF BUSINESS.

Mr. THOMPSON (Minister of Education): *By leave, I move—*

That Sessional Orders be suspended for this day so far as to allow Order of the Day, Government Business, No. 1, to be taken into consideration before General Business.

Mr. B. J. EVANS (Gippsland East): Many country members have made arrangements on the basis that sessional orders would not be suspended, and they hope to leave for their electorates late this afternoon. I seek an assurance from the Leader of the House that the House will adjourn at 4.30 p.m., and also that a vote will not be taken on the very important matter which will be debated after some honorable members have left to fulfil important commitments in their electorate.

Mr. THOMPSON (Minister of Education): On behalf of the Government, I am happy to give an assurance that no vote will be taken after 4.30 p.m. today.

Mr. WILKES (Northcote): I hope honorable members are entitled to presume that a vote will be taken before 4.30 p.m.

The motion was agreed to.

**CRIMES (CAPITAL OFFENCES)
BILL.**

The debate (adjourned from the previous day) was resumed on the motion of Mr. Hamer (Premier and Treasurer)—

That this Bill be now read a second time. and on Mr. Ross-Edwards's amendment—

That all the words after "That" be omitted with the view of inserting in place thereof the words "this Bill be withdrawn and the proposals in the Bill referred to a specialist committee comprising a Supreme Court judge, a welfare officer engaged in penal work, and a barrister of not less than ten years standing who has practised extensively in criminal law who shall consider the abolition of capital punishment in all cases except where murder is committed—

(a) in the course or furtherance of kidnapping or hijacking; or

(b) in circumstances involving exceptional cruelty or sadism—

and shall prepare a report thereon to be laid before Parliament."

Mr. WILLIAMS (Box Hill): This is a sad and anxious day for true Liberals. The torch of Liberalism which was set alight in 1859 by John Stuart Mill in his *Essays on Liberty* seems to have fallen on pretty dim days because there are only two truly Liberal Governments in the English-speaking world—the Government of Canada and Victoria's Hamer Liberal Party Government. It is regrettable that our own Leader and Deputy Leader, who are two of the most popular figures in this country, have had to introduce what is virtually a private member's Bill to get something removed from the statute-book in accordance with the platform and policies of their party.

In the little blue book which I have in my hand—the official platform of the Liberal Party—there is a hand-written amendment to abolish capital punishment which I sincerely hope, after the vote is taken today, I can erase from the record because, if it is not, it will be printed and stand to the eternal condemnation of the Victorian Parliamentary Liberal Party in defying its own State platform.

The presentation of the Bill is in the truly great traditions of Liberalism in this State; in the tradition of Deakin, Pearson, Eggleston and other such greats. It is a demonstration of genuine Liberalism. It is absolutely appalling that Victoria should be ranked with South Africa and Rhodesia as one of the last States to have provision for the hangman's noose incorporated in its statutes.

Sir EDGAR TANNER (Caulfield): On a point of order, the House is not debating the form of penalty that may be imposed on an accused person; honorable members are debating a Bill which has nothing to do with the form of punishment.

The SPEAKER (the Hon. K. H. Wheeler): Order! I cannot uphold the point of order. The honorable member is attempting to bring his point of view before the House.

Mr. WILLIAMS (Box Hill): Great play has been made by my colleague, the honorable member for Heatherton, about a poll which he conducted in his electorate. I understand that a similar unscientific poll was conducted over Channel 7 last night, and that the vote was two to one in favor of retention of capital punishment. This is the oldest gag in the political calendar—when in doubt, vote "No". The people who asked the question were highly suspicious as to what answer they would get.

Mr. ROSS-EDWARDS: Did not the result suit you?

Mr. WILLIAMS: It was a telephone poll, and the number of calls represented fewer than 2 per cent of telephone subscribers in Melbourne.

Mr. ROSS-EDWARDS: You would be the greatest Gallup poll expert in Victoria!

The SPEAKER (the Hon. K. H. Wheeler): Order! All honorable members have an opportunity of contributing to the debate. I have attempted to give protection to all who have spoken, and I shall do the same for the honorable member for Box Hill.

Mr. WILLIAMS: Like the poll conducted by the honorable member for Heatherton, the Channel 7 poll was unscientific. The only scientific polls conducted on the question are those conducted by the Roy Morgan Research Centre Pty. Ltd. under strictly controlled conditions.

On 19th and 26th October last, 2,079 people throughout Australia were polled in 300 groups of age, sex and locality in correct proportions to the Australian population. The question they were asked was—

In your opinion should the penalty for murder be death, life imprisonment or some other penalty?

There was no opportunity for a "Yes" or "No" answer there. With a sampling error of plus or minus 3 per cent, the results were that 39 per cent were in favour of the death penalty, 36 per cent were in favour of life imprisonment, 11 per cent favoured some other penalty, and 14 per cent had no opinion. A further break-down of these figures reveals—with a slightly lower degree of accuracy, and most interestingly—that in both Victoria and New South Wales only 40 per cent of the people polled were in favour of retention of capital punishment.

The significant factor is that the main supporters of capital punishment are the hard-line supporters of both the Australian Labor Party and the Liberal Party. The people in between—those who decide whether there will be a Liberal or a Labor Government—are the ones who want a change. They tend to be the best educated people, those with higher incomes, and thoughtful, humane people, not the hard-line people who have old-fashioned ideas.

Only 25 per cent of Australia Party voters wanted capital punishment retained. Twenty-nine per cent of Democratic Labor Party supporters voted for the retention of capital punishment. They and their sympathizers who vote Liberal or Labor are the people who determine what sort of country Australians will have in coming years. I suspect that the

Premier knows nothing about these figures, but with his true Liberal instincts he has interpreted—as did the great men of the past, such as Lincoln—the true feelings of the community without having to be backed up by polls. Only 29 per cent of people aged between 20 and 29 years are in favour of capital punishment, compared with 45 per cent of people over 50 years, so that is where the problem lies. Only 35 per cent of people holding university degrees want capital punishment retained, as opposed to 43 per cent of those who have had a limited education. The people of limited education are those who favour capital punishment.

Of income groups, only 37 per cent of those earning more than \$8,000 a year want capital punishment retained, compared with 40 per cent in the lowest income group. In the field of professions, including lawyers, doctors and other people who have most to do with problems of life and death, only 16·5 per cent want capital punishment retained. Thirty-seven per cent of company executives favour capital punishment, but 43 per cent of tradesmen favour it. It is clearly people in the middle ground who want capital punishment abolished and not the hard-line supporters of the major parties.

A similar situation occurs in the United Kingdom, where a true Liberal Party receives 20 per cent of the votes, but regrettably holds only 11 seats. Time after time those 11 stalwarts cast a conscience vote for the abolition of capital punishment. The great middle-ground party in the United Kingdom has the electoral boundaries and the electoral system stacked against it. The supporters of that party are those who want humane penalties imposed on people who break the law. The latest vote on the matter was conducted on 21st December, 1974, in the light of the terrorism and bombings which occurred in England. There was great agitation for the reintroduction of the hangman's noose or some other method of execution, probably even

more terrible. Eight Liberals wanted no change; there was only one Liberal vote against the proposal, and strangely enough, according to my information, that vote was recorded by a man who had been a former agent of the Labor Party in England.

When we refer to religious backgrounds, it is significant to note that only 33 per cent of Roman Catholics and 33 per cent of Methodists want capital punishment retained. In my opinion the Morgan Gallup poll is the most scientifically conducted poll. The two religious groups to which I have referred are those which are most conscious of the possibility of forgiveness for even the most heinous crimes. They understand the importance of their religious teachings. The highest percentage in favour of capital punishment is represented by the Anglicans, of whom 46 per cent favour the retention of capital punishment. I regret that my colleague, the honorable member for Ringwood, does not seem to have been too successful with his parishioners!

According to my figures, only 15 per cent of the Jewish community favour the retention of capital punishment. They are guided by the *Talmud*, which virtually made the death penalty almost impossible to obtain even before the death of Christ. Christ was crucified not according to the law of the *Talmud* but by the law of the ignorant mob, because the death penalty had been abolished by the highest Jewish Rabbinical law in A.D. 30. The execution of Eichmann was an understandable departure from that law.

Religious people who dispute capital punishment base a good deal of their argument on a passage contained in the book of *Deuteronomy*, which says—

Vengeance is mine alone, sayeth the Lord.

No human being has the right to usurp the power of the Creator to destroy what he placed in this world.

I do not wish to traverse the ground that has been so ably covered by other speakers, but I emphasize the comparisons which are apparent between contiguous States with a similar social, economic and political background. Murder rates follow the same trend over a long period regardless of the use or non-use of the death penalty. The 1953 Royal Commission in the United Kingdom found that there was no clear evidence of any lasting increase in the murder rate following the abolition of capital punishment. There are many offenders on whom the deterrent effect is limited and may often be negligible.

Capital punishment in Victoria has done terrible things to the criminal law. It has created injustices and anomalies because some men have been hanged who in my opinion had committed crimes far less reprehensible than those committed by other people who walk the streets of Melbourne free because juries would not convict them. Regrettably, many other murderers who are now walking the streets have never been detected by the police, so the supporters of capital punishment ought to think seriously about this situation. What sort of justice is that?

There are very few murders of an utterly revolting type. Most murders seem to be committed in anger. It is regrettable that statistics indicate that 75 per cent of murders are the result of excessive use of alcohol, and in France more than 95 per cent of child murders are due to the excessive use of alcohol. I do not think there is any justification for the retention of this revolting solution to a problem that will be always with us. A murder is one of the first things that one reads about in the Bible, but why should the State of Victoria, this great Liberal State, carry the mark of Cain on its brow. I congratulate the honorable member for Kew—the Premier—and the honorable member for Malvern—the Deputy Premier—for introducing this “private member’s Bill” into the House.

Mr. WILKES (Northcote): Mr. Speaker, I do not enter this debate with the expectation of adding to the eloquence of the speeches that have been made by members on both sides of the House, each respecting the view of the other on the abolition or retention of capital punishment. But I do enter the debate to make it abundantly clear where I stand on what I regard as probably one of the most important moral questions that honorable members have been asked to make a decision on in the eighteen years in which I have been in Parliament. When I look back over that period I am bound to say that yesterday's debate was possibly one of the best debates that have been held in this House. I sincerely hope that the rest of the debate—whether honorable members agree or disagree with the Bill—is on the same high level.

I do not believe for one moment that anything I say today will make any difference in the minds of those people who are for or against capital punishment. It is important that I should make observations on what has already been said. When the history of the Bill introduced by the Premier is written, people interested in this great democratic system of ours will be able to make up their minds on whether we were right or wrong.

Not much has been said about the speech made by the Premier when he moved the second reading of the Bill. It seems a long time since the Bill was introduced, and often second-reading speeches, and their import, are overlooked.

Mr. WILCOX: It was only two weeks ago.

Mr. WILKES: Yes, but when I say "a long time", I refer to the fact that 22 or 23 members of the House have spoken for or against the Bill since the Premier brought it in. I am bound to concede that the logic, and the substantiation of the logic, of those who expressed a view for the abolition of capital punishment has been perhaps more pronounced than the views and

the logic of those who support the retention of capital punishment. That is an opinion, and I believe we ought to respect the deep-seated principle of allowing honorable members to reflect on it or, if they so desire, on their own opinions.

Yesterday members discussed whether the death penalty acts or does not act as a deterrent. As has been said by wiser counsel than I, there is no positive evidence, indeed there is scant evidence one way or the other. In its absence one must look for other criteria. Some honorable members have had experience of killing in wartime. Those of us who did, well remember the difference between crime and punishment when it was associated with the conflict of war. Decisions were made by nations, and by the stroke of a pen individuals found themselves expected, for a variety of reasons, to kill. It is not very comforting to look through the sights of a .5 or a .303 rifle, or any other weapon, and know that the person upon whom it is trained is going to be killed. That was a reality of war. By another stroke of the pen hostilities ceased. Nations decided that they could live together and there was no need for commanding officers to order individual soldiers to go out and murder one another. The killing was abolished by the stroke of a pen, and that is precisely what can happen with capital punishment.

The penalty of capital punishment reminds me vividly of the situation that existed in wartime. The death penalty is imposed by a criminal court judge on a person who has committed a heinous crime—murder or treason. There must be other ways of enforcing a deterrent than by the imposition of the death penalty. These have been clearly pointed out in quotations of many eminent criminologists and eminent jurists, and people who have made a life-time study of the effects of capital punishment and, indeed, the effects of corporal punishment. I believe that punishment is a deterrent to crime. There

must be punishment for crime, but I take exception when the punishment is death.

As was stated yesterday, today there are criminals who would have preferred their lives to be taken rather than to have to spend 20 or 30 years incarcerated in prison. Perhaps those honorable members who have a different view from mine might consider the prospects of incarceration for 20 or 30 years or for the term of a person's natural life, never to be released. That is obviously a deterrent, and will always be a deterrent, for the law-breaker.

Of the murders committed in this country, one type is the premeditated murder, which is not much different from the murder I was referring to earlier when I spoke of warfare. However, the majority of murders committed in this country are not premeditated. Most murder cases heard in the courts, particularly in Victoria, have been committed as a result of actions taken either on the spur of the moment, or through provocation, jealousy, or a fit of rage, or because of mental derangement. Very few premeditated murders are committed, and because they are very few in number Parliament should examine the effect of the death penalty imposed in those cases. I am certain beyond all reasonable doubt that the death penalty would no more act as a deterrent to the person who commits a premeditated murder than would a sentence of life imprisonment, never to be released. I realize that that is another imponderable, and no one can be precise in saying whether it would or would not. There is one exception—there would not be this diabolical method of doing away with life if the death penalty were removed from the statute-book of this Parliament.

I can understand the dilemma of honorable members in this important debate. Yesterday two Ministers of the Crown put the view that for the Executive Council to consider the death penalty is a reserve power. I state unequivocally that I do not

believe the Executive Council should act as a court in these matters, that it should not have a reserve power. I do not believe Ministers of the Crown should adjudicate.

Mr. WILCOX: It does not act as a court.

Mr. WILKES: If it does not act as a court it has a quasi-judicial flavour. In his eloquent contribution to the debate yesterday, the Minister of Transport went to great pains to point out that it was not easy for Ministers to make decisions, that honorable members do not understand the problems that Ministers face when they have to make these decisions, and that in some cases they have to sift through piles of evidence. This was also adverted to by the Minister of Health. I believe that when the Executive sets aside the law and makes its own decision, that is an example of dispensing power.

Mr. MEAGHER: It does nothing of the sort.

Mr. WILKES: Of course it does. The honorable member for Melbourne pointed out that the great Italian reformer, Beccaria, said—

The pardoning power is highly undesirable. Its use indicates there is something wrong with the law.

That viewpoint is correct, and it would be equally intolerable if, say, the Executive Council sat to review the sentences imposed for manslaughter. For example, if in 70 cases judges had imposed terms of imprisonment for fifteen years, and in each case the Executive Council granted clemency and reduced the sentence to ten years, surely that would be a clear indication that there was something gravely wrong with the law relating to punishment for manslaughter and that the law should be changed. It is intolerable that the Government should act as a super court, or, indeed, that it should be expected to act as a super court or an appeal structure.

The assurances by the Minister of Transport and the Minister of Health, who addressed the House yesterday,

that they are conscientious and merciful are accepted without question. I cross no sword with them on that account, whether they are merciful or not is beside the point. The same principle could be applied to all laws in this State. The point I make is that when the Executive Council reviews the death penalty imposed by a judge and uses the evidence presented to it, the Executive Council is acting as a super court; it decides whether a person's life will be taken or not.

As an illustration, I refer to a situation in which the death penalty is carried out after a review of the case by the Executive Council and subsequently the circumstances are further reviewed by the Executive Council. This has not occurred in Victoria. However, it is too late then because the penalty has been carried out and the convicted person put to death. If the penalty were life imprisonment, never to be released, and if we believe in the principle of the Executive Council exercising power in this quasi-judicial way, there might be some virtue in the Executive Council retaining this procedure, but so long as the death penalty is on the statute-book there is no virtue in its retention.

I can understand Ministers and former Ministers being prisoners of their own history in this matter. They cannot really repudiate a system that they have relied on. That does not mean that the system should stand up. Indeed, the system will not stand up, and most honorable members who examine it in that light will concede that point. My view is that in an enlightened society—we are frequently told we live in an enlightened society—we should act in an enlightened way.

We have come a long way in the past 150 years since the first convicts were sent to the Australian colonies. We have come a long way since people were tied to the mainmast of a ship and flogged. We have come a long way since people were

treated, not only for heinous crimes but for menial crimes, in the cruelest possible way a human being can be treated. As we have moved a step away from that era, why are we not prepared to take a further step and remove this diabolical death penalty from the statute-book of the State?

It is true that the Australian Labor Party in Victoria, and indeed at national level, has always had as a part of its policy the abolition of the death penalty. Honorable members like myself, in my party, have no difficulty in reconciling their consciences and their moral, personal views on this question of capital punishment. They have done so through the agencies of the honorable member for Melbourne, the honorable member for Albert Park and the Leader of the Opposition during the past two decades, and those honorable members are not that old!

Yesterday, the House enjoyed examples of the research that those honorable members have undertaken and of the deep feelings that they hold in respect of the extremely important question of the death penalty remaining on the statute-book of Victoria.

I prefaced my remarks by saying I wanted merely to make one or two observations and make my position abundantly clear. I cannot reconcile myself to the fact that capital punishment is a deterrent. I have a full sympathy, which is dictated by my conscience, for people who are affected by the acts of wrongdoers, of murderers and of criminals in this State and I, like most others, have asked for greater support for the Victoria Police Force and for the apprehension of criminals in this State. However, that does not alter the fact that I cannot reconcile myself to the view that capital punishment is a deterrent any more than the other proposition of having to face incarceration for a period of time or for the term of one's natural life without remission.

I congratulate the Premier for making this debate possible. History is being written today, as it was

yesterday, in the annals of the Victorian Parliament. I commend the Premier for his forthrightness and I congratulate honorable members who have spoken for and against the proposition. I hope the amendment is soundly defeated, and that the Bill is passed. The amendment does nothing but belie the situation. It proposes that further consideration be given to the matter in spite of all the inquiries that have been carried out by judicial experts, sociologists, churchmen and others, both in Australia and overseas in countries such as Great Britain and Sweden.

Mr. WILCOX: Not much has been done here.

Mr. WILKES: The late Sir John Barry did a great deal of research into this subject and I should have thought that he was an eminent authority on it.

The amendment proposes that the matter be referred to a specialist committee but states also that the abolition of capital punishment cannot be accepted. Why should the Leader of the Country Party move an amendment for further consideration when his mind is made up? The honorable member who proposed the amendment, supported by another honorable member of his party in the speech he made to this Parliament yesterday, indicated conclusively that he, within his rights, is opposed to the abolition of capital punishment. Yet he put forward an amendment. Why did he do so? Was it to prolong an investigation, to substantiate his position or to put forward a proposition that may throw light on the subject? I cannot reconcile myself to that and therefore I reject the amendment as doing nothing but cloud the issue. It is a pity that a matter as important as this should be clouded by such an amendment. I congratulate the Premier and sincerely hope, in the interests of progress, of law reform in Victoria, and of society itself that the Bill will be passed.

Mr. WILCOX (Attorney-General): I should like to make a few comments in this debate. It is not an

issue in which I become emotionally involved. This is a subject on which people can legitimately hold opposing views. However, I am interested because the amendments to the law concern the Crimes Act, which falls within my administration and therefore I am particularly interested in the proposal to change the law. The proposal is an extremely substantial change, as has been acknowledged by the attention of honorable members to the debate.

I wonder whether the community really wants this change. I would take a lot of notice of the community in an issue of this nature. It certainly has not been borne upon me that the community does in any clear way want the change.

Only one clause in the Bill really matters—clause 2. I am interested in what is proposed there. The substantive proposal is that the death sentence, which has been on the statute-book for many years, be substituted by a term of imprisonment. The Bill proposed that this imprisonment shall be “for the term of his natural life; or”—I am interested in the word “or”—“for such other term as is fixed by the court.” I am a little surprised at the width of the proposal in the second leg of the substantive amendment as proposed and in what will become section 3 (b) of the Act if a change is made. It seems a very wide proposal.

I cannot claim to have researched this matter in detail but my impression is that in other places where a change in the law has been made to do away with the death sentence the substituted law has been a term of life imprisonment. This proposal goes far beyond that and causes me concern as the Minister responsible for the administration of the Crimes Act and the criminal law, when matters have to be answered for in this Parliament and the community generally.

As is well known, I am a great supporter of the common law system and a great supporter of our courts. I always look with disfavour

on anything which is done to pull down the position of our courts which have been tried and tested over the years in the interests of the community "across the board". I see problems arising from this proposal, if it should become law, because it is common knowledge that the sentences imposed by judges vary considerably. It would be quite wrong for the Executive Council to monkey about with sentences imposed by the courts.

A member of the Opposition was going to refer to section 567A of the Crimes Act. For the benefit of honorable members, I shall read sub-section (1), which states—

Where sentence is passed on a person convicted on indictment—

that means a murder charge, amongst other things—

and the Attorney-General considers that a different sentence should have been passed and is satisfied that an appeal should be brought in the public interest the Attorney-General, on behalf of Her Majesty, may appeal to the Full Court against the sentence passed on the conviction unless the sentence is one fixed by law.

The operative words in that sub-section are, "in the public interest". It is interesting that no minimum is even suggested in this proposal. I do not say that is necessarily bad, but no minimum is proposed. Parliament put that section into the law in 1970 and some use has been made of it. I have appeared in several cases in which the section has been used, and I believe it should be used with the greatest reluctance. The Attorney-General is a member of the Executive, and there is always the danger that the Executive arm of government will interfere with the judicial arm of government. Generally, if people clearly understand their functions and keep to them, much trouble is avoided. However, Parliament saw fit to give the Attorney-General, in the public interest, this right of appeal and it has been used. If this proposal became law, I am concerned that we could be faced with many appeals. I do not mean appeals only by the Attorney-General, but by accused per-

sons who could readily say regarding a previous sentence on a murder conviction, "But so and so did this and his sentence was for only so many years. I have been given double that sentence and that is not right". I can visualize that there could be many appeals, and in some cases considerable pressure put on the Attorney-General. The correspondence that I receive from time to time indicates a concern in the community at the lightness of some sentences passed by the courts.

Mr. JONES: What about the severity?

Mr. WILCOX: Severity was all one way until this section became law. It has always been open to a convicted person to appeal through the hierarchy of the courts against the sentence imposed on him. That is why this unusual situation which has been put into the law by Parliament could allow the Attorney-General in the public interest to enter the arena. I do not believe the Attorney-General should often be forced to use this section. I make that abundantly clear, but when it is in the public interest and the public express an interest, the Attorney-General may be required by virtue of his office to take more appeals than he cares to take. There is also the other side of the picture in which there is either a life sentence, a sentence of one year or a sentence of twenty-years, as this proposal suggests.

Mr. ROSS-EDWARDS: Why impose a sentence at all?

Mr. WILCOX: The sentence can be as long or as short as a piece of string. Petitions for the early release of prisoners seem to be a growing fashion. This wide proposal raises the opportunity for a huge increase in petitions for release of prisoners for 101 reasons.

Incidentally, the Royal prerogative of mercy is a recommendation that should be available to be used by a responsible Minister of State. It has

Mr. Wilcox.

always been traditional for the Attorney-General to do so, and indeed that happens.

Mr. WILKES: Does compassion play any part in this?

Mr. WILCOX: I make it abundantly clear that in my opinion compassion plays a part in every criminal case which comes before the courts. There are extremely few cases in which one does not feel some compassion for the accused and convicted person. However, I also make it clear that my compassion is extended to the many victims of criminal acts which happen day by day throughout the State. Compassion covers a wide range of situations.

It is doubtful whether the change proposed in the Bill is really sought by the community. Honorable members are here to represent the view of the community. I have not been persuaded that this change is sought by the community. The proposal to give complete discretion to the courts is seeking to move too far, too quickly. If the Bill reaches the Committee stage I foreshadow that I may move an amendment to the clause to which I have referred.

Mr. ROPER (Brunswick West): The House is very privileged to have this debate. I am a Victorian by adoption, not by birth. I first moved to Victoria in the very week that Ronald Ryan was hanged. That event made a substantial emotional impact on me and has continued to do so. I mention to the Attorney-General that Parliament does not always do what the people want. It does not always wait until the people get out in the street and demand something, before it gives it to them. Frequently, if members of the community walk up Bourke Street, the Government may consider that is a good reason for not taking a certain action.

Honorable members have often heard discussion on whether the community wants it, but to an extent we are representatives. Honorable members are supposed to have their own views and be able to make

their own decisions. Many times honorable members do not agree with the positions other members take, but it is our right and in fact our duty to take decisions on important public matters without going to the people every time a decision has to be made. If one were to accept the logic of the position adopted by the honorable member for Heatherton last night, whenever a major matter came before the Parliament for decision one would have to go to the people and conduct a referendum. That is not how Parliament works; indeed a referendum is an unusual event.

I agree with some of the remarks of the honorable member for Box Hill. All my efforts to find out simple details about the poll conducted by the honorable member for Heatherton have been unavailing because the honorable member was not prepared to inform the House how he conducted the survey.

Mr. BILLING: I did, but the honorable member was not present.

Mr. ROPER: I was, and for that reason it will be interesting to compare the survey with normal statistical processes. One could ask almost any question of a small group of people and almost every time obtain the answer that one wanted.

The honorable member for Box Hill referred to the Gallup poll figures. In Australia these polls have a good record of prediction of public thinking. The Attorney-General, who has just spoken, implied that there was no public clamour for the abolition of hanging. A public clamour occurs only when someone is threatened with or is about to be hanged. As this situation has not arisen in the past seven years, one would not imagine that there would be an absolute keenness or clarity of view in the community on the subject. If a hanging were in the air, the view of the community would be far clearer or firmer than it is now.

Nonetheless, it is instructive to examine the Gallup poll figures, which admittedly were quoted by the honorable member for Box Hill, but may

not have been understood because of the noise in the Chamber. The Gallup poll reveals that a clear minority of people in Victoria wish to retain the death penalty—only 40·2 per cent.

In the Gallup poll 43·6 of males interviewed believed that death should be the penalty and only 35·1 per cent of women. This goes against the widely held view that women favour retention of the death penalty. An interesting facet of the Gallup poll figures might be that more women than men fell within the “no opinion” category, but still there is a significant difference between male and female percentages.

Yesterday, honorable members were told that various classes of people were totally opposed to the abolition of the death penalty. One class which was particularly mentioned was people living in country areas. It has been suggested that people in country areas were more in favour of the retention of capital punishment than city people. I have never accepted the statement that the views of country people are so different from those of city people. The Gallup poll is a very good example of my contention because of those people who suggested that death should be the penalty, 39·6 per cent lived in capital cities and 38·9 per cent lived in country areas.

In the statistical sense, there is no difference really because there can be a 3 per cent variation either way. There is always the possibility of a sampling error but those figures are very similar. There is no basic difference in the views of the community as indicated by the most scientific poll that has been carried out on the subject. There is no substantial difference between those who live in the city and those who live in country areas on capital punishment.

Some people might suggest that these poll figures are wrong, but they are the only figures that we have. Some honorable members have sug-

gested that people in their electorates have a particular view but they are only submitting the view of the few people they have seen since the Bill was introduced. I should imagine that no honorable member has carried out a statistically viable survey in his electorate, taking into account all the matters that need to be discussed.

I was concerned to hear some honorable members suggest that capital punishment should be retained because the people say that it should be retained. I doubt the veracity of those claims.

Mr. ROSS-EDWARDS: Would you like the question to go to a referendum?

Mr. ROPER: No, but in any case it would depend on how the question was phrased. It would be quite possible to produce both answers if the electors in the State were divided and one half were asked a question that was biased in favour of capital punishment and the other half were asked a question which was biased against capital punishment. The result would depend on the question that was asked, and whether it was biased one way or the other. If the electorate were divided into half and the two different questions were asked, following a substantial publicity campaign, public opinion in Victoria would come down strongly in favour of the abolition of capital punishment.

Mr. ROSS-EDWARDS: That is your opinion.

Mr. ROPER: That is my opinion and I am entitled to express it. My opinion is based upon those public opinion polls that have been conducted as well as the long-term historical process over the past 200 years of reducing the number of crimes for which capital punishment is imposed. This attitude has persisted throughout the Western World and what we call the civilized world.

Mr. DUNSTAN: But your opinion is based on Labor Party policy.

Mr. ROPER: For years I have been in favour of abolition. My opinion on the matter goes back considerably longer than I have been a member of the Labor Party. I have held the view for some time and even debated the matter during my early years in secondary education. My view on the matter pre-dates my membership of the Australian Labor Party by many years and it is only co-incidental that I am a member of the Labor Party. I strongly support the policy of abolition. It may be quite unlikely, but if I were a member of the Liberal Party I would also believe in abolition, as do many members of that party. I suspect that, despite the Country Party's general view, some members of that party believe in abolition. In my case, this belief long predates my membership of the Labor Party.

Mr. DUNSTAN: You would have a free vote in the Liberal Party.

Mr. ROPER: A free vote was guaranteed to members of all parties. That is an improper statement, because you, Mr. Speaker, ruled that demands for a free vote were improper. How each member votes is a matter for himself.

In the development of human civilization a variety of attitudes to killing has been adopted by different societies. The traditional system of native tribes in New Guinea or of Aboriginal tribes in Australia is different from the general view on killing taken by society. Certain tribes in New Guinea could not understand the Australian method of having a court impose a sentence on a person, and punishing him for murder or any crime, because their traditional method of retribution is that the family of the victim takes out the vengeance. In this way feuds can continue for generations. Australians regard that outlook as a quaint view, because they believe that punishment for crime is the responsibility of the State. Those who support the Bill argue that the level of civilization in the community will move a step

higher if the measure is adopted because the power to destroy members of the community will be removed from the State.

The honorable members for Ivanhoe and Sandringham were extremely painstaking in their efforts to ensure that the House understood what monsters some murderers can be. It is quite proper for the House to understand that, because some murders are monstrous. It could be argued that all murders are monstrous but that some are far worse than others, in the judgment of a normal person. Some murders are brutal and premeditated, but that is no argument for punishing those who commit particular classes of murder more strongly than others. This is where the proposed amendment could apply, with considerable reservations. No explanation has been given of why a Supreme Court judge, a welfare officer and a barrister should be appointed to the proposed committee. Why should not a churchman or a member of this Parliament be represented on it? Why should the committee be comprised of the categories of persons referred to? No argument has been advanced in favour of the composition of the committee. I believe that the composition of the proposed committee would depend on who appointed it. For instance, if I appointed the committee it would be easy for me to ensure that it would bring up the type of answer I desired.

Mr. ROSS-EDWARDS: You would pick the members carefully.

Mr. ROPER: I imagine that, if given the option, the Leader of the Country Party would not choose three people who had for many years made it publicly known that they were abolitionists. As has been remarked before in this debate, the views on this issue of most judges and barristers—the type of people referred to in the proposed amendment—are well known, but honorable members have not received an

explanation of why this kind of committee is proposed. Even if it is explained, why should Parliament delay the matter any longer? That point has been made repeatedly.

I reiterate that what is intended by the proposed amendment would prove disastrous because it attempts to introduce classifications of murder, the penalty for which would be different from that for other kinds of murder. The proposed amendment says that the committee which some honorable members wish to establish would consider only certain types of murder and recommend the abolition or retention of the death penalty.

Other members of Parliament, apart from supporters of the proposed amendment—the Minister of Health, for example—have mentioned certain classifications of murder which they say should not be exempted from the death penalty. This is a common view, and members who hold it should carefully examine the Report on the Law of Murder of the Victorian Law Reform Commissioner, Mr. Smith, which was made in August last year. Mr. Smith argues clearly and strongly against the introduction of different categories of murder. He deals with different degrees of murder and crimes that are so heinous that they are considered to be worthy of hanging, as well as with crimes of lesser degree for which the punishment should be a sentence of imprisonment. The Smith report clearly spells out that the commissioner does not believe such a system would work.

I shall read from the report where Mr. Smith speaks about a heinous crime and then about a prisoner who intentionally kills a prison officer. The report states—

Such a murder would ordinarily be regarded as calling for an extreme severity of punishment; but would it properly be so regarded if the fatal act were shown to have been a reaction, on impulse, to the latest of a long series of acts of grave cruelty and injustice of which the prisoner had been made the victim?

Mr. Roper.

If this classification of crime is adopted, one is still faced with the judgment of whether a person who kills a prison warder does so with or without provocation. To categorize offences as capital or non-capital does not solve the problem because a judgment must still be made.

If anyone believed that a system of capital and non-capital offences should be introduced, as proposed by paragraph (a) of the amendment moved by the Leader of the Country Party referring to kidnapping and hijacking, or that a system of degrees of murder should be introduced, as spelt out in paragraph (b) of the amendment, he should read the debate which took place in the British House of Commons on The Murder (Abolition of Death Penalty) Act—abolition of Capital Punishment—initial limitation to five years, which amended the 1957 British Homicide Act.

The people who participated in that debate had had years of experience of a system with divided classifications of murder. Not only people on the Labor side of the House took grave exception to what had occurred; it was largely the people who had to administer the system who took exception. Mr. Henry Brooke was a former Conservative Home Secretary, and had to make decisions on the fate of various murderers. He stated—

every now and then it came over me that whereas I was having to determine whether a person sentenced to death for capital murder should be hanged or not, other murderers whose crimes were worse than the ones I had under consideration were not liable to the death penalty . . . By the end of my time at the Home Office I became convinced that the case for retaining the death penalty was no longer strong enough to justify its retention. . . .

This is a person who at the commencement of his period as Home Secretary, and when the Bill had gone through the Parliament, believed in capital punishment, but by the end of his term of office, after having had to administer a system where different categories of murder are recognized,

believed it was totally unworkable. Mr. Brooke was only one of many who took this view.

For instance, Lord Parker of Waddington, the Lord Chief Justice, made the point that it places judges in an invidious position. He also referred to cases where people are dealt with differently because of the classifications of the murders they committed. This is a man who, when the Homicide Act became law in 1957, favoured the retention of capital punishment, but after having had to sit on the bench and administer the system, no longer held that view. He said—

I confess, looking back eleven years, that if anybody had then said that I should come out as a full-blooded abolitionist, I should have been surprised. But during that time, and particularly during the last seven years when I have held my present office, I have seen the complete absurdities that are produced, and have been completely disgusted at the result.

He went on to say, "it is surely inherent in trying to divide murders into separate classes that you will get complete absurdities". For those members who are interested in looking at some of the absurdities, his speech and other speeches in the House of Lords and the House of Commons, and the Smith report, give chapter and verse of the absurdities of justice that can occur. Paragraph (b) of the proposed amendment mentions the class of murder that it is intended will be different. It refers to "circumstances involving exceptional cruelty or sadism". That is a matter of judgment. One can say that all murders are cruel, and I should say that all murders are cruel, whether committed by a murderer or committed by the State under this particular provision, but under the proposed amendment the ruthless, cold-blooded murderer who planned his crime and carefully worked it out, who did it quickly and without pain, would be subject to the exemption. Perhaps that would be a reason that the committee could put forward to recommend the abolition of the death penalty. But the case of someone

who commits a murder with exceptional cruelty, as a matter of judgment, cannot even be discussed by the proposed committee. It has also been suggested very specifically—not just in this Chamber, but outside—that there are certain categories of people who should be protected; for instance, police officers and prison warders.

There is no conclusive evidence which suggests that there should be a penalty of death for people found guilty of murdering these people. A survey carried out by Professor Selin in a number of American States—and he was very careful to make sure his results were comparative—showed that there was no difference in the number of killings of police officers in a State whether or not the death penalty applied. The homicide rate against police officers was determined by the general homicide rate in the community, the general attitude in that State, and the number of killings in that State, and not by the penalties imposed for killing a policeman. The British evidence is similar. I have a letter from the Home Secretary to the British Prison Officers Association which says that since 1920 only three people had murdered prison officers; all of these were first offenders; none of them were people serving life term imprisonment or people who had served life sentences. They were just people who, in a particular event, had murdered a prison officer. They were not people who could have been predicted to do this. It was suggested that it would not have made any difference to those people if there had been a hanging penalty or a non-hanging penalty for that particular offence.

Once categories of murder are specified you get into the situation which the former Mr. Justice Smith referred to—that is, matters of judgment and, a certain murder seems more justifiable in the eyes of a jury and in the eyes of a court than another. We are concerned to remove the blood of murder from the community and to im-

prove the apprehension of criminals. The evidence on this point again is that the severity of the sentence does not directly deter crime. A substantial survey carried out on muggings in Britain, after some extremely severe penalties of twenty years had been given to offenders, and this was blazoned all over the British press, suggested that the amount of publicity available in the particular city in which people were sentenced to twenty years' imprisonment had no bearing on the increased incidence of muggings. In fact, in the city surveyed muggings increased after the publicity. Certainty of apprehension, and certainty of punishment are the greatest barriers to any crime, and that is what honorable members should be concerned about.

I could go on for a long time, but many people have already said these things in a better way than I can. We should be concerned about reformation, and I am not an Anglican. One of the best remarks made on this matter was made by the Archbishop of Canterbury during a debate in the House of Lords.

The sitting suspended at 1.1 p.m. until 2.3 p.m.

Mr. ROPER: Before the suspension of the sitting I was concluding my remarks and pointing out that the most effective deterrent to the crime of murder is not the death penalty but the fear by the culprit that he will be rapidly apprehended, properly tried and brought to justice if found guilty.

The purpose in criminal matters should be to reclaim the murderer rather than to end the guilty life. To refer honorable members to an appropriate quotation on that aspect, I shall quote the Archbishop of Canterbury. A report of a speech made by the Archbishop in the House of Lords stated—

The Archbishop of Canterbury said that . . . there ought to be beyond the penalty the possibility of reclamation, the possibility of a person being alive, repentant, and different. He believed that the life sentence was right, even though almost always it was mitigated in practice. The life sentence said in effect to the convicted criminal: "You have outraged society by

killing one of your fellows; you must expect no claim to your old place in society for a very long time, not until society can be told that you are an utterly different sort of person from what you are now."

In a way, that is the kind of choice honorable members have to make to-day. We can decide to adopt a policy which ensures that even the most vicious murderer should be reclaimed, or we can decide on a course that would destroy such a person. The honorable member for Melbourne has gone into the circumstances surrounding some persons who were hanged and pointed out that as they were young at the time they would be quite different people now from the persons they were when they were found guilty and hanged.

As I mentioned at the beginning of my remarks, the first week of my settlement in Victoria was the week in which Ronald Ryan was hanged. I did not ever think I would be in a position of casting a vote to get rid of the blight that that has caused on the community. I am very grateful for the opportunity of casting this vote. I hope, firstly, that the House will reject the amendment, which is a foolish one, in that it puts off a decision and introduces classes of murder which the British, in all their years of experience, have found to be extremely counter-productive. I hope, secondly, that honorable members will vote for the Bill because in this way some hundreds of years of highly increasing civilization in the Western community and the Australian community can be carried to its proper and logical conclusion. Then we shall be able to talk about murder and its punishment and consider some of the important questions relating to it.

Mr. McINNES (Gippsland South): The honorable member for Coburg has suggested that as representatives of the people we have a sole responsibility to make a decision on this issue. With that statement I do not completely agree. I believe that on this very serious moral issue we must fully reflect the interests of the wider community and all the components of that community.

When one examines the statistics on murders in Victoria, one sees that in the period from 1947 to 1973, of 525 homicide victims 361 were women. At the same time, when examining the statistics of murderers in that period, one sees that there were 684 murderers and only 172 murderesses. In other words, on the one hand there were four times as many male murderers as women and the women formed only 20 per cent of that unfortunate section, but on the other hand two of every five victims murdered were females.

As honorable members are aware, the female population of Australia is slightly in excess of 50 per cent of the total. In other words, they form the dominant section of our society. It is repeatedly argued that representation in Parliament does not completely accord with all the views of the female section of the community. On this subject I would be inclined to agree.

The points of view that have been advanced in this debate somehow reflect an historic, dark, underlying current which affects both males and females. On the one hand, the supposed latent savagery which we believe to be in every male prompts men not to support a measure which could lead them to the scaffold. On the other hand, the same type of fear which is generated in women moves them, in my view, to favour the retention of capital punishment on the statute-book. It is from this point of view that I have to form my judgment in this debate.

On this Bill there is to be a vote of conscience. I have been very seriously troubled by my own conscience in this debate. I have listened keenly to the well-reasoned arguments advanced by those who are supporting the Bill, and these have considerably worried my own conscience. Before I entered Parliament I would have had no doubt about opposing this Bill and supporting the

retention of capital punishment. The honorable member for St. Kilda—the Minister for Youth, Sport and Recreation—stated that he and his wife had opposing views on this matter. That statement would reflect largely the attitudes within the community on this issue, despite the results of the Gallup poll the honorable member for Coburg has mentioned. I believe Gallup polls on issues of this nature are often wrong.

I found the question of the value of capital punishment as a deterrent difficult to resolve. The evidence available is not conclusive one way or the other. If one studies the numerous tomes and references in the Library which have been brought out for perusal by honorable members, invariably one finds that the authors are males, the witnesses have invariably given depositions in front of male-dominated committees of inquiry and the viewpoint of the female has seldom been put. On the basis of this argument, I propose to oppose the Bill. I do not believe that important 50 per cent of the community has been given the opportunity of presenting its real view.

It would be difficult to obtain that view from a woman. It is something that is etched into her character and make-up, and is based, without doubt, on fear of attack by, in most cases, males, certainly deliberate attack rather than emotional attack. I believe the majority of attacks have been made by males.

Mr. LACY: What makes the honorable member think women have a different view from that of men?

Mr. McINNES: Being a member of the masculine sex, I cannot give a complete answer but I believe there is a different point of view on this issue. It would be reasonable to expect that any group which was under threat would have a different view. One can see this in nations and groups of people. Women are one group of people.

Mr. LACY: What makes the honorable member think women are more under threat than are men?

The SPEAKER (the Hon. K. H. Wheeler): The honorable member is interjecting out of his place.

Mr. McINNES: I have studied the statistics carefully and if one believes the comments that have been made in the various books which honorable members have read recently, that appears to be the practice.

One then has the task of trying to decide the purpose of the punishment in line with the view that I am taking. Honorable members have spoken about the alternative justifications for punishment, reform, retribution and deterrence. But what would happen if capital punishment is removed from the statute-book? It is seldom carried out, as has often been pointed out during this debate. The question is then asked: If it is not used, why not withdraw it altogether? I believe there would be an increase in the carrying of firearms by those whose intention it is to use those firearms deliberately and wilfully on an innocent public. Evidence of this occurred yesterday in Sydney when a bank officer was killed.

Mr. JONES: On what evidence does the honorable member base that view?

Mr. McINNES: In the book, *Parliament and Conscience*, the following words appear—

A rather different form of retribution theory as applied to capital punishment is that because society regards murder as infinitely more serious than other crimes it must signal this abhorrence by the imposition of a penalty of unique severity.

The quotation continues—

But if the death penalty is a deterrent, it is likely to affect professional criminals who may be expected to consider the various risks they incur. Remove the fear of death, it is argued, and these men are more likely to carry guns and kill in order to escape detection and arrest.

That is the dilemma we are facing today. We are not trying to heartlessly penalize the person who per-

haps in a fit of anger makes a sudden attack which he has never contemplated and which has fatal results.

A view is also put forward in the same book that—

Amendments to retain the death penalty for the murder of police or warders were voted down for they necessarily implied that the life of a policeman or a prison officer was more precious than the life of anyone else.

That seems selective in its application but the logical justification is that policemen and warders are exposed to risk to a far greater extent than is the general public. The book states that the task of Parliament is to lead opinion and not merely to follow it. In most cases I support that view-point but on the matter of conscience and basic social and moral justice I do not believe the view-point of the entire public is adequately represented in this place. The only fair way of arriving at that probably is by taking a referendum on whether capital punishment should be retained. If the public expressed the view that capital punishment should remain on the statute-book, it would then become the prerogative of the Parliament, and I believe of the Governor in Council and the Cabinet to decide whether the punishment should be carried out in the final instance, and as suggested in the report of the Law Reform Commissioner, the matter could be referred back to a judicial board for consideration, in the event that it was decided to commute such a penalty, to apply a judicial verdict and sentence.

One does not want to intrude too much emotion into this sort of thing because all honorable members are aware of the issue. One has only to think of the murder of Roslyn Nolte by Russell Lowrey and Ian King or of the murder of Mrs. Morse in New South Wales, or to consider the comments that were made by a Filipino woman who was continuously raped and who certainly did not, as honorable members have tried to show here, extend to her attacker

the remorse that honorable members believe should be extended. Miss de la Riva said—

These men talk about the suffering their dying will cause their parents—did they think of the suffering they were causing me and my mother when they abducted me?

It's justice for those other girls too—and the safety of the other women they would have preyed on if they had been set free.

Where we have people so callous and depraved that they break the laws of men and of God, are unrepentant and scoff at religious teachings, the fear of death is about the only thing that will stop at least some of these people.

Honorable members are concerned with at least some of these people in this debate. Murders of emotion, although to be deplored, may come into a different category. The Law Reform Commissioner has shown that he is not prepared to separate the various categories, but nowhere in his report does he state that the death penalty should be abolished.

Mr. JONA: He was not prepared to report on that.

Mr. McINNES: I am not clear on that part. In the introduction to his report—I have construed this as not coming from the Attorney-General—he said—

The reference so made is construed as extending only to the three specified forms of possible amendment to the law of murder; and in particular it is not taken to extend to the question of whether the death penalty for murder should be abolished.

I understand this to be Mr. Smith's view of an interpretation of the charge given to him by the Attorney-General. He reported on the degrees of murder, and said—

That it is not practicable to devise any form of classification of murder into capital and non-capital murders that will not be subject to the gravest criticism and that such a classification should not be introduced.

Nowhere does he say that the death penalty should be removed from the statute. In my opinion, it is clearly thrown back to Parliament as a socio-political decision. Honorable members must be guided by logic rather than by emotion. The standard of the debate has been high

and at times very moving, but I do not think that in conscientiously reflecting the views of the majority of the people in my electorate I would be correct in supporting the Bill. Therefore, I oppose it.

Mr. WOOD (Swan Hill): I am very pleased that this debate has generally been in a serious vein and that reason and logic have come before passionate outbursts or great emotion. As the honorable member for Morwell said, this is a serious and important issue. I support the Bill.

In common with a lot of people, for many years I had no great interest in this issue. It was something about which I thought briefly if I was asked a question on the subject. At the time of the hanging of Ryan, I felt that he deserved to hang, but I did not think deeply about the issue. I used to consider that abolitionists were soppy sentimentalists, and the fact that the death penalty was hanging over a person's head would perhaps deter him from committing murder in the future. However, reason and logic have changed my mind. Over the past two years I have spent many hours researching the issue and discussing it with senior police officials, members of the legal fraternity and people who have been mixed up with capital crimes. This has convinced me that there is no deterrent in the death penalty. From discussions with people who have been associated with executions, I have learned to abhor the thought of the cold-blooded execution of prisoners.

Honorable members have agreed that statistics do not prove much in this issue. I have studied the statistics from 34 countries around the world which have abolished capital punishment. There has definitely been no increase in capital crime because the penalty has been abolished.

The honorable member for Gippsland South mentioned that 525 homicide cases occurred between 1947 and 1973. The death penalty certainly did not deter the people who committed those crimes. Other

factors play an important role in the incidence of capital crime. I cite as an example the two Commonwealth territories, the Australian Capital Territory and the Northern Territory. These Territories have the same Police Force, the same penalty, and criminals have the same chance of apprehension. Yet the crime rate is much higher in the Northern Territory than it is in the Australian Capital Territory. The incidence of murder is five to six times higher. Certain factors play a more important part in crime than the fear of retribution on the gallows. More research should be undertaken to determine what these factors are. I believe that in the criminal mind the fear of apprehension is perhaps stronger than the fear of the gallows.

The honorable member for Gisborne said that if the Bill is passed today—and I certainly hope it is—Parliament will have a heavier responsibility. There will need to be a close examination of the penalties, the methods of protection, and more support for the police and public awareness of the problems and the need for public help for the Police Force. The retention of the death penalty has certain dangers. There is always the danger that an innocent man will be hanged. This was quoted in the case of Timothy Evans, who was convicted and hanged for the murder of his son. Some years later, it was considered that the real murderer was another man, Christie, who confessed to several other murders and admitted to being the culprit in this case. I am informed that 181 people have been hanged in Victoria. It is logical to assume that there may have been one innocent victim amongst them, human nature being what it is.

Another thing that concerns me is the effect the death penalty could have on jurors. If it is accepted that half the population is for and half against the death penalty, then generally half the members of a jury will be abolitionists and half will be pro-hanging. The thought in the mind of

many jurors will be that a mistake could be made. I have read reports on certain murder trials and wondered why the defendants got off; the evidence has appeared to be clear-cut, and the accused should have been convicted. I often wonder whether it was because one or several jurors thought that if they did convict the person of murder he could be hanged by the neck. Hanging is an irreversible penalty. Once it is done, it does not matter if the person is later found innocent, because he is dead.

I often think of the criminal who murders somebody and, knowing that the death penalty will be imposed, thinks he will be hanged, so nothing matters; he might as well commit a more heinous crime as he has nothing to lose.

I have heard the opinion expressed that it does not matter whether the death penalty remains because nobody will hang anyway. It is all very well to retain the penalty on this premise but Governments come and go and one cannot presume how a future Cabinet will act. One cannot forecast with certainty what will happen in the future. The pseudo or *de facto* abolitionists shelter behind this view, but the practice must be legitimized or banished now.

Mention was made of terrorism and that the death penalty should be retained for this type of Act. The death penalty would have no deterrent effect on terrorists because most of them are madmen or fanatics who will stop at nothing.

Some two years ago there was pressure on the British Government to reintroduce the death penalty, which had been abolished in 1966. People complained that members of the Irish Republican Army and other terrorists should be hanged for committing heinous and abominable crimes, and therefore the death penalty should be reintroduced. O'Connell, who was the chief of staff of the Irish Republican Army, was reported to have said that for every Irish Republican Army

member who was executed in Britain, two British soldiers would be hanged. This was terror against terror. It is worth mentioning that, despite the terror then existing in Britain, the British Parliament refused, by a vote of 369 to 217, to reintroduce the death penalty. This occurred in a very frightening climate.

It has generally been agreed that the death penalty is not a deterrent. Speakers who support both sides of the argument have agreed that the death penalty has no effect on the incidence of crime. Perhaps the only other argument in support of retention is the question of revenge.

From correspondence that I have received, it is clear that many people who are in favour of the death penalty have been from religious groups and in many cases have quoted passages from the Bible. It is hard to understand their thinking or logic because one of the most shocking examples of the heinousness of the death penalty was the execution of Christ by crucifixion. Even whilst undergoing this torture, Christ said, "Forgive them Father for they know not what they do". If these were the words of Jesus, and I have no reason to doubt that they were, I cannot imagine any person who seeks forgiveness of others being in favour of putting people to death. I cannot accept the retribution argument because nothing is to be gained by committing the same act as that of which the offender has been found guilty.

I have been asked what I would do if somebody killed a member of my family. I do not know what I would do. I have no idea, but I know that I would not pull the lever to hang a person who was found guilty of the crime.

I knew Mrs. Nolte, who has been mentioned several times in this debate. She had been completely destroyed and had lost everything she loved in the world. When the men were captured, she said, "Hang them". I saw her after she retracted that statement. She realized that

nothing would be gained; that she had lost but that the death of the two men would bring her nothing.

As I said, if I were in the same position, I do not know what I would do, what I would feel, think or say. I suggest that no member of this House, and I know most honorable members fairly well, could actually pull the lever on the gallows. When the tumult and the shouting dies and the moment of truth arrives, I know of no honorable member who would in fact pull the lever to execute a person.

Many years ago, I attended the war crimes trials in New Britain. The Japanese prisoners had been captured, fairly tried and found guilty of heinous offences, shocking crimes which ranged from cannibalism to mass slaughter of prisoners, many of them our own troops. They had received a fair trial, had been convicted and sentenced to death.

Later, we were told that volunteers were required for a firing squad to carry out the executions. The officer in charge told us that there was no need to worry about what happened as twelve rifles would be placed on a table, twelve servicemen would each take a rifle and file into a room where the prisoners would be bound, with white discs placed over their hearts. On the order "fire" each soldier was to fire his rifle. Following that they would march out and place the rifles on a table in another room. We were told that if our conscience bothered us we should not worry because there was no way of knowing who fired the fatal shots as four of the rifles were loaded with blank cartridges. I could not do that, nor could most of the men in my unit, some of whom for years had gory experiences at the hands of the enemy. They had seen their mates killed and I do not know of anybody who volunteered for the task. I suppose the Japanese were executed, but I could not do it, nor could I pull the lever on a man who had been convicted of murder.

We must give a lead and instil in our society the importance of the sanctity of human life. Life must always be regarded as precious. To hang a person purely for revenge is barbaric.

I do not adopt a weak approach on the punishment of criminals. Imprisonment and incarceration for a long period are possibly a greater deterrent than the threat of execution. Criminals must be punished. The honorable member for Gisborne said yesterday that when the Bill is passed honorable members will have a great duty heaped upon them. Then we must take a long hard look at the penalties that may be imposed in lieu of the death penalty, examine better detection methods and give greater support and more modern equipment to our Police Force. Moreover, we must attempt to gain greater public support for our crime-detection agencies. As has been said, violence begets violence.

I hope that this question will be resolved today because it is too important to be shelved. Honorable members must make a decision today and I hope it will be in favour of the Bill.

Mr. FORDHAM (Footscray): I am privileged in being able to participate in this historic debate. Honorable members who have spoken before me have spoken with sincerity and there have been some magnificent contributions to the debate on this important issue. I hope and pray that my privilege will not be just to participate in the debate, but that my vote will be one which forms the majority against capital punishment and so allow the Bill to pass. I hope this Assembly and this Parliament will recognize, hopefully today, the utter and complete futility of capital punishment as a device by the State or by mankind against his fellow man, that killing in any form is to be condemned, that the arguments about vengeance and deterrent can be put aside for ever and that the

gallows that have stood for so long in Victoria can be destroyed once and for all.

I thought the question of vengeance would not be raised. When I prepared my notes for this debate, I did not believe honorable members would argue in any meaningful way about vengeance being a legitimate ground for the continuance of capital punishment in Victoria. It saddens me to hear honorable members put forward vengeance as a reason for killing a fellow member of the human race. The so-called compassion for the victim and for the victim's family is to override everything else—to override the rest of humanity and our responsibility to the future of all mankind. We become so lost in the act of a misguided fool and so full of vengeance to make him suffer for that act that we forget the rest of humanity and the life ahead of us.

No coherent, social or religious philosophy today puts forward capital punishment as a legitimate act of vengeance. Other speakers have mentioned the view of the Methodist Church and of the Presbyterian Church, and I assure the House that the Anglican Church in this diocese has repeatedly opposed capital punishment. Successive archbishops of the Roman Catholic Church in Melbourne have opposed capital punishment. That is a fact of life. As I have said, no coherent, religious philosophy in our society condones capital punishment as an act of vengeance by man against his fellow man. I believe that vengeance, instead of reflecting so-called compassion for the dead, and for the family of the dead, denies compassion for the person who is to suffer by capital punishment and denies compassion for the human race and for persons involved in any decision of this nature.

On the question of capital punishment as a deterrent, I would hope that the arguments put forward by honorable members must lead one to the conclusion that there is no

case for saying that capital punishment has a unique deterrent effect on crime in Victoria. The onus surely lies on those who want to kill someone else in the name of the State to show that it acts as a deterrent. But no statistics have been put forward that can possibly justify one coming to that conclusion, that could possibly justify one taking the step of pulling a rope or killing another member of the human race. The fact is that it is just not valid to argue that capital punishment will act as a deterrent. If it is not a fact, how can honorable members possibly consider the continuance of capital punishment in Victoria?

I believe that capital punishment, in its roots and background, reflects a fear by man of the threat to his life and property by his fellow man. This is why 100 years ago there were 200-odd capital offences in Britain and so many in this State.

We have come to learn that that fear cannot be overcome by the use of capital punishment, that it can be overcome only by a redistribution of the wealth and the goods of our society so that those who do not have the benefits and privileges can enjoy some benefits of our new life. The majority of people consider that life is worth living and is worth fighting for. We have also come to learn that more must be done to make mental and general health facilities available in society, that we have other options open for treating persons who alienate themselves from the rest of society by committing the terrible act of murder in one form or another.

I do not intend to quote from learned works; there have been plenty of those in this debate and I have welcomed them. I do not intend to quote reams of statistics that one could quote; there have been plenty of them which to me have been quite conclusive. I want to make clear in the record of this Parliament my belief, conscientiously arrived at, in the absolute indivisibility of the human race, that not so much from

the actions but from the inactions of society in the past some men have become alienated from the main stream of the human race.

The way to overcome that alienation is not to kill them or to put them in the back of our minds—far from it. I come to this conclusion as a Socialist, as one who regards himself as a liberal humanist, but above all I come to this conclusion as a Christian. I sincerely believe that if one looks at the facts, if one thinks about it rather than acting in some intemperate way, one must come to the conclusion that the care and compassion of mankind to which we so often pay lip service must be lived through in our lives, in every detail of legislation that is on the statute-book of this State, and that to retain capital punishment is to negate that care and compassion for the future of mankind.

I am an optimist and I hope the majority of members of the Assembly are optimists in their attitude to the future of mankind. But we cannot be optimists if we have to kill or put away from the rest of the world a person in this way by the use of the gallows. The killing of a fellow member of our society solves nothing. I believe we must come to the conclusion that this Bill should be passed.

The first amendment, moved by the Leader of the Country Party, attempts only to defer the issue. No longer should it be deferred. Boards and inquiries and a whole host of examinations have been held on this important issue. Nothing new can be brought forward. It would be ridiculous for us to defer a decision.

The amendment proposed by the honorable member for Oakleigh, the Minister of Health, once again evades the issue. It was contemptible of him to misquote Koestler. How could the honorable gentleman possibly use Koestler as an argument and then move an amendment which did not wholeheartedly support the abolition of capital punishment? That amendment has no substance; further, there

should not be the differentiation proposed. The investigations that have examined the question of prison officers and police officers have come to the conclusion that there should not be that distinction.

I come down unashamedly on the side of persons who struggle and strive to make a better society, who realize there will be mistakes and who acknowledge that there will be murder. There will probably be a murder next week in this State—certainly in this country. I realize that capital punishment, or the retention of this brutality by the State against the individual in our society, will not stop that murder. It is not a deterrent and one cannot use vengeance, either, as a justification.

Man is at his greatest when he is concerned with mercy. The quality of mercy is the driving impetus of man as against the animal life of this planet. We must display that mercy. We must keep it paramount in our minds when we vote on this issue. The cry of humanity is to abolish capital punishment. This Assembly has the opportunity of once and for all removing it from the statute-book of Victoria. I hope the Assembly will grasp that opportunity and that we will never again have this scourge in our society. I wholeheartedly welcome the Bill. I congratulate the Premier on introducing it and I hope the Assembly will pass it.

Mr. BORTHWICK (Minister for Conservation): I agree completely with the sentiments expressed initially by the previous speaker, that it is a privilege for honorable members to participate in this open debate.

I listened intently to the debate yesterday and today, and in some instances my views have been reinforced, but in others doubts have been raised in my mind. It is a little like a comment that Einstein once made, that the only certainty he had was uncertainty. He was never positively certain that he was right and that others were wrong. I greatly respect and admire the people who have taken

strongly differing points of view. I do not intend to speak at length. A decision on this issue must be made by this Parliament.

I have always been an admirer of Edmund Burke. Anyone who has read reports of his speeches could not fail to be impressed with the one he made to the electors of Bristol on 3rd November, 1774—just over 200 years ago—on the declaration of the Parliament. The following words are an extract from that speech—

Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.

The honorable member for St. Kilda—the Minister for Youth, Sport and Recreation—said that he and his wife disagreed on the subject of capital punishment. My wife and I also disagree. I do not wish to be provocative, but it alarms me to think that seventeen people on one side of the House hold the same point of view. I do not say that in a political sense because it is my experience that husbands and wives differ in their views. So many different views are held on this subject that, as a humanist, I find it difficult to understand how seventeen men sitting on one side of the House could hold identical views. I do not say that as a criticism; it just happens that I hold the same view as those seventeen men.

Honorable members have heard a good deal about respect for the law, the fears of people about the era in which we live and the slackening of respect for the law. To me this is not a question of respect for the law but of respect for life, of hope for mankind rather than despair for it. To me it is question of faith and belief in the unique quality of man to strive towards greater goals, to reach a higher plane. Over myriads of years, man has taken part in the evolutionary process and has emerged from the cave. His movement forward has never been steady and predictable.

The history of mankind reveals that in some centuries the bulk of the people went into recession during the

evolutionary movement, when deep troughs occurred. Those honorable members who have been involved in war and have had the shattering experience of taking life know the ease with which that can be done under given circumstances. It is recognized that the war periods were the troughs and recession periods in the evolutionary climb towards the higher aspirations of all good men.

As I mentioned before, in my view, on the one hand, one cannot be absolutely certain that one's view is correct. On the other hand, I am not fearful for man. Friends hold different views; wives and husbands differ in opinion, and the amazing and wonderful thing about this debate is that no one yet has scorned the difference. Proponents of all sides of the debate have recognized the validity of the opposing view. The honorable member for St. Kilda—the Minister for Youth, Sport and Recreation—said that in the ultimate decision, many would be guided by what he called gut feelings, how one feels on a particular issue.

At least recognizing uncertainty, I make up my mind on the grounds on which I have already spoken. I see the abolition of capital punishment as another almost faltering step; a reaffirmation in my own mind that there is a purpose in the life of man. There must be more of the spirit, compassion, sensitivity and heart if there is to be a purpose in striving for values which man alone is equipped to reason upon and to be inspired by. In saying that I yield to no person in my identification with victims of murder and their families. The sentiments that I express apply to all people, and if they were carried through to the ultimate, there would never be a murder trial in Victoria or anywhere else in the world. That is the aspiration by which we stand.

I cannot support my argument or how I feel with logic and statistics; I do not think that is necessary in my instance. I might say that on this issue a decade ago I would have voted against the Bill, like the honorable

member for Swan Hill. I recall having to think about capital punishment at the time the Tait case occurred. The previous hanging, which occurred when the honorable member for Benambra was Attorney-General, took place when I was a young man and did not cause me to reflect on capital punishment. At that stage of my life I accepted capital punishment as the norm, as being part of society and part of people's attitudes. It was not until, like many other people, I had to face precisely what was involved, as in the cases of Tait and Ryan, that I came to grips with my own thinking, and it was not an easy experience. I find this debate today not an easy experience, but a privilege.

The debate is an historic one. Like the honorable member for Footscray and other speakers, I hope that my vote rests on the side of the majority.

Sir EDGAR TANNER (Caulfield): There are times when men in public places should in public places plainly speak their minds, and this is such an occasion. I am not prepared to support the Bill in its present form, because I believe it provides an opportunity for the avoidance of duty.

It is proper at this time, I believe, to remember what murder is. Murder is the killing of a human being with premeditated malice, and if someone kills in that fashion he should be liable to capital punishment.

Underlying the speeches of all members of the House who have spoken in favour of the Bill, has been compassion—compassion for the murderer, and a compassion which, I believe, will in the long run be taken advantage of by a murderer to deny the rights of lawful citizens to live in peace and the rights of women and children to go their way without fear.

I ask: Why is there sympathy for the murderer? It is proposed in the Bill that the murderer will live. Of course he will live in prison, his victim being dead. His relatives will visit him in prison; the victim's relatives will visit the

cemetery. This state of affairs cannot be allowed to be through weakness on the part of authority. I call for capital punishment on hired assassins, police slayers, prisoners serving life terms who kill guards, mass and repeat murderers, train wreckers, killers of a witness to a crime, people who commit murder during rape, robbery, kidnapping, burglary, or lewd acts involving children, and hijackers of a plane. I invite any member to rise in his place and tell me why these brutes should be excused.

Mr. TREZISE (Geelong North): I am very proud to enter this historic debate today to record my support for the abolition of capital punishment in Victoria. I trust that in 1975, after 120 years of State government, the days of hanging a human being at the end of a rope in Victoria will disappear, in favour of a future of human understanding by a so-called self-professed Christian community under a self-confessed Christian Parliament, and that the gallows in Victoria will be abolished for ever.

The Legislative Assembly can be very proud of the debate that has taken place and of the speeches that have been made on both sides. There have been very many outstanding speakers—I mention the Premier, the Leader of the Opposition, the Leader of the Country Party and the member for Albert Park—and two magnificent contributions to the debate have been made by the honorable member for Melbourne and the honorable member for St. Kilda—the Minister for Youth, Sport and Recreation.

I am totally opposed, and always have been, to capital punishment. I do not agree with people like the previous speaker who say that it is justifiable to kill a person because he kills someone else. I cannot accept the theory that it is not proper for someone to kill, but that after a killing it is proper for the State to kill the murderer. If it is murder for one person, it is murder for the person who afterwards kills the

murderer. It is not only the hooded hangman who is guilty of murder in the second place; those individuals who direct the hangman to carry out the murder of the person concerned are also guilty.

Yesterday we listened to members, one in particular, justifying the decision made in the 1950s for the triple hanging of three Sydney persons, Clayton, Andrews and Jean Lee. I had the fullest sympathy for the murdered person, who was a book-maker at Carlton. I agree it was a callous murder—an unjustified, cruel and senseless act—but the hanging of those people was also cruel, senseless and torturous, particularly when one considers that Jean Lee was carried strapped to a chair to the gallows. Many people in the community believe that on that historic day Jean Lee was not executed by the rope but had passed away before she went to the gallows.

Honorable members have argued that if capital punishment is not retained there will be more murders than ever before. The honorable member for Melbourne fully answered that argument. Honorable members also tried to convince the House that if capital punishment were not retained there would be an increase in violence. I refer to the most recent hanging in this State, that of Ronald Ryan a few years ago. That is still in the memory of many members who were then in Parliament. I believe the murder of Ronald Ryan by the State of Victoria did not reduce violence but in fact increased it. The hanging of Ronald Ryan would not deter a person from committing a murder for fear that he might be hanged. O'Meally was sentenced to gaol. I return to that historic time when Ronald Ryan was found guilty at his trial by a jury, a majority of whose members had been led to believe, rightly or wrongly, by the trial judge that if they found Ronald Ryan guilty of murder he would not hang.

Mr. ROSS-EDWARDS: How could any indication be given of that?

Mr. TREZISE: The records show that the counsel concerned informed the jurors that if they convicted Ronald Ryan he would hang. The judge corrected that statement by saying that he wanted to assure the jury that the statement was not necessarily correct. When Ronald Ryan was sentenced to hang, and this was confirmed by the Executive Council, the majority of the men on the jury took action to save him from the rope because they believed when they found him guilty of murder that he would not hang.

Mr. ROSS-EDWARDS: They were as muddled as you are.

Mr. TREZISE: If the members of the jury had believed Ronald Ryan would hang, they would probably have found him not guilty. That again explodes the argument of those people who are in favor of retaining capital punishment. I mention the Ronald Ryan case because it is the most recent hanging in our memory. I refer to that dreadful day. I do not think that we, whatever our views, and I trust the rest of the community—

Mr. RAFFERTY: Who are "we"?

Mr. TREZISE: Those for and those against hanging. I invite the House to consider the dreadful day when Ronald Ryan was hanged. I do not want to elaborate on this aspect too much but to point out a few facts and then examine the effect that hanging had on the community. At 7 o'clock on the fateful morning, Ronald Ryan was taken from his bed. He refused breakfast because it had been thought that Jean Lee had been drugged before she was taken to the gallows and he did not wish to be drugged also. After refusing breakfast he was taken, like an animal being taken to the abattoirs, from "H" division by prison van to the gallows, some quarter of a mile distant.

This brave man was then taken to a cell adjacent to the scaffold. Although I refer to Ryan as a brave man, I should point out that I have full sympathy for the victim. I recognize

that Ronald Ryan had committed a crime and deserved to be punished. However, he was still brave for the act in which he participated on that day. When this man went to the cell beside the gallows he spent the last hour of his life with his closest friend at the time—a person who had been his closest friend for many months before. I am proud to say that the person in question is, and has been for 30 years, my closest friend. I refer to Father Brosnan. For the last hour of his life, Ronald Ryan was in the company of Father Brosnan and when he was taken from the cell to go to the scaffold, as he walked out he uttered words which I shall repeat so they can be recorded for history. He said—

It is hard to know which is better; that—
he was pointing to the gallows—

or 30 years in this loveless environment.

In other words, the sentence of the rope going around his neck and the subsequent breaking of his neck did not deter this man. At the last moment, he did not know, in his own sane mind, which was the worse deterrent. Surely that is a sufficient answer to arguments advanced by those who believe hanging should be retained because it will frighten people from committing the crime of murder. I do not support the argument that if a person knows that he will be hanged instead of spending a lifetime in prison he will not commit murder. Here was a man about to meet his Maker but he still did not know which fate was the worse.

The people who had made the decision to hang the man at the specified hour were not present to witness the execution of a human being. Perhaps they were somewhere else sipping champagne. In the words of one of them, at the time he was relaxing on the toilet. Honorable members cannot deny that those words were said because they appeared in the press at the time. Those persons were not keen to see this man drop on the end of a rope and quiver like a rabbit with its neck broken. They were somewhere else relaxing. They

held the belief that the act of execution would stop the murder of other people. However, the honorable member for Melbourne and the Minister for Youth, Sport and Recreation have pointed out that the rate of murders committed in the community following the hanging has not dropped. There is no proof that the action taken on that occasion deterred anyone else from committing murder.

I propose to consider the other effect of the execution at Pentridge of Ronald Ryan. I refer to the effect it had on the people who watched the execution. What effect would it have on the governor of the gaol, the chief security officer who was in charge of the hanging, the chief of "H" division where Ronald Ryan waited for his execution and the sheriff of the prison. The effect of the execution had such a detrimental effect on those people that shortly afterwards two died from heart attacks, another was retired because of ill health and another eventually lost his position over the whole of the circumstances.

Mr. SKEGGS: How did that come about?

Mr. TREZISE: It had such an effect on those people because they were so involved. They had to stand there and watch this man meet his Maker.

Mr. SKEGGS: How can you say the execution had those effects on the persons concerned?

Mr. TREZISE: It had a personal effect on everyone. Although it may not be possible to relate what subsequently happened to the execution, it still opens up the whole question and I believe we should look at the whole situation. The arguments have been covered in an excellent fashion by honorable members from all parties, particularly the honorable members I mentioned.

Mr. ROSSITER: Up till now!

Mr. TREZISE: The Chief Secretary, as a member of Cabinet, has a responsibility before the debate concludes to express his views so that

honorable members will know not merely whether he votes "Yes" or "No", but also the argument in which he believes. I believe all honorable members should state their views on this important question.

With other honorable members who have voiced their objection to it I oppose the amendment because I believe it serves no purpose in determining the issue. The House is debating whether capital punishment should be retained or abolished forever. There is no in-between decision; it must be either "Yes" or "No". Whatever the crime, either the offender must be punished with capital punishment or that punishment must be thrown out altogether.

Honorable members from all sides of the House who believe in their own conscience that the present position should not prevail and that capital punishment should be abolished will vote for the Bill. I believe at some time in the future capital punishment will be abolished in Victoria. I trust that today, in this year of 1975, will be a most historic day for Victoria.

Mr. RAFFERTY (Minister of Labour and Industry): Every honorable member who has spoken in this debate today has recognized the importance of the occasion. It is important for two specific reasons, firstly, because of the very nature of the contents of the Bill, which is probably the most important measure to be debated in this House for some time, and, secondly, because there is a free vote on the Bill. I believe this to be an outstanding occasion because it means, as I understand it, that each honorable member will express views which he believes are dictated to him by his conscience. Further, his views will be accepted by every member of the Parliament, just in the same way as he will respect the views expressed by other honorable members.

It is customary for lobbying to be conducted in relation to matters of legislative importance but this is an

occasion when that element is not present. With a free vote each honorable member has the right to express his view without recrimination from anybody else.

In the twenty years that I have been in Parliament I have thought a great deal about this subject, particularly over the past ten years when it has been my privilege to sit around the Cabinet table and take part in decisions which have had to be made when cases involving the death sentence were brought before Cabinet for commutation. On many occasions I have thought of the responsibility which is cast upon a member of Cabinet who must determine whether a sentence should be commuted. That is a heavy task and I believe every honorable member who has had to undertake it has had to do an immense amount of soul-searching and thinking on the subject.

Over the past ten years, and particularly the past four or five years, I have devoted much time to examining the subject. By reading and by listening to what other people say, I have endeavoured to determine to the best of my ability and conscience the way I believe this subject ought to be handled in our community. Many excellent speeches have been made in this debate. Honorable members have heard the statistics that are available. They have heard of and recognized well the severity and ferocity of certain crimes, and know well the feeling of disgust that pervades the community and the minds of those of us who learn from time to time of the terrible murders which are committed. We all recognize that, unfortunately, despite what action might be taken by this Parliament, other murders will occur in the future.

Over the past four or five years in particular, my views in relation to this matter have changed. I believe when I first came into this Parliament I would without much thought have readily agreed that capital punishment should obtain. It has taken me

a long time to change that view but now I have done so. I believe in this State capital punishment for all practical purposes is finished and I cannot find it in my conscience to believe that capital punishment achieves the deterrence that I once believed it did achieve.

In assessing this matter I have found that it would be a lot easier for me to say that I support the retention of capital punishment. I find it hard to say that I reject the retention of capital punishment but I have chosen to support the Bill because in my conscience I believe it is the right thing to do. It is extremely difficult for me to say that I speak for the majority of people in my electorate. I have spoken to many of them and they hold differing views on this important matter. However, I honestly believe I speak for the majority of those people. This is a matter that the Parliament should decide and for that reason I am not in favour of the amendment that has been moved by the Country Party. I support the Bill.

Mr. McLAREN (Bennettswood): As a matter of both consideration and conscience, I support the Bill and reject the amendment. I do so in light of a considerable amount of thought over many years and I should like to express my views on this matter fairly briefly.

I congratulate the many members who have spoken both for and against this Bill. Because the debate has been largely, almost completely, rational those views have been expressed in great detail, and with a great deal of illustration, and I suggest later speakers like myself should not enter into those detailed matters but should deal perhaps with some of the principles associated with the issue.

In this world in which men have violent relations with other men, exist two areas of great concern which are also the titles of great books. I refer to *War and Peace* and *Crime and Punishment*. I should like briefly to mention the first because it is related

to the matter at present under discussion. In my early twenties and since then I have had the opportunity of attending a number of international conferences and I always thought there was a need in the community for people to have more understanding. Probably more of this quality is needed in relation to aspects of the Bill under consideration. It is necessary for us to face up to the violence at present occurring in the community. Although everyone hates wars, at times they are necessary. We should be preparing ourselves to obviate struggles of this kind in an endeavour to have peace and, if necessary, preparedness at the same time.

In regard to crime and punishment which we are considering today, I should like firstly to say that society lays down complex rules as to how we should live with one another. From time to time the community must deal with violence and hand out punishment. Punishment is meted out in various forms, by incarceration, physical punishment, and execution in many cases. These are some of the factors that honorable members must consider in relation to this Bill.

All honorable members realize that there is a continuing presence of crime in the community and no doubt there always will be. Therefore, we cannot just wipe it off. It is something that exists in the nature of man and we as members of Parliament, have a responsibility to face up to the handling of crime and criminals who come within the jurisdiction of the State.

I should like to cover five points as to the reasons why I have made this decision. Firstly, for the past 30 years I have been a student of the history of crime and during that time, as some honorable members may know, I have accumulated what is perhaps one of the largest private collections on crime relating to Australia and overseas. My reading on this shows me that the present phase

in the history of society is in fact passing out. If one considers the early history of Australia, one realizes that the 165,000 convicts transported to Australia up to 1866 were in fact rejects of the English scaffold. Our beginnings in this country relied on the fact that justice, even at that time, from the late eighteenth century to 1866, saw fit to transfer people to this continent rather than to hang them and finish their lives immediately.

From that time the number of offences punishable by death has been reduced from 200 to a relatively small number and I think this has been largely due to the changes that have taken place in society, the fact that we have become a more egalitarian society and that we have to a large extent got away from the type of society that existed in the late eighteenth century that perpetrated so many of these acts upon people.

Secondly, in my personal view, it is unlikely, in fact almost impossible, that the death penalty will again be imposed in Victoria. Enough has been said of what happened in 1966. I think that will be the last occasion on which capital punishment operated in Victoria. Thirdly, I reject the proposition that the death penalty is a deterrent. Many points have been put one way or the other on this issue. It is largely a matter of personal opinion. As many honorable members have said, it is not a matter of statistics but of assessment and opinion. This lies largely in the area of our personal conscience. Therefore, I reject this proposal.

The other points that I make are personal ones which I consider have affected my life and influenced my decision on this issue. For many years, I had close personal contact with His Honour Mr. Justice John Vincent Barry, who has been mentioned in this House on several occasions. I had the opportunity of meeting with him regularly at his home and mine in our joint interest in crime, its prevention and punishment. Australia owes a great debt

to the late John Vincent Barry for the contributions which he made to a change in attitude in this State to the penal system and the death penalty. He made a contribution historically in his great books on John Price, who was notorious in the 1850s, and the great reformer, Alexander Maconochie of Norfolk Island. These two books have become world famous because of their approach to the criminal problems of that era. They indicate how the problems of the time should not be perpetuated in the present. I pay tribute to the late Sir John Barry for the contribution that he made in this regard and to me personally.

The other factor which had a great effect on me was when I met a number of men at Pentridge Prison in the early 1950s. I had the opportunity of being the founder or the mentor of the Latrobe Debating Club at Pentridge Prison in 1953 when I was asked to help to bring the outside world to Pentridge. I clearly remember 3rd September, 1953, when I was ushered into the cell that is still there in A division of Pentridge. I saw twelve men in grey uniforms. The door was locked and bolted. I heard the noise of the bolt and looked around. In the corner of the room I saw the old triangle which in earlier days had been used for floggings but fortunately is no longer used. These twelve men became my friends. Honorable members who know the history of debating in this State will have heard of the Latrobe Debating Club. The club was named after Victoria's first Lieutenant-Governor; during whose period of office Pentridge Prison was built. I say this with all due respect to the honorable member for Coburg. Three of those twelve men were life prisoners who had been convicted of murder. Two of them were first-class debaters. I am sure that Mr. John Bryan Kerr will not mind my mentioning his name as being the first president and leader of that group and one who gave inspiration to the others. He led the move to have the Latrobe

Debating Club entered in the A grade Victorian debating championships. In the first year they were runners up. In 1955 they were Victorian champions.

I see those men in my mind even today, and from time to time as I worked and spoke with them I thought of what would have happened if the death penalty had been imposed in their cases. These vibrant men were paying for their crimes, which they themselves acknowledged, as part of their responsibility to society as a whole. Two of those men are back in society, despite the fact that they were incarcerated for this long period. I have had the opportunity of meeting one; I do not know what has happened to the other. I am sure they are good and responsible citizens. Even today I have in my archives five volumes containing the early history of the Latrobe Debating Club, written by one of those men in his own hand. These men had a tremendous influence on my life and in determining my approach to this issue today. I cannot accept that these vibrant lives should have been lost. We must all decide how we feel about these people. It is a matter of conscience and reason. Surely this mad world needs more reason. It is also a matter of moral and Christian judgment, and of logic and compassion. It is perhaps not one of retribution. Those who break the laws of society must be accountable for their errors or their violence, but in my view this does not include the licence to take a life.

Mr. BIRRELL (Geelong) : I compliment those responsible for arranging the debate in such a way that there is free and open discussion with no other motive than to express individual opinions. For that honorable members must be thankful. Incidentally, when speaking to Federal members of Parliament on the issue of a free vote, one finds that in Canberra over the past twenty years the most interesting and informative debate ever held concerned the site of the new Parliament House. There

were no party strictures on that debate. This practice might well be observed more often if it can be arranged.

I compliment all honorable members who have participated in the debate, without fear or favour. I believe they have expressed their personal opinions as I intend to do. One subject which I believe is relevant is the position of ex-servicemen. The Deputy Leader of the Opposition referred to this subject early in his address. It is somewhat of an anomaly in a discussion on capital punishment that if there were some type of national distress all honorable members would rush into Bourke Street and cheer those who were going away to defend our civilization, even our nation. There would be no divisions between the Labor, Liberal or Country parties. In this situation the plaudits of the crowd would be for those trained to be takers of human life.

Mr. JONES: That is not fair and it is not true.

Mr. BIRRELL: I believe it is relevant. There are some points of moral observation, because in 1939-45 it could be argued morally with some persuasion that this was the moral course of action for good men to take. In 1939, even before war broke out, as a lad of sixteen I went into uniform. I cannot help thinking that that was a vital moral decision. When I look back on history and see the results of the decisions of millions of men like me, because the future of a moral world as against a totally immoral one was at stake, I cannot help feeling that morality was in fact achieved by rather immoral means, if that is a fair observation. Accordingly, we must relate our own observations to capital punishment in the widest field of society.

Leaving that aside, I ask myself what other avenues do I take to support my personal opinion that the Bill should be rejected, which is the way I shall be voting. Alongside me I have a reverend gentleman, who admittedly is no longer in full pursuit of

his earlier career but who I listened to with great interest last night. The honorable member for Ringwood put up a good case and yet I must come back to the Mosaic law—its greatest proponent was Jesus himself, who came not to oppose or denigrate the law but to fulfil it himself. They are his words. It is here that I part company with my colleague and look at the 39 articles of the Church of England. These are the principles which are permanent, unchangeable and unchanged and I desire to quote Article 37.

Mr. GINIFER: That was the time of the Divine Right of Kings.

Mr. BIRRELL: I am quoting from the Book of Common Prayer which incorporates the 39 articles. If we are arguing Christian morality, these articles have some permanence and cannot be changed here and there. They were devised at a time of great flowering of the Christian spirit in England. I do not suggest that my good friend, the honorable member for Ringwood, would denigrate them, but he is the odd man out, so to speak. Article 37 states—

The laws of the realm may punish Christian men with death for heinous and grievous offences.

The following article is quite understandable—

It is lawful for Christian men at the command of the magistrate to wear weapons and serve in the wars.

I do not suggest that the honorable member for Ringwood is denigrating his office at all. I might even be generous enough to suggest, as was said of John the Baptist, "No better man had ever dwelt amongst them". Perhaps I could use the clerical term that the honorable member is in error rather than I. Perhaps I can stand here and proclaim that I am just as right as he in this regard and that mine is another Christian viewpoint.

This leads me to the timing of the debate. The debate is occurring when, in the past few years, and particularly the last year or so, new types of crime have emerged in many countries, and this fact must impinge

on our minds. I refer to the professional assassin, the murderer for profit, the hijacker and the terrorist who may calmly throw a bomb into a crowd knowing that many people may die, and many may sustain serious injuries and lose limbs thereby. With this sort of development in crime, it would be wise to keep on the statute-book, the penalties that have been used in the past. This is not the right time to erase what is after all a reserve power. As other honorable members have said, all we are talking about is a reserve power because very little evidence exists to suggest that the death sentence will actually be carried out in this State.

Mr. ROPER: Then why keep it?

Mr. BIRRELL: For the good reason that there might well be circumstances with the development of crime along lines established in overseas countries where it might be necessary to invoke the penalty. The sort of things that are happening overseas could well occur here in future and a terrorist could well throw away the usual rules. If the Bill is agreed to, such a person would be placed behind bars, but in this modern world of terror or guerrilla warfare, the terrorists would have available the opportunity of kidnapping the person who had been gaoled and standing over people and murdering people merely because capital punishment had not been carried out in the first place.

Mr. WILKES: That has nothing to do with it.

Mr. BIRRELL: I think it has. The debate has been of a high standard and such interjections should not be made. I listened intently to the sincere remarks of the Deputy Leader of the Opposition.

Mr. WILKES: I apologize and intimate that I disagree with the honorable member.

Mr. BIRRELL: A free vote is involved and I do not want to argue with any honorable member on the matter. The tendency in the modern world, for new types of crime to be

committed is one further reason why the present law should be maintained and supported. In my deeper heart, or my gut feeling, if you like, I have some certainty that my opinion will best serve the interests of society in its totality.

Mr. JONES: And throughout the world.

Mr. BIRRELL: I am talking about the law of Victoria.

Mr. JONES: You are talking about hijackings overseas.

Mr. BIRRELL: But one does not know when this reserve power might be needed here, because those crimes may occur in this country. The reserve power is needed, and I believe the best interests of the people will be served by keeping on the statute-book the reserve power to impose the ultimate punishment.

Mr. BAXTER (Murray Valley): I enter the debate at this stage only because some members supporting the Bill have misrepresented the views of those who oppose it. I do not suggest that they did so deliberately, but I have listened to almost every speech made during the debate, and it has often been suggested that opponents of the Bill are seeking vengeance or revenge. I do not hold that view. I certainly do not want revenge upon the convicted murderer, and that is not the reason I oppose the Bill introduced by the Premier.

It has been said by many speakers that opponents of the Bill believe that capital punishment acts as a deterrent. I should have thought that many speakers who hold the same views as I do have made it clear that most of us consider that it cannot be proved that capital punishment is a deterrent, and that is not the reason why we oppose the Bill. Some excellent speeches have been made in emotional and theoretical terms, and there is a good deal to commend in them if one does not look further. I look in practical terms at the current situation and consider what it will become if capital punishment is abolished.

I make it clear that I refer to capital punishment, not hanging. Gruesome pictures have been painted about hanging. Any means of taking a person's life by capital punishment is probably gruesome, and the fact that hanging is the method used in Victoria at present is an issue separate from this debate. I believe that there must be an ultimate penalty, and that that penalty must be capital punishment, however it is administered.

If a convicted murderer is incarcerated in Pentridge Prison for the term of his natural life, whatever that phrase means—in the past some of those sentences have turned out to be very short—and if that is the ultimate penalty, there is nothing more that can happen to that person. Therefore, there is nothing to stop him from engaging in a “thrill kill” of a warder, a policeman, a fellow inmate or, in the event of an escape, an innocent person in the street. If there is no ultimate penalty of capital punishment, many innocent people will be put at risk. That is my main basis for wanting to retain capital punishment on the statute-book, because it is a safety device for the rest of the community. Surely one ought to be concerned with preserving the lives and the rights of the remainder of the community.

Some members have tried to paint the black and white picture that if capital punishment is retained a man must lose his life. That is what has been happening in Victoria for 50 years. Some members have gone to extreme pains to point out that the majority of murders take place on the spur of the moment and that therefore it is unfair to impose capital punishment on those people. I do not deny that most murders are unpremeditated, but how many persons have been hanged after having been convicted of that type of murder? I suggest that a large number of hangings in Victoria have been for murders which were particularly vicious or cruel. To say that by retaining

capital punishment on the statute-book one is committing to the gallows people who have committed unpremeditated murder is erroneous. While the capital punishment system is in operation, the case of every convicted murderer will be examined on its merits and thus a safety valve will be provided.

It has been pointed out by various speakers, including the honorable members for Benambra and Shepparton, that no one knows what sort of violence is going to erupt, hopefully not in the near future, but in the years ahead. One has only to look around the world to see what is occurring. I believe the ultimate penalty should be retained in case it is ever needed. I do not say that it has a deterrent value, because that cannot be proved.

I do not intend to deal with many of the arguments advanced by honorable members supporting the Bill. The honorable member for St. Kilda—the Minister for Youth, Sport and Recreation—went to great lengths to quote from the debate which took place in the House of Commons in 1974 when the House voted against the restoration of capital punishment in England. As most honorable members know, I have just returned from eight weeks in London and I can state, without thinking I could possibly be wrong, that if the issue were voted on again in the House of Commons tomorrow, capital punishment would be returned. I say that after having spoken with taxi drivers, barmen and other people.

When the House of Commons voted on the issue in December, 1974, the Irish Republican Army was not bombing London; it is now doing so. I was in London when the bomb exploded in Selfridges. Miraculously, no one was seriously injured, but the time is approaching when violent bombings will occur without warning and dozens of innocent people are likely to be killed or seriously wounded. There is a distinct change in attitude in England now about the return to capital punishment.

Mr. Baxter.

Honorable members laughed when I said that my attitude was formed from the opinions of people I had spoken to, such as taxi drivers. There was even laughter from the gallery. The same attitude exists in Australia among the bulk of people whom honorable members in this House represent. A poll was conducted on television last night. No one suggests it was scientific, but the figures it revealed were illuminating. People such as the honorable member for Heatherton, who have taken the trouble to canvass the opinions of their electors, have come up with startling figures, even on the opinions of young people. It has been bandied about in this Chamber that young people favour the abolition of capital punishment. Strangely enough, I have not found that to be the case in the electorate of Murray Valley; in fact I found the reverse to be the case.

Mr. DOUBE: No one knows you are there.

Mr. BAXTER: Unfortunately, the honorable member for Albert Park is basing his opinion of my ability to be known in my electorate on his inability to be known in his electorate.

I do not support the Bill in its present form. A while ago a comment was made by interjection about the amendment proposed by the Leader of the Country Party. I support the amendment, but I would be just as happy if it had not been proposed and I could vote against the Bill completely.

Some honorable member asserted that the amendment does not go far enough. I invite honorable members to read it more precisely. It provides that a specialist committee—certainly an expert committee—shall consider the abolition of capital punishment in all cases. The words used are “shall consider”. It does not say the committee shall recommend the abolition of capital punishment in all cases, but if the committee reported that it was of the considered opinion that capital punishment should not be abolished in

instances other than those named in the amendment, the committee would still be acting within the terms of this amendment.

Mr. WILKES: That is a political trick.

Mr. BAXTER: The Deputy Leader of the Opposition concedes one thing; I am right in my interpretation of the amendment.

Mr. WILKES: I concede nothing.

Mr. BAXTER: In his reply to the amendment the Premier said that there had been other committees which could not come up with the answer to this problem. We have never had a high-powered committee like the one set out in the amendment. If the committee reports to this Parliament that it cannot make a decision, or is not prepared to make a recommendation, then it is up to the House to make a decision. I am quite prepared to accept the amendment moved by the honorable member for Shepparton. If it is carried, well and good. If it is not carried, I shall vote against the Bill.

Mr. GINIFER (Deer Park): I rise, firstly, to make it clear that I support the Bill. I oppose the amendment moved by the honorable member for Shepparton, and I oppose any suggestion of shelving this issue until another time. I am prepared to stand up and be counted on the issue, and not put the Bill to one side for a period of time.

I can understand the attitude of those members of the Country Party and the Liberal Party who represent country electorates. They are foreshadowing the attitude of the people living in the environment from which they come.

Honorable members interjecting.

Mr. GINIFER: Those members reflect the attitude of residents in small country towns and a few large metropolitan or urban areas. Their attitude is characteristic of people who live an isolated life, as the farming community in small country towns does, and in areas

where there are no policemen, and members of the Country Party consider the problems which could face those people. The characteristic has been evident for a long time. I do not deny that they have the right to reflect that attitude when putting their point of view to this Parliament.

I should like to indicate the ground of my opposition to capital punishment. The attitude that I express reflects that of the people with whom I mix in my daily life. To a large extent they are migrants who are members of a work force that is utilized in heavy manufacturing industry, but they also have a variety of ethnic backgrounds and come from countries in which there is no death penalty. On numerous occasions these people have expressed to me the view that the situation in their former countries is the one in which they believe. This afternoon I am reflecting that opinion and I wish to take it one step further.

Some honorable members have been critical—some have been objective—about the attitude that has been adopted by persons such as myself. I want to make it perfectly clear that the view I am expressing today is one which I have held for many years. My appreciation of this matter, and this problem, and my overall understanding of the Victorian community, is within this context. Victorian law, Victorian statutes and Victorian standards have been based upon a Christian theme. If anyone wants to deny that, would he explain to me why we begin each sitting with the Speaker reciting the Lord's Prayer? Because of my own background, which has been based on the Christian theme, I have taken the attitude that no man or no community has the right to take the life of another.

I do not have to be pushed around by anyone concerning what I do because my life does not revolve around this Chamber or what it stands for. I am happy to serve it and to reflect the attitude of the

people whom I represent. I live in a wider context and within a wider environment than this. This Parliament is not the beginning and the end of my world. If the time ever comes when I am at variance with the political party which I have the honor to represent at present, I shall not remain in this Chamber. I shall give my political party the opportunity to replace me with a person who will not speak at variance with its policy.

I have put to the House what I honestly feel, what my sentiments are, what my background brings me to believe, and it is on this basis that I support the Bill which has been introduced by the Premier. I want to take that one step further. Everything said yesterday and today has reinforced my opinion concerning the abolition of capital punishment. Basically, punishment for crime has three ingredients; it is to reform or to deter; otherwise it has to express vengeance or retribution. They are three characteristics of punishment. It has been conclusively debated by all sections of this House that capital punishment does not meet those requirements.

The honorable member for Murray Valley indicated that there was a fourth criterion for capital punishment and that was to dispose of a person for the community's sake; not to put him into gaol, but to dispatch him from this world. I do not see that criterion. The honorable member said that there would not then be any risk of that person ever again repeating the crime of which he was found guilty.

I should also like to make this comment. If the law of the land prescribes that there should be capital punishment for certain crimes, I believe that statute should be carried out irrespective of the category of the crime. The final arbitrator should not be the Executive Council. The court should determine the penalty according to the law of the land, and it should not be left to the whims, emotions and feelings, or

otherwise, of the Executive Council as to what the final retribution of the State should be.

I wish to finish on this note: The community of the State of Victoria is one of the most enlightened communities in this world, and on each occasion when the State has carried out a hanging the whole community has gone into a type of soul-searching suffering. Suffering, in effect, tends to deflate or lower the aspirations of this community. It is for those reasons I believe each of us would feel better and understand the meaning of trying to lift the over-all character of the community if this penalty of capital punishment were removed from the statute-book of this State.

Mr. THOMPSON (Minister of Education): To allow further consideration of this most important debate, I move—

That the debate be adjourned until Tuesday next.

Mr. HOLDING (Leader of the Opposition): I agree that the debate is important, but the House has now been considering this matter for many hours. I can recall no other single issue which has been debated at this length. As the ebb and flow of the debate has proceeded, I believe it has become perfectly clear that at this stage most honorable members have made up their minds one way or the other. I would have thought the proper course would be not to adjourn the debate but to vote on this very important issue.

It is premature to move that the debate be adjourned because on the last few occasions not many honorable members have been rising to receive the call. If it is possible to conclude the debate today, it should be concluded. We should try to dispose of this matter so the people of Victoria will know the decision of the House.

I would have thought the proper course to follow at this stage would be to resolve the matter. In the cir-

cumstances the motion is slightly premature. I should hate to think any honorable member or group of honorable members was endeavouring to "play it hard" in order to avoid a decision being reached.

Mr. DUNSTAN (Minister of Public Works): Since the Deputy Premier has been in charge of the business of the House he has gone out of his way to try to organize its smooth running to suit members of all three parties. In this sessional period the honorable gentleman has made better arrangements for the convenience of all members than have ever been achieved in the past twenty years. That has been done with the co-operation of the other parties.

In speaking against the motion, the Leader of the Opposition is perhaps not considering the country members of his party, the Country Party or the Liberal Party. As the times for the sitting of the House have been circulated, indicating that it will be sitting on Tuesday, Wednesday and Thursday, many honorable members have made arrangements to catch trains at 5 p.m. I know one honorable member is booked to leave Tullamarine airport at 5.30 p.m. Many other country members will be inconvenienced if the motion is not agreed to. There is nothing certain in politics or in Parliament, but honorable members should be able to make arrangements with some certainty to leave the House between 4.30 p.m. and 5.30 p.m. I appeal to the Leader of the Opposition to consider country members and other members who have made arrangements to attend functions commencing at 5 p.m. or 6 p.m. That is why there should not be opposition to the adjournment of this debate.

I should add that a number of members of the Government party want to speak on this most important Bill. They should be given the opportunity and not have to debate against the clock, as they would be if the House continued to sit for another hour or two. It would not

be possible for the number of members who wish to speak to do so in that period.

Mr. HOLDING: How many members want to speak?

Mr. DUNSTAN: I am informed that Mr. Speaker has a list of fifteen honorable members who have indicated their desire to speak. If those honorable members spoke for only twenty minutes each the debate could not be concluded this evening. I appeal to the Leader of the Opposition.

Mr. ROSS-EDWARDS (Leader of the Country Party): When the House convened this morning some business had to be postponed to enable this debate to continue. The honorable member for Gippsland East asked the Deputy Premier what sitting arrangements were proposed for today because many honorable members—country members in particular—had trains and planes to catch tonight. The Deputy Premier replied that the House would rise at 4.30 p.m. and as there was not one word from members of the Opposition at that stage it can be taken for granted that they accepted that statement.

There is to be a free vote on this Bill. That was evidenced when the Minister of Agriculture stated last night that he spoke as the honorable member for Warrnambool. The honorable gentleman also referred to the honorable member for Kew and the honorable member for Shepparton, and I believe he was correct in doing so. Many honorable members of the three parties have not spoken.

There has been no greater critic of the Deputy Premier than myself over the way in which he has conducted the business of the House over the past couple of years. I do not want to repeat some of the dreadful things I have said about his organizing ability, but in all fairness, in this sessional period, he has done everything right. On Tuesdays the House has been rising at 10.30 p.m. or thereabouts. On Wednesday nights it is late and on Thursdays it continues until 4.30 p.m. or 5 p.m.

What the Leader of the Opposition is suggesting, in effect, is that the gag should be applied to the debate.

Mr. HOLDING: I did not say that.

Mr. ROSS-EDWARDS: That is what the Leader of the Opposition is implying. If the debate is to conclude at 4.30 p.m. or 5 p.m., at least fifteen honorable members will be prevented from speaking. So, by implication, the Leader of the Opposition is saying to forget about them; he is in a good position so let us have the vote. On other occasions, the Leader of the Opposition in all righteousness says how terrible it is for the gag to be moved. Now, when the Government proposes that the debate on this important issue be adjourned, the Leader of the Opposition is squealing.

Mr. WILKES (Northcote): The Leader of the Opposition opposed the adjournment of the debate in good faith. He was not aware how many honorable members were still to speak. Mr. Speaker, I draw your attention to the fact that, before the honorable member for Deer Park rose in his place to speak not one member on the Government side rose. Prior to that, when the honorable member for Murray Valley rose, no member of the Government party indicated that he or she wished to speak. Honorable members can only judge the situation on what they see and hear.

Mr. BURGIN: The honorable member knows everything.

Mr. WILKES: It is not what I know.

The SPEAKER (the Hon. K. H. Wheeler) Order! I was asked how many members had indicated that they desired to speak. The fact that they did so does not mean that they must stand, nor do I give the call according to the list because some honorable members may not be ready to proceed.

Mr. WILKES: Thank you, Mr. Speaker; that is precisely the point. It has always been the practice of this House, as a matter of courtesy, for a

member to advise the Speaker of his intentions, but it has also been the practice for honorable members to stand, indicating that they wish to speak.

In spite of what the Leader of the Country Party said, the Leader of the Opposition had every right to say, on behalf of himself and other members of his party, that he would prefer the debate to continue. He was not to know that fifteen honorable members had indicated to Mr. Speaker that they wanted to contribute to this debate. This morning I asked the Premier whether the Opposition was entitled to assume that a vote would be taken today, and I received an affirmative nod from the Premier. Of course, that nod does not appear in *Hansard*, but the question was put to the Premier this morning, just as it was put to him last night, on both occasions in good faith.

In spite of the importance of the debate and the importance of having this matter resolved as quickly as possible—no doubt the Government has other business to get on with—the Opposition would not want to deprive anybody of his right to put his point of view. The Leader of the Opposition has advised me that the Opposition does not oppose the motion for the adjournment of the debate.

The motion for the adjournment of the debate was agreed to, and it was ordered that the debate be adjourned until Tuesday, March 25.

ADJOURNMENT.

PERSONAL EXPLANATION — BUSINESS OF THE HOUSE.

Mr. THOMPSON (Minister of Education): I move—

That the House do now adjourn.

The SPEAKER (the Hon. K. H. Wheeler): The Minister of Health has indicated to me that he would like to make an explanation to the House. I have advised the Minister that this is not the appropriate time

to do it, but in view of the importance of the matter I propose to permit the honorable gentleman to make a brief statement to the House which will possibly be of benefit to members.

Mr. SCANLAN (Minister of Health) (*By leave*): I desire to make a personal explanation following discussions I had this afternoon with the Ombudsman within the precincts of this House. It relates to reports contained in the *Sun News-Pictorial* on 18th and 19th March and an answer I gave to a question in Parliament on Tuesday, 18th March.

I apologize to the Ombudsman for any misunderstanding following my answer to the question raised by the honorable member for Heatherton about a Pentridge prisoner with a bullet in his body. I was at fault in that I had misunderstood the substance of the *Sun News-Pictorial* reports and had assumed they were based on a report given to the *Sun News-Pictorial* by a person or a group of people—not the Ombudsman. The report which appeared six months ago in the first report of the Ombudsman was factual and available and in the possession of the *Sun News-Pictorial*.

No fault was attached to the Department of Health in regard to the treatment given the prisoner from Pentridge Prison. I was correct in saying that the prisoner wrote to the Ombudsman expressing his appreciation of the treatment that had been given to him by a surgeon. The prisoner at Pentridge Prison stated in writing to the Ombudsman, "The bullet in my back no longer is giving me trouble".

Mr. WILKES (Northcote): The Secretary of the Cabinet, in co-operation with the Opposition, decides on the Order of Business on the Notice Paper for the following day. The honorable member was good enough to show me a draft of the Notice Paper. I should like to obtain an assurance from the Leader of the House that Order of the Day No. 1 on Tuesday next will be the Crimes (Capital Offences) Bill, the debate on which

has been adjourned this afternoon. I apologize to the Secretary of the Cabinet, because I did not see what was Order of the Day No. 1.

Mr. THOMPSON (Minister of Education): It is the intention of the Government that the House should meet at 11 a.m. on Wednesday next and not at 2.30 p.m. and that the House will not sit on Thursday.

In direct answer to the Deputy Leader of the Opposition, the Crimes (Capital Offences) Bill will be Order of the Day No. 1 on the Notice Paper on Tuesday.

The motion was agreed to.

The House adjourned at 4.25 p.m. until Tuesday, March 25.

QUESTIONS ON NOTICE.

The following answers to questions on notice were circulated—

GOVERNMENT COMMITTEES OF INQUIRY.

(Question No. 883)

Mr. HOLDING (Leader of the Opposition) asked the Premier—

1. What are the names of the State Government committees of inquiry established since 1st December, 1974?

2. What are the names of the members of the respective committees, what are their credentials and what organizations they represent?

3. How many times each committee has met and on what dates?

4. Whether members receive remuneration for attendance at committee meetings; if so, what is the remuneration laid down in each case?

5. To whom the committees will report and whether the reports will become public documents?

6. Whether the committees receive assistance from the Public Service; if so, what is the name and status of each public servant servicing each committee?

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

1. (a) Regent Theatre Committee of Inquiry.

(b) Premier's Committee on Mental Retardation.

(c) Residential Land Development Committee.

(d) The Interim Study Group, Proposed Upper Yarra/Dandenong Ranges Regional Planning Authority.

(e) Victorian Committee on the Status of Women.

2. (a) Mr. Louis F. Pyke, E.D. (Chairman), Chairman of Directors, Costain Australia Ltd.

Mr. R. Milton Johnson, B.C.E., S.M. (Harvard), F.I.E. (Aust.), M.I.C.E., Principal, Milton Johnson and Partners, Consulting Engineers.

Mr. Harry M. Miller, Harry M. Miller Attractions Pty. Ltd.

Mr. Ronald G. Lyon, L.F.R.A.I.A., F.R.I.B.A., Director, Perrott, Lyon, Timlock, Kesa and Associates Pty. Ltd.

(b) Dr. J. L. Evans (Chairman), Deputy Chairman, Mental Health Authority.

Mr. G. Henderson, Helping Hand Association for Mentally Retarded Children.

Professor Marie D. Neale, Professor of Education (Exceptional Children), Monash University.

Mr. T. L. W. Emerson, Director of Special Services, Education Department.

Mr. J. Phillips, Assistant Director of Special Services, Education Department.

Mr. W. C. Davey, Deputy Director of Family Welfare, Social Welfare Department.

Mr. J. M. Olijnyk, Deputy Director of Youth Welfare, Social Welfare Department.

Mr. K. J. Slattery, Assistant Chief Public Service Board Inspector, Public Service Board.

Mr. W. A. Nette, Assistant Director of Handicapped Persons Welfare, Commonwealth Department for Social Security.

Mrs. E. Temby, Executive Officer, STAR—Victorian Association for the Retarded.

Mr. R. J. Bates, Secretary, St. Nicholas Hospital.

Mr. J. Rossiter, First Assistant Secretary, Premier's Department.

Mrs. G. Pierce, Senior Social Worker, St. Nicholas Hospital.

(c) Residential Land Development Committee—

Mr. G. P. Hayes, M.L.A. (Chairman).

Mr. N. G. Haynes, Secretary, Ministry for Planning (Deputy Chairman).

Mr. M. E. Gillard, Divisional Engineer (Main Urban, State Rivers and Water Supply Commission).

Mr. H. Hein, Deputy Chairman, Town and Country Planning Board.

Mr. A. G. Robertson, Engineer in Chief, Melbourne and Metropolitan Board of Works.

Mr. D. W. Simsion, Deputy Chief Planner, Melbourne and Metropolitan Board of Works.

Mr. A. C. Robertson, City Engineer, City of Ringwood.

Mr. E. R. Day, Manager, Lewis Land Corporation, representing the Urban Development Institute of Australia.

Mr. G. T. Williams, Manager, Development Underwriting Ltd., representing the Urban Development Institute of Australia.

Mr. N. J. Telfer, General Manager, Stocks and Holdings Limited, representing the Urban Development Institute of Australia.

(d) Membership of the Interim Study Group, Proposed Upper Yarra/Dandenong Ranges Regional Planning Authority—

Mr. N. G. Haynes (Chairman), Secretary, Ministry for Planning.

Mr. D. W. Simsion, Deputy Chief Planner, Melbourne and Metropolitan Board of Works.

Councillor K. Colby, Shire of Sherbrooke.

Councillor J. Knorr, Shire of Sherbrooke.

Mr. A. Halliday, Planning Officer, Shire of Sherbrooke.

Mr. R. Spragg, Planning Officer, Central Regions, Town and Country Planning Board.

Mr. G. Wright, Planning Officer, Ministry for Conservation

Councillor G. DePury, Shire of Lillydale.

Mr. K. Scott, Shire Engineer, Shire of Lillydale.

Councillor S. Cooper, Shire of Upper Yarra.

Mr. W. Chapman, Assistant Shire Secretary, Shire of Upper Yarra.

Councillor J. Haycraft, Shire of Healesville.

Mr. R. Hardisty, Shire Secretary, Shire of Healesville.

(e) Dr. E. Eden, M.A., Ph.D., M.Sc. (Chairman), Principal, Janet Clarke Hall, Melbourne University.

Mrs. E. Mahlab, LL.B., Lawyer, Member of Women's Electoral Lobby.

Mrs. R. Balmford, LL.B., M.B.A., Leo Cussen Institute of Continuing Legal Education.

Mr. W. Donohoe, B.Comm., D.P.A., Assistant Secretary, Department of Labour and Industry.

Dr. D. Edgar, M.A., M.Ed., Ph.D., Reader in Sociology, La Trobe University.

Mr. K. A. Allen, Managing Director, Richard Allan, Past President Melbourne Chamber of Commerce.

Mrs. M. Brennan, B.A., Dip.Ed., Principal, Brighton High School.

Mrs. J. Baker, J.P., Heidelberg City Councillor, Member Australian Local Government Women's Association.

Mr. P. Nolan, Assistant Secretary, Victorian Trades Hall Council.

Mr. A. Pead, Chartered Eng. F.I.E. (Aust.) F.I.P.E., President of the Apprenticeship Commission of Victoria.

(f) These persons were chosen as individuals for their specific knowledge or experience in particular fields, except for—

Mr. R. G. Lyon, who was chosen from a panel of names submitted by the Victorian Chapter of the Royal Australian Institute of Architects.

Mr. K. A. Allen, who was proposed by the Melbourne Chamber of Commerce.

Mr. P. Nolan, who was proposed by the Victorian Trades Hall Council.

3. (a) Twice, 27th February, 1975 and 5th March, 1975.

(b) Three. 19th December, 1974, 3rd February, 1975 and 3rd March, 1975.

(c) Seven. 18th December, 1974, 15th January, 1975, 24th January, 1975, 18th February, 1975, 27th February, 1975, 3rd March, 1975 and 6th March, 1975.

(d) Two. 11th December, 1974 and 24th January, 1975.

(e) Two. 11th February, 1975 and 25th February, 1975.

4. (a) Yes. In accordance with the scale of fees set down by the applicable professional institutes.

(b) No.

(c) No.

(d) No.

(e) No.

5. (a) The Premier. Yes.

(b) The Premier. Yes.

(c) The Premier and the Minister for Planning. Yes.

(d) The Minister for Planning. Yes.

(e) The Premier. Yes.

6. (a) Yes. Mr. F. T. Cron, Class "B1", Administrative Premier's Department (Secretary).

(b) Yes. Mr. P. G. Ross, Class "B" Administrative Premier's Department (Secretary) and Mr. D. O'Halloran, Class "C1" Administrative, Premier's Department (Minute Secretary).

(c) Yes. Mr. W. J. McCormack, Executive Officer, Ministry for Planning, Class "B1" Administrative Division (Secretary).

(d) Yes. Mrs. Helen Moore, confidential secretary to the Secretary for Planning (Secretary).

(e) Yes. Mrs. E. Y. Ots, B.A., Dip.Crim., M.A.P.s.S., Personal Assistant to Minister of Health (Secretary).

SCHOOLS IN BRUNSWICK WEST ELECTORATE.

(Question No. 889)

Mr. ROPER (Brunswick West) asked the Minister of Education—

1. What new works are proposed as part of operation upgrade, specifying the estimated date of calling tenders in respect of Moreland high, Moreland primary, Brunswick girls' high and Brunswick primary schools, respectively?

2. Whether it is proposed to re-build Moreland High School; if so, when?

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

1 and 2. The following list sets out the position in regard to building works at the schools named.

<i>School</i>	<i>Works proposed</i>	<i>Present position</i>
Moreland P.S. ..	.. Eight class-rooms, art resource centre, staff accommodation improvements	Scheme and estimate awaited from Public Works Department. Likely tender date not known at this stage
Brunswick North P.S.	.. New building comprising ten class-rooms, library, art resource centre, migrant teaching facilities and staff accommodation	Contract has been arranged. Work will commence at an early date
Brunswick West P.S.	.. Staff accommodation improvements, adventure playground and improvements to heating in the library and art-craft areas	Tenders to be advertised March 1975
Brunswick South P.S.	.. Library, staff accommodation improvements and renovations to infant hall	Tenders to be advertised March 1975
Brunswick South West P.S.	General purpose hall, staff accommodation improvements and renovations to the existing school	Tenders to be advertised March 1975
Brunswick East P.S.	.. New building incorporating library art resource centre, general purpose room, renovations to the old building and provision of playground equipment	Tenders to be advertised July 1975

In the case of Moreland High School the upgrade operation task force recommended that at such time as consideration was being given to the replacement of the old building an auditorium be included in the project. At the present time the department does not propose to rebuild the old section of the Moreland High School.

Brunswick Girls High is one of the secondary schools involved in the departmental study being undertaken on the Fitzroy-Brunswick area. The future of this school will be dependent upon decisions made as a result of that study.

MELBOURNE-GEELONG RAILWAY SERVICE.

(Question No. 915)

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

1. When the passenger carriages normally servicing the Geelong-Melbourne railway service were constructed?

2. What plans there are to operate more modern carriages on such route and when they will be implemented?

Mr. MEAGHER (Minister of Transport): The answer is—

1. Passenger carriages operating on the Geelong line generally were constructed at various times between 1906 and 1955 inclusive.

2. The railways long-range plans provide for the operation of high speed multiple unit electric trains between Melbourne and Geelong.

As the honorable member is aware, the Geelong corridor is currently the subject of a Commonwealth financed investigation. Plans for rail improvement on this line will be examined in the light of the results of this investigation.

In the meantime the Victorian Government plans to refurbish the carriages operating on the Geelong line. Commonwealth assistance will be sought for the refurbishing.

FUNDS FOR ROAD WORKS.

(Question No. 923)

Mr. CURNOW (Kara Kara) asked the Minister of Transport—

Whether further ordinary funds will be made available to municipal councils for road works this financial year as a result of the recent Premiers Conference?

Mr. MEAGHER (Minister of Transport): The answer is—

The Country Roads Board is proposing to make additional allocations for work on certain main and unclassified roads amounting to approximately \$2,450,000. The municipal councils concerned will be advised next week of the allocations made.

LODDON-CAMPASPE REGIONAL PLANNING AUTHORITY.

(Question No. 935)

Mr. CURNOW (Kara Kara) asked the Premier—

Whether he received a request from the Loddon-Campaspe Regional Planning Authority early in November asking that he receive a deputation; if so, when he will receive the deputation and why the matter has been delayed so long?

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

Yes. However, following the authority's request for a deputation it also requested discussions with the Minister for Planning. The Minister subsequently wrote to the authority covering the matters which it had raised.

COUNCIL OF PUBLIC EDUCATION REPORT.

(Question No. 978)

Mr. ROPER (Brunswick West) asked the Minister of Education—

In respect of the concept "the Victorian Education Council" mentioned on page 9 of the 1973-74 report of the Council of Public Education—

1. Whether the President, Dr. Shears' proposal has the support of the Government?

2. Whether consultations have been held with the teachers' unions and parent organizations; if so, with what result?

3. Whether he will make a copy of the proposal available to the member for Brunswick West?

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

1. Yes, as one possible means of restructuring the Council of Public Education.

2. Yes. They did support in principle at our first meeting on 10th October, 1973.

3. Yes. A copy is being sent by mail to the honorable member.

TRAIN BRAKING EQUIPMENT.

(Question No. 1001)

Mr. STIRLING (Williamstown) asked the Minister of Transport—

Whether a number of old two-car red trains are now fitted with brake blocks of a non-metal composition; if so, what tests have been carried out by the Railway Department in respect of a safe maximum speed limit for such trains entering Princes Bridge station?

Mr. MEAGHER (Minister of Transport): The answer is—

Yes.

The railways have not carried out braking tests on two-car Tait units fitted with composition brake blocks.

Tests were, however, carried out on seven-car Tait units fitted with composition brake blocks prior to them being placed in regular service. These tests showed that the braking of Tait units is equal to that of Harris units fitted with composition brake blocks which have been in operation for sixteen years.

Trains entering Princes Bridge station are subject to a maximum speed limit of ten miles per hour which the railways consider is safe for all trains.

TELEVISION RECEPTION.

(Question No. 1005)

Mr. HANN (Rodney) asked the Minister for Fuel and Power—

1. Whether structures and transmission lines owned by the State Electricity Commission are causing interference to television reception throughout many parts of Victoria?

2. Whether any complaints have been registered with the commission concerning this matter; if so what are the areas which are the subject of complaint?

3. What areas are affected by this interference and what action is being taken by the commission to eliminate this problem?

Mr. BALFOUR (Minister for Fuel and Power): The answer is—

1. The commission's structures and transmission lines do not normally cause interference with television reception, although under adverse circumstances some interference can occur.

2. Any complaint of interference to television reception is usually referred by customers to the Postmaster-General's Department, and if that department determines that the interference emanates from power lines the complaint is referred to the Commission in the area concerned. There appears to be no particular area which is the subject of complaint and the commission is not aware of any problem which is causing concern.

3. Interference can occur in all parts of the State particularly during light rain following a long, dry spell or with the deterioration of line equipment. There are relatively few complaints and any problem is usually rectified by cleaning the insulators or tightening line ware.

As a preventive measure regular programmes for cleaning insulators are carried out, particularly in areas of heavy pollution.

RUFFEY'S CREEK.

(Question No. 1051)

Mr. LIND (Dandenong) asked the Minister of Public Works, for the Minister of Water Supply—

1. Whether the official E.coli counts of Ruffey's Creek at the municipal gardens in the City of Doncaster and Templestowe were approximately—(a) 4,000,000 during December, 1974; and (b) 575,000 during January, 1975?

2. When employees of the Melbourne and Metropolitan Board of Works visited the area north of Feathertop Avenue, Lower Templestowe, indicating—(a) how many fire-hydrants were turned on; (b) how

much water was used to flush Ruffey's Creek; (c) the estimated cost of the operation; and (d) whether the reason given for the operation was the presence of rusty water in the mains?

Mr. DUNSTAN (Minister of Public Works): The answer supplied by the Minister of Water Supply is—

1. The Melbourne and Metropolitan Board of Works did not undertake sampling on Ruffey's Creek at the place and times stated.

However, a sample at Ruffey Street bridge in December 1974 showed 90,000 Ecoli organisms per 100 ml.

2. (a) Ten fire hydrants were turned on during normal working hours on 12th February, 1975.

(b) Nil.

(c) The operational cost of this work is estimated at approximately \$30. One maintenance man with vehicle and equipment was required for about three hours.

(d) The board undertakes flushing operations as part of its maintenance programme to ensure clearance of discoloured water which may have accumulated since the previous flushing operation.

URBAN ISSUES CONSULTANTS.

(Question No. 1055)

Mr. CHAMBERLAIN (Dundas) asked the Attorney-General—

Whether, in view of the report in the Age newspaper of 12th March, 1975, that the organization known as "Urban Issues Consultants" is not registered as a firm or a company, he will investigate the matter to see whether there has been a breach of the Business Names Act 1962 or the Companies Act 1961?

Mr. WILCOX (Attorney-General): The answer is—

Yes. I understand that the Commissioner for Corporate Affairs has already commenced inquiries, and appropriate action will be taken in light of the result of those inquiries.

**WATER DIVERSION FROM
BROKEN CREEK.**

(Question No. 1056)

Mr. BAXTER (Murray Valley) asked the Minister of Public Works, for the Minister of Water Supply—

1. How many licensed diverters draw water from the Broken Creek between Casey's and Reilly's weirs?

2. When the first licence was issued and when the last licence was issued?

Mr. DUNSTAN (Minister of Public Works): The answer supplied by the Minister of Water Supply is—

1. Twenty-nine licensed diverters (one of whom holds two diversion licences) draw water from the Broken Creek between Casey's and Waggarandall weirs. There are no licensed diverters on the Broken Creek between Waggarandall and Reilly's (also known as Parish's) weirs.

2. (a) The first licence was issued for a four-year term commencing 1st July, 1968. This licence has since been renewed for a further fifteen-year term.

(b) The last licence was issued for a four-year term commencing 1st July, 1974.

CHARLTON PRIMARY SCHOOL.

(Question No. 1064)

Mr. CURNOW (Kara Kara) asked the Minister of Education—

In regard to Charlton Primary School—

1. When library shelves promised twelve months ago will be delivered?

2. Whether gas heaters will be installed before this winter; if not, why?

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

1. Because of depletion of stocks at the storeyard, a number of orders for the supply of library shelves has not been met. The shelving ordered for Charlton Primary School will be delivered within three weeks.

2. A contract for the installation of gas heating is in progress and is expected to be completed by the end of March.

MELBOURNE UNDERGROUND RAIL LOOP.

(Question No. 1069)

Mr. JONES (Melbourne) asked the Minister of Transport—

Whether the proposed Melbourne Underground Railway Loop Authority construction to allow for additional ventilation will interfere with the Mint property in William Street, if so, how?

Mr. MEAGHER (Minister of Transport): The answer is—

The only effect on the Mint property will be the addition of a low rectangular draught relief structure near the northern wall of

the grounds. The site is not in the front yard area of the Mint property, as viewed from William Street, but is in the rear enclosure currently used as a car park for Government vehicles and the structure will not detract from the existing pleasing appearance of the Mint building and surrounds.

The structure will cover an area of 8.55 metres by 11.375 metres (28 feet x 37 feet) and will be designed as an aesthetically pleasing piece of architecture. Its function is to dissipate to atmosphere the draught created as trains approach Flagstaff station. Without such a provision there would be annoying draughts created in the stations themselves due to the movement of trains in the tunnels.

During construction a small worksite will be required, partly in the car park area and partly in La Trobe Street. This will be enclosed by neat hoardings and interference with both Mint building activities and outside traffic will be kept to a minimum.

FAMILY PLANNING ADVERTISEMENT.

(Question No. 1075)

Mr. ROPER (Brunswick West) asked the Minister of Health—

In respect of an advertisement prepared by the Family Planning Association of Victoria entitled "Are you still in the dark"—

1. Whether it was submitted to officers of the Department of Health, as specified in the Health (Contraceptives) Act 1974?

2. Whether it was approved; if so, when?

3. Whether discussions were held between himself or officers of the department and the Minister of Transport or officers of the Melbourne and Metropolitan Tramways Board concerning this advertisement; if so, when and with what result?

4. Whether he is aware that the board rejected a proposal to have the advertisement placed in its vehicles; if so, whether he took any action on the matter?

Mr. SCANLAN (Minister of Health): The answer is—

1 and 2. No, the Health (Contraceptives) Act 1974 has not yet been proclaimed.

3. No. The matter had not been drawn to my attention by either the Family Planning Association or the Melbourne and Metropolitan Tramways Board.

4. Yes. I have asked for further information on this matter.